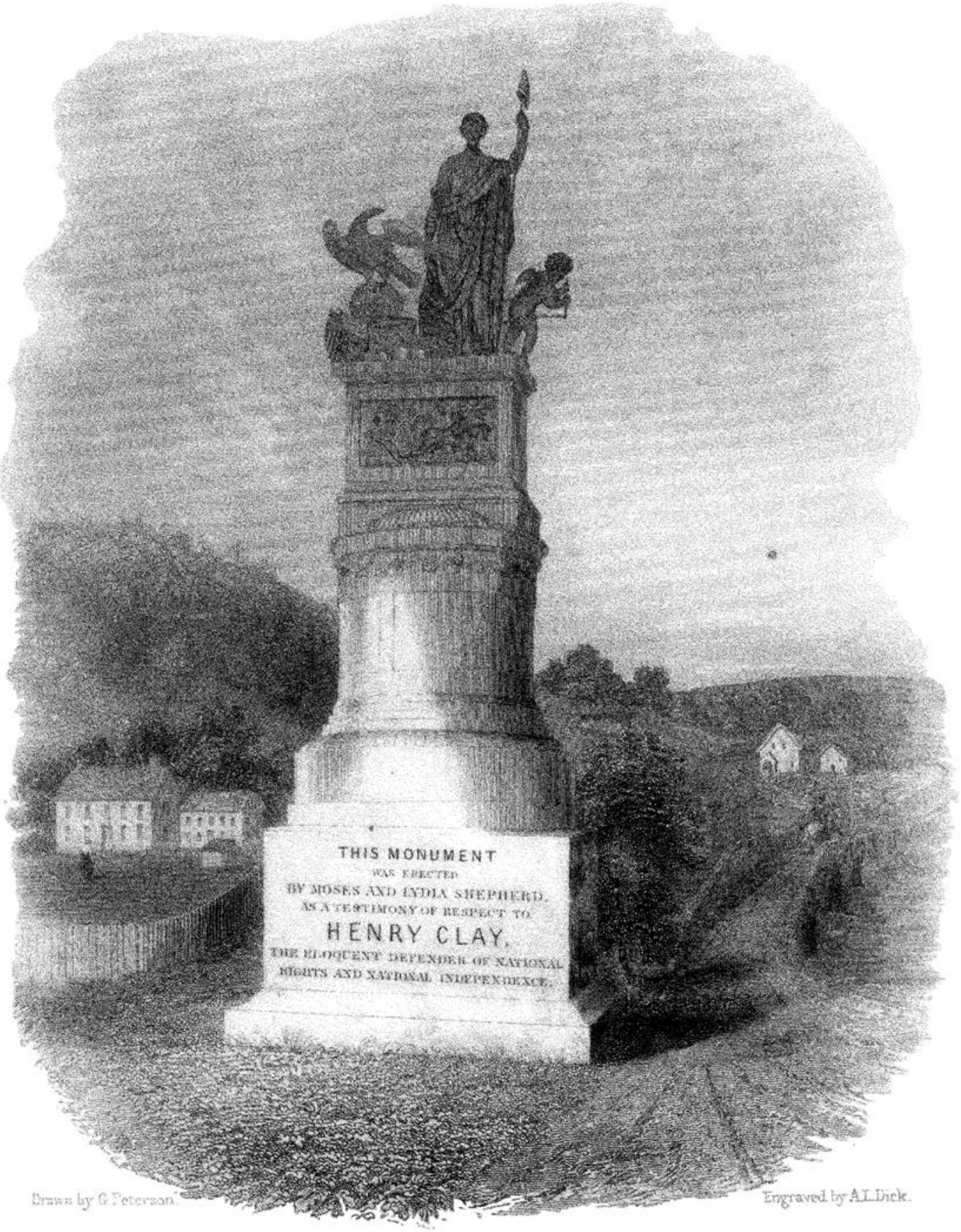


CUMBERLAND ROAD

MONUMENT.

NEAR WHEELING, Va

Printed by Neale & White

Entered according to Act of Congress 1843

ASHLAND.



Drawn by W.Lewis.

Engraved by A.L.Dick.

THE SEAT OF THE

HON. HENRY CLAY

NEAR LEXINGTON, KY

Printed by Neale & Pate

Entered according to Act of Congress 1848

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THE

LIFE AND SPEECHES

OF THE

HON. HENRY CLAY,

IN TWO VOLUMES.

COMPILED AND EDITED BY

DANIEL MALLORY.

VOLUME II.

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SPEECHES.

IN DEFENCE OF THE AMERICAN SYSTEM.

IN THE SENATE OF THE UNITED STATES, FEB. 2D, 3D, AND 6TH, 1832

[DURING the session of congress in 1832, in consequence of the violent opposition to the protective tariff then in operation, by South Carolina and other southern states, various propositions were introduced for the reduction of duties on imported articles, which finally resulted in the passage of a new tariff law, in July, 1832. This bill, which was reported in the house of representatives by Mr. John Quincy Adams, although it was voted for by many southern members, on the ground of its being a reduction of the former scale of duties, was not satisfactory to them, and the controversy on the subject of the tariff was not settled until the following year, when Mr. Clay's compromise bill was adopted, providing for a gradual diminution of the tariff of 1832.

In the following speech, Mr. Clay, in reply to Mr. Hayne, of South Carolina, and others, enters into a minute and careful examination of the American system, and its effects on the interests of the country; defending, with his usual skill and eloquence, the doctrine of protection to domestic industry. This effort adds another monument to his wisdom and fame, which will, we believe, be referred to by statesmen, who seek the true interests of the country, through all future ages of the republic.

The resolution offered by Mr. Clay in January, proposing a reduction of duties on certain imported articles not coming in competition with our manufactures, which he had supported in the foregoing speech of January eleventh, was still under consideration.]

IN one sentiment, Mr. President, expressed by the honorable gentleman from South Carolina (general Hayne), though perhaps not in the sense intended by him, I entirely concur. I agree with him, that the decision on the system of policy embraced in this debate, involves the future destiny of this growing country. One way, I verily believe, it would lead to deep and general distress, general bankruptcy, and national ruin, without benefit to any part of the union; the other, the existing prosperity will be preserved and augmented, and the nation will continue rapidly to advance in wealth, power, and greatness, without prejudice to any section of the confederacy.

Thus viewing the question, I stand here as the humble but zealous advocate, not of the interests of one state, or seven states only, but of the whole union. And never before have I felt, more intensely, the overpowering weight of that share of responsibility which belongs to me in these deliberations. Never before have I had more occasion than I now have, to lament my want of those intellectual powers, the possession of which might enable me to unfold to this senate and to illustrate to this people great truths, intimately connected with the lasting welfare of my country. I should, indeed, sink overwhelmed and subdued beneath the appalling magnitude of the task which lies before me, if I did not feel myself sustained and fortified by a thorough consciousness of the justness of the cause which I have espoused, and by a persuasion, I hope not presumptuous, that it has the approbation of that Providence who has so often smiled upon these United States.

Eight years ago, it was my painful duty to present to the other house of congress an unexaggerated picture of the general distress pervading the whole land. We must all yet remember some of its frightful features. We all know that the people were then oppressed, and borne down by an enormous load of debt; that the value of property was at the lowest point of depression; that ruinous sales and sacrifices were every where made of real estate; that stop laws, and relief laws, and paper money were adopted, to save the people from impending destruction; that a deficit in the public revenue existed, which compelled government to seize upon, and divert from its legitimate object, the appropriations to the sinking fund, to redeem the national debt; and that our commerce and navigation were threatened with a complete paralysis. In short, sir, if I were to select any term of seven years since the adoption of the present constitution which exhibited a scene of the most wide-spread dismay and desolation, it would be exactly that term of seven years which immediately preceded the establishment of the tariff of 1824.

I have now to perform the more pleasing task of exhibiting an imperfect sketch of the existing state of the unparalleled prosperity of the country. On a general survey, we behold cultivation extended, the arts flourishing, the face of the country improved, our people fully and profitably employed, and the public countenance exhibiting tranquillity, contentment, and happiness. And if we descend into particulars, we have the agreeable contemplation of a people out of debt; land rising slowly in value, but in a secure and salutary degree; a ready though not extravagant market for all the surplus productions of our industry; innumerable flocks and herds browsing and gamboling on ten thousand hills and plains, covered with rich and verdant grasses; our cities expanded, and whole villages springing up, as it were, by enchantment; our exports and imports increased and increasing; our tonnage, foreign

and coastwise, swelling and fully occupied; the rivers of our interior animated by the perpetual thunder and lightning of countless steamboats; the currency sound and abundant; the public debt of two wars nearly redeemed; and, to crown all, the public treasury overflowing, embarrassing congress, not to find subjects of taxation, but to select the objects which shall be liberated from the impost. If the term of seven years were to be selected, of the greatest prosperity which this people have enjoyed since the establishment of their present constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of 1824.

This transformation of the condition of the country from gloom and distress to brightness and prosperity, has been mainly the work of American legislation, fostering American industry, instead of allowing it to be controlled by foreign legislation, cherishing foreign industry. The foes of the American system, in 1824, with great boldness and confidence, predicted, first, the ruin of the public revenue, and the creation of a necessity to resort to direct taxation; the gentleman from South Carolina (general Hayne), I believe, thought that the tariff of 1824 would operate a reduction of revenue to the large amount of eight millions of dollars; secondly, the destruction of our navigation; thirdly, the desolation of commercial cities; and, fourthly, the augmentation of the price of objects of consumption, and further decline in that of the articles of our exports. Every prediction which they made has failed, utterly failed. Instead of the ruin of the public revenue, with which they then sought to deter us from the adoption of the American system, we are now threatened with its subversion, by the vast amount of the public revenue produced by that system. Every branch of our navigation has increased. As to the desolation of our cities, let us take, as an example, the condition of the largest and most commercial of all of them, the great northern capital. I have, in my hands, the assessed value of real estate in the city of New York, from 1817 to 1831. This value is canvassed, contested, scrutinized, and adjudged, by the proper sworn authorities. It is, therefore, entitled to full credence. During the first term, commencing with 1817, and ending in the year of the passage of the tariff of 1824, the amount of the value of real estate was, the first year, fifty-seven million seven hundred and ninety-nine thousand four hundred and thirty-five dollars, and, after various fluctuations in the intermediate period, it settled down at fifty-two million nineteen thousand seven hundred and thirty dollars, exhibiting a decrease, in seven years, of five million seven hundred and seventy-nine thousand seven hundred and five dollars. During the first year, of 1825, after the passage of the tariff, it rose, and, gradually ascending throughout the whole of the latter period of seven years, it finally, in 1831, reached the astonishing height of ninety-

five million seven hundred and sixteen thousand four hundred and eighty-five dollars! Now, if it be said, that this rapid growth of the city of New York was the effect of *foreign commerce*, then it was not correctly predicted, in 1824, that the tariff would destroy foreign commerce, and desolate our commercial cities. If, on the contrary, it be the effect of internal trade, then internal trade cannot be justly chargeable with the evil consequences imputed to it. The truth is, it is the joint effect of both principles, the domestic industry nourishing the foreign trade, and the foreign commerce in turn nourishing the domestic industry. Nowhere more than in New York is the combination of both principles so completely developed. In the progress of my argument, I will consider the effect upon the price of commodities produced by the American system, and show that the very reverse of the prediction of its foes, in 1824, actually happened.

Whilst we thus behold the entire failure of all that was foretold against the system, it is a subject of just felicitation to its friends, that all their anticipations of its benefits have been fulfilled, or are in progress of fulfilment. The honorable gentleman from South Carolina has made an allusion to a speech made by me, in 1824, in the other house, in support of the tariff, and to which, otherwise, I should not have particularly referred. But I would ask any one, who can now command the courage to peruse that long production, what principle there laid down is not true? what prediction then made has been falsified by practical experience?

It is now proposed to abolish the system, to which we owe so much of the public prosperity, and it is urged that the arrival of the period of the redemption of the public debt has been confidently looked to as presenting a suitable occasion to rid the country of the evils with which the system is alleged to be fraught. Not an inattentive observer of passing events, I have been aware that, among those who were most early pressing the payment of the public debt, and, upon that ground, were opposing appropriations to other great interests, there were some who cared less about the debt than the accomplishment of other objects. But the people of the United States have not coupled the payment of *their* public debt with the destruction of the protection of *their* industry, against foreign laws and foreign industry. They have been accustomed to regard the extinction of the public debt as relief from a burden, and not as the infliction of a curse. If it is to be attended or followed by the subversion of the American system, and an exposure of our establishments and our productions to the unguarded consequences of the selfish policy of foreign powers, the payment of the public debt will be the bitterest of curses. Its fruit will be like the fruit

> 'Of that forbidden tree, whose mortal taste
> Brought death into the world, and all our woe,
> With loss of Eden.'

If the system of protection be founded on principles erroneous in theory, pernicious in practice, above all, if it be unconstitutional, as is alleged, it ought to be forthwith abolished, and not a vestige of it suffered to remain. But, before we sanction this sweeping denunciation, let us look a little at this system, its magnitude, its ramifications, its duration, and the high authorities which have sustained it. We shall see that its foes will have accomplished comparatively nothing, after having achieved their present aim of breaking down our iron-founderies, our woollen, cotton, and hemp manufactories, and our sugar-plantations. The destruction of these would, undoubtedly, lead to the sacrifice of immense capital, the ruin of many thousands of our fellow-citizens, and incalculable loss to the whole community. But their prostration would not disfigure nor produce greater effect upon the *whole* system of protection, in all its branches, than the destruction of the beautiful domes upon the capitol would occasion to the magnificent edifice which they surmount. Why, sir, there is scarcely an interest, scarcely a vocation in society, which is not embraced by the beneficence of this system.

It comprehends our coasting tonnage and trade, from which all foreign tonnage is absolutely excluded.

It includes all our foreign tonnage, with the inconsiderable exception made by treaties of reciprocity with a few foreign powers.

It embraces our fisheries, and all our hardy and enterprising fishermen.

It extends to almost every mechanic art — to tanners, cordwainers, tailors, cabinet-makers, hatters, tinners, brass-workers, clock-makers, coach-makers, tallow-chandlers, trace-makers, rope-makers, cork-cutters, tobacconists, whip-makers, paper-makers, umbrella-makers, glass-blowers, stocking-weavers, butter-makers, saddle and harness-makers, cutlers, brush-makers, book-binders, dairy-men, milk-farmers, black-smiths, type-founders, musical instrument-makers, basket-makers, milliners, potters, chocolate-makers, floor-cloth-makers, bonnet-makers, hair-cloth-makers, copper-smiths, pencil-makers, bellows-makers, pocket-book-makers, card-makers, glue-makers, mustard-makers, lumber-sawyers, saw-makers, scale-beam-makers, sithe-makers, wood-saw-makers, and many others. The mechanics enumerated, enjoy a measure of protection adapted to their several conditions, varying from twenty to fifty per cent. The extent and importance of some of these artisans, may be estimated by a few particulars. The tanners, curriers, boot and shoe makers, and other workers in hides, skins, and leather, produce an ultimate value per annum of forty millions of dollars; the manufacturers of hats and caps, produce an annual value of fifteen millions; the cabinet-makers, twelve millions; the manufacturers of bonnets and hats for the female sex, lace, artificial flowers, combs, and so forth, seven millions; and the manufacturers of glass, five millions.

It extends to all lower Louisiana, the delta of which might as well be submerged again in the Gulf of Mexico, from which it has been a gradual conquest, as now to be deprived of the protecting duty upon its great staple.

It affects the cotton-planter* himself, and the tobacco-planter, both of whom enjoy protection.

The total amount of the capital vested in sheep, the land to sustain them, wool, woollen manufactures, and woollen fabrics, and the subsistence of the various persons directly or indirectly employed in the growth and manufacture of the article of wool, is estimated at one hundred and sixty-seven millions of dollars, and the number of persons at one hundred and fifty thousand.

The value of iron, considered as a raw material, and of its manufactures, is estimated at twenty-six millions of dollars per annum. Cotton goods, exclusive of the capital vested in the manufacture, and of the cost of the raw material, are believed to amount, annually, to about twenty millions of dollars.

These estimates have been carefully made, by practical men of undoubted character, who have brought together and embodied their information. Anxious to avoid the charge of exaggeration, they have sometimes placed their estimates below what was believed to be the actual amount of these interests. With regard to the quantity of bar and other iron annually produced, it is derived from the known works themselves; and I know some in western states which they have omitted in their calculations.

Such are some of the items of this vast system of protection, which it is now proposed to abandon. We might well pause and contemplate, if human imagination could conceive the extent of mischief and ruin from its total overthrow, before we proceed to the work of destruction. Its duration is worthy also of serious consideration. Not to go behind the constitution, its date is coeval with that instrument. It began on the ever-memorable fourth day of July — the fourth day of July, 1789. The second act which stands recorded in the statute-book, bearing the illustrious signature of George Washington, laid the corner-stone of the whole system. That there might be no mistake about the matter, it was then solemnly proclaimed to the American people and to the world, that it was *necessary* for 'the encouragement and *protection* of manufactures,' that duties should be laid. It is in vain to urge the small amount of the measure of the protection then extended. The great principle was then established by the fathers of the constitution, with the father of his country at their head. And it cannot now be questioned, that, if the government had not then been new

* To say nothing of cotton produced in other foreign countries, the cultivation of this article, of a very superior quality, is constantly extending in the adjacent Mexican provinces, and but for the duty, probably, a large amount would be introduced into the United States, down Red river and along the coast of the Gulf of Mexico.

and the subject untried, a greater measure of protection would have been applied, if it had been supposed necessary. Shortly after, the master minds of Jefferson and Hamilton were brought to act on this interesting subject. Taking views of it appertaining to the departments of foreign affairs and of the treasury, which they respectively filled, they presented, severally, reports which yet remain monuments of their profound wisdom, and came to the same conclusion of protection to American industry. Mr. Jefferson argued that foreign restrictions, foreign prohibitions, and foreign high duties, ought to be met at home by American restrictions, American prohibitions, and American high duties. Mr. Hamilton, surveying the entire ground, and looking at the inherent nature of the subject, treated it with an ability, which, if ever equalled, has not been surpassed, and earnestly recommended protection.

The wars of the French revolution commenced about this period, and streams of gold poured into the United States through a thousand channels, opened or enlarged by the successful commerce which our neutrality enabled us to prosecute. We forgot or overlooked, in the general prosperity, the necessity of encouraging our domestic manufactures. Then came the edicts of Napoleon, and the British orders in council; and our embargo, non-intercourse, non-importation, and war, followed in rapid succession. These national measures, amounting to a total suspension, for the period of their duration, of our foreign commerce, afforded the most efficacious encouragement to American manufactures; and accordingly they every where sprung up. While these measures of restriction and this state of war continued, the manufacturers were stimulated in their enterprise by every assurance of support, by public sentiment, and by legislative resolves. It was about that period (1808) that South Carolina bore her high testimony to the wisdom of the policy, in an act of her legislature, the preamble of which, now before me, reads:

'Whereas, the establishment and *encouragement* of domestic manufactures, is conducive to the interests of a state, by adding new *incentives to industry*, and as being the means of disposing to advantage the surplus productions of the *agriculturist:* and whereas, in the present unexampled state of the world, their establishment in our country is not only *expedient*, but politic, in rendering us *independent* of foreign nations'.

The legislature, not being competent to afford the most efficacious aid, by imposing duties on foreign rival articles, proceeded to incorporate a company.

Peace, under the treaty of Ghent, returned in 1815, but there did not return with it the golden days which preceded the edicts levelled at our commerce by Great Britain and France. It found all Europe tranquilly resuming the arts and the business of civil life. It found Europe no longer the consumer of our surplus, and the employer of our navigation, but excluding, or heavily

burdening, almost all the productions of our agriculture, and our rivals in manufactures, in navigation, and in commerce. It found our country, in short, in a situation totally different from all the past — new and untried. It became necessary to adapt our laws, and especially our laws of impost, to the new circumstances in which we found ourselves. Accordingly, that eminent and lamented citizen, then at the head of the treasury, (Mr. Dallas,) was required, by a resolution of the house of representatives, under date of the twenty-third of February, 1815, to prepare and report to the succeeding session of congress, a system of revenue conformable with the actual condition of the country. He had the circle of a whole year to perform the work, consulted merchants, manufacturers, and other practical men, and opened an extensive correspondence. The report which he made at the session of 1816, was the result of his inquiries and reflections, and embodies the principles which he thought applicable to the subject. It has been said, that the tariff of 1816 was a measure of mere revenue, and that it only reduced the war duties to a peace standard. It is true, that the question then was, how much and in what way should the double duties of the war be reduced? Now, also, the question is, on what articles shall the duties be reduced so as to subject the amounts of the future revenue to the wants of the government? Then it was deemed an inquiry of the first importance, as it should be now, how the reduction should be made, so as to secure proper encouragement to our domestic industry. That this was a leading object in the arrangement of the tariff of 1816, I well remember, and it is demonstrated by the language of Mr. Dallas. He says, in his report:

'There are few, if any governments, which do not regard the establishment of domestic manufactures as a chief object of public policy. The United States have *always* so regarded it. * * * * * The demands of the country, while the acquisitions of supplies from foreign nations was either prohibited or impracticable, may have afforded a sufficient inducement for this investment of capital, and this application of labor: but the inducement, in its necessary extent, must fail when the day of *competition* returns. Upon that change in the condition of the country, the preservation of the manufactures, which private citizens under favorable auspices have constituted the property of the nation, becomes a consideration of general policy, to be resolved by a recollection of past embarrassments; by the certainty of an increased difficulty of reinstating, upon any emergency, the manufactures which shall be allowed to perish and pass away,' and so forth.

The measure of protection which he proposed was not adopted, in regard to some leading articles, and there was great difficulty in ascertaining what it ought to have been. But the *principle* was then distinctly asserted and fully sanctioned.

The subject of the American system was again brought up in 1820, by the bill reported by the chairman of the committee of manufactures, now a member of the bench of the supreme court of the United States, and the principle was successfully maintained

by the representatives of the people; but the bill which they passed was defeated in the senate. It was revived in 1824; the whole ground carefully and deliberately explored, and the bill then introduced, receiving all the sanctions of the constitution, became the law of the land. An amendment of the system was proposed in 1828, to the history of which I refer with no agreeable recollections. The bill of that year, in some of its provisions, was framed on principles directly adverse to the declared wishes of the friends of the policy of protection. I have heard, without vouching for the fact, that it was so framed, upon the advice of a prominent citizen, now abroad, with the view of ultimately defeating the bill, and with assurances that, being altogether unacceptable to the friends of the American system, the bill would be lost. Be that as it may, the most exceptionable features of the bill were stamped upon it, against the earnest remonstrances of the friends of the system, by the votes of southern members, upon a principle, I think, as unsound in legislation as it is reprehensible in ethics. The bill was passed, notwithstanding, it having been deemed better to take the bad along with the good which it contained, than reject it altogether. Subsequent legislation has corrected the error then perpetrated, but still that measure is vehemently denounced by gentlemen who contributed to make it what it was.

Thus, sir, has this great system of protection been gradually built, stone upon stone, and step by step, from the fourth of July, 1789, down to the present period. In every stage of its progress it has received the deliberate sanction of congress. A vast majority of the people of the United States has approved and continue to approve it. Every chief magistrate of the United States, from Washington to the present, in some form or other, has given to it the authority of his name; and, however the opinions of the existing president are interpreted south of Mason and Dixon's line, on the north they are at least understood to favor the establishment of a *judicious* tariff.

The question, therefore, which we are now called upon to determine, is not, whether we shall establish a new and doubtful system of policy, just proposed, and for the first time presented to our consideration, but whether we shall break down and destroy a long established system, patiently and carefully built up and sanctioned, during a series of years, again and again, by the nation and its highest and most revered authorities. And are we not bound deliberately to consider whether we can proceed to this work of destruction without a violation of the public faith? The people of the United States have justly supposed that the policy of protecting their industry against foreign legislation and foreign industry was fully settled, not by a single act, but by repeated and deliberate acts of government, performed at distant and frequent intervals. In full confidence that the policy was firmly and unchangeably fixed,

thousands upon thousands have invested their capital, purchased a vast amount of real and other estate, made permanent establishments, and accommodated their industry. Can we expose to utter and irretrievable ruin this countless multitude, without justly incurring the reproach of violating the national faith?

I shall not discuss the constitutional question. Without meaning any disrespect to those who raise it, if it be debatable, it has been sufficiently debated. The gentleman from South Carolina suffered it to fall unnoticed from his budget; and it was not until after he had closed his speech and resumed his seat, that it occurred to him that he had forgotten it, when he again addressed the senate, and, by a sort of protestation against any conclusion from his silence, put forward the objection. The recent free-trade convention at Philadelphia, it is well known, were divided on the question; and although the topic is noticed in their address to the public, they do not avow their own belief that the American system is unconstitutional, but represent that such is the opinion of respectable portions of the American people. Another address to the people of the United States, from a high source, during the past year, treating this subject, does not assert the opinion of the distinguished author, but states that of others to be, that it is unconstitutional. From which I infer that he did not himself believe it to be unconstitutional.

[Here the vice-president interposed, and remarked, that, if the senator from Kentucky alluded to him, he must say that his opinion was, that the measure was unconstitutional.]

When, sir, I contended with you, side by side, and with perhaps less zeal than you exhibited, in 1816, I did not understand you then to consider the policy forbidden by the constitution.

[The vice-president again interposed, and said, that the constitutional question was not debated at that time, and that he had never expressed an opinion contrary to that now intimated.]

I give way with pleasure to these explanations, which I hope will always be made when I say any thing bearing on the individual opinions of the chair. I know the delicacy of the position, and sympathize with the incumbent, whoever he may be. It is true, the question was not debated in 1816; and why not? Because it was not debatable; it was then believed not fairly to arise. It never has been made as a distinct, substantial, and leading point of objection. It never was made until the discussion of the tariff of 1824, when it was rather hinted at as against the *spirit* of the constitution, than formally announced as being contrary to the provisions of that instrument. What was not dreamed of before, or in 1816, and scarcely thought of in 1824, is now made, by excited

imaginations, to assume the imposing form of a serious constitutional barrier.

Such are the origin, duration, extent, and sanctions, of the policy which we are now called upon to subvert. Its beneficial effects, although they may vary in degree, have been felt in all parts of the union. To none, I verily believe, has it been prejudicial. In the north, every where, testimonials are borne to the high prosperity which it has diffused. There, all branches of industry are animated and flourishing. Commerce, foreign and domestic, active; cities and towns springing up, enlarging and beautifying; navigation fully and profitably employed, and the whole face of the country smiling with improvement, cheerfulness, and abundance. The gentleman from South Carolina has supposed that we in the west derive no advantages from this system. He is mistaken. Let him visit us, and he will find, from the head of La Belle Riviere, at Pittsburgh, to America, at its mouth, the most rapid and gratifying advances. He will behold Pittsburgh itself, Wheeling, Portsmouth, Maysville, Cincinnati, Louisville, and numerous other towns, lining and ornamenting the banks of the noble river, daily extending their limits, and prosecuting, with the greatest spirit and profit, numerous branches of the manufacturing and mechanic arts. If he will go into the interior, in the state of Ohio, he will there perceive the most astonishing progress in agriculture, in the useful arts, and in all the improvements to which they both directly conduce. Then let him cross over into my own, my favorite state, and contemplate the spectacle which is there exhibited. He will perceive numerous villages, not large, but neat, thriving, and some of them highly ornamented; many manufactories of hemp, cotton, wool, and other articles. In various parts of the country, and especially in the Elkhorn region, an endless succession of natural parks; the forests thinned; fallen trees and undergrowth cleared away; large herds and flocks feeding on luxuriant grasses; and interspersed with comfortable, sometimes elegant mansions, surrounded by extensive lawns. The honorable gentleman from South Carolina says, that a profitable trade was carried on from the west, through the Seleuda gap, in mules, horses, and other live stock, which has been checked by the operation of the tariff. It is true, that such a trade was carried on between Kentucky and South Carolina, mutually beneficial to both parties; but, several years ago, resolutions, at popular meetings, in Carolina, were adopted, not to purchase the produce of Kentucky, by way of punishment for her attachment to the tariff. They must have supposed us as stupid as the sires of one of the descriptions of the stock of which that trade consisted, if they imagined that their resolutions would affect *our* principles. Our drovers cracked their whips, blew their horns, and passed the Seleuda gap, to other markets, where better humors existed, and equal or greater profits

were made. I have heard, of your successor in the house of representatives, Mr. President, this anecdote: that he joined in the adoption of those resolutions, but when, about Christmas, he applied to one of his South Carolina neighbors, to purchase the regular supply of pork for the ensuing year, he found that he had to pay two prices for it; and he declared, if *that* were the patriotism on which the resolutions were based, he would not conform to them, and, in point of fact, laid in his annual stock of pork by purchase from the first passing Kentucky drover. The trade, now partially resumed, was maintained by the sale of western productions, on the one side, and Carolina money on the other. From that condition of it, the gentleman from South Carolina might have drawn this conclusion, that an advantageous trade may exist, although one of the parties to it pays in specie for the production which he purchases from the other; and consequently that it does not follow, if we did not purchase British fabrics, that it might not be the interest of England to purchase our raw material of cotton. The Kentucky drover received the South Carolina specie, or, taking bills, or the evidences of deposit in the banks, carried these home, and, disposing of them to the merchant, he brought out goods, of foreign or domestic manufacture, in return. Such is the circuitous nature of trade and remittance, which no nation understands better than Great Britain.

Nor has the system which has been the parent source of so much benefit to other parts of the union, proved injurious to the cotton-growing country. I cannot speak of South Carolina itself, where I have never been, with so much certainty; but of other portions of the union in which cotton is grown, especially those bordering on the Mississippi, I can confidently speak. If cotton-planting is less profitable than it was, that is the result of increased production; but I believe it to be still the most profitable investment of capital of any branch of business in the United States. And if a committee were raised, with power to send for persons and papers, I take it upon myself to say, that such would be the result of the inquiry. In Kentucky, I know many individuals who have their cotton-plantations below, and retain their residence in that state, where they remain during the sickly season; and they are all, I believe, without exception, doing well. Others, tempted by their success, are constantly engaging in the business, while scarcely any comes from the cotton region to engage in western agriculture. A friend, now in my eye, a member of this body, upon a capital of less than seventy thousand dollars, invested in a plantation and slaves, made, the year before last, sixteen thousand dollars. A member of the other house, I understand, who, without removing himself, sent some of his slaves to Mississippi, made last year about twenty per cent. Two friends of mine, in the latter state, whose annual income is from thirty to sixty thousand dollars, being desirous to

curtail their business, have offered estates for sale which they are willing to show, by regular vouchers of receipt and disbursement, yield eighteen per cent per annum. One of my most opulent acquaintances, in a county adjoining that in which I reside, having married in Georgia, has derived a large portion of his wealth from a cotton estate there situated.

The loss of the tonnage of Charleston, which has been dwelt on, does not proceed from the tariff; it never had a very large amount, and it has not been able to retain what it had, in consequence of the operation of the principle of free trade on its navigation. Its tonnage has gone to the more enterprising and adventurous tars of the northern states, with whom those of the city of Charleston could not maintain a successful competition, in the freedom of the coasting trade, existing between the different parts of the union. That this must be the true cause, is demonstrated by the fact, that, however it may be with the port of Charleston, our coasting tonnage, generally, is constantly increasing. As to the foreign tonnage, about one half of that which is engaged in the direct trade between Charleston and Great Britain, is English; proving that the tonnage of South Carolina cannot maintain itself in a competition, under the free and equal navigation secured by our treaty with that power.

When gentlemen have succeeded in their design of an immediate or gradual destruction of the American system, what is their substitute? Free trade? Free trade! The call for free trade is as unavailing, as the cry of a spoiled child in its nurse's arms, for the moon, or the stars that glitter in the firmament of heaven. It never has existed, it never will exist. Trade implies at least two parties. To be free, it should be fair, equal, and reciprocal. But if we throw our ports wide open to the admission of foreign productions, free of all duty, what ports of any other foreign nation shall we find open to the free admission of our surplus produce? We may break down all barriers to free trade on our part, but the work will not be complete, until foreign powers shall have removed theirs. There would be freedom on one side, and restrictions, prohibitions, and exclusions, on the other. The bolts and the bars and the chains of all other nations will remain undisturbed. It is, indeed, possible, that our industry and commerce would accommodate themselves to this unequal and unjust state of things; for, such is the flexibility of our nature, that it bends itself to all circumstances. The wretched prisoner incarcerated in a jail, after a long time, becomes reconciled to his solitude, and regularly notches down the passing days of his confinement.

Gentlemen deceive themselves. It is not free trade that they are recommending to our acceptance. It is, in effect, the British colonial system that we are invited to adopt; and, if their policy prevail, it will lead substantially to the recolonization of these

states, under the commercial dominion of Great Britain. And whom do we find some of the principal supporters, out of congress, of this foreign system? Mr. President, there are some foreigners who always remain exotics, and never become naturalized in our country; whilst, happily, there are many others who readily attach themselves to our principles and our institutions. The honest, patient, and industrious German, readily unites with our people; establishes himself upon some of our fat land, fills his capacious barn, and enjoys in tranquillity the abundant fruits which his diligence gathers around him; always ready to fly to the standard of his adopted country, or of its laws, when called by the duties of patriotism. The gay, the versatile, the philosophic Frenchman, accommodating himself cheerfully to all the vicissitudes of life, incorporates himself without difficulty, in our society. But, of all foreigners, none amalgamate themselves so quickly with our people as the natives of the Emerald isle. In some of the visions which have passed through my imagination, I have supposed that Ireland was originally part and parcel of this continent, and that, by some extraordinary convulsion of nature, it was torn from America, and, drifting across the ocean, was placed in the unfortunate vicinity of Great Britain. The same open-heartedness; the same generous hospitality; the same careless and uncalculating indifference about human life; characterize the inhabitants of both countries. Kentucky has been sometimes called the Ireland of America. And I have no doubt, that if the current of emigration were reversed, and set from America upon the shores of Europe instead of bearing from Europe to America, every American emigrant to Ireland would there find, as every Irish emigrant here finds, a hearty welcome and a happy home!

But, sir, the gentleman to whom I am about to allude, although long a resident of this country, has no feelings, no attachments, no sympathies, no principles, in common with our people. Nearly fifty years ago, Pennsylvania took him to her bosom, and warmed, and cherished, and honored him; and how does he manifest his gratitude? By aiming a vital blow at a system endeared to her by a thorough conviction that it is indispensable to her prosperity. He has filled, at home and abroad, some of the highest offices under this government, during thirty years, and he is still at heart an alien. The authority of his name has been invoked, and the labors of his pen, in the form of a memorial to congress, have been engaged, to overthrow the American system, and to substitute the foreign. Go home to your native Europe, and there inculcate upon her sovereigns your Utopian doctrines of free trade, and when you have prevailed upon them to unseal their ports, and freely admit the produce of Pennsylvania and other states, come back, and we shall be prepared to become converts, and to adopt your faith.

A Mr. Sarchet also makes no inconsiderable figure in the common attack upon our system. I do not know the man, but I understand he is an unnaturalized emigrant, from the island of Guernsey, situated in the channel which divides France and England. The principal business of the inhabitants is that of driving a contraband trade with the opposite shores, and Mr. Sarchet, educated in that school, is, I have been told, chiefly engaged in employing his wits to elude the operation of our revenue laws, by introducing articles at less rates of duty than they are justly chargeable with, which he effects by varying the denominations, or slightly changing their forms. This man, at a former session of the senate, caused to be presented a memorial, signed by some one hundred and fifty pretended workers in iron. Of these, a gentleman made a careful inquiry and examination, and he ascertained that there were only about ten of the denomination represented; the rest were tavern keepers, porters, merchants' clerks, hackney coachmen, and so forth. I have the most respectable authority, in black and white, for this statement.

[Here general Hayne asked, who? and was he a manufacturer? Mr. Clay replied, colonel Murray, of New York, a gentleman of the highest standing, for honor, probity, and veracity; that he did not know whether he was a manufacturer or not, but the gentleman might take him as one.*]

Whether Mr. Sarchet got up the late petition presented to the senate, from the journeymen tailors of Philadelphia, or not, I do not know. But I should not be surprised if it were a movement of his, and if we should find that he has *cabbaged* from other classes of society to swell out the number of signatures.

To the facts manufactured by Mr. Sarchet, and the theories by Mr. Gallatin, there was yet wanting one circumstance to recommend them to favorable consideration, and that was, the authority of some high name. There was no difficulty in obtaining one from a British repository. The honorable gentleman has cited a speech of my lord Goderich, addressed to the British parliament, in favor of free trade, and full of deep regret that old England *could not* possibly conform her practice of rigorous restriction and exclusion to her liberal *doctrines* of unfettered commerce, so earnestly recommended to foreign powers. Sir, I know my lord Goderich very well, although my acquaintance with him was prior to his being summoned to the British house of peers. We both signed the convention between the United States and Great Britain, of 1815. He is an honorable man, frank, possessing but ordinary business talents, about the stature and complexion of the honorable gentleman from South Carolina, a few years older than he, and every drop of blood running in his veins being

* Mr. Clay subsequently understood that colonel Murray was a merchant.

pure and unadulterated Anglo-Saxon blood. If he were to live to the age of Methuselah, he could not make a speech of such ability and eloquence as that which the gentleman from South Carolina recently delivered to the senate; and there would be much more fitness in my lord Goderich making quotations from the speech of the honorable gentleman, than his quoting, as authority, the theoretical doctrines of my lord Goderich. We are too much in the habit of looking abroad, not merely for manufactured articles, but for the sanction of high names, to support favorite theories. I have seen and closely observed the British parliament, and, without derogating from its justly elevated character, I have no hesitation in saying, that in all the attributes of order, dignity, patriotism, and eloquence, the American congress would not suffer, in the smallest degree, by a comparison with it.

I dislike this resort to authority, and especially *foreign* and *interested* authority, for the support of principles of public policy. I would greatly prefer to meet gentlemen upon the broad ground of fact, of experience, and of reason; but, since they will appeal to British names and authority, I feel myself compelled to imitate their bad example. Allow me to quote from the speech of a member of the British parliament, bearing the same family name with my lord Goderich, but whether or not a relation of his, I do not know. The member alluded to, was arguing against the violation of the treaty of Methuen — that treaty not less fatal to the interests of Portugal than would be the system of gentlemen to the best interests of America — and he went on to say:

'*It was idle for us to endeavor to persuade other nations to join with us in adopting the principles of what was called 'free trade.' Other nations knew, as well as the noble lord opposite, and those who acted with him, what we meant by 'free trade,' was nothing more nor less than, by means of the great advantages we enjoyed, to get a monopoly of all their markets for our manufactures, and to prevent them, one and all, from ever becoming manufacturing nations.* When the system of reciprocity and free trade had been proposed to a French ambassador, his remark was, that the plan was excellent in theory, but, to make it fair in practice, it would be necessary to defer the attempt to put it in execution for half a century, until France should be on the same footing with Great Britain, in marine, in manufactures, in capital, and the many other peculiar advantages which it now enjoyed. The policy that France acted on, was that of encouraging its *native* manufactures, and it was a *wise* policy; because, if it were freely to admit our manufactures, it would speedily be reduced to the rank of an *agricultural nation;* and *therefore*, a poor nation, as all must be that depend *exclusively* upon agriculture. America acted, too, upon the same principle with France. America legislated for futurity — legislated for an increasing population. America, too, was prospering under this system. In twenty years, America would be independent of England for manufactures altogether. * * * * * But since the peace, France, Germany, America, and all the other countries of the world, had proceeded upon the principle of encouraging and protecting native manufactures.'

But I have said, that the system nominally called 'free trade,' so earnestly and eloquently recommended to our adoption, is a mere revival of the British colonial system, forced upon us by Great Britain during the existence of our colonial vassalage. The whole

system is fully explained and illustrated in a work published as far back as the year 1750, entitled 'the trade and navigation of Great Britain considered, by Joshua Gee,' with extracts from which I have been furnished by the diligent researches of a friend. It will be seen from these, that the South Carolina policy now, is identical with the long-cherished policy of Great Britain, which remains the same as it was when the thirteen colonies were part of the British empire. In that work the author contends:

'First, that manufactures, in American colonies, should be discouraged or prohibited.

'Great Britain, with its dependencies, is doubtless as well able to subsist within itself, as any nation in Europe. We have an enterprising people, fit for all the arts of peace and war. We have provisions in abundance, and those of the best sort, and are able to raise sufficient for double the number of inhabitants. We have the very best materials for clothing, and want nothing, either for use, or even for luxury, but what we have at home, or might have from our colonies; so that we might make such an intercourse of trade among ourselves, or between us and them, as would maintain a vast navigation. But we ought always to keep a watchful eye over our colonies, to restrain them from setting up any of the manufactures which are carried on in Great Britain; and any such attempts should be crushed in the beginning; for if they are suffered to grow up to maturity, it will be difficult to suppress them.' Pages 177, 8, 9.

'Our colonies are much in the same state Ireland was in, when they began the woollen manufactory, and as their numbers increase, will fall upon manufactures for clothing themselves, if due care be not taken to find employment for them, in raising such productions as may enable them to furnish themselves with all their necessaries from us.'

Then it was the object of the British economists to adapt the means or wealth of the colonists to the supply required by their necessities, and to make the mother country the source of that supply. Now it seems the policy is only so far to be reversed, that we must continue to import necessaries from Great Britain, in order to enable her to purchase raw cotton from us.

'I should, therefore, think it worthy the care of the government, to endeavor, by all possible means, to encourage them in raising of silk, hemp, flax, iron, [only pig, to be hammered in England,] potash, and so forth, by giving them competent bounties in the beginning, and sending over judicious and skilful persons at the public charge, to assist and instruct them in the most proper methods of management, which, in my apprehension, would lay a foundation for establishing the most profitable trade of any we have. And considering the commanding situation of our colonies along the sea-coast, the great convenience of navigable rivers in all of them, the cheapness of land, and the easiness of raising provisions, great numbers of people would transport themselves thither, to settle upon such improvements. Now, as people have been filled with fears that the colonies, if encouraged to raise rough materials, would set up for themselves, a *little regulation* would remove all those jealousies out of the way. They have never thrown or wove any silk, as yet, that we have heard of. Therefore, if a law was made to prohibit the use of every throwster's mill, of doubling or horsling silk with any machine whatever, they would then *send it to us raw*. And as they will have the providing rough materials to themselves, so shall we have the manufacturing of them. If encouragement be given for raising hemp, flax, and so forth, doubtless they will soon begin to manufacture, if not *prevented*. Therefore, to stop the progress of any such manufacture, it is proposed, that no weaver shall have *liberty* to set up any looms, without first registering, at an office kept for that purpose, and the name and place of abode of any journeyman that shall work for him. But if any *particular inhabitant* shall be inclined to have any linen or woollen made of their own spinning, they should not be abridged of the same liberty that they now make

use of, namely, to carry to a weaver, (who shall be *licensed* by the governor,) and have it wrought up for the use of the family, but not to be sold to any person in a private manner, nor exposed to any market or fair, upon pain of forfeiture.

'And, inasmuch as they have been supplied with all their manufactures from hence, except what is used in building of ships, and other country work, one half of our exports being supposed to be in NAILS — a manufacture which they allow has never hitherto been carried on among them — it is proposed they shall, *for time to come*, never erect the manufacture of any, under the size of a two-shilling nail, horse-nails excepted; that all slitting mills and engines, for drawing wire, or weaving stockings, *be put down*, and that every smith who keeps a common forge or shop, shall register his name and place of abode, and the name of every *servant* which he shall employ, which license shall be renewed once every year, and *pay* for the *liberty* of working at such trade. That all negroes shall be prohibited from weaving either linen or woollen, or spinning or combing of wool, or working at any manufacture of iron, further than making it into pig or bar iron. That they also be prohibited from manufacturing hats, stockings, or *leather* of any kind. This limitation will not abridge the planters of any privilege they now enjoy. On the contrary, it will turn their industry to promoting and raising those rough materials.'

The author then proposes, that the board of trade and plantations should be furnished with statistical accounts of the various *permitted* manufactures, to enable them to encourage or depress the industry of the colonists, and prevent the danger of interference with British industry.

'It is hoped that this method would allay the *heat* that *some people* have shown for destroying the iron-works on the plantations, and pulling down all their forges, taking away, in a violent manner, their estates and properties, preventing the husbandmen from getting their ploughshares, carts, and other utensils mended, destroying the manufacture of ship-building, by depriving them of the liberty of making bolts, spikes, and other things proper for carrying on that work, by which article returns are made for purchasing our woollen manufactures.' Pages 87, 88, 89.

Such is the picture of colonists dependent upon the mother country for their necessary supplies, drawn by a writer who was not among the number of those who desired to debar them the means of building a vessel, erecting a forge, or mending a ploughshare, but who was willing to promote their growth and prosperity as far as was consistent with the paramount interests of the manufacturing or parent state.

'Secondly, the advantages to Great Britain, from keeping the colonists dependent on her for their essential supplies.

'If we examine into the circumstances of the inhabitants of our plantations, and our own, it will appear, that not one fourth part of their product redounds to their *own profit*; for, out of all that comes here, they only carry back clothing, and other accommodations for their families, all of which is of the merchandise and manufacture of this kingdom.'

After showing how this system tends to concentrate all the surplus of acquisition over absolute expenditure in England, he says:

'All these advantages we receive by the plantations, besides the mortgages on the planters' estates, and the high interest they pay us, which is very considerable; and therefore very great care ought to be taken in regulating all the affairs of the colonists, that the planters be not put under *too many difficulties*, but encouraged to go on cheerfully.

'New England, and the northern colonies, have not commodities and products enough to send us, in return, for purchasing their necessary clothing, but are under very great difficulties, and therefore any ordinary sort sell with them. And when they have grown out of *fashion* with us, they are new-fashioned *enough* there.'

Sir, I cannot go on with this disgusting detail. Their refuse goods, their old shop-keepers, their cast-off clothes good enough for us! Was there ever a scheme more artfully devised, by which the energies and faculties of one people should be kept down, and rendered subservient to the pride and the pomp and the power of another? The system then proposed differs only from that which is now recommended in one particular — that was intended to be enforced by power; this would not be less effectually executed by the force of circumstances. A gentleman in Boston (Mr. Lee), the agent of the free-trade convention, from whose exhaustless mint there is a constant issue of reports, seems to envy the blessed condition of dependent Canada, when compared to the oppressed state of this union; and it is a fair inference from the view which he presents, that he would have us hasten back to the golden days of that colonial bondage, which is so well depicted in the work from which I have been quoting. Mr. Lee exhibits two tabular statements, in one of which he presents the high duties which he represents to be paid in the ports of the United States, and in the other, those which are paid in Canada, generally about two per centum *ad valorem*. But did it not occur to him, that the duties levied in Canada are paid chiefly in British manufactures, or on articles passing from one part to another of a common empire? and that, to present a parallel case in the United States, he ought to have shown, that importations made into one state from another, which are now free, are subject to the same or higher duties than are paid in Canada?

I will now, Mr. President, proceed to a more particular consideration of the arguments urged against the protective system, and an inquiry into its practical operation, especially on the cotton-growing country. And as I wish to state and meet the argument fairly, I invite the correction of my statement of it, if necessary. It is alleged, that the system operates prejudicially to the cotton planter, by diminishing the foreign demand for his staple; that we cannot sell to Great Britain unless we buy from her; that the import duty is equivalent to an export duty, and falls upon the cotton grower; that South Carolina pays a disproportionate quota of the public revenue; that an abandonment of the protective policy would lead to an augmentation of our exports, of an amount not less than one hundred and fifty millions of dollars; and, finally, that the south cannot partake of the advantages of manufacturing, if there be any. Let us examine these various propositions in detail. First, that the foreign demand for cotton is diminished, and that we cannot sell to Great Britain unless we buy from her.

The demand of both our great foreign customers is constantly and annually increasing. It is true, that the ratio of the increase may not be equal to that of production; but this is owing to the fact, that the power of producing the raw material is much greater, and is, therefore, constantly in advance of the power of consumption. A single fact will illustrate. The average produce of laborers engaged in the cultivation of cotton, may be estimated at five bales, or fifteen hundred weight to the hand. Supposing the annual average consumption of each individual who uses cotton cloth, to be five pounds, one hand can produce enough of the raw material to clothe three hundred.

The argument comprehends two errors, one of fact and the other of principle. It assumes that we do not in fact purchase of Great Britain. What is the true state of the case? There are certain, but very few articles which it is thought sound policy requires that we should manufacture at home, and on these the tariff operates. But, with respect to all the rest, and much the larger number of articles of taste, fashion, and utility, they are subject to no other than revenue duties, and are freely introduced. I have before me from the treasury a statement of our imports from England, Scotland, and Ireland, including ten years, preceding the last, and three quarters of the last year, from which it will appear that, although there are some fluctuations in the amount of the different years, the largest amount imported in any one year has been since the tariff of 1824, and that the last year's importation, when the returns of the fourth quarter shall be received, will probably be the greatest in the whole term of eleven years.

Now, if it be admitted that there is a less amount of the protected articles imported from Great Britain, she may be, and probably is, compensated for the deficiency, by the increased consumption in America of the articles of her industry not falling within the scope of the policy of our protection. The establishment of manufactures among us excites the creation of wealth, and this gives new powers of consumption, which are gratified by the purchase of foreign objects. A poor nation can never be a great consuming nation. Its poverty will limit its consumption to bare subsistence.

The erroneous principle which the argument includes, is, that it devolves on us the duty of taking care that Great Britain shall be enabled to purchase from us without exacting from Great Britain the corresponding duty. If it be true on one side that nations are bound to shape their policy in reference to the ability of foreign powers, it must be true on both sides, of the Atlantic. And this reciprocal obligation ought to be emphatically regarded towards the nation supplying the raw material, by the manufacturing nation, because the industry of the latter gives four or five values to what had been produced by the industry of the former.

But, does Great Britain practice towards us upon the principles

which we are now required to observe in regard to her? The exports to the united kingdom, as appears from the same treasury statement just adverted to, during eleven years, from 1821 to 1831, and exclusive of the fourth quarter of the last year, fall short of the amount of imports by upwards of forty-six millions of dollars, and the total amount, when the returns of that quarter are received, will exceed fifty millions of dollars! It is surprising how we have been able to sustain, for so long a time, a trade so very unequal. We must have been absolutely ruined by it, if the unfavorable balance had not been neutralized by more profitable commerce with other parts of the world. Of all nations, Great Britain has the least cause to complain of the trade between the two countries. Our imports from that single power are nearly one third of the entire amount of our importations from all foreign countries together. Great Britain constantly acts on the maxim of buying only what she wants and cannot produce, and selling to foreign nations the utmost amount she can. In conformity with this maxim, she excludes articles of prime necessity produced by us, equally if not more necessary than any of her industry which we tax, although the admission of those articles would increase our ability to purchase from her, according to the argument of gentlemen.

If we purchased still less from Great Britain than we do, and our conditions were reversed, so that the value of her imports from this country exceeded that of her exports to it, she would only then be compelled to do what we have so long done, and what South Carolina does, in her trade with Kentucky, make up for the unfavorable balance by trade with other places and countries. How does she now dispose of the one hundred and sixty millions of dollars worth of cotton fabrics, which she annually sells? Of that amount the United States do not purchase five per centum. What becomes of the other ninety-five per centum? Is it not sold to other powers, and would not their markets remain, if ours were totally shut? Would she not continue, as she now finds it her interest, to purchase the raw material from us, to supply those markets? Would she be guilty of the folly of depriving herself of markets to the amount of upwards of one hundred and fifty millions of dollars, because we refused her a market for some eight or ten millions?

But if there were a diminution of the British demand for cotton equal to the loss of a market for the few British fabrics which are within the scope of our protective policy, the question would still remain, whether the cotton-planter is not amply indemnified by the creation of additional demand elsewhere? With respect to the cotton-grower, it is the *totality* of the demand, and not its *distribution*, which affects his interests. If any system of policy will augment the aggregate of the demand, that system is favorable to his interests, although its tendency may be to vary the theatre of the demand. It could not, for example, be injurious to him, if,

instead of Great Britain continuing to receive the entire quantity of cotton which she now does, two or three hundred thousand bales of it were taken to the other side of the channel, and increased to that extent the French demand. It would be better for him, because it is always better to have several markets than one. Now if, instead of a transfer to the opposite side of the channel, of those two or three hundred thousand bales, they are transported to the northern states, can that be injurious to the cotton-grower? Is it not better for him? Is it not better to have a market at home, unaffected by war, or other foreign causes, for that amount of his staple?

If the establishment of American manufactures, therefore, had the sole effect of creating a new and an American demand for cotton, *exactly* to the same extent in which it lessened the British demand, there would be no just cause of complaint against the tariff. The gain in one place would precisely equal the loss in the other. But the true state of the matter is much more favorable to the cotton-grower. It is calculated that the cotton manufactories of the United States absorb at least two hundred thousand bales of cotton annually. I believe it to be more. The two ports of Boston and Providence alone received during the last year near one hundred and ten thousand bales. The amount is annually increasing. The raw material of that two hundred thousand bales is worth six millions, and there is an additional value conferred by the manufacturer of eighteen millions; it being generally calculated that, in such cotton fabrics as we are in the habit of making, the manufacture constitutes three fourths of the value of the article. If, therefore, these twenty-four millions worth of cotton fabrics were not made in the United States, but were manufactured in Great Britain, in order to obtain them, we should have to add to the already enormous disproportion between the amount of our imports and exports, in the trade with Great Britain, the further sum of twenty-four millions, or, deducting the price of the raw material, eighteen millions! And will gentlemen tell me how it would be possible for this country to sustain such a ruinous trade? From all that portion of the United States lying north and east of James river, and west of the mountains, Great Britain receives comparatively nothing. How would it be possible for the inhabitants of that largest portion of our territory, to supply themselves with cotton fabrics, if they were brought from England exclusively? They could not do it. But for the existence of the American manufacture, they would be compelled greatly to curtail their supplies, if not absolutely to suffer in their comforts. By its existence at home, the circle of those exchanges is created, which reciprocally diffuses among all who are embraced within it the productions of their respective industry. The cotton-grower sells the raw material to the manufacturer; he buys the iron, the bread, the meal, the coal, and the countless

number of objects of his consumption from his fellow-citizens, and they in turn purchase his fabrics. Putting it upon the ground merely of supplying those with necessary articles who could not otherwise obtain them, ought there to be from any quarter an objection to the only system by which that object can be accomplished? But can there be any doubt, with those who will reflect, that the actual amount of cotton consumed is increased by the home manufacture? The main argument of gentlemen is founded upon the idea of mutual ability resulting from mutual exchanges. They would furnish an ability to foreign nations by purchasing from them, and I, to our own people, by exchanges at home. If the American manufacture were discontinued, and that of England were to take its place, how would she sell the additional quantity of twenty-four millions of cotton goods, which we now make? To us? That has been shown to be impracticable. To other foreign nations? She has already pushed her supplies to them to the utmost extent. The ultimate consequence would then be, to diminish the total consumption of cotton, to say nothing now of the reduction of price that would take place by throwing into the ports of Great Britain the two hundred thousand bales, which, no longer being manufactured in the United States, would go thither.

Second, that the import duty is equivalent to an export duty, and falls on the producer of cotton.

[Here general Hayne explained, and said, that he never contended that an import duty was equivalent to an export duty, under all circumstances; he had explained in his speech his ideas of the precise operation of the existing system. To which Mr. Clay replied, that he had seen the argument so stated in some of the ingenious essays from the South Carolina press, and would therefore answer it.]

The framers of our constitution, by granting the power to congress to lay imports, and prohibiting that of laying an export duty, manifested that they did not regard them as equivalent. Nor does the common sense of mankind. An export duty fastens upon, and incorporates itself with, the article on which it is laid. The article cannot escape from it—it pursues and follows it, wherever the article goes; and if, in the foreign market, the supply is above or just equal to the demand, the amount of the export duty will be a clear deduction to the exporter from the price of the article. But an import duty on a foreign article leaves the exporter of the domestic article free, first, to import specie; secondly, goods which are free from the protecting duty; or, thirdly, such goods as, being chargeable with the protecting duty, he can sell at home, and throw the duty on the consumer.

But, it is confidently argued that the import duty falls upon the grower of cotton; and the case has been put in debate, and again and again in conversation, of the South Carolina planter, who exports one hundred bales of cotton to Liverpool, exchanges them

for one hundred bales of merchandise, and when he brings them home, being compelled to leave at the custom-house forty bales in the form of duties. The argument is founded on the assumption that a duty of forty per centum amounts to a subtraction of forty from the one hundred bales of merchandise. The first objection to it is, that it supposes a case of barter, which never occurs. If it be replied, that it nevertheless occurs in the operations of commerce, the answer would be that, since the export of Carolina cotton is chiefly made by New York or foreign merchants, the loss stated, if it really accrued, would fall upon them, and not upon the planter. But, to test the correctness of the hypothetical case, let us suppose that the duty, instead of forty per centum, should be one hundred and fifty, which is asserted to be the duty in some cases. Then, the planter would not only lose the whole hundred bales of merchandise, which he had gotten for his hundred bales of cotton, but he would have to purchase, with other means, an additional fifty bales, in order to enable him to pay the duties accruing on the proceeds of the cotton. Another answer is, that if the *producer* of cotton in America, exchanged against English fabrics, pays the duty, the *producer* of those fabrics also pays it, and then it is twice paid. Such must be the consequence, unless the principle is true on one side of the Atlantic, and false on the other. The true answer is, that the exporter of an article, if he invests its proceeds in a foreign market, takes care to make the investment in such merchandise as, when brought home, he can sell with a fair profit; and, consequently, the consumer would pay the original cost and charges, and profit.

Third. The next objection to the American system is, that it subjects South Carolina to the payment of an undue proportion of the public revenue. The basis of this objection is the assumption, shown to have been erroneous, that the producer of the exports from this country pays the duty on its imports, instead of the consumer of those imports. The amount which South Carolina really contributes to the public revenue, no more than that of any other state, can be precisely ascertained. It depends upon her consumption of articles paying duties, and we may make an approximation sufficient for all practical purposes. The cotton-planters of the valley of the Mississippi with whom I am acquainted, generally expend about one third of their income in the support of their families and plantations. On this subject I hold in my hands a statement from a friend of mine, of great accuracy, and a member of the senate. According to this statement, in a crop of ten thousand dollars, the expenses may fluctuate between two thousand eight hundred dollars and three thousand two hundred dollars. Of this sum, about one fourth, from seven to eight hundred dollars, may be laid out in articles paying the protective duty; the residue is disbursed for provisions, mules,

horses, oxen, wages of overseer, &c. Estimating the exports of South Carolina at eight millions, one third is two million six hundred and sixty-six thousand six hundred and sixty-six dollars; of which one fourth will be six hundred and sixty-six thousand six hundred and sixty-six and two thirds dollars. Now, supposing the protecting duty to be fifty per centum, and that it all enters into the price of the article, the amount paid by South Carolina would only be three hundred and thirty-three thousand three hundred and thirty-three and one third dollars. But the total revenue of the United States may be stated at twenty-five millions, of which the proportion of South Carolina, whatever standard, whether of wealth or population, be adopted, would be about one million. Of course, on this view of the subject, she actually pays only about one third of her fair and legitimate share. I repeat, that I have no personal knowledge of the habits of actual expenditure in South Carolina; they may be greater than I have stated, in respect to other parts of the cotton country; but if they are, that fact does not arise from any defect in the system of public policy.

Fourth. An abandonment of the American system, it is urged, would lead to an addition to our exports of one hundred and fifty millions of dollars. The amount of one hundred and fifty millions of cotton in the raw state, would produce four hundred and fifty millions in the manufactured state, supposing no greater measure of value to be communicated, in the manufactured form, than that which our industry imparts. Now sir, where would markets be found for this vast addition to the supply? Not in the United States, certainly, nor in any other quarter of the globe, England having already everywhere pressed her cotton manufactures to the utmost point of repletion. We must look out for new worlds, seek for new and unknown races of mortals, to consume this immense increase of cotton fabrics.

[General Hayne said, that he did not mean that the increase of one hundred and fifty millions to the amount of our exports would be of cotton alone, but of other articles.]

What *other articles?* Agricultural produce — bread-stuffs, beef and pork, and so forth? *Where* shall we find markets for them? *Whither* shall we go? To *what* country, whose ports are not hermetically sealed against their admission? Break down the home-market and you are without resource. Destroy all other interests in the country, for the imaginary purpose of advancing the cotton-planting interest, and you inflict a positive injury, without the smallest practical benefit to the cotton-planter. Could Charleston, or the whole south, when all other markets are prostrated, or shut against the reception of the surplus of our farmers, receive that surplus? Would they buy more than they might want for their own consumption? Could they find markets which other parts of the

union could not? Would gentlemen *force* the freemen of all north of James river, east and west, like the miserable slave, on the Sabbath day, to repair to Charleston, with a turkey under his arm, or a pack upon his back, and beg the clerk of some English or Scotch merchant, living in his gorgeous palace, or rolling in his splendid coach in the streets, to exchange his '*truck*' for a bit of flannel to cover his naked wife and children! No! I am sure that I do no more than justice to their hearts, when I believe that they would reject what I believe to be the inevitable effects of their policy.

Fifth. But it is contended, in the last place, that the south cannot, from physical and other causes, engage in the manufacturing arts. I deny the premises, and I deny the conclusion. I deny the fact of inability; and, if it existed, I deny the conclusion, that we must, therefore, break down our manufactures, and nourish those of foreign countries. The south possesses, in an extraordinary degree, two of the most important elements of manufacturing industry — water-power and labor. The former gives to our whole country a most decided advantage over Great Britain. But a single experiment, stated by the gentleman from South Carolina, in which a faithless slave put the torch to a manufacturing establishment, has discouraged similar enterprises. We have in Kentucky the same description of population, and we employ them, almost exclusively, in many of our hemp manufactories. A neighbor of mine, one of our most opulent and respectable citizens, has had one, two, if not three, manufactories burnt by incendiaries; but he persevered, and his perseverance has been rewarded with wealth. We found that it was less expensive to keep night-watches than to pay premiums for insurance, and we employed them.

Let it be supposed, however, that the south cannot manufacture; must those parts of the union which can, be therefore prevented? Must we support those of foreign countries? I am sure that injustice would be done to the generous and patriotic nature of South Carolina, if it were believed that she envied or repined at the success of other portions of the union in branches of industry to which she might happen not to be adapted. Throughout her whole career she has been liberal, national, high-minded.

The friends of the American system have been reminded by the honorable gentleman from Maryland (general Smith), that they are the majority, and he has admonished them to exercise their power in moderation. The majority ought never to trample upon the feelings, or violate the just rights, of the minority. They ought never to triumph over the fallen, nor to make any but a temperate and equitable use of their power. But these counsels come with an ill grace from the gentleman from Maryland. He, too, is a member of a majority — a political majority. And how has the administration of that majority exercised their power in this

country? Recall to your recollection the fourth of March, 1829, when the lank, lean, famished forms, from fen and forest, and the four quarters of the union, gathered together in the halls of patronage; or stealing by evening's twilight into the apartments of the president's mansion, cried out, with ghastly faces, and in sepulchral tones, 'give us bread! give us treasury pap! give us our reward!' England's bard was mistaken; ghosts will sometimes come, called or uncalled. Go to the families who were driven from the employments on which they were dependent for subsistence, in consequence of their exercise of the dearest right of freemen. Go to mothers, while hugging to their bosoms their starving children. Go to fathers, who, after being disqualified by long public service for any other business, were stripped of their humble places, and then sought, by the minions of authority, to be stripped of all that was left them — their good names — and ask, what mercy was shown to them! As for myself, born in the midst of the revolution, the first air that I ever breathed on my native soil of Virginia having been that of liberty and independence, I never expected justice, nor desired mercy, at their hands; and scorn the wrath and defy the oppression of power.

I regret, Mr. President, that one topic has, I think, unnecessarily been introduced into this debate. I allude to the charge brought against the manufacturing system, as favoring the growth of aristocracy. If it were true, would gentlemen prefer supporting foreign accumulations of wealth, by that description of industry, rather than in their own country? But is it correct? The joint stock companies of the north, as I understand them, are nothing more than associations, sometimes of hundreds, by means of which the small earnings of many are brought into a common stock, and the associates, obtaining corporate privileges, are enabled to prosecute, under one superintending head, their business to better advantage. Nothing can be more essentially democratic or better devised to counterpoise the influence of individual wealth. In Kentucky, almost every manufactory known to me, is in the hands of enterprising and self-made men, who have acquired whatever wealth they possess by patient and diligent labor. Comparisons are odious, and but in defence would not be made by me. But is there more tendency to aristocracy in a manufactory, supporting hundreds of freemen, or in a cotton plantation, with its not less numerous slaves, sustaining perhaps only two white families — that of the master and the overseer?

I pass, with pleasure, from this disagreeable topic, to two general propositions which cover the entire ground of debate. The first is, that, under the operation of the American system, the objects which it protects and fosters are brought to the consumer at cheaper prices than they commanded prior to its introduction, or, than they would command if it did not exist. If that be true, ought not the

country to be contented and satisfied with the system, unless the second proposition, which I mean presently also to consider, is unfounded? And that is, that the tendency of the system is to sustain, and that it has upheld, the prices of all our agricultural and other produce, including cotton.

And is the fact not indisputable, that all essential objects of consumption affected by the tariff, are cheaper and better since the act of 1824, than they were for several years prior to that law? I appeal for its truth to common observation, and to all practical men. I appeal to the farmer of the country, whether he does not purchase on better terms his iron, salt, brown sugar, cotton goods, and woollens, for his laboring people? And I ask the cotton-planter if he has not been better and more cheaply supplied with his cotton-bagging? In regard to this latter article, the gentleman from South Carolina was mistaken, in supposing that I complained that, under the existing duty, the Kentucky manufacturer could not compete with the Scotch. The Kentuckian furnishes a more substantial and a cheaper article, and at a more uniform and regular price. But it was the frauds, the violations of law, of which I did complain; not smuggling, in the common sense of that practice, which has something bold, daring, and enterprising in it, but mean, barefaced cheating, by fraudulent invoices and false denominations.

I plant myself upon this fact, of cheapness and superiority, as upon impregnable ground. Gentlemen may tax their ingenuity, and produce a thousand speculative solutions of the fact, but the fact itself will remain undisturbed. Let us look into some particulars. The total consumption of bar-iron in the United States is supposed to be about one hundred and forty-six thousand tons, of which one hundred and twelve thousand eight hundred and sixty-six tons are made within the country, and the residue imported. The number of men employed in the manufacture is estimated at twenty-nine thousand two hundred and fifty-four, and the total number of persons subsisted by it, at one hundred and forty-six thousand two hundred and seventy-three. The measure of protection extended to this necessary article, was never fully adequate until the passage of the act of 1828; and what has been the consequence? The annual increase of quantity, since that period, has been in a ratio of near twenty-five per centum, and the wholesale price of bar-iron in the northern cities was, in 1828, one hundred and five dollars per ton; in 1829, one hundred dollars; in 1830, ninety dollars; and in 1831, from eighty-five to seventy-five dollars —constantly diminishing. We import very little English iron, and that which we do is very inferior, and only adapted to a few purposes. In instituting a comparison between that inferior article and our superior iron, subjects entirely different are compared. They are made by different processes. The English cannot make iron of equal quality to ours, at a less price than we do. They

have three classes, best-best, and best, and ordinary. It is the latter which is imported. Of the whole amount imported, there is only about four thousand tons of foreign iron that pays the high duty, the residue paying only a duty of about thirty per centum, estimated on the prices of the importation of 1829. Our iron ore is superior to that of Great Britain, yielding often from sixty to eighty per centum, while theirs produces only about twenty-five. This fact is so well known, that I have heard of recent exportations of iron ore to England.

It has been alleged, that bar iron, being a raw material, ought to be admitted free, or with low duties, for the sake of the manufacturers themselves. But I take this to be the true principle, that if our country is producing a raw material of prime necessity, and with reasonable protection, can produce it in sufficient quantity to supply our wants, that raw material ought to be protected, although it may be proper to protect the article also out of which it is manufactured. The tailor will ask protection for himself, but wishes it denied to the grower of wool and the manufacturer of broadcloth. The cotton planter enjoys protection for the raw material, but does not desire it to be extended to the cotton manufacturer. The ship builder will ask protection for navigation, but does not wish it extended to the essential articles which enter into the construction of his ship. Each in his proper vocation solicits protection, but would have it denied to all other interests which are supposed to come into collision with his.

Now the duty of the statesman is, to elevate himself above these petty conflicts; calmly to survey all the various interests, and deliberately to proportion the measures of protection to each, according to its nature and to the general wants of society. It is quite possible that, in the degree of protection which has been afforded to the various workers in iron, there may be some error committed, although I have lately read an argument of much ability, proving that no injustice has really been done to them. If there be, it ought to be remedied.

The next article to which I would call the attention of the senate, is that of cotton fabrics. The success of our manufacture of coarse cottons is generally admitted. It is demonstrated by the fact that they meet the cotton fabrics of other countries in foreign markets, and maintain a successful competition with them. There has been a gradual increase of the exports of this article, which is sent to Mexico and the South American republics, to the Mediterranean, and even to Asia. The remarkable fact was lately communicated to me, that the same individual, who twenty-five years ago was engaged in the importation of cotton cloth from Asia for American consumption, is now engaged in the exportation of coarse American cottons to Asia, for Asiatic consumption! And my honorable friend from Massachusetts, now

in my eye, (Mr. Silsbee,) informed me, that on his departure from home, among the last orders which he gave, one was for the exportation of coarse cottons to Sumatra, in the vicinity of Calcutta! I hold in my hand a statement, derived from the most authentic source, showing that the identical description of cotton cloth, which sold in 1817 at twenty-nine cents per yard, was sold in 1819 at twenty-one cents, in 1821 at nineteen and a half cents, in 1823 at seventeen cents, in 1825 at fourteen and a half cents, in 1827 at thirteen cents, in 1829 at nine cents, in 1830 at nine and a half cents, and in 1831 at from ten and a half to eleven. Such is the wonderful effect of protection, competition, and improvement in skill, combined! The year 1829 was one of some suffering to this branch of industry, probably owing to the principle of competition being pushed too far. Hence we observe a small rise in the article of the next two years. The introduction of calico printing into the United States, constitutes an important era in our manufacturing industry. It commenced about the year 1825, and has since made such astonishing advances, that the whole quantity now annually printed is but little short of forty millions of yards — about two thirds of our whole consumption. It is a beautiful manufacture, combining great mechanical skill with scientific discoveries in chemistry. The engraved cylinders for making the impression require much taste, and put in requisition the genius of the fine arts of design and engraving. Are the fine graceful forms of our fair countrywomen less lovely when enveloped in the chintzes and calicoes produced by native industry, than when clothed in the tinsel of foreign drapery?

Gentlemen are no doubt surprised at these facts. They should not underrate the energies, the enterprise, and the skill of our fellow-citizens. I have no doubt they are every way competent to accomplish whatever can be effected by any other people, if encouraged and protected by the fostering care of our own government. Will gentlemen believe the fact, which I am authorized now to state, that the United States, at this time, manufacture one half the quantity of cotton which Great Britain did in 1816! We possess three great advantages; first, the raw material; second, water-power instead of that of steam, generally used in England; and, third, the cheaper labor of females. In England, males spin with the mule and weave; in this country, women and girls spin with the throstle, and superintend the power-loom. And can there be any employment more appropriate? Who has not been delighted with contemplating the clock-work regularity of a large cotton manufactory? I have often visited them at Cincinnati and other places, and always with increased admiration. The women, separated from the other sex, work in apartments, large, airy, well warmed, and spacious. Neatly dressed, with ruddy complexions, and happy countenances, they watch the work before them, mend the broken

threads, and replace the exhausted balls or broaches. At stated hours they are called to their meals, and go and return with light and cheerful step. At night they separate, and repair to their respective houses, under the care of a mother, guardian, or friend. 'Six days shalt thou labor and do all that thou hast to do, but the seventh day is the sabbath of the Lord thy God.' Accordingly, we behold them, on that sacred day, assembled together in His temples, and in devotional attitudes and with pious countenances offering their prayers to heaven for all its blessings; of which it is not the least, that a system of policy has been adopted by their country, which admits of their obtaining a comfortable subsistence. Manufactures have brought into profitable employment a vast amount of female labor, which, without them, would be lost to the country.

In respect to woollens, every gentleman's own observation and experience will enable him to judge of the great reduction of price which has taken place in most of these articles, since the tariff of 1824. It would have been still greater, but for the high duty on the raw material, imposed for the particular benefit of the farming interest. But, without going into particular details, I shall limit myself to inviting the attention of the senate to a single article of general and necessary use. The protection given to flannels in 1828 was fully adequate. It has enabled the American manufacturer to obtain complete possession of the American market; and now, let us look at the effect. I have before me a statement from a highly respectable mercantile house, showing the price of four descriptions of flannel during six years. The average price of them, in 1826, was thirty-eight cents and three quarters; in 1827, thirty-eight; in 1828, (the year of the tariff,) forty-six; in 1829, thirty-six; in 1830, (notwithstanding the advance in the price of wool,) thirty-two; and in 1831, thirty-two and one quarter. These facts require no comments. I have before me another statement of a practical and respectable man, well versed in the flannel manufacture in America and England, demonstrating that the cost of manufacture is precisely the same in both countries; and that, although a yard of flannel which would sell in England at fifteen cents, would command here twenty-two, the difference of seven cents is the exact difference between the cost in the two countries, of the six ounces of wool contained in a yard of flannel.

Brown sugar, during ten years, from 1792 to 1802, with a duty of one and a half cents per pound, averaged fourteen cents per pound. The same article, during ten years, from 1820 to 1830, with a duty of three cents, has averaged only eight cents per pound. Nails, with a duty of five cents per pound, are selling at six cents. Window glass, eight by ten, prior to the tariff of 1824, sold at twelve or thirteen dollars per hundred feet; it now sells for three dollars seventy-five cents.

The gentleman from South Carolina, sensible of the incontestable fact of the very great reduction in the price of the necessaries of life, protected by the American system, has felt the full force of it, and has presented various explanations of the causes to which he ascribes it. The first is, the diminished production of the precious metals, in consequence of the distressed state of the countries in which they are extracted, and the consequent increase of their value, relative to that of the commodities for which they are exchanged. But, if this be the true cause of the reduction of price, its operation ought to have been general, on all objects, and of course upon cotton among the rest. And, in point of fact, the diminished price of that staple is not greater than the diminution of the value of other staples of our agriculture. Flour, which commanded some years ago, ten or twelve dollars per barrel, is now sold for five. The fall of tobacco has been still more. The kite-foot of Maryland, which sold at from sixteen to twenty dollars per hundred, now produces only four or five. That of Virginia has sustained an equal decline. Beef, pork, every article almost, produced by the farmer, has decreased in value. Ought not South Carolina, then, to submit quietly to a state of things which is general, and proceeds from an uncontrollable cause? Ought she to ascribe to the 'accursed' tariff, what results from the calamities of civil and foreign war, raging in many countries?

But, sir, I do not subscribe to this doctrine, implicitly. I do not believe that the diminished production of the precious metals, if that be the fact, satisfactorily accounts for the fall in prices; for I think that the augmentation of the currency of the world, by means of banks, public stocks, and other facilities arising out of exchange and credit, has more than supplied any deficiency in the amount of the precious metals.

It is further urged, that the restoration of peace in Europe, after the battle of Waterloo, and the consequent return to peaceful pursuits of large masses of its population, by greatly increasing the aggregate amount of effective labor, had a tendency to lower prices; and undoubtedly such ought to have been its natural tendency. The same cause, however, must also have operated to reduce the price of our agricultural produce, for which there was no longer the same demand in peace as in war; and it did so operate. But its influence on the price of manufactured articles, between the general peace of Europe in 1815, and the adoption of our tariff in 1824, was less sensibly felt, because, perhaps, a much larger portion of the labor, liberated by the disbandment of armies, was absorbed by manufactures than by agriculture. It is also contended, that the invention and improvement of labor-saving machinery, have tended to lessen the prices of manufactured objects of consumption; and undoubtedly this cause has had some effect. Ought not America to contribute her quota of this cause, and has

she not by her skill and extraordinary adaptation to the arts, in truth, largely contributed to it?

This brings me to consider what I apprehend to have been the most efficient of all the causes in the reduction of the prices of manufactured articles, and that is COMPETITION. By competition, the total amount of the supply is increased, and by increase of the supply, a competition in the sale ensues, and this enables the consumer to buy at lower rates. Of all human powers operating on the affairs of mankind, none is greater than that of competition. It is action and reaction. It operates between individuals in the same nation, and between different nations. It resembles the meeting of the mountain torrent, grooving, by its precipitous motion, its own channel, and ocean's tide. Unopposed, it sweeps every thing before it; but, counterpoised, the waters become calm, safe, and regular. It is like the segments of a circle or an arch; taken separately, each is nothing; but in their combination they produce efficiency, symmetry, and perfection. By the American system this vast power has been excited in America, and brought into being to act in coöperation or collision with European industry. Europe acts within itself, and with America; and America acts within itself, and with Europe. The consequence is the reduction of prices in both hemispheres. Nor is it fair to argue from the reduction of prices in Europe, to her own presumed skill and labor exclusively. We affect her prices, and she affects ours. This must always be the case, at least in reference to any articles as to which there is not a total non-intercourse; and if our industry, by diminishing the demand for her supplies, should produce a diminution in the price of those supplies, it would be very unfair to ascribe that reduction to her ingenuity, instead of placing it to the credit of our own skill and *excited* industry.

Practical men understand very well this state of the case, whether they do or do not comprehend the causes which produce it. I have in my possession a letter from a respectable merchant, well known to me, in which he says, after complaining of the operation of the tariff of 1828, on the articles to which it applies, some of which he had imported, and that his purchases having been made in England, before the passage of that tariff was known, it produced such an effect upon the English market, that the articles could not be resold without loss, he adds: 'for it *really* appears that, when *additional* duties are laid upon an article, it then becomes *lower* instead of *higher*.' This would not probably happen, where the supply of the foreign article did not exceed the home demand, unless upon the supposition of the increased duty having *excited* or *stimulated* the measure of the home production.

The great law of *price* is determined by supply and demand. Whatever affects either, affects the price. If the supply is increased, the demand remaining the same, the price declines; if the demand

is increased, the supply remaining the same, the price advances; if both supply and demand are undiminished, the price is stationary, and the price is influenced exactly in proportion to the degree of disturbance to the demand or supply. It is, therefore, a great error to suppose that an existing or new duty *necessarily* becomes a component element to its exact amount of price. If the proportions of demand and supply are varied by the duty, either in augmenting the supply, or diminishing the demand, or *vice versa*, price is affected to the extent of that variation. But the duty never becomes an integral part of the price, except in the instances where the demand and the supply remain after the duty is imposed, precisely what they were before, or the demand is increased, and the supply remains stationary.

Competition, therefore, wherever existing, whether at home or abroad, is the parent cause of cheapness. If a high duty excites production at home, and the quantity of the domestic article exceeds the amount which had been previously imported, the price will fall. This accounts for an extraordinary fact stated by a senator from Missouri. Three cents were laid as a duty upon a pound of lead, by the act of 1828. The price at Galena, and the other lead mines, afterwards fell to one and a half cents per pound. Now it is obvious that the duty did not, in this case, enter into the price; for it was twice the amount of the price. What produced the fall? It was *stimulated* production at home, excited by the temptation of the exclusive possession of the home market. This state of things could not last. Men would not continue an unprofitable pursuit; some abandoned the business, or the total quantity produced was diminished, and living prices have been the consequence. But break down the domestic supply, place us again in a state of dependence on the foreign source, and can it be doubted that we should ultimately have to supply ourselves at dearer rates? It is not fair to credit the foreign market with the depression of prices produced there by the influence of our competition. Let the competition be withdrawn, and their prices would instantly rise. On this subject, great mistakes are committed. I have seen most erroneous reasoning in a late report of Mr. Lee, of the free-trade convention in regard to the article of sugar. He calculates the total amount of brown sugar produced in the world, and then states, that what is made in Louisiana is not more than two and a half per centum of that total. Although his data may be questioned, let us assume their truth, and what might be the result? Price being determined by the proportions of supply and demand, it is evident that when the supply *exceeds* the demand, the price will fall. And the fall is not always regulated by the amount of that excess. If the market at a given price, required five or fifty millions of hogsheads of sugar, a surplus of only a few hundred might materially influence the price, and diffuse itself throughout

the whole mass. Add, therefore, the eighty or one hundred thousand hogsheads of Louisiana sugar to the entire mass produced in other parts of the world, and it cannot be doubted that a material reduction of the price of the article, throughout Europe and America, would take place. The Louisiana sugar substituting foreign sugar in the home market, to the amount of its annual produce, would force an equal amount of foreign sugar into other markets, which being glutted, the price would necessarily decline, and this decline of price would press portions of the foreign sugar into competition in the United States with Louisiana sugar, the price of which would also be brought down. The fact has been in exact conformity with this theory. But now let us suppose the Louisiana sugar to be entirely withdrawn from the general consumption, what then would happen? A new demand would be created in America for foreign sugar, to the extent of the eighty or one hundred thousand hogsheads made in Louisiana; a less amount by that quantity, would be sent to the European markets, and the price would consequently every where rise. It is not, therefore, those who, by keeping on duties, keep down prices, that tax the people, but those who, by repealing duties, would raise prices, that really impose burdens upon the people.

But it is argued, that if, by the skill, experience, and perfection, which we have acquired in certain branches of manufacture, they can be made as cheap as similar articles abroad, and enter fairly into competition with them, why not repeal the duties as to those articles? And why should we? Assuming the truth of the supposition, the foreign article would not be introduced in the regular course of trade, but would remain excluded by the possession of the home market, which the domestic article had obtained. The repeal, therefore, would have no legitimate effect. But might not the foreign article be imported in vast quantities, to glut our markets, break down our establishments, and ultimately to enable the foreigner to monopolize the supply of our consumption? America is the greatest foreign market for European manufactures. It is that to which European attention is constantly directed. If a great house becomes bankrupt there, its store-houses are emptied, and the goods are shipped to America, where, in consequence of our auctions, and our custom-house credits, the greatest facilities are afforded in the sale of them. Combinations among manufacturers might take place, or even the operations of foreign governments might be directed to the destruction of our establishments. A repeal, therefore, of one protecting duty, from some one or all of these causes, would be followed by flooding the country with the foreign fabric, surcharging the market, reducing the price, and a complete prostration of our manufactories; after which the foreigner would leisurely look about to indemnify himself in the increased prices which he would be enabled to command by his

monopoly of the supply of our consumption. What American citizen, after the government had displayed this vascillating policy, would be again tempted to place the smallest confidence in the public faith, and adventure once more in this branch of industry?

Gentlemen have allowed to the manufacturing portions of the community no peace; they have been constantly threatened with the overthrow of the American system. From the year 1820, if not from 1816, down to this time, they have been held in a condition of constant alarm and insecurity. Nothing is more prejudicial to the great interests of a nation than unsettled and varying policy. Although every appeal to the national legislature has been responded to in conformity with the wishes and sentiments of the great majority of the people, measures of protection have only been carried by such small majorities as to excite hopes on the one hand, and fears on the other. Let the country breathe, let its vast resources be developed, let its energies be fully put forth, let it have tranquillity, and my word for it, the degree of perfection in the arts which it will exhibit, will be greater than that which has been presented, astonishing as our progress has been. Although some branches of our manufactures might, and in foreign markets now do, fearlessly contend with similar foreign fabrics, there are many others yet in their infancy, struggling with the difficulties which encompass them. We should look at the whole system, and recollect that time, when we contemplate the great movements of a nation, is very different from the short period which is allotted for the duration of individual life. The honorable gentleman from South Carolina well and eloquently said, in 1824, 'no great interest of any country ever yet grew up in a day; no new branch of industry can become firmly and profitably established but in a long course of years; every thing, indeed, great or good, is matured by slow degrees: that which attains a speedy maturity is of small value, and is destined to a brief existence. It is the order of Providence, that powers gradually developed, shall alone attain permanency and perfection. Thus must it be with our national institutions, and national character itself.'

I feel most sensibly, Mr. President, how much I have trespassed upon the senate. My apology is a deep and deliberate conviction, that the great cause under debate involves the prosperity and the destiny of the union. But the best requital I can make, for the friendly indulgence which has been extended to me by the senate, and for which I shall ever retain sentiments of lasting gratitude, is to proceed with as little delay as practicable, to the conclusion of a discourse which has not been more tedious to the senate than exhausting to me. I have now to consider the remaining of the two propositions which I have already announced. That is,

Second, that under the operation of the American system, the products of our agriculture command a higher price than they

would do without it, by the creation of a home market; and by the augmentation of wealth produced by manufacturing industry, which enlarges our powers of consumption both of domestic and foreign articles. The importance of the home market is among the established maxims which are universally recognised by all writers and all men. However some may differ as to the relative advantages of the foreign and the home market, none deny to the latter great value and high consideration. It is nearer to us; beyond the control of foreign legislation; and undisturbed by those vicissitudes to which all international intercourse is more or less exposed. The most stupid are sensible of the benefit of a residence in the vicinity of a large manufactory, or of a market town, of a good road, or of a navigable stream, which connects their farms with some great capital. If the pursuits of all men were perfectly the same, although they would be in possession of the greatest abundance of the particular produce of their industry, they might, at the same time, be in extreme want of other necessary articles of human subsistence. The uniformity of the general occupation would preclude all exchanges, all commerce. It is only in the diversity of the vocations of the members of a community that the means can be found for those salutary exchanges which conduce to the general prosperity. And the greater that diversity, the more extensive and the more animating is the circle of exchange. Even if foreign markets were freely and widely open to the reception of our agricultural produce, from its bulky nature, and the distance of the interior, and the dangers of the ocean, large portions of it could never profitably reach the foreign market. But let us quit this field of theory, clear as it is, and look at the practical operation of the system of protection, beginning with the most valuable staple of our agriculture.

In considering this staple, the first circumstance that excites our surprise, is the rapidity with which the amount of it has annually increased. Does not this fact, however, demonstrate that the cultivation of it could not have been so very unprofitable? If the business were ruinous, would more and more have annually engaged in it? The quantity in 1816, was eighty-one millions of pounds; in 1826, two hundred and four millions; and in 1830, near three hundred millions! The ground of greatest surprise is, that it has been able to sustain even its present price with such an enormous augmentation of quantity. It could not have been done but for the combined operation of three causes, by which the consumption of cotton fabrics has been greatly extended, in consequence of their reduced prices: first, competition; second, the improvement of labor-saving machinery; and, thirdly, the low price of the raw material. The crop of 1819, amounting to eighty-eight millions of pounds, produced twenty-one millions of dollars; the crop of 1823, when the amount was swelled to one hundred

and seventy-four millions, (almost double that of 1819,) produced a less sum by more than half a million of dollars; and the crop of 1824, amounting to thirty millions of pounds less than that of the preceding year, produced a million and a half of dollars more.

If there be any foundation for the established law of price, supply, and demand, ought not the fact of this great increase of the supply to account satisfactorily for the alleged low price of cotton? Is it necessary to look beyond that single fact to the tariff, to the diminished price of the mines furnishing the precious metals, or to any other cause, for the solution? This subject is well understood in the south, and although I cannot approve the practice which has been introduced of quoting authority, and still less the authority of newspapers, for favorite theories, I must ask permission of the senate to read an article from a southern newspaper.

[Here general Hayne requested Mr. Clay to give the name of the authority, that it might appear whether it was not some other than a southern paper expressing southern sentiments. Mr Clay stated that it was from the Charleston City Gazette, one, he believed, of the oldest and most respectable prints in that city, although he was not sure what might be its sentiments on the question which at present divides the people of South Carolina. The article comprises a full explanation of the low price of cotton, and assigns to it its true cause—increased production.]

Let us suppose that the home demand for cotton, which has been created by the American system, were to cease, and that the two hundred thousand* bales, which the home market now absorbs, were now thrown into the glutted markets of foreign countries; would not the effect inevitably be to produce a further and great reduction in the price of the article? If there be any truth in the facts and principles which I have before stated and endeavored to illustrate, it cannot be doubted that the existence of American manufactures has tended to increase the demand, and extend the consumption of the raw material; and that, but for this increased demand, the price of the article would have fallen, possibly one half lower than it now is. The error of the opposite argument is, in assuming one thing, which being denied, the whole fails; that is, it assumes that the *whole* labor of the United States would be

* Mr. Clay stated that he assumed the quantity which was generally computed, but he believed it much greater, and subsequent information justifies his belief. It appears from the report of the cotton committee appointed by the New York convention, that *partial* returns show a consumption of upwards of two hundred and fifty thousand bales; that the cotton manufacture employs nearly forty thousand females, and about five thousand children; that the total dependants on it are one hundred and thirty-one thousand four hundred and eighty-nine; that the annual wages paid are twelve million one hundred and fifty-five thousand seven hundred and twenty-three dollars; the annual value of its products thirty-two million three hundred and six thousand and seventy-six dollars; the capital forty-four million nine hundred and fourteen thousand nine hundred and eighty-four dollars; the number of mills seven hundred and ninety-five; of spindles, one million two hundred and forty-six thousand five hundred and three; and of cloth made, two hundred and sixty million four hundred and sixty-one thousand nine hundred and ninety yards. This statement does not comprehend the western manufactures.

profitably employed without manufactures. Now, the truth is, that the system *excites* and *creates* labor, and this labor creates wealth, and this new wealth communicates additional ability to consume, which acts on all the objects contributing to human comfort and enjoyment. The amount of cotton imported into the two ports of Boston and Providence alone during the last year, (and it was imported exclusively for the home manufacture,) was one hundred and nine thousand five hundred and seventeen bales.

On passing from that article to others of our agricultural productions, we shall find not less gratifying facts. The total quantity of flour imported into Boston, during the same year, was two hundred and eighty-four thousand five hundred and four barrels, and three thousand nine hundred and fifty-five half barrels; of which, there were from Virginia, Georgetown, and Alexandria, one hundred and fourteen thousand two hundred and twenty-two barrels; of Indian corn, six hundred and eighty-one thousand one hundred and thirty-one bushels; of oats, two hundred and thirty-nine thousand eight hundred and nine bushels; of rye, about fifty thousand bushels; and of shorts, thirty-three thousand four hundred and eighty-nine bushels; into the port of Providence, seventy-one thousand three hundred and sixty-nine barrels of flour; two hundred and sixteen thousand six hundred and sixty-two bushels of Indian corn, and seven thousand seven hundred and seventy-two bushels of rye. And there were discharged at the port of Philadelphia, four hundred and twenty thousand three hundred and fifty-three bushels of Indian corn; two hundred and one thousand eight hundred and seventy-eight bushels of wheat, and one hundred and ten thousand five hundred and fifty-seven bushels of rye and barley. There were slaughtered in Boston during the same year, 1831, (the only northern city from which I have obtained returns,) thirty-three thousand nine hundred and twenty-two beef cattle; fifteen thousand and four hundred calves; eighty-four thousand four hundred and fifty-three sheep, and twenty-six thousand eight hundred and seventy-one swine. It is confidently believed, that there is not a less quantity of southern flour consumed at the north than eight hundred thousand barrels, a greater amount, probably, than is shipped to all the foreign markets of the world together.

What would be the condition of the farming country of the United States — of all that portion which lies north, east, and west of James river, including a large part of North Carolina — if a home market did not exist for this immense amount of agricultural produce? Without that market, where could it be sold? In foreign markets? If their restrictive laws did not exist, their capacity would not enable them to purchase and consume this vast addition to their present supplies, which must be thrown in, or thrown away, but for the home market. But their laws exclude us from their markets. I shall content myself by calling the attention

of the senate to Great Britain only. The duties in the ports of the united kingdom on bread-stuffs are prohibitory, except in times of dearth. On rice, the duty is fifteen shillings sterling per hundred weight, being more than one hundred per centum. On manufactured tobacco it is nine shillings sterling per pound, or about two thousand per centum. On leaf tobacco three shillings per pound, or one thousand two hundred per centum. On lumber, and some other articles, they are from four hundred to fifteen hundred per centum more than on similar articles imported from British colonies. In the British West Indies the duty on beef, pork, hams, and bacon, is twelve shillings sterling per hundred, more than one hundred per centum on the first cost of beef and pork in the western states. And yet Great Britain is the power in whose behalf we are called upon to legislate, so that *we* may enable *her* to purchase our cotton! — Great Britain, that thinks only of herself in her own legislation! When have we experienced justice, much less favor, at her hands? When did she shape her legislation in reference to the interests of any foreign power? She is a great, opulent, and powerful nation; but haughty, arrogant, and supercilious; not more separated from the rest of the world by the sea that girts her island, than she is separated in feeling, sympathy, or friendly consideration of their welfare. Gentlemen, in supposing it impracticable that we should successfully compete with her in manufactures, do injustice to the skill and enterprise of their own country. Gallant as Great Britain undoubtedly is, we have gloriously contended with her, man to man, gun to gun, ship to ship, fleet to fleet, and army to army. And I have no doubt we are destined to achieve equal success in the more useful, if not nobler contest for superiority in the arts of civil life.

I could extend and dwell on the long list of articles — the hemp, iron, lead, coal, and other items — for which a demand is created in the home market by the operation of the American system; but I should exhaust the patience of the senate. *Where, where* should we find a market for all these articles, if it did not exist at home? What would be the condition of the largest portion of our people, and of the territory, if this home market were annihilated? How could they be supplied with objects of prime necessity? What would not be the certain and inevitable decline in the price of all these articles, but for the home market? And allow me, Mr. President, to say, that of all the agricultural parts of the United States which are benefited by the operation of this system, none are equally so with those which border the Chesapeake bay, the lower parts of North Carolina, Virginia, and the two shores of Maryland. Their facilities of transportation, and proximity to the north, give them decided advantages.

But if all this reasoning were totally fallacious; if the price of manufactured articles were really higher, under the American

system, than without it; I should still argue that high or low prices were themselves relative — relative to the ability to pay them. It is in vain to tempt, to tantalize us with the lower prices of European fabrics than our own, if we have nothing wherewith to purchase them. If, by the home exchanges, we can be supplied with necessary, even if they are dearer and worse articles of American production than the foreign, it is better than not to be supplied at all. And how would the large portion of our country, which I have described, be supplied, but for the home exchanges? A poor people, destitute of wealth or of exchangeable commodities, has nothing to purchase foreign fabrics with. To them they are equally beyond their reach, whether their cost be a dollar or a guinea. It is in this view of the matter that Great Britain, by her vast wealth, her *excited* and *protected* industry, is enabled to bear a burden of taxation, which, when compared to that of other nations, appears enormous; but which, when her immense riches are compared to theirs, is light and trivial. The gentleman from South Carolina has drawn a lively and flattering picture of our coasts, bays, rivers, and harbors; and he argues that these proclaimed the design of Providence, that we should be a commercial people. I agree with him. We differ only as to the means. He would cherish the foreign, and neglect the internal trade. I would foster both. What is navigation without ships, or ships without cargoes? By penetrating the bosoms of our mountains, and extracting from them their precious treasures; by cultivating the earth, and *securing* a home market for its rich and abundant products; by employing the water power with which we are blessed; by stimulating and protecting our native industry, in all its forms; we shall but nourish and promote the prosperity of commerce, foreign and domestic.

I have hitherto considered the question, in reference only to a state of peace; but a season of war ought not to be entirely overlooked. We have enjoyed near twenty years of peace; but who can tell when the storm of war shall again break forth? Have we forgotten, so soon, the privations to which not merely our brave soldiers and our gallant tars were subjected, but the whole community, during the last war, for the want of absolute necessaries? To what an enormous price they rose! And how inadequate the supply was, at any price! The statesman who justly elevates his views, will look behind as well as forward, and at the existing state of things; and he will graduate the policy, which he recommends, to all the probable exigences which may arise in the republic. Taking this comprehensive range, it would be easy to show that the higher prices of peace, if prices were higher in peace, were more than compensated by the lower prices of war, during which, supplies of all essential articles are indispensable to its vigorous, effectual, and glorious prosecution. I conclude this part of the argument with the hope that my humble exertions have not been altogether unsuccessful in showing,

First, that the policy which we have been considering ought to continue to be regarded as the genuine American system.

Secondly, that the free trade system, which is proposed as its substitute, ought really to be considered as the British colonial system.

Thirdly, that the American system is beneficial to all parts of the union, and absolutely necessary to much the larger portion.

Fourthly, that the price of the great staple of cotton, and of all our chief productions of agriculture, has been sustained and upheld, and a decline averted, by the protective system.

Fifthly, that if the foreign demand for cotton has been at all diminished, by the operation of that system, the diminution has been more than compensated, in the additional demand created at home.

Sixthly, that the constant tendency of the system, by creating competition among ourselves, and between American and European industry, reciprocally acting upon each other, is to reduce prices of manufactured objects.

Seventhly, that, in point of fact, objects within the scope of the policy of protection, have greatly fallen in price.

Eighthly, that if, in a season of peace, these benefits are experienced, in a season of war, when the foreign supply might be cut off, they would be much more extensively felt.

Ninthly, and finally, that the substitution of the British colonial system for the American system, without benefiting any section of the union, by subjecting us to a foreign legislation, regulated by foreign interests, would lead to the prostration of our manufactories, general impoverishment, and ultimate ruin.

And now, Mr. President, I have to make a few observations on a delicate subject, which I approach with all the respect that is due to its serious and grave nature. They have not, indeed, been rendered necessary by the speech from the gentleman from South Carolina, whose forbearance to notice the topic was commendable, as his argument throughout was characterized by an ability and dignity worthy of him, and of the senate. The gentleman made one declaration, which might possibly be misinterpreted, and I submit to him whether an explanation of it be not proper. The declaration, as reported in his printed speech, is, 'the instinct of self-interest might have taught us an easier way of relieving ourselves from this oppression. It wanted but the will to have supplied ourselves with every article embraced in the protective system, free of duty, without any other participation on our part than a simple consent to receive them.'

[Here general Hayne rose and remarked, that the passages which immediately preceded and followed the paragraph cited, he thought plainly indicated his meaning, which related to evasions of the system, by illicit introduction of goods, which they were not disposed to countenance in South Carolina.]

I am happy to hear this explanation. But, sir, it is impossible to conceal from our view the facts, that there is a great excitement in South Carolina; that the protective system is openly and violently denounced in popular meetings; and that the legislature itself has declared its purpose of resorting to counteracting measures, a suspension of which has only been submitted to, for the purpose of allowing congress time to *retrace* its steps. With respect to this union, Mr. President, the truth cannot be too generally proclaimed, nor too strongly inculcated, that it is necessary to the *whole* and to all the *parts* — necessary to those parts, indeed, in different degrees, but vitally necessary to *each* — and that threats to disturb or dissolve it, coming from any of the parts, would be quite as indiscreet and improper as would be threats from the residue to exclude those parts from the pale of its benefits. The great principle, which lies at the foundation of all free governments, is, that the majority must govern; from which there is or can be no appeal but to the sword. That majority ought to govern wisely, equitably, moderately, and constitutionally, but govern *it must*, subject only to that terrible appeal. If ever one or several states, being a minority, can, by menacing a dissolution of the union, succeed in forcing an abandonment of great measures, deemed essential to the interests and prosperity of the whole, the union, from that moment, is practically gone. It may linger on, in form and name, but its vital spirit has fled for ever! Entertaining these deliberate opinions, I would entreat the patriotic people of South Carolina — the land of Marion, Sumpter, and Pickens; of Rutledge, Laurens, the Pinkneys and Lowndes; of living and present names, which I would mention if they were not living or present — to pause, solemnly pause! and contemplate the frightful precipice which lies directly before them. To retreat may be painful and mortifying to their gallantry and pride, but it is to retreat to the union, to safety, and to those brethren with whom, or with whose ancestors, they, or their ancestors, have won, on fields of glory, imperishable renown. To advance, is to rush on certain and inevitable disgrace and destruction.

We have been told of deserted castles, of uninhabited halls, and of mansions, once the seats of opulence and hospitality, now abandoned and mouldering in ruins. I never had the honor of being in South Carolina, but I have heard and read of the stories of its chivalry, and of its generous and open-hearted liberality. I have heard, too, of the struggles for power, between the lower and upper country. The same causes which existed in Virginia, with which I have been acquainted, I presume, have had their influence in Carolina. In whose hands now are the once proud seats of Westover Curl, Maycox, Shirley,* and others, on James river, and

* As to Shirley, Mr. Clay acknowledges his mistake, made in the warmth of debate. It is yet the abode of the respectable and hospitable descendants of its former opulent proprietor.

in lower Virginia? Under the operation of laws, abolishing the principle of primogeniture, and providing the equitable rule of an equal distribution of estates, among those in equal degree of consanguinity, they have passed into other and stranger hands. Some of the descendants of illustrious families have gone to the far west, while others, lingering behind, have contrasted their present condition with that of their venerated ancestors. They behold themselves excluded from their fathers' houses, now in the hands of those who were once their fathers' overseers, or sinking into decay; their imaginations paint ancient renown, the fading honors of their name — glories gone by; too poor to live, too proud to work, too high-minded and honorable to resort to ignoble means of acquisition; brave, daring, chivalrous; *what* can be the cause of their present unhappy state? The 'accursed' tariff presents itself to their excited imaginations, and they blindly rush into the ranks of those who, unfurling the banner of nullification, would place a state upon its sovereignty!

The danger to our union does not lie on the side of persistence in the American system, but on that of its abandonment. If, as I have supposed and believe, the inhabitants of all north and east of James river, and all west of the mountains, including Louisiana, are deeply interested in the preservation of that system, would they be reconciled to its overthrow? Can it be expected that two thirds, if not three fourths, of the people of the United States, would consent to the destruction of a policy, believed to be indispensably necessary to their prosperity? When, too, the sacrifice is made at the instance of a single interest, which they verily believe will not be promoted by it? In estimating the degree of peril which may be incident to two opposite courses of human policy, the statesman would be short-sighted who should content himself with viewing only the evils, real or imaginary, which belong to that course which is in practical operation. He should lift himself up to the contemplation of those greater and more certain dangers which might inevitably attend the adoption of the alternative course. What would be the condition of this union, if Pennsylvania and New York, those mammoth members of our confederacy, were firmly persuaded that their industry was paralysed, and their prosperity blighted, by the enforcement of the British colonial system, under the delusive name of free trade? They are now tranquil and happy, and contented, conscious of their welfare, and feeling a salutary and rapid circulation of the products of home manufactures and home industry, throughout all their great arteries. But let that be checked, let them feel that a foreign system is to predominate, and the sources of their subsistence and comfort dried up; let New England and the west, and the middle states, all feel that they too are the victims of a mistaken policy, and let these vast portions of our country despair of any favorable change, and then

indeed might we tremble for the continuance and safety of this union!

And need I remind you, sir, that this dereliction of the duty of protecting our domestic industry, and abandonment of it to the fate of foreign legislation, would be directly at war with leading considerations which prompted the adoption of the present constitution? The states respectively surrendered to the general government the whole power of laying imposts on foreign goods. They stripped themselves of all power to protect their own manufactures, by the most efficacious means of encouragment — the imposition of duties on rival foreign fabrics. Did they create that great trust, did they voluntarily subject themselves to this self-restriction, that the power should remain in the federal government inactive, unexecuted, and lifeless? Mr. Madison, at the commencement of the government, told you otherwise. In discussing at that early period this very subject, he declared that a failure to exercise this power would be a '*fraud*' upon the northern states, to which may now be added the middle and western states.

[Governor Miller asked to what expression of Mr. Madison's opinion Mr. Clay referred; and Mr. Clay replied, his opinion, expressed in the house of representatives in 1789, as reported in Lloyd's Congressional Debates.]

Gentlemen are greatly deceived as to the hold which this system has in the affections of the people of the United States. They represent that it is the policy of New England, and that she is most benefited by it. If there be any part of this union which has been most steady, most unanimous, and most determined in its support, it is Pennsylvania. Why is not that powerful state attacked? Why pass her over, and aim the blow at New England? New England came reluctantly into the policy. In 1824, a majority of her delegation was opposed to it. From the largest state of New England there was but a solitary vote in favor of the bill. That enterprising people can readily accommodate their industry to any policy, provided it be *settled*. They supposed this was fixed, and they submitted to the decrees of government. And the progress of public opinion has kept pace with the developments of the benefits of the system. Now, all New England, at least in this house, (with the exception of one small still voice,) is in favor of the system. In 1824, all Maryland was against it; now the majority is for it. Then, Louisiana, with one exception, was opposed to it; now, without any exception, she is in favor of it. The march of public sentiment is to the south. Virginia will be the next convert; and in less than seven years, if there be no obstacles from political causes, or prejudices industriously instilled, the majority of eastern Virginia will be, as the majority of western Virginia now is, in favor of the American system. North Carolina

will follow later, but not less certainly. Eastern Tennessee is now in favor of the system. And, finally, its doctrines will pervade the whole union, and the wonder will be, that they ever should have been opposed.

I have now to proceed to notice some objections which have been urged against the resolution under consideration. With respect to the amendment which the gentleman from South Carolina has offered, as he has intimated his purpose to modify it, I shall forbear for the present to comment upon it. It is contended that the resolution proposes the repeal of duties on luxuries, leaving those on necessaries to remain, and that it will, therefore, relieve the rich without lessening the burdens of the poor. And the gentleman from South Carolina has carefully selected, for ludicrous effect, a number of the unprotected articles, cosmetics, perfumes, oranges, and so forth. I must say, that this exhibition of the gentleman is not in keeping with the candor which he has generally displayed; that he knows very well that the duties upon these articles are trifling, and that it is of little consequence whether they are repealed or retained. Both systems, the American and the foreign, comprehend some articles which may be deemed luxuries. The senate knows that the unprotected articles which yield the principal part of the revenue, with which this measure would dispense, are coffee, tea, spices, wines, and silks. Of all these articles, wines and silks alone can be pronounced to be luxuries; and as to wines, we have already ratified a treaty, not yet promulgated, by which the duties on them are to be considerably reduced. If the universality of the use of objects of consumption determines their classification, coffee, tea, and spices, in the present condition of civilized society, may be considered necessaries. Even if they were luxuries, why should not the poor, by cheapening their prices, if that can be effected, be allowed to use them? Why should not a poor man be allowed to tie a silk handkerchief on his neck, occasionally regale himself with a glass of cheap French wine, or present his wife or daughter with a silk gown, to be worn on sabbath or gala days? I am quite sure that I do not misconstrue the feelings of the gentleman's heart, in supposing that he would be happy to see the poor as well as the rich moderately indulging themselves in those innocent gratifications. For one, I am delighted to see the condition of the poor attracting the consideration of the opponents of the tariff. It is for the great body of the people, and especially for the poor, that I have ever supported the American system. It affords them profitable employment, and supplies the means of comfortable subsistence. It *secures* to them, certainly, necessaries of life, manufactured at home and placed within their reach, and enables them to acquire a reasonable share of foreign luxuries; while the system of gentlemen *promises* them necessaries made in foreign countries, and which are beyond their

power, and *denies* to them luxuries, which they would possess no means to purchase.

The constant complaint of South Carolina against the tariff, is, that it checks importations, and disables foreign powers from purchasing the agricultural productions of the United States. The effect of the resolution will be to increase importations, not so much, it is true, from Great Britain, as from the other powers, but not the less acceptable on that account. It is a misfortune that so large a portion of our foreign commerce concentrates in one nation; it subjects us too much to the legislation and the policy of that nation, and exposes us to the influence of her numerous agents, factors, and merchants. And it is not among the smallest recommendations of the measure before the senate, that its tendency will be to expand our commerce with France, our great revolutionary ally, the land of our Lafayette. There is much greater probability also, of an enlargement of the present demand for cotton in France, than in Great Britain. France engaged later in the manufacture of cotton, and has made, therefore, less progress. She has, moreover, no colonies producing the article in abundance, whose industry she might be tempted to encourage.

The honorable gentleman from Maryland (general Smith), by his reply to a speech which, on the opening of the subject of this resolution, I had occasion to make, has rendered it necessary that I should take some notice of his observations. The honorable gentleman stated that he had been *accused* of partiality to the manufacturing interest. Never was there a more groundless and malicious charge preferred against a calumniated man. Since this question has been agitated in the public councils, although I have often heard from him professions of attachment to this branch of industry, I have never known any member a more uniform, determined, and uncompromising opponent of them, than the honorable senator has invariably been. And if, hereafter, the calumny should be repeated, of his friendship to the American system, I shall be ready to furnish to him, in the most solemn manner, my testimony to his innocence. The honorable gentleman supposed that I had advanced the idea that the *permanent* revenue of this country should be fixed at eighteen millions of dollars. Certainly I had no intention to announce such an opinion, nor do my expressions, fairly interpreted, imply it. I stated, on the occasion referred to, that, estimating the ordinary revenue of the country at twenty-five millions, and the amount of the duties on the unprotected articles proposed to be repealed by the resolution, at seven millions, the latter sum taken from the former would leave eighteen. But I did not intimate any belief that the revenue of the country ought, for the future, to be permanently fixed at that or any other precise sum. I stated that, after having effected so great a reduction, we might pause, cautiously survey the whole ground, and deliberately deter-

mine upon other measures of reduction, some of which I indicated. And I now say, preserve the protective system in full vigor; give us the proceeds of the public domain for internal improvements, or, if you please, partly for that object, and partly for the removal of the free blacks, with their own consent, from the United States; and for one, I have no objection to the reduction of the public revenue to fifteen, to thirteen, or even to nine millions of dollars.

In regard to the scheme of the secretary of the treasury for paying off the whole of the remaining public debt, by the fourth day of March, 1833, including the three per centum, and for that purpose selling the bank stock, I had remarked that, with the exception of the three per centum, there were not more than about four millions of dollars of the debt due and payable within this year, that, to meet this, the secretary had stated in his annual report, that the treasury would have, from the receipts of this year, fourteen millions of dollars, applicable to the principal of the debt; that I did not perceive any urgency for paying off the three per centum by the precise day suggested; and that there was no necessity, according to the plans of the treasury, assuming them to be expedient and proper, to postpone the repeal of the duties on unprotected articles. The gentleman from Maryland imputed to me ignorance of the act of the twenty-fourth of April, 1830, according to which in his opinion the secretary was obliged to purchase the three per centum. On what ground the senator supposed I was ignorant of that act he has not stated. Although when it passed I was at Ashland, I assure him that I was not there altogether uninformed of what was passing in the world. I regularly received the Register of my excellent friend (Mr. Niles), published in Baltimore, the National Intelligencer, and other papers. There are two errors to which gentlemen are sometimes liable; one is to magnify the amount of knowledge which they possess themselves, and the second is to depreciate that which others have acquired. And will the gentleman from Maryland excuse me for thinking that no man is more prone to commit both errors than himself? I will not say that he is ignorant of the true meaning of the act of 1830, but I certainly place a different construction upon it from what he does. It does not oblige the secretary of the treasury, or rather the commissioners of the sinking fund, to apply the surplus of any year to the purchase of the three per centum stock particularly, but leaves them at liberty 'to apply such surplus to the purchase of any portion of the public debt, at such rates as, in their opinion, may be advantageous to the United States.' This vests a discretionary authority, to be exercised under official responsibility. And if any secretary of the treasury, when he had the option of purchasing a portion of the debt, bearing a higher rate of interest at par or about par, were to execute the act by purchasing the three per centums at their present price, he would merit

impeachment. Undoubtedly a state of fact may exist, such as there being no public debt remaining to be paid, but the three per centum stock, with a surplus in the treasury, idle and unproductive, in which it might be expedient to apply that surplus to the reimbursement of the three per centums. But whilst the interest of money is at a greater rate than three per centum, it would not, I think, be wise to produce an accumulation of public treasure for such a purpose. The postponement of any reduction of the amount of the revenue, at this session, must, however, give rise to that very accumulation; and it is, therefore, that I cannot perceive the utility of the postponement.

We are told by the gentleman from Maryland, that offers have been made to the secretary of the treasury to exchange three per centums, at their market price of ninety-six per centum, for the bank stock of the government at its market price, which is about one hundred and twenty-six, and he thinks it would be wise to accept them. If the charter of the bank is renewed, that stock will be probably worth much more than its present price; if not renewed, much less. Would it be fair in government, while the question is pending and undecided, to make such an exchange? The difference in value between a stock bearing three per centum and one bearing seven per centum must be really much greater than the difference between ninety-six and one hundred and twenty-six per centum. Supposing them to be perpetual annuities, the one would be worth more than twice the value of the other. But my objection to the treasury plan is, that it is not necessary to execute it — to continue these duties as the secretary proposes. The secretary has a debt of twenty-four millions to pay; he has from the accruing receipts of this year fourteen millions, and we are now told by the senator from Maryland, that this sum of fourteen millions is exclusive of any of the duties accruing this year. He proposes to raise eight millions by sale of the bank stock, and to anticipate from the revenue receivable next year, two millions more. These three items, then, of fourteen millions, eight millions, and two millions, make up the sum required, of twenty-four millions, without the aid of the duties to which the resolution relates.

The gentleman from Maryland insists that the general government has been liberal towards the west in its appropriations of public lands for internal improvements; and, as to fortifications, he contends that the expenditures near the mouth of the Mississippi are for its especial benefit. The appropriations of land to the states of Ohio, Indiana, Illinois, and Alabama, have been liberal; but it is not to be overlooked, that the general government is itself the greatest proprietor of land, and that a tendency of the improvements, which these appropriations were to effect, is to increase the value of the unsold public domain. The erection of the fortifications for the defence of Louisiana, was highly proper; but the

gentleman might as well place to the account of the west, the disbursement for the fortifications intended to defend Baltimore, Philadelphia, and New York, to all which capitals western produce is sent, and in the security of all of which the western people feel a lively interest. They do not object to expenditures for the army, for the navy, for fortifications, or for any other offensive or commercial object on the Atlantic, but they do think that their condition ought also to receive friendly attention from the general government. With respect to the state of Kentucky, not one cent of money, or one acre of land, has been applied to any object of internal improvement within her limits. The subscription to the stock of the canal at Louisville was for an object in which many states were interested. The senator from Maryland complains that he has been unable to obtain any aid for the railroad which the enterprise of Baltimore has projected, and in part executed. That was a great work, the conception of which was bold, and highly honorable, and it deserves national encouragement. But how has the committee of roads and canals, at this session, been constituted? The senator from Maryland possessed a brief authority to organize it, and, if I am not misinformed, a majority of the members composing it, appointed by him, are opposed both to the constitutionality of the power, and the expediency of exercising it.

And now, sir, I would address a few words to the friends of the American system in the senate. The revenue must, ought to be reduced. The country will not, after by the payment of the public debt ten or twelve millions of dollars become unnecessary, bear such an annual surplus. Its distribution would form a subject of perpetual contention. Some of the opponents of the system understand the stratagem by which to attack it, and are shaping their course accordingly. It is to crush the system by the accumulation of revenue, and by the effort to persuade the people that they are unnecessarily taxed, while those would really tax them who would break up the native sources of supply, and render them dependent upon the foreign. But the revenue ought to be reduced, so as to accommodate it to the fact of the payment of the public debt. And the alternative is or may be, to preserve the protecting system, and repeal the duties on the unprotected articles, or to *preserve* the duties on *unprotected* articles, and endanger if not destroy the system. Let us then adopt the measure before us, which will benefit all classes; the farmer, the professional man, the merchant, the manufacturer, the mechanic; and the cotton planter more than all. A few months ago there was no diversity of opinion as to the expediency of this measure. All, then, seemed to unite in the selection of these objects for a repeal of duties which were not produced within the country. Such a repeal did not touch our domestic industry, violated no principle, offended no prejudice.

Can we not all, whatever may be our favorite theories, cordially unite on this neutral ground? When that is occupied, let us look beyond it, and see if any thing can be done in the field of protection, to modify, to improve it, or to satisfy those who are opposed to the system. Our southern brethren believe that it is injurious to them, and ask its repeal. We believe that its abandonment will be prejudicial to them, and ruinous to every other section of the union. However strong their convictions may be, they are not stronger than ours. Between the points of the preservation of the system and its absolute repeal, there is no principle of union. If it can be shown to operate immoderately on any quarter; if the measure of protection to any article can be demonstrated to be undue and inordinate; it would be the duty of congress to interpose and apply a remedy. And none will coöperate more heartily than I shall in the performance of that duty. It is quite probable that beneficial modifications of the system may be made without impairing its efficacy. But to make it fulfil the purposes of its institution, the measure of protection ought to be adequate. If it be not, all interests will be injuriously affected. The manufacturer, crippled in his exertions, will produce less perfect and dearer fabrics, and the consumer will feel the consequence. This is the spirit, and these are the principles only, on which it seems to me that a settlement of the great question can be made, satisfactorily to all parts of our union.

ON THE PUBLIC LANDS.

IN THE SENATE OF THE UNITED STATES, JUNE 20, 1832.

[The immense tracts of public lands possessed by the United States, situated in the western states and territories, had been acquired by cessions to the general government from the original Atlantic states claiming them; by the purchase of Louisiana and Florida; and by treaties of purchase with the Indians. The principal inducement to their cession by the states was to aid in the payment of the revolutionary war debt, for which they were at first pledged. The prospect of the extinguishment of the public debt during general Jackson's administration induced him, while president, to recommend to congress the cession of the lands unsold to the states in which they were situated; which would have been an act of injustice to the original thirteen states, and some of the others. President Jefferson had in 1806 suggested the appropriation of the proceeds of the sales of the lands to works of internal improvement, and to the support of education.

It will be recollected that in 1832, general Jackson was a candidate for reëlection as president, and Mr. Clay had been nominated in opposition. The opponents of Mr. Clay, having a majority in the senate, referred to the committee on *manufactures*, of which Mr. Clay was chairman, an inquiry respecting the proper disposition of the public lands. This was done for the purpose of embarrassing Mr. Clay, and injuring him either in the old or new states, whichever way he might report on the subject. The result was a severe disappointment to his enemies, by his devising and reporting a *plan for the distribution of the proceeds of the sales of the public lands* among all the several states; the principles of which report, being founded in wisdom and justice, could not well be resisted, and have been repeatedly since adopted by congress, although prevented from being carried into effect by the vetoes of presidents Jackson and Tyler. This report, and the bill which accompanied it, were supported by Mr. Clay in the following speech, giving the most interesting views of a subject of vast importance to his countrymen, and with which his fame as a statesman and public benefactor must ever stand identified.]

In rising to address the senate, I owe, in the first place, the expression of my hearty thanks to the majority, by whose vote, just given, I am indulged in occupying the floor on this most important question. I am happy to see that the days when the sedition acts and gag laws were in force, and when screws were applied for the suppression of the freedom of speech and debate, are not yet to return; and that, when the consideration of a great question has been specially assigned to a particular day, it is not allowed to be arrested and thrust aside by any unexpected and unprecedented parliamentary manœuvre. The decision of the majority demonstrates that feelings of liberality, and courtesy, and kindness, still prevail in the senate; and that they will be extended even to one

of the humblest members of the body; for such, I assure the senate, I feel myself to be.*

It may not be amiss again to allude to the extraordinary reference of the subject of the public lands to the committee of manufactures. I have nothing to do with the motives of honorable senators who composed the majority by which that reference was ordered The decorum proper in this hall obliges me to consider their motives to have been pure and patriotic. But still I must be permitted to regard the proceeding as very unusual. The senate has a standing committee on the public lands, appointed under long established rules. The members of that committee are presumed to be well acquainted with the subject; they have some of them occupied the same station for many years, are well versed in the whole legislation on the public lands, and familiar with every branch of it; and four out of five of them come from the new states. Yet, with a full knowledge of all these circumstances, a reference was ordered by a majority of the senate to the committee on manufactures — a committee than which there is not another standing committee of the senate, whose prescribed duties are more incongruous with the public domain. It happened, in the constitution of the committee of manufactures, that there was not a solitary senator from the new states, and but one from any western state. We earnestly protested against the reference, and insisted upon its impropriety; but we were overruled by the majority, including a majority of senators from the new states. I will not attempt an expression of the feelings excited in my mind on that occasion. Whatever may have been the intention of honorable senators, I could not be insensible to the embarrassment in which the committee of manufactures was placed, and especially myself. Although any other member of that committee could have rendered himself, with appropriate researches and proper time, more competent than I was to understand the subject of the public lands, it was known that, from my local position, I alone was supposed to have any particular knowledge of them. Whatever emanated from the committee was likely, therefore, to be ascribed to me. If the committee should propose a measure of great liberality towards the new states, the old states might complain. If the measure should seem to lean towards the old states, the new might be dissatisfied. And if it inclined to neither class of states, but recommended a plan according to which there would be distributed impartial justice

* This subject had been set down for this day. It was generally expected, in and out of the senate, that it would be taken up, and that Mr. Clay would address the senate. The members were generally in their seats, and the gallery and lobbies crowded. At the customary hour, he moved that the subject pending should be laid on the table, *to take up the land bill.* It was ordered accordingly. At this point of time Mr. Forsyth made a motion, supported by Mr. Tazwell, that the senate proceed to executive business. The motion was overruled.

among all the states, it was far from certain that any would be pleased.

Without venturing to attribute to honorable senators the purpose of producing this personal embarrassment, I felt it as a necessary consequence of their act, just as much as if it had been in their contemplation. Nevertheless, the committee of manufactures cheerfully entered upon the duty which, against its will, was thus assigned to it by the senate. And, for the causes already noticed, that of preparing a report and suggesting some measure embracing the whole subject, devolved in the committee upon me. The general features of our land system were strongly impressed on my memory; but I found it necessary to reëxamine some of the treaties, deeds of cession, and laws, which related to the acquisition and administration of the public lands; and then to think of, and, if possible, strike out some project, which, without inflicting injury upon any of the states, might deal equally and justly with all of them. The report and bill, submitted to the senate, after having been previously sanctioned by a majority of the committee, were the results of this consideration. The report, with the exception of the principle of distribution which concludes it, obtained the unanimous concurrence of the committee of manufactures.

This report and bill were hardly read in the senate before they were violently denounced. And they were not considered by the senate before a proposition was made to refer the report to that very committee of the public lands to which, in the first instance, I contended the subject ought to have been assigned. It was in vain that we remonstrated against such a proceeding, as unprecedented, as implying unmerited censure on the committee of manufactures, as leading to interminable references; for what more reason could there be to refer the report of the committee of manufactures to the land committee, than would exist for a subsequent reference of the report of this committee, when made, to some third committee, and so on in an endless circle? In spite of all our remonstrances, the same majority, with but little if any variation, which had originally resolved to refer the subject to the committee of manufactures, now determined to commit its bill to the land committee. And this not only without particular examination into the merits of that bill, but without the avowal of any specific amendment which was deemed necessary! The committee of public lands, after the lapse of some days, presented a report, and recommended a reduction of the price of the public lands immediately to one dollar per acre, and eventually to fifty cents per acre; and the grant to the new states of fifteen per centum on the net proceeds of the sales, instead of ten, as proposed by the committee of manufactures, and nothing to the old states.

And now, Mr. President, I desire, at this time, to make a few ob ervations in illustration of the original report; to supply some

omissions in its composition; to say something as to the power and rights of the general government over the public domain; to submit a few remarks on the counter report; and to examine the assumptions which it contained, and the principles on which it is founded.

No subject which had presented itself to the present, or perhaps any preceding congress, was of greater magnitude than that of the public lands. There was another, indeed, which possessed a more exciting and absorbing interest; but the excitement was happily but temporary in its nature. Long after we shall cease to be agitated by the tariff, ages after our manufactures shall have acquired a stability and perfection which will enable them successfully to cope with the manufactures of any other country, the public lands will remain a subject of deep and enduring interest. In whatever view we contemplate them, there is no question of such vast importance. As to their extent, there is public land enough to found an empire; stretching across the immense continent, from the Atlantic to the Pacific ocean, from the Gulf of Mexico to the northwestern lakes, the quantity, according to official surveys and estimates, amounting to the prodigious sum of one billion and eighty millions of acres! As to the duration of the interest regarded as a source of comfort to our people, and of public income — during the last year, when the greatest quantity was sold that ever, in one year, had been previously sold, it amounted to less than three millions of acres, producing three millions and a half of dollars. Assuming that year as affording the standard rate at which the lands will be annually sold, it would require three hundred years to dispose of them. But the sales will probably be accelerated from increased population and other causes. We may safely, however, anticipate that long, if not centuries, after the present day, the representatives of our children's children may be deliberating in the halls of congress, on laws relating to the public lands.

The subject in other points of view, challenged the fullest attention of an American statesman. If there were any one circumstance more than all others which distinguished our happy condition from that of the nations of the old world, it was the possession of this vast national property, and the resources which it afforded to our people and our government. No European nation, (possibly with the exception of Russia,) commanded such an ample resource. With respect to the other republics of this continent, we have no information that any of them have yet adopted a regular system of previous survey and subsequent sale of their wild lands, in convenient tracts, well defined, and adapted to the wants of all. On the contrary, the probability is, that they adhere to the ruinous and mad system of old Spain, according to which large unsurveyed districts are granted to favorite individuals,

prejudicial to them, who often sink under the incumbrance, and die in poverty, whilst the regular current of emigration is checked and diverted from its legitimate channels.

And if there be in the operations of this government one which more than any other displays consummate wisdom and statesmanship, it is that system by which the public lands have been so successfully administered. We should pause, solemnly pause, before we subvert it. We should touch it hesitatingly, and with the gentlest hand. The prudent management of the public lands, in the hands of the general government, will be more manifest by contrasting it with that of several of the states, which had the disposal of large bodies of waste lands. Virginia possessed an ample domain west of the mountains, and in the present state of Kentucky, over and above her munificent cession to the general government. Pressed for pecuniary means, by the revolutionary war, she brought her wild lands, during its progress, into market, receiving payment in paper money. There were no previous surveys of the waste lands; no townships, no sections, no official definition or description of tracts. Each purchaser made his own location, describing the land bought as he thought proper. These locations or descriptions were often vague and uncertain. The consequence was, that the same tract was not unfrequently entered at various times by different purchasers, so as to be literally shingled over with conflicting claims. The state perhaps sold in this way much more land than it was entitled to, but then it received nothing in return that was valuable; whilst the purchasers, in consequence of the clashing and interference between their rights, were exposed to tedious, vexatious, and ruinous litigation. Kentucky suffered long and severely from this cause; and is just emerging from the troubles brought upon her by improvident land legislation. Western Virginia has also suffered greatly, though not to the same extent.

The state of Georgia had large bodies of waste lands, which she disposed of in a manner satisfactory, no doubt, to herself, but astonishing to every one out of that commonwealth. According to her system, waste lands are distributed in lotteries, among the people of the state, in conformity with the enactments of the legislature. And when one district of country is disposed of, as there are many who do not draw prizes, the unsuccessful call out for fresh distributions. These are made from time to time, as lands are acquired from the Indians; and hence one of the causes of the avidity with which the Indian lands are sought. It is manifest, that neither the present generation, nor posterity, can derive much advantage from this mode of alienating public lands. On the contrary, I should think, it cannot fail to engender speculation and a spirit of gambling.

The state of Kentucky, in virtue of a compact with Virginia,

acquired a right to a quantity of public lands south of Green river. Neglecting to profit by the unfortunate example of the parent state, she did not order the country to be surveyed previous to its being offered to purchasers. Seduced by some of those wild land projects, of which at all times there have been some afloat, and which, hitherto, the general government alone has firmly resisted, she was tempted to offer her waste lands to settlers, at different prices, under the name of head-rights or preëmptions. As the laws, like most legislation upon such subjects, were somewhat loosely worded, the keen eye of the speculator soon discerned the defects, and he took advantage of them. Instances had occurred, of masters obtaining certificates of head-rights in the name of their slaves, and thus securing the land, in contravention of the intention of the legislature. Slaves, generally, have but one name, being called Tom, Jack, Dick, or Harry. To conceal the fraud, the owner would add Black, or some other cognomination, so that the certificate would read Tom Black, Jack Black, and so forth. The gentleman from Tennessee, (Mr. Grundy,) will remember, some twenty-odd years ago, when we were both members of the Kentucky legislature, that I took occasion to animadvert upon these fraudulent practices, and observed, that when the names came to be alphabeted, the truth would be told, whatever might be the language of the record; for the alphabet would read *Black* Tom, *Black* Harry, and so forth. Kentucky realized more in her treasury than the parent state had done, considering that she had but a remnant of public lands, and she added somewhat to her population. But they were far less available than they would have been under a system of previous survey and regular sale.

These observations, in respect to the course of the respectable states referred to, in relation to their public lands, are not prompted by any unkind feelings towards them, but to show the superiority of the land system of the United States.

Under the system of the general government, the wisdom of which, in some respects, is admitted, even by the report of the land committee, the country subject to its operation, beyond the Alleghany mountains, has rapidly advanced in population, improvement, and prosperity. The example of the state of Ohio was emphatically relied on by the report of the committee of manufactures — its million of people, its canals, and other improvements, its flourishing towns, its highly-cultivated fields, all put there within less than forty years. To weaken the force of this example, the land committee deny that the population of the state is principally settled upon public lands derived from the general government. But, Mr. President, with great deference to that committee, I must say, that it labors under misapprehension. Three fourths, if not four fifths of the population of that state, are settled upon public lands purchased from the United States, and they are the most

flourishing parts of the state. For the correctness of this statement, I appeal to my friend from Ohio, (Mr. Ewing,) near me. He knows, as well as I do, that the rich valleys of the Miami of Ohio, and the Maumee of the Lake, the Sciota and the Muskingum, are principally settled by persons deriving titles to their lands from the United States.

In a national point of view, one of the greatest advantages which these public lands in the west, and this system of selling them, affords, is the resource which they present against pressure and want, in other parts of the union, from the vocations of society being too closely filled, and too much crowded. They constantly tend to sustain the price of labor, by the opportunity which they offer, of the acquisition of fertile land at a moderate price, and the consequent temptation to emigrate from those parts of the union where labor may be badly rewarded.

The progress of settlement, and the improvement in the fortunes and condition of individuals, under the operation of this beneficent system, are as simple as they are manifest. Pioneers of a more adventurous character, advancing before the tide of emigration, penetrate into the uninhabited regions of the west. They apply the axe to the forest, which falls before them, or the plough to the prairie, deeply sinking its share in the unbroken wild grasses in which it abounds. They build houses, plant orchards, enclose fields, cultivate the earth, and rear up families around them. Meantime, the tide of emigration flows upon them, their improved farms rise in value, a demand for them takes place, they sell to the new comers, at a great advance, and proceed further west, with ample means to purchase from government, at reasonable prices, sufficient land for all the members of their families. Another and another tide succeeds, the first pushing on westwardly the previous settlers, who, in their turn, sell out their farms, constantly augmenting in price, until they arrive at a fixed and stationary value. In this way, thousands, and tens of thousands, are daily improving their circumstances, and bettering their condition. I have often witnessed this gratifying progress. On the same farm you may sometimes behold, standing together, the first rude cabin of round and unhewn logs, and wooden chimneys, the hewed log house, chinked and shingled, with stone or brick chimneys, and, lastly, the comfortable brick or stone dwelling, each denoting the different occupants of the farm, or the several stages of the condition of the same occupant. What other nation can boast of such an outlet for its increasing population, such bountiful means of promoting their prosperity, and securing their independence?

To the public lands of the United States, and especially to the existing system by which they are distributed with so much regularity and equity, are we indebted for these signal benefits in our national condition. And every consideration of duty, to ourselves,

and to posterity, enjoins that we should abstain from the adoption of any wild project that would cast away this vast national property, holden by the general government in sacred trust for the whole people of the United States, and forbids that we should rashly touch a system which has been so successfully tested by experience.

It has been only within a few years, that restless men have thrown before the public their visionary plans for squandering the public domain. With the existing laws, the great state of the west is satisfied and contented. She has felt their benefit, and grown great and powerful under their sway. She knows and testifies to the liberality of the general government, in the administration of the public lands, extended alike to her and to the other new states. There are no petitions from, no movements in Ohio, proposing vital and radical changes in the system. During the long period, in the house of representatives, and in the senate, that her upright and unambitious citizen, the first representative of that state, and afterwards successively senator and governor, presided over the committee of public lands, we heard of none of these chimerical schemes. All went on smoothly, and quietly, and safely. No man, in the sphere within which he acted, ever commanded or deserved the implicit confidence of congress, more than Jeremiah Morrow. There existed a perfect persuasion of his entire impartiality and justice between the old states and the new. A few artless but sensible words, pronounced in his plain Scotch Irish dialect, were always sufficient to insure the passage of any bill or resolution which he reported. For about twenty-five years, there was no essential change in the system; and that which was at last made, varying the price of the public lands from two dollars, at which it had all that time remained, to one dollar and a quarter, at which it has been fixed only about ten or twelve years, was founded mainly on the consideration of abolishing the previous credits.

Assuming the duplication of our population in terms of twenty-five years, the demand for waste land, at the end of every term, will at least be double what it was at the commencement. But the ratio of the increased demand will be much greater than the increase of the *whole* population of the United States, because the western states nearest to, or including the public lands, populate much more rapidly than other parts of the union; and it will be from them that the greatest current of emigration will flow. At this moment, Ohio, Kentucky, and Tennessee, are the most migrating states in the union.

To supply this constantly augmenting demand, the policy, which has hitherto characterized the general government, has been highly liberal both towards individuals and the new states. Large tracts, far surpassing the demand of purchasers, in every climate and situation, adapted to the wants of all parts of the union, are brought

into market at moderate prices, the government having sustained all the expense of the original purchase, and of surveying, marking, and dividing the land. For fifty dollars any poor man may purchase forty acres of first-rate land; and, for less than the wages of one year's labor he may buy eighty acres. To the new states, also, has the government been liberal and generous in the grants for schools and for internal improvements, as well as in reducing the debt, contracted for the purchase of lands, by the citizens of those states, who were tempted, in a spirit of inordinate speculation, to purchase too much, or at too high prices.

Such is a rapid outline of this invaluable national property, of the system which regulates its management and distribution, and of the effects of that system. We might here pause, and wonder that there should be a disposition with any to waste or throw away this great resource, or to abolish a system which has been fraught with so many manifest advantages. Nevertheless, there are such, who, impatient with the slow and natural operation of wise laws, have put forth various pretensions and projects concerning the public lands, within a few years past. One of these pretensions is, an assumption of the sovereign right of the new states to all the lands within their respective limits, to the exclusion of the general government, and to the exclusion of all the people of the United States, those in the new states only excepted. It is my purpose now to trace the origin, examine the nature, and expose the injustice, of this pretension.

This pretension may be fairly ascribed to the propositions of the gentleman from Missouri, (Mr. Benton,) to graduate the public lands, to reduce the price, and cede the 'refuse' lands, (a term which I believe originated with him,) to the states within which they lie. Prompted, probably, by these propositions, a late governor of Illinois, unwilling to be outdone, presented an elaborate message to the legislature of that state, in which he gravely and formally asserted the right of that state to all the land of the United States, comprehended within its limits. It must be allowed that the governor was a most impartial judge, and the legislature a most disinterested tribunal, to decide such a question.

The senator from Missouri was chanting most sweetly to the tune, 'refuse lands,' 'refuse lands,' 'refuse lands,' on the Missouri side of the Mississippi, and the soft strains of his music, having caught the ear of his excellency, on the Illinois side, he joined in chorus, and struck an octave higher. The senator from Missouri wished only to pick up some crumbs which fell from Uncle Sam's table; but the governor resolved to grasp the whole loaf. The senator modestly claimed only an old, smoked, rejected joint; but the stomach of his excellency yearned after the whole hog! The governor peeped over the Mississippi into Missouri, and saw the senator leisurely roaming in some rich pastures, on bits of refuse

lands. He returned to Illinois, and, springing into the grand prairie, determined to claim and occupy it, in all its boundless extent.

Then came the resolution of the senator from Virginia, (Mr. Tazewell,) in May, 1826, in the following words:

'Resolved, that . .s expedient for the United States to cede and surrender to the several states, within whose limits the same may be situated, all the right, title, and interest of the United States, to any lands lying and being within the boundaries of such states, respectively, upon such terms and conditions as may be consistent with the due observance of the public faith, and with the general interest of the United States.'

The latter words rendered the resolution somewhat ambiguous; but still it contemplated a cession and surrender. Subsequently, the senator from Virginia proposed, after a certain time, a gratuitous surrender of all unsold lands, to be applied by the legislature, *in support of education* and the *internal improvement* of the state.

[Here Mr. Tazewell controverted the statement. Mr. Clay called to the secretary to hand him the journal of April, 1828, which he held up to the senate, and read from it the following:

'The bill to graduate the price of the public lands, to make donations thereof to actual settlers, and to cede the refuse to the states in which they lie, being under consideration —

'Mr. Tazewell moved to insert the following as a substitute:

'That the lands which shall have been subject to sale under the provisions of this act, and shall remain unsold for two years, after having been offered at twenty-five cents per acre, shall be, and the same is, ceded to the state in which the same may lie, to be applied by the legislature thereof in support of education, and the internal improvement of the state.']

Thus it appears not only that the honorable senator proposed the cession, but showed himself the friend of education and internal improvements, by means derived from the general government. For this liberal disposition on his part, I believe it was, that the state of Missouri honored a new county with his name. If he had carried his proposition, that state might well have granted a principality to him.

The memorial of the legislature of Illinois, probably produced by the message of the governor already noticed, had been presented, asserting a claim to the public lands. And it seems, (although the fact had escaped my recollection until I was reminded of it by one of her senators, (Mr. Hendricks,) the other day,) that the legislature of Indiana had instructed her senators to bring forward a similar claim. At the last session, however, of the legislature of that state, resolutions had passed, instructing her delegation to obtain from the general government *cessions* of the unappropriated public lands, on the most favorable terms. It is clear from this last expression of the will of that legislature, that, on reconsideration, it believed the right to the public lands to be in the general government, and not in the state of Indiana. For, if they did not belong

to the general government, it had nothing to cede; if they belonged already to the state, no cession was necessary to the perfection of the right of the state.

I will here submit a passing observation. If the general government had the power to cede the public lands to the new states for particular purposes, and on prescribed conditions, its power must be unquestionable to make some reservations for similar purposes in behalf of the old states. Its power cannot be without limit as to the new states, and circumscribed and restricted as to the old. Its capacity to bestow benefits or dispense justice is not confined to the new states, but is coextensive with the whole union. It may grant to all, or it can grant to none. And this comprehensive equity is not only in conformity with the spirit of the cessions in the deeds from the ceding states, but is expressly enjoined by the terms of those deeds.

Such is the probable origin of the pretension which I have been tracing; and now let us examine its nature and foundation. The argument in behalf of the new states, is founded on the notion, that as the old states, upon coming out of the revolutionary war, had or claimed a right to all the lands within their respective limits; and as the new states have been admitted into the union on the same footing and condition in all respects with the old, therefore they are entitled to all the waste lands embraced within their boundaries. But the argument forgets that all the revolutionary states had not waste lands; that some had but very little, and others none. It forgets that the right of the states to the waste lands within their limits was controverted; and that it was insisted that, as they had been conquered in a common war, waged with common means, and attended with general sacrifices, the public lands should be held for the common benefit of all the states. It forgets that in consequence of this right, asserted in behalf of the whole union, the states that contained any large bodies of waste lands (and Virginia, particularly, that had the most) ceded them to the union, for the equal benefit of all the states. It forgets that the very equality, which is the basis of the argument, would be totally subverted by the admission of the validity of the pretension. For how would the matter then stand? The revolutionary states will have divested themselves of the large districts of vacant lands which they contained, for the common benefit of all the states; and those same lands will enure to the benefit of the new states exclusively. There will be, on the supposition of the validity of the pretension, a reversal of the condition of the two classes of states. Instead of the old having, as is alleged, the wild lands which they included at the epoch of the revolution, they will have none, and the new states *all.* And this in the name and for the purpose of equality among all the members of the confederacy! What, especially, would be the situation of Virginia? She magnanimously ceded

an empire in extent for *the common benefit.* And now it is proposed not only to withdraw that empire from the object of its solemn dedication, to the use of all the states, but to deny her any participation in it, and appropriate it exclusively to the benefit of the new states carved out of it.

If the new states had any right to the public lands, in order to produce the very equality contended for, they ought forthwith to cede that right to the union, for the common benefit of all the states. Having no such right, they ought to acquiesce cheerfully in an equality which does, in fact, now exist between them and the old states.

The committee of manufactures has clearly shown, that if the right were recognised in the new states now existing, to the public lands within their limits, each of the new states, as they might hereafter be successively admitted into the union, would have the same right; and, consequently, that the pretension under examination embraces, in effect, the whole public domain, that is, a billion and eighty millions of acres of land.

The right of the union to the public lands is incontestable. It ought not to be considered debatable. It never was questioned but by a few, whose monstrous heresy, it was probably supposed, would escape animadversion from the enormity of the absurdity, and the utter impracticability of the success of the claim. The right of the whole is sealed by the blood of the revolution, founded upon solemn deeds of cession from sovereign states, deliberately executed in the face of the world, or resting upon national treaties concluded with foreign powers, on ample equivalents contributed from the common treasury of the people of the United States.

This right of the whole was stamped upon the face of the new states at the very instant of their parturition. They admitted and recognised it with their first breath. They hold their stations, as members of the confederacy, in virtue of that admission. The senators who sit here and the members in the house of representatives from the new states, deliberate in congress with other senators and representatives, under that admission. And since the new states came into being, they have recognised this right of the general government by innumerable acts —

By their concurrence in the passage of hundreds of laws respecting the public domain, founded upon the incontestable right of the whole of the states;

By repeated applications to extinguish Indian titles, and to survey the lands which they covered;

And by solicitation and acceptance of extensive grants of the public lands from the general government.

The existence of the new state is a falsehood, or the right of all the states to the public domain is an undeniable truth. They have no more right to the public lands, within their particular jurisdic-

tion, than other states have to the mint, the forts and arsenals, or public ships, within theirs, or than the people of the District of Columbia have to this magnificent capitol, in whose splendid halls we now deliberate.

The equality contended for between all the states now exists. The public lands are now held, and ought to be held and administered for the common benefit of all. I hope our fellow-citizens of Illinois, Indiana, and Missouri, will reconsider the matter; that they will cease to take counsel from demagogues who would deceive them, and instil erroneous principles into their ears; and that they will feel and acknowledge that their brethren of Kentucky and of Ohio, and of all the states in the union, have an equal right with the citizens of those three states, in the public lands. If the possibility of an event so direful as a severance of this union were for a moment contemplated, what would be the probable consequence of such an unspeakable calamity; if three confederacies were formed out of its fragments, do you imagine that the western confederacy would consent to have the states including the public lands hold them exclusively for themselves? Can you imagine that the states of Ohio, Kentucky, and Tennessee, would quietly renounce their right in all the public lands west of them? No, sir! No, sir! They would wade to their knees in blood, before they would make such an unjust and ignominious surrender.

But this pretension, unjust to the old states, unequal as to all, would be injurious to the new states themselves, in whose behalf it has been put forth, if it were recognised. The interests of the new states is not confined to the lands within their limits, but extends to the whole billion and eighty millions of acres. Sanction the claims, however, and they are cut down and restricted to that which is included in their own boundaries. Is it not better for Ohio, instead of the five millions and a half, or Indiana, instead of the fifteen millions, or even for Illinois, instead of the thirty-one or thirty-two millions, or Missouri, instead of the thirty-eight millions, within their respective limits, to retain their interest in those several quantities, and also to retain their interest, in common with the other members of the union, in the countless millions of acres that lie west, or northwest, beyond them?

I will now proceed, Mr. President, to consider the expediency of a reduction of the price of the public lands, and the reasons assigned by the land committee, in their report, in favor of that measure. They are presented there in formidable detail, and spread out under seven different heads. Let us examine them; the first is, 'because the new states have a clear right to participate in the benefits of a reduction of the revenue to the wants of the government, *by getting the reduction extended to the article of revenue chiefly used by them.*' Here is a renewal of the attempt made early in the session, to confound the public lands with foreign

imports, which was so successfully exposed and refuted by the report of the committee on manufactures. Will not the new states participate in any reduction of the revenue, in common with the old states, without touching the public lands? As far as they are consumers of objects of foreign imports. will they not equally share the benefit with the old states? What right, over and above that equal participation, have the new states, to a reduction of the price of the public lands? As *states*, what right, much less what 'clear right' have they, to any such reduction? In their sovereign or corporate capacities, what right? Have not all the stipulations between them, *as states*, and the general government, been fully complied with? Have the people within the new states, considered distinct from the states themselves, any right to such a reduction? Whence is it derived? They went there in pursuit of their own happiness. They bought lands from the public because it was their interest to make the purchase, and they enjoy them. Did they, because they purchased some land, which they possess peacefully, acquire any, and what right, in the land which they did not buy? But it may be argued, that by settling and improving these lands, the adjacent public lands are enhanced. True; and so are their own. The enhancement of the public lands was not a consequence which they went there to produce, but was a collateral effect, as to which they were passive. The public does not seek to avail itself of this augmentation in value, by augmenting the price. It leaves that where it was; and the demand for reduction is made in behalf of those who say their labor has increased the value of the public lands, and the claim to reduction is founded upon the fact of enhanced value? The public, like all other landholders, had a right to anticipate that the sale of a part would communicate, incidentally, greater value upon the residue. And, like all other land proprietors, it has the right to ask more for that residue; but it does not, and, for one, I should be as unwilling to disturb the existing price by augmentation as by reduction. But the public lands is the article of revenue which the people of the new states chiefly *consume*. In another part of this report, liberal grants of the public lands are recommended, and the idea of holding the public lands as a source of revenue is scouted; because, it is said, more revenue could be collected from the settlers as consumers, than from the lands. Here it seems that the public lands are the articles of revenue chiefly consumed by the new states.

With respect to lands yet to be sold, they are open to the purchase alike of emigrants from the old states, and settlers in the new. As the latter have most generally supplied themselves with lands, the probability is, that the emigrants are more interested in the question of reduction than the settlers. At all events, there can be no peculiar right to such reduction existing in the new states. It is a question common to all, and to be decided in reference to the interest of the whole union.

Second. 'Because the public debt being now paid, the public lands are entirely released from the pledge they were under to that object, and are free to receive a *new* and *liberal destination, for the relief of the states in which they lie.*'

The payment of the public debt is conceded to be near at hand; and it is admitted that the public lands, being liberated, may now receive a new and liberal destination. Such an appropriation of their proceeds is proposed by the bill reported by the committee of manufactures, and to which I shall hereafter more particularly call the attention of the senate. But it did not seem just to that committee, that this new and liberal destination of them should be restricted 'for the relief of the states in which they lie,' exclusively, but should extend to all the states indiscriminately, upon principles of equitable distribution.

Third. 'Because nearly one hundred millions of acres of the land now in market are the refuse of sales and donations, through a long series of years, and are of very little actual value, and only fit to be given to settlers, or abandoned to the states in which they lie.'

According to an official statement, the total quantity of public land which has been surveyed up to the thirty-first of December last, was a little upwards of one hundred and sixty-two millions of acres. Of this, a large proportion, perhaps even more than the one hundred millions of acres stated in the land report, has been a long time in market. The entire quantity which has ever been sold by the United States, up to the same day, after deducting lands relinquished and lands reverted to the United States, according to an official statement, also, is twenty-five million two hundred forty-two thousand five hundred and ninety acres. Thus after the lapse of thirty-six years, during which the present land system has been in operation, a little more than twenty-five millions of acres have been sold, not averaging a million per annum, and upwards of one hundred millions of the surveyed lands remain to be sold. The argument of the report of the land committee assumes, that 'nearly one hundred millions are the refuse of sales, and donations,' are of very little actual value, and only fit to be given to settlers, or abandoned to the states in which they lie.

Mr. President, let us define as we go — let us analyze. What do the land committee mean by 'refuse land?' Do they mean worthless, inferior, rejected land, which nobody will buy at the present government price? Let us look at facts, and make them our guide. The government is constantly pressed by the new states to bring more and more lands into the market; to extinguish more Indian titles; to survey more. The new states themselves are probably urged to operate upon the general government by emigrants and settlers, who see still before them, in their progress west, other new lands which they desire. The general government yields to the solicitations. It throws more land into the market,

and it is annually and daily preparing additional surveys of fresh lands. It has thrown and is preparing to throw open to purchasers already one hundred and sixty-two millions of acres. And now, because the capacity to purchase, in its nature limited by the growth of our population, is totally incompetent to absorb this immense quantity, the government is called upon, by some of the very persons who urged the exhibition of this vast amount to sale, to consider all that remains unsold as refuse! Twenty-five millions in thirty-six years only are sold, and all the rest is to be looked upon as refuse. Is this right? If there had been five hundred millions in market, there probably would not have been more or much more sold. But I deny the correctness of the conclusion that it is worthless because not sold. It is not sold, because there were not people to buy it. You must have gone to other countries, to other worlds, to the moon, and drawn from thence people to buy the prodigious quantity which you offered to sell.

Refuse land! A purchaser goes to a district of country and buys out of a township a section which strikes his fancy. He exhausts his money. Others might have preferred other sections. Other sections may even be better than his. He can with no more propriety be said to have 'refused' or rejected all the other sections, than a man who, attracted by the beauty, charms, and accomplishments of a particular lady, marries her, can be said to have rejected or refused all the rest of the sex.

Is it credible, that out of one hundred and fifty or one hundred and sixty millions of acres of land in a valley celebrated for its fertility, there are only about twenty-five millions of acres of good land, and that all the rest is refuse? Take the state of Illinois as an example. Of all the states in the union, that state probably contains the greatest proportion of rich, fertile lands; more than Ohio, more than Indiana, abounding as they both do in fine lands. Of the thirty-three millions and a half of public lands in Illinois, a little more only than two millions have been sold. Is the residue of thirty-one millions all refuse land? Who that is acquainted in the west can assert or believe it? No, sir; there is no such thing. The unsold lands are unsold because of the reasons already assigned. Doubtless there is much inferior land remaining, but a vast quantity of the best of lands also. For its timber, soil, water-power, grazing, minerals, almost all land possesses a certain value. If the lands unsold are refuse and worthless in the hands of the general government, why are they sought after with so much avidity? If in our hands they are good for nothing, what more would they be worth in the hands of the new states? 'Only fit to be given to settlers!' What settlers would thank you? what settlers would not scorn a gift of *refuse*, worthless land? If you mean to be generous, give them what is valuable; be manly in your generosity.

But let us examine a little closer this idea of refuse land. If there be any state in which it is to be found in large quantities, that state would be Ohio. It is the oldest of the new states. There the public lands have remained longer exposed in the market. But there we find only five millions and a half to be sold. And I hold in my hand an account of sales in the Zanesville district, one of the oldest in that state, made during the present year. It is in a paper, entitled the 'Ohio Republican,' published at Zanesville, the twenty-sixth of May, 1832. The article is headed 'refuse land,' and it states: 'it has suited the interest of some to represent the lands of the United States which have remained in market for many years, as mere 'refuse' which cannot be sold; and to urge a rapid reduction of price, and the cession of the residue, in a short period, to the states in which they are situated. It is strongly urged against this plan, that it is a speculating project, which, by alienating a large quantity of land from the United States, will cause a great increase of price to actual settlers, in a few years; instead of their being able for ever, as it may be said is the case under the present system of land sales, to obtain a farm at a reasonable price. To show how far the lands unsold are from being worthless, we copy from the Gazette the following statement of recent sales in the Zanesville district, one of the oldest districts in the west. The sales at the Zanesville land-office, since the commencement of the present year, have been as follows; January, seven thousand one hundred and twenty dollars and eighty cents; February, eight thousand five hundred and forty-two dollars and sixty-seven cents; March, eleven thousand seven hundred and forty-four dollars and seventy-five cents; April, nine thousand two hundred and nine dollars and nineteen cents; and since the first of the present month about nine thousand dollars worth have been sold, more than half of which was in forty acre lots.' And there cannot be a doubt that the act, passed at this session, authorizing sales of forty acres, will, from the desire to make additions to farms, and to settle young members of families, increase the sales very much, at least during this year.

A friend of mine in this city bought in Illinois, last fall, about two thousand acres of this refuse land, at the minimum price, for which he has lately refused six dollars per acre. An officer of this body, now in my eye, purchased a small tract of this same refuse land, of one hundred and sixty acres, at second or third hand, entered a few years ago, and which is now estimated at one thousand and nine hundred dollars. It is a business, a very profitable business, at which fortunes are made in the new states, to purchase these refuse lands, and, without improving them, to sell them at large advances.

Far from being discouraged by the fact of so much surveyed public land remaining unsold, we should rejoice that this bountiful resource, possessed by our country, remains in almost undiminished quantity, notwithstanding so many new and flourishing states

have sprung up in the wilderness, and so many thousands of families have been accommodated. It might be otherwise, if the public land was dealt out by government with a sparing, grudging, griping hand. But they are liberally offered, in exhaustless quantities, and at moderate prices, enriching individuals, and tending to the rapid improvement of the country. The two important facts brought forward and emphatically dwelt on by the committee of manufactures, stand in their full force, unaffected by any thing stated in the report of the land committee. These facts must carry conviction to every unbiased mind, that will deliberately consider them. The first is, the rapid increase of the new states, far outstripping the old, averaging annually an increase of eight and a half per centum, and doubling of course in twelve years. One of these states, Illinois, full of refuse land, increasing at the rate of eighteen and a half per centum! Would this astonishing growth take place if the lands were too high, or all the good land sold? The other fact is, the vast increase in the annual sales—in 1830, rising of three millions. Since the report of the committee of manufactures, the returns have come in of the sales of last year, which had been estimated at three millions. They were, in fact, three million five hundred and sixty-six thousand one hundred and twenty-seven dollars and ninety-four cents! Their progressive increase baffles all calculation. Would this happen, if the price were too high?

It is argued, that the value of different townships and sections is various; and that it is, therefore, wrong to fix the same price for all. The variety in the quality, situation, and advantages, of different tracts, is no doubt great. After the adoption of any system of classification, there would still remain very great diversity in the tracts belonging to the same class. This is the law of nature. The presumption of inferiority, and of refuse land, founded upon the length of time that the land has been in market, is denied, for reasons already stated. The offer, at public auction, of all lands to the highest bidder, previous to their being sold at private sale, provides in some degree for the variety in the value, since each purchaser pushes the land up to the price which, according to his opinion, it ought to command. But if the price demanded by government is not too high for the good land, (and no one can believe it,) why not wait until that is sold, before any reduction in the price of the bad? And that will not be sold for many years to come. It would be quite as wrong to bring the price of good land down to the standard of the bad, as it is alleged to be, to carry the latter up to that of the former. Until the good land is sold there will be no purchasers of the bad; for, as has been stated in the report of the committee of manufactures, a discreet farmer would rather give a dollar and a quarter per acre for first-rate land, than accept refuse and worthless land as a present.

'Fourth. Because the speedy extinction of the *federal* title within their limits is necessary to the *independence* of the *new* states, to their *equality* with the *elder* states; to the *development* of their resources; to the *subjection* of their soil to *taxation*, *cultivation*, and *settlement*, and to the *proper* enjoyment of their jurisdiction and sovereignty.'

All this is mere assertion and declamation. The general government, at a moderate price, is selling the public land as fast as it can find purchasers. The new states are populating with unexampled rapidity; their condition is now much more eligible than that of some of the old states. Ohio, I am sorry to be obliged to confess, is, in internal improvement and some other respects, fifty years in advance of her elder sister and neighbor, Kentucky. How have her growth and prosperity, her independence, her equality with the elder states, the development of her resources, the taxation, cultivation, and settlement of her soil, or the proper enjoyment of her jurisdiction and sovereignty, been affected or impaired by the federal title within her limits? The federal title! It has been a source of blessings and of bounties, but not one of real grievance. As to the exemption from taxation of the public lands, and the exemption for five years of those sold to individuals, if the public land belonged to the new states, would they tax it? And as to the latter exemption, it is paid for by the general government, as may be seen by reference to the compacts; and it is, moreover, beneficial to the new states themselves, by holding out a motive to emigrants to purchase and settle within their limits.

'Sixth. Because the ramified machinery of the land-office department, and the ownership of so much soil, extends the patronage and authority of the general government into the *heart* and *corners* of the new states, and subjects their *policy* to the danger of a *foreign* and *powerful* influence.'

A foreign and powerful influence! The federal government a foreign government! And the exercise of a legitimate control over the national property, for the benefit of the whole people of the United States, a deprecated penetration into the heart and corners of the new states! As to the calamity of the land offices, which are held within them, I believe that is not regarded by the people of these states with quite as much horror as it is by the land committee. They justly consider that they ought to hold those offices themselves, and that no persons ought to be sent from the other *foreign* states of this union to fill them. And, if the number of the offices were increased, it would not be looked upon by them as a grievous addition to the calamity.

But what do the land committee mean by the authority of this foreign, federal government? Surely, they do not desire to get rid of the federal government. And yet the final settlement of the land question will have effected but little in expelling its authority from the bosoms of the new states. Its action will still remain in a thousand forms, and the *heart* and *corners* of the new states will

still be invaded by post-offices and post-masters, and post-roads, and the Cumberland road, and various other modifications of its power.

'Because the sum of four hundred and twenty-five millions of dollars, proposed to be drawn from the new states and territories, by the sale of their soil, at one dollar and twenty-five cents per acre, is unconscionable and impracticable — such as never can be paid — and the bare attempt to raise which, must drain, exhaust, and impoverish these states, and give birth to the feelings, which a sense of injustice and oppression never fail to excite, and the excitement of which should be so carefully avoided in a confederacy of free states.'

In another part of this report the committee say, speaking of the immense revenue alleged to be derivable from the public lands, 'this ideal revenue is estimated at four hundred and twenty-five millions of dollars, for the lands now within the limits of the states and territories, and at one billion three hundred and sixty-three million five hundred and eighty-nine thousand six hundred and ninety-one dollars for the whole federal domain. Such *chimerical* calculations preclude the propriety of argumentative answers.' Well, if these calculations are all chimerical, there is no danger, from the preservation of the existing land system, of draining, exhausting and impoverishing the new states, and of exciting them to rebellion.

The manufacturing committee did not state what the public lands would, in fact, produce. They could not state it. It is hardly a subject of approximate estimate. The committee stated what would be the proceeds, estimated by the minimum price of the public lands; what, at one half of that price; and added, that, although there might be much land that would never sell at one dollar and a quarter per acre, 'as fresh lands are brought into market and exposed to sale at auction, many of them sell at prices exceeding one dollar and a quarter per acre.' They concluded by remarking, that the least favorable view of regarding them, was to consider them a capital yielding an annuity of three millions of dollars at this time; that, in a few years, that annuity would probably be doubled, and that the capital might then be assumed as equal to one hundred millions of dollars.

Whatever may be the sum drawn from the sales of the public lands, it will be contributed, not by citizens of the states alone in which they are situated, but by emigrants from all the states. And it will be raised, not in a single year, but in a long series of years. It would have been impossible for the state of Ohio to have paid, in one year, the millions that have been raised in that state, by the sale of public lands; but in a period of upwards of thirty years, the payment has been made, not only without impoverishing, but with the constantly increasing prosperity of the state.

Such, Mr. President, are the reasons of the land committee, for the reduction of the price of the public lands. Some of them had

been anticipated and refuted in the report of the manufacturing committee; and I hope that I have now shown the insolidity of the residue.

I will not dwell upon the consideration urged in that report, against any large reduction, founded upon its inevitable tendency to lessen the value of the landed property throughout the union, and that in the western states especially. That such would be the necessary consequence, no man can doubt, who will seriously reflect upon such a measure as that of throwing into market, immediately, upwards of one hundred and thirty millions of acres, and at no distant period upwards of two hundred millions more, at greatly reduced rates.

If the honorable chairman of the land committee, (Mr. King,) had relied upon his own sound practical sense, he would have presented a report far less objectionable than that which he has made. He has availed himself of another's aid, and the hand of the senator from Missouri, (Mr. Benton,) is as visible in the composition, as if his name had been subscribed to the instrument. We hear again, in this paper, of that which we have so often heard repeated before in debate, by the senator from Missouri — the sentiments of Edmund Burke. And what was the state of things in England, to which those sentiments were applied?

England has too little land, and too many people. America has too much land, for the present population of the country, and wants people. The British crown had owned, for many generations, large bodies of land, preserved for game and forest, from which but small revenues were derived. It was proposed to sell out the crown lands, that they might be peopled and cultivated, and that the royal family should be placed on the civil list. Mr. Burke supported the proposition by convincing arguments. But what analogy is there between the crown lands of the British sovereign, and the public lands of the United States? Are they here locked up from the people, and, for the sake of their game or timber, excluded from sale? Are not they freely exposed in market, to all who want them, at moderate prices? The complaint is, that they are not sold fast enough, in other words, that people are not multiplied rapidly enough to buy them. Patience, gentlemen of the land committee, patience! The new states are daily rising in power and importance. Some of them are already great and flourishing members of the confederacy. And, if you will only acquiesce in the certain and quiet operation of the laws of God and man, the wilderness will quickly teem with people, and be filled with the monuments of civilization.

The report of the land committee proceeds to notice and to animadvert upon certain opinions of a late secretary of the treasury, contained in his annual report, and endeavors to connect them with some sentiments expressed in the report of the committee of

manufactures. That report has before been the subject of repeated commentary in the senate, by the senator from Missouri, and of much misrepresentation and vituperation in the public press. Mr. Rush showed me the rough draft of that report, and I advised him to expunge the paragraphs in question, because I foresaw that they would be misrepresented, and that he would be exposed to unjust accusation. But knowing the purity of his intentions, believing in the soundness of the views which he presented, and confiding in the candor of a just public, he resolved to retain the paragraphs. I cannot suppose the senator from Missouri ignorant of what passed between Mr. Rush and me, and of his having, against my suggestions, retained the paragraphs in question, because these facts were all stated by Mr. Rush himself, in a letter addressed to a late member of the house of representatives, representing the district in which I reside, which letter, more than a year ago, was published in the western papers.

I shall say nothing in defence of myself, nothing to disprove the charge of my cherishing unfriendly feelings and sentiments towards any part of the west. If the public acts in which I have participated, if the uniform tenor of my whole life, will not refute such an imputation, nothing that I could here say would refute it.

But I *will* say something in defence of the opinions of my late patriotic and enlightened colleague, not here to speak for himself; and I will vindicate his official opinions from the erroneous glosses and interpretations which have been put upon them.

Mr. Rush, in an official report which will long remain a monument of his ability, was surveying, with a statesman's eye, the condition of America. He was arguing in favor of the protective policy — the American system. He spoke of the limited vocations of our society, and the expediency of multiplying the means of increasing subsistence, comfort, and wealth. He noticed the great and the constant tendency of our fellow-citizens to the cultivation of the soil, the want of a market for their surplus produce, the inexpediency of all blindly rushing to the same universal employment, and the policy of dividing ourselves into various pursuits. He says:

'The manner in which the remote lands of the United States are selling and settling, whilst it possibly may tend to increase more quickly the aggregate population of the country, and the mere means of subsistence, does not increase capital in the same proportion. * * * * Anything that may serve to hold back this tendency to diffusion from running *too far and too long into an extreme*, can scarcely prove otherwise than salutary * * * * If the population of these, (a majority of the states, including some western states,) not yet redundant in fact, though appearing to be so, under this legislative incitement to emigrate, remain fixed in more instances, as it probably would be by extending the *motives* to manufacturing labor, it is believed that the nation would gain in two ways: first, by the more rapid accumulation of capital, and next, by the gradual reduction of the *excess* of its agricultural population over that engaged in other vocations. It is not imagined that it ever would be practicable, even if it were desirable, *to turn* this *stream* of emigration aside; but resources, opened through the influence of the laws, in new fields of industry, to the inhabitants of the states already sufficiently peopled to enter upon them, might operate to lessen, in some degree, and usefully lessen, its absorbing force.'

Now, Mr. President, what is there in this view adverse to the west, or unfavorable to its interests? Mr. Rush is arguing on the tendency of the people to engage in agriculture, and the incitement to emigration produced by our laws. Does he propose to change those laws in that particular? Does he propose any new measure? So far from suggesting any alteration of the conditions on which the public lands are sold, he expressly says, that it is not desirable, if it were practicable, to turn this stream of emigration aside. Leaving all the laws in full force, and all the motives to emigration arising from fertile and cheap lands, untouched, he recommends the encouragement of a new branch of business, in which all the union, the west as well as the rest, is interested; thus presenting an option to population to engage in manufactures or in agriculture, at its own discretion. And does such an option afford just ground of complaint to any one? Is it not an advantage to all? Do the land committee desire (I am sure they do not) to create starvation in one part of the union, that emigrants may be forced into another? If they do not, they ought not to condemn a multiplication of human employments, by which, as its certain consequence, there will be an increase in the means of subsistence and comfort. The objection to Mr. Rush, then, is, that he looked at his *whole* country, and at all parts of it; and that, whilst he desired the prosperity and growth of the west to advance undisturbed, he wished to build up, on deep foundations, the welfare of all the people.

Mr. Rush knew that there were thousands of the poorer classes who never would emigrate; and that emigration, under the best auspices, was far from being unattended with evil. There are moral, physical, pecuniary obstacles to all emigration; and these will increase, as the good vacant lands of the west are removed, by intervening settlements further and further from society, as it is now located. It is, I believe, Dr. Johnson who pronounces, that of all vegetable and animal creation, man is the most difficult to be uprooted and transferred to a distant country; and he was right. Space itself, mountains, and seas, and rivers, are impediments. The want of pecuniary means, the expenses of the outfit, subsistence and transportation of a family, is no slight circumstance. When all these difficulties are overcome, (and how few, comparatively, can surmount them!) the greatest of all remains — that of being torn from one's natal spot — separated, for ever, from the roof under which the companions of his childhood were sheltered, from the trees which have shaded him from summer's heats, the spring from whose gushing fountain he has drunk in his youth, the tombs that hold the precious relic of his venerated ancestors!

But I have said, that the land committee had attempted to confound the sentiments of Mr. Rush with some of the reasoning employed by the committee of manufactures against the proposed

reduction of the price of the public lands. What is that reasoning? Here it is; it will speak for itself; and without a single comment will demonstrate how different it is from that of the late secretary of the treasury, unexceptionable as that has been shown to be.

'The greatest emigration, (says the manufacturing committee,) that is believed now to take place from any of the states, is from Ohio, Kentucky, and Tennessee. The effects of a material reduction in the price of the public lands, would be, first, to lessen the value of real estate in those three states; secondly, to diminish their interest in the public domain, as a common fund for the benefit of all the states; and, thirdly, to offer what would operate as a bounty to further emigration from those states, occasioning more and more lands, situated within them, to be thrown into the market, thereby not only lessening the value of their lands, but draining them, both of their population and labor.'

There are good men in different parts, but especially in the Atlantic portion, of the union, who have been induced to regard lightly this vast national property; who have been persuaded that the people of the west are dissatisfied with the administration of it; and who believe that it will, in the end, be lost to the nation, and that it is not worth present care and preservation. But these are radical mistakes. The great body of the west are satisfied, perfectly satisfied, with the general administration of the public lands. They would indeed like, and are entitled to, a more liberal expenditure among them of the proceeds of the sales. For this provision is made by the bill to which I will hereafter call the attention of the senate. But the great body of the west have not called for, and understand too well their real interest to desire, any essential change in the system of survey, sale, or price of the lands. There may be a few, stimulated by demagogues, who desire change; and what system is there, what government, what order of human society, in which a few do not desire change?

It is one of the admirable properties of the existing system, that it contains within itself and carries along principles of conservation and safety. In the progress of its operation, new states become identified with the old, in feeling, in thinking, and in interest. Now, Ohio is as sound as any old state in the union, in all her views relating to the public lands. She feels that her share in the exterior domain is much more important than would be an exclusive right to the few millions of acres left unsold, within her limits, accompanied by a virtual surrender of her interest in all the other public lands of the United States. And I have no doubt, that now, the people of the other new states, left to their own unbiased sense of equity and justice, would form the same judgment. They cannot believe that what they have not bought, what remains the property of themselves and all their brethren of the United States, in common, belongs to them exclusively. But if I am mistaken, if they have been deceived by erroneous impressions on their mind, made by artful men, as the sales proceed, and the land is exhausted,

and their population increased, like the state of Ohio, they will feel that their true interest points to their remaining copartners in the whole national domain, instead of bringing forward an unfounded pretension to the inconsiderable remnant which will be then left in their own limits.

And now, Mr. President, I have to say something in respect to the particular plan brought forward by the committee of manufactures, for a temporary appropriation of the proceeds of the sales of the public lands.

The committee say that this fund is not wanted by the general government; that the peace of the country is not likely, from present appearances, to be speedily disturbed; and that the general government is absolutely embarrassed in providing against an enormous surplus in the treasury. While this is the condition of the federal government, the states are in want of, and can most beneficially use, that very surplus with which we do not know what to do. The powers of the general government are limited; those of the states are ample. If those limited powers authorized an application of the fund to some objects, perhaps there are some others, of more importance, to which the powers of the states would be more competent, or to which they may apply a more provident care.

But the government of the whole and of the parts, at last is but one government of the same people. In form they are two, in substance one. They both stand under the same solemn obligation to promote, by all the powers with which they are respectively intrusted, the happiness of the people; and the people, in their turn, owe respect and allegiance to both. Maintaining these relations, there should be mutual assistance to each other afforded by these two systems. When the states are full-handed, and the coffers of the general government are empty, the states should come to the relief of the general government, as many of them did, most promptly and patriotically, during the late war. When the conditions of the parties are reversed, as is now the case, the states wanting what is almost a burden to the general government, the duty of this government is to go to the relief of the states.

They were views like these which induced a majority of the committee to propose the plan of distribution, contained in the bill now under consideration. For one, however, I will again repeat the declaration, which I made early in the session, that I unite cordially with those who condemn the application of any principle of distribution among the several states, to surplus revenue derived from taxation. I think income derived from taxation stands upon ground totally distinct from that which is received from the public lands. Congress can prevent the accumulation, at least for any considerable time, of revenue from duties, by suitable legislation, lowering or augmenting the imposts; but it cannot stop the sales of the public lands, without the exercise of arbitrary and intolera-

ble power. The powers of congress over the public lands are broader and more comprehensive, than those which they possess over taxation, and the money produced by it.

This brings me to consider, first, the power of congress to make the distribution. By the second part of the third section of the fourth article of the constitution, congress 'have power to *dispose of* and make all needful rules and regulations respecting the territory or other property of the United States.' The power of disposition is plenary, unrestrained, unqualified. It is not limited to a specified object or to a defined purpose, but left applicable to any object or purpose which the wisdom of congress shall deem fit, acting under its high responsibility.

The government purchased Louisiana and Florida. May it not apply the proceeds of lands within those countries, to any object which the good of the union may seem to indicate? If there be a restraint in the constitution, where is it, what is it?

The uniform practice of the government has conformed to the idea of its possessing full powers over the public lands. They have been freely granted, from time to time, to communities and individuals, for a great variety of purposes. To states for education, internal improvements, public buildings; to corporations for education; to the deaf and dumb; to the cultivators of the olive and the vine; to preëmptioners; to general Lafayette, and so forth.

The deeds from the ceding states, far from opposing, fully warrant the distribution. That of Virginia ceded the land as 'a common fund for the use and benefit of *such* of the United States as have become, or shall become, members of the confederation or federal alliance of the said states, Virginia inclusive.' The cession was for the benefit of all the states. It may be argued, that the fund must be retained in the common treasury, and thence paid out. But by the bill reported, it will come into the common treasury, and then the question, how it shall be subsequently applied for the use and benefit of *such* of the United States as compose the confederacy, is one of modus only. Whether the money is disbursed by the general government directly, or is paid out upon some equal and just principle, to the states, to be disbursed by them, cannot affect the right of distribution. If the general government retained the power of ultimate disbursement, it could execute it only by suitable agents; and what agency is more suitable than that of the states themselves? If the states expend the money, as the bill contemplates, the expenditure will, in effect, be a disbursement for the benefit of the whole, although the several states are organs of the expenditure; for the whole and all the parts are identical. And, whatever redounds to the benefit of all the parts, necessarily contributes, in the same measure, to the benefit of the whole. The great question should be, is the distribution upon equal and just principles? And this brings me to consider,

Secondly, the terms of the distribution proposed by the bill of the committee of manufactures. The bill proposes a division of the net proceeds of the sales of the public lands, among the several states composing the union, according to their federal representative population, as ascertained by the last census; and it provides for new states, that may hereafter be admitted into the union. The basis of the distribution, therefore, is derived from the constitution itself, which has adopted the same rule, in respect to representation and direct taxes. None could be more just and equitable.

But it has been contended in the land report, that the revolutionary states which did not cede their public lands, ought not to be allowed to come into the distribution. This objection does not apply to the purchases of Louisiana and Florida, because the consideration for them was paid out of the common treasury, and was consequently contributed by all the states. Nor has the objection any just foundation, when applied to the public lands derived from Virginia, and the other ceding states; because, by the terms of the deeds, the cessions were made for the use and benefit of all the states. The ceding states having made no exception of any state, what right has the general government to interpolate in the deeds, and now create an exception? The general government is a mere trustee, holding the domain in virtue of those deeds, according to the terms and conditions which they expressly describe; and it is bound to execute the trust accordingly. But how is the fund produced by the public lands now expended? It comes into the common treasury, and is disbursed for the common benefit, without exception of any state. The bill only proposes to substitute to that object, now no longer necessary, another and more useful common object. The general application of the fund will continue, under the operation of the bill, although the particular purposes may be varied.

The equity of the proposed distribution, as it respects the two classes of states, the old and the new, must be manifest to the senate. It proposes to assign to the new states, besides the five per centum stipulated for in their several compacts with the general government, the further sum of ten per centum upon the net proceeds. Assuming the proceeds of the last year, amounting to three millions five hundred and sixty-six thousand one hundred and twenty-seven dollars and ninety-four cents, as the basis of the calculation, I hold in my hand a paper which shows the sum that each of the seven new states would receive. They have complained of the exemption from taxation of the public lands sold by the general government for five years after the sale. If that exemption did not exist, and they were to exercise the power of taxing those lands, as the average increase of their population is only eight and a half per centum per annum, the additional revenue

which they would raise, would be only eight and a half per centum per annum; that is to say, a state now collecting a revenue of one hundred thousand dollars per annum, would collect only one hundred and eight thousand five hundred, if it were to tax the lands recently sold. But by the bill under consideration, each of the seven new states will annually receive, as its distributive share, more than the whole amount of its annual revenue.

It may be thought, that to set apart ten per centum to the new states, in the first instance, is too great a proportion, and is unjust towards the old states. But it will be recollected that, as they populate much faster than the old states, and as the last census is to govern in the apportionment, they ought to receive more than the old states. If they receive too much at the commencement of the term, it may be neutralized by the end of it.

Afrer the deduction shall have been made of the fifteen per centum allotted to the new states, the residue is to be divided among the twenty-four states, old and new, composing the union. What each of the states would receive, is shown by a table annexed to the report. Taking the proceeds of the last year as the standard, there must be added one sixth to what is set down in that table as the proportion of the several states.

If the power and the principle of the proposed distribution be satisfactory to the senate, I think the objects cannot fail to be equally so. They are education, internal improvements, and colonization, all great and beneficent objects, all national in their nature. No mind can be cultivated and improved; no work of internal improvement can be executed in any part of the union, nor any person of color transported from any of its ports, in which the whole union is not interested. The prosperity of the whole is an aggregate of the prosperity of the parts.

The states, each judging for itself, will select among the objects enumerated in the bill, that which comports best with its own policy. There is no compulsion in the choice. Some will prefer, perhaps, to apply the fund to the extinction of debt, now burdensome, created for internal improvement; some to new objects of internal improvement; others to education; and others again to colonization. It may be supposed possible that the states will divert the fund from the specified purposes. But against such a misapplication we have, in the first place, the security which arises out of their presumed good faith; and, in the second, the power to withhold subsequent, if there has been any abuse in previous appropriations.

It has been argued that the general government has no power in respect to colonization. Waiving that, as not being a question at this time, the real inquiry is, have the states themselves any such power? For it is to the states that the subject is referred. The evil of a free black population, is not restricted to particular states,

but extends to and is felt by all. It is not, therefore, the slave question, but totally distinct from and unconnected with it. I have heretofore often expressed my perfect conviction, that the general government has no constitutional power which it can exercise in regard to African slavery. That conviction remains unchanged. The states in which slavery is tolerated, have exclusively in their own hands the entire regulation of the subject. But the slave states differ in opinion as to the expediency of African colonization. Several of them have signified their approbation of it. The legislature of Kentucky, I believe unanimously, recommended the encouragement of colonization to congress.

Should a war break out during the term of five years, that the operation of the bill is limited to, the fund is to be withdrawn and applied to the vigorous prosecution of the war. If there be no war, congress, at the end of the term, will be able to ascertain whether the money has been beneficially expended, and to judge of the propriety of continuing the distribution.

Three reports have been made, on this great subject of the public lands, during the present session of congress, besides that of the secretary of the treasury at its commencement — two in the senate and one in the house. All three of them agree, first, in the preservation of the control of the general government over the public lands; and, secondly, they concur in rejecting the plan of a cession of the public lands to the states in which they are situated, recommended by the secretary. The land committee of the senate propose an assignment of fifteen per centum of the net proceeds, besides the five per centum stipulated in the compacts, (making together twenty per centum,) to the new states, and *nothing to the old.*

The committee of manufactures of the senate, after an allotment of an additional sum of ten per centum to the new states, propose an equal distribution of the residue among all the states, old and new, upon equitable principles.

The senate's land committee, besides the proposal of a distribution, restricted to the new states, recommends an immediate reduction of the price of 'fresh lands,' to a minimum of one dollar per acre, and to fifty cents per acre for lands which have been five years or upwards in market.

The land committee of the house is opposed to all distribution, general or partial, and recommends a reduction of the price to one dollar per acre.

And now, Mr. President, I have a few more words to say, and shall be done. We are admonished by all our reflections, and by existing signs, of the duty of communicating strength and energy to the glorious union which now encircles our favored country. Among the ties which bind us together, the public domain merits high consideration. And if we appropriate, for a limited time, the

proceeds of that great resource, among the several states, for the important objects which have been enumerated, a new and powerful bond of affection and of interest will be added. The states will feel and recognise the operation of the general government, not merely in power and burdens, but in benefactions and blessings. And the general government in its turn will feel, from the expenditure of the money which it dispenses to the states, the benefits of moral and intellectual improvement of the people, of greater facility in social and commercial intercourse, and of the purification of the population of our country, themselves the best parental sources of national character, national union, and national greatness. Whatever may be the fate of the particular proposition now under consideration, I sincerely hope that the attention of the nation may be attracted to this most interesting subject; that it may justly appreciate the value of this immense national property; and that, preserving the regulation of it by the will of the whole, for the advantage of the whole, it may be transmitted, as a sacred and inestimable succession, to posterity, for its benefit and blessing for ages to come.

ON THE NORTHEASTERN BOUNDARY OF THE UNITED STATES.

IN THE SENATE OF THE UNITED STATES, JULY 10, 1832.

[THE disputed question of the northeastern boundary of the United States, between the state of Maine and the British provinces, had been referred, in pursuance of an article of the treaty of Ghent, to the king of the Netherlands, for his opinion as to the true boundary line. That monarch having made his award, recommending the River St. John as the proper boundary line, (with some variations;) president Jackson communicated the decision to the senate, asking their advice thereon, as part of the treaty-making power. The subject being under discussion, (in secret session,) Mr. Clay made the following remarks, in which he shows that the advice asked of the senate was premature on the part of the president, with whom the responsibility should rest, until a treaty respecting the boundary should be concluded. This view of the matter was sustained by the subsequent course of the government, which resulted in the final settlement of this boundary question, concluded in 1842, by lord Ashburton and Mr. Webster, secretary of state, and afterwards confirmed by the senate.]

INTENDING to express, in a few words, my sentiments on this subject, I have thought I might as well embrace this occasion to do it. The president has called upon the senate for its advice, as to the award of the king of the Netherlands, respecting the northeastern boundary of the United States. This call upon the senate is made, not in its legislative character, but as a component part of the treaty-making power. If the senate, therefore, should give any advice on the matter, it must act in its executive capacity, and according to those rules which govern it when so acting. Among these, is that which requires the concurrence of two thirds of the senators present.

The language of the constitution, taken literally, would perhaps require a participation of the senate in the original formation of all treaties. The words are, 'he, (the president,) shall have power, by and with the advice and consent of the senate, to *make* treaties; provided two thirds of the senators present concur.' In the early stages of his administration, general Washington endeavored to execute this part of the constitution according to its literal interpretation; but he soon found it impracticable, and abandoned it. The

difficulty of consulting so large a body as to the instructions to be given to a foreign minister; the variety of propositions which may be interchanged in the progress of a negotiation, and the inconvenience of a perpetual recurrence to the senate for its opinion upon each of them, besides other considerations, rendered it altogether inexpedient to take the advice and consent of the senate previously to the conclusion of treaties. When concluded, president Washington thought the purport of the constitution would be satisfied by submitting them to the senate; as they could not be said to be *made*, in the language of the constitution, until the senate gave its constitutional concurrence to their becoming obligatory national compacts.

Accordingly, from an early period, in the first term of his administration, down to the present time, the settled and uniform practice of the executive government has been, to open negotiations with foreign powers, and to conclude such treaties as the president conceives the interests of this country demand. When so concluded, they are submitted to the senate for its constitutional advice and consent. And the extent of any agency which the senate exercises, in the formation of a treaty, is limited to proposing, as was done in the treaty of Mr. Jay, in 1794, amendments to the treaty. These become the subject of future negotiation.

To this established practice of the government, the present administration has hitherto, itself, conformed. And I presume it is not intended to change it, and to revive the impracticable course which general Washington was compelled to abandon, from experience.

What, then, are the circumstances of the case which the president has brought here for the consideration of the senate? In virtue of several treaties between the United States and Great Britain, on all of which treaties the senate had regularly acted and given its advice and consent, the disputed northeastern boundary was submitted to the decision of the king of the Netherlands, as the arbitrator between the two contracting parties, to decide the controversy. The king has pronounced his judgment, and communicated his award to each of the parties. Various questions have been started as to the validity of this instrument. Such as, whether it was intended as a decision binding the parties; whether it does not transcend the authority vested in the king, by the terms of the submission; whether it can be regarded as any thing more than the advice or recommendation of the king as to a suitable boundary, which either party is at liberty to adopt or not, at his discretion.

Whatever may be the real character of this royal act, no treaty, in consequence of it, has been concluded between the United States and Great Britain, as far as the senate is advised. It stands upon its own isolated ground. The president has asked the senate to advise him whether he shall sanction the award, and the report

of the committee of foreign relations, now before us, recommends that the government of Great Britain be notified of the acquiescence in it by the government of the United States.

Now, Mr. President, it seems to me, that, in the present state of the transaction, there is nothing brought by the president to our consideration, on which the senate, as a part of the treaty-making or executive power, can constitutionally act. There is no treaty presented to us for our advice and consent, not even a negotiation proposed, nor, in short, any basis whatever for the action of the senate. If the award of the king of the Netherlands be binding, it derives its validity from the consent of the parties referring the question to him, and from his having decided the case, in conformity with the terms of the submission. If he has not decided it, or if in deciding it he has transcended the terms of the submission, it is not binding and obligatory. The president being the only constitutional organ of the people of the United States, in all communications with foreign powers, and moreover charged with the execution of the laws and treaties of the United States, is bound to notify the British government what are the executive views in relation to the award. If he tells that government that this does not hold itself bound by the award, a negotiation would probably take place between the parties. If, on the contrary, the president notifies the British government that the United States are bound by the award, he would have to come to congress for its *legislative* aid in carrying into effect the award. And should he so come, the question of the validity of the award would be as open to the examination of congress as it had been to the president. So, if any negotiation which may be opened with Great Britain, in relation to the award, should terminate in the conclusion of a treaty, the president would be bound to submit that treaty to the senate for its constitutional advice and consent. The president not having applied to congress for any act of legislation, and having submitted no treaty or national compact, in any form, to this body, I think there is nothing before us on which we can constitutionally act; and that any advice which, under these circumstances, we might offer to the president, would have no warrant or authority in the constitution of the United States. I cannot, therefore, consent to vote for the resolution reported by the committee of foreign relations, or to concur in the adoption of any other resolution which would imply the right of the senate to express any opinion on the matter in its present state and condition.

Whilst this is my deliberate judgment, I have no hesitation to offer to the president, if he would attach any consequence to them, my views and opinions, as a private citizen, on the whole matter of the northeastern boundary. At Ghent, Great Britain did not assert any right to the territory to which she subsequently set up a

claim. She sought there to obtain by negotiation, and exchange of territory with the United States, a passage within her own jurisdiction from Nova Scotia and New Brunswick to Quebec. The British commissioners were told by the American, on that occasion, that they had no power to cede away or exchange any part of the territory of Massachusetts, which then included Maine. As there were many parts of the long line of boundary between the United States and Great Britain unsettled and unmarked, it became necessary to have it correctly ascertained and defined. For this purpose several boards of commissioners were provided for by the treaty of Ghent, in the same manner as a similar board had been created by a previous treaty. Most of these boards have amicably and satisfactorily settled the questions respectively submitted to them. That to which was referred the boundary now in dispute could not agree. Before this board, Great Britain brought forward and claimed as her right, that which she had sought to obtain by negotiation only, at the conferences of Ghent. And the perseverance with which she has prosecuted her pretensions, and the apparent success with which they have been so far finally crowned, demonstrate that there never need be despair in any cause, however bad.

During my service in an executive department, it became my duty to examine into this claim asserted by Great Britain; and the result was a firm persuasion and a strong conviction that it was unfounded, and that the right to the disputed territory was in the state of Maine. It is true that, in the treaty of peace of 1783, owing to the imperfect knowledge possessed of the country through which the boundary runs, there is some defective description, but the intention of the parties I think is clear, and according to that intention the right is with Maine, and not in Great Britain. It is altogether unnecessary, upon this occasion, to proceed to state all the grounds and considerations which brought my mind to that conclusion. By doing so, I should be trespassing upon the senate too much.

The commissioners not having been able to settle the question, the *casus fœderis*, provided for in former treaties, arose, and it became necessary to submit the question to an arbiter. The king of the Netherlands was selected for that purpose, and we all know the subsequent events. The statements, arguments, and papers of the parties, were all prepared within the two countries respectively, and transmitted to Holland, where they were submitted to the king. In consenting to refer the question, the late administration was impelled by the duty of respecting the national faith, as pledged in solemn treaties. And although the king of the Netherlands, was not the first choice of either party, high confidence was reposed in his independence, and in his ability, and integrity, by the late president of the United States.

With respect to the conduct of the arbitration, on the part of our government, there are some circumstances I think deeply to be regretted. The plan adopted by the late administration was to have retained Mr. Hughes at the Hague, elevated him to the rank of minister plenipotentiary, and send out Mr. Preble as a public agent to be associated with him. I scarcely know any man so well qualified for such a service as Mr. Hughes. He had the benefit of much diplomatic experience, and he had been very successful in various negotiations which he had conducted. Commencing his career as secretary of the commission at Ghent, he subsequently had creditably represented his government at Stockholm, and at St. Petersburgh, and at Copenhagen, on temporary missions; and he had been some time at the court of the Netherlands. Wherever he had been, he uniformly made good impressions, and conciliated the esteem and friendship of all whose acquaintance he formed. He was well versed in the language of the court of the Hague, and well acquainted with all the persons having access to, or surrounding the king. Of pleasing and winning manners, a general favorite, he was exactly such a person as was well fitted for the service. The rank of minister plenipotentiary was necessary to entitle him to approach the person of the king, according to established usage. It was a point of more importance that this government should have had such a representative at Holland, as the British government was there represented by an accomplished ambassador, (sir Charles Bagot,) well known here. Mr. Hughes, intimately acquainted with the corps diplomatique, with all the avenues of access to the king, and with all persons likely to influence the mind or judgment of the monarch or his ministers, would have been able to discover and avert the exercise of any undue influence, if any should be brought to bear upon the government of the Netherlands, in this delicate transaction.

It was among the early acts of this administration, to overturn the plan which had been thus resolved on by its predecessors, and, in place of Mr. Hughes, to send out Mr. Preble, in the sole charge of conducting a difficult arbitration. I have had only a limited acquaintance with this gentleman; but he was destitute of all diplomatic experience, had never been in the councils of the general government, and I understand could not either speak or write the language of the court to which he was sent, and where he was a total stranger. He was indeed a respectable lawyer in his own state, but of what avail would professional eminence be, where tact, insinuating manners, and thorough acquaintance with the persons of the court, were indispensable?

The result of an arbitration conducted under such auspices was to be feared. During its progress, and before the king's decision, he was stripped, by the revolution in Belgium, of the better half of his dominions. Had he been monarch of Holland alone, I think

I hazard nothing in saying, that, notwithstanding the confidence which Mr. Adams reposed in his personal character, he would not have been selected, with the concurrence of the late administration, as the sovereign arbiter. It was to an independent sovereign, one the extent of whose power and dominions placed him at the head of the second-rate states of the continent of Europe, that the controversy was submitted. It was not to the king of Holland, but to the king of Holland and Belgium, that the question was referred. It was to a monarch supposed to be unbiased, powerful, and independent, that the question was referred, and not to a sovereign, who, whilst he was arbitrating between Great Britain and the United States as to the territory of Maine, by the uncontrollable force of events found one half of his own dominions the subject of British arbitration or decision, in conjunction with the other allied powers.

By the loss of Belgium, the political character of the king was entirely changed, his identity altered, and he ceased to be that monarch, whose friendly arbitration had been solicited. Mr. Preble saw the matter in its true light, and expected to have been notified by the minister of foreign affairs of the king's declining to proceed in the arbitration. But he said nothing, and did nothing, to produce that result. Had Mr. Hughes been there, he would, by a suggestion or a hint, not at all offensive, (such as, whether the critical condition of his own domestic affairs did not afford sufficient occupation for his majesty, without troubling himself with the concerns of foreign governments, in which his own subjects had no interest,) have prevailed on the king to give up the papers; or, at least, to suspend proceeding in the arbitration until he could receive fresh instructions from his own government, adapted to the great event which had happened.

But nothing was done at the Hague or at Washington to arrest or suspend the progress of the arbitration. We have neither seen nor heard of any instructions from our secretary of state, founded on the event just mentioned. A senator (now in my eye) informed me, that he had conversed with the late secretary of state about the revolt of Belgium, and asked him, if it would not put a stop to the arbitration. To which the secretary answered, that he supposed of course it would; and yet, as far as we know, he gave no instruction whatever in relation to that event!

Under all these circumstances, our surprise at the issue of the arbitration ought to be less than it otherwise would have been. If the king of the Netherlands had definitively decided the questions actually submitted to him, in consequence of the silent acquiescence of our government in the progress of the arbitration, the honor and faith of the nation might have bound us to submit to the decision, however unjust we deem it. But, Mr. President, I cannot concur with the committee of foreign relations, in considering the paper

communicated by the king of Holland to the two governments as containing a decision. It seems to me to express only the opinion of that monarch, as to what he thinks might be a suitable boundary, and to operate as a recommendation to the parties to adopt it; but leaving them, at the same time, at full liberty to adopt it or not, at their discretion. So far from being a decision, the king professes his inability to *decide* the question submitted to him, for reasons which he states, and he does not decide it, according to the terms of the submission.

Nor can I concur with that committee in believing, that we shall be in danger of incurring the reproaches of the world for not submitting to such an award, if award it can be called. I am quite sure, that the chairman of the committee of foreign affairs, or the present secretary of state, would be fully competent to make out an argument in behalf of the rights of Maine, that would fully vindicate them, and vindicate the course of government, from all reproaches, founded on noncompliance with the advice and recommendation of the sovereign arbiter.

Entertaining these sentiments, as a private citizen, I have no hesitation in expressing my opinion that the American government, disregarding, and declining to be bound by, the award, ought to open a negotiation with Great Britain on the subject of this disputed boundary. I have no apprehensions that such a step would, necessarily, bring on war. Great Britain might have adopted one of two courses; either to proceed to occupy the territory which the sovereign arbiter thinks it would be suitable for her to possess, and signified her determination to do so; or, to communicate to our government her willingness to be governed by the advice of the arbiter, and inquired as to the intentions, on that subject, of this government. The former course would have been harsh, and might have involved the two countries in war. The latter was more respectful, and, having been adopted by Great Britain, it will be natural and easy to return an answer to the diplomatic note which has been received, stating the grounds and arguments which induce the American government to believe itself not bound by what has been done by the king of Holland. Such an answer would be preliminary to a negotiation, which would necessarily follow. It is desirable, undoubtedly, to have all controversies between nations settled, and amicably, if possible. But this is not the only question remaining to be decided between the two powers, and if that mutual respect and friendly disposition which, it is to be hoped, may predominate in the official intercourse between the two countries, should prevail, although the dispute, by the intervention of the Dutch king, has been somewhat complicated, we need not, I think, despair finally of some satisfactory arrangement.

These are my private views, Mr. President. But I think the president has come to the senate too soon, or come to it in a wrong

character. As a part of the executive government, I think the senate has nothing to do with the question, in the present state of it. Holding this opinion, I shall vote against the resolution reported by the committee of foreign affairs, and I shall vote against any other resolution or proposition which may imply or assume a power in the senate of the United States to act in the case. The president, it seems to me, is invested, exclusively, with the power of deciding, in the first instance, whether any and what obligations, if any, have been created upon the American government, in consequence of the act of the king of the Netherlands; and whether it be expedient or not to open a negotiation with Great Britain. And I think he should be left to his constitutional responsibility, to pursue such a course as a sense of duty may prompt.

ON PRESIDENT JACKSON'S VETO OF THE BILL TO RECHARTER THE UNITED STATES BANK.

IN THE SENATE OF THE UNITED STATES, JULY 12, 1832.

[THE charter of the bank of the United States, incorporated in 1816, expired by its limitation, in 1836. An act extending the charter, having passed the senate, by a vote of twenty-eight to twenty, and the house of representatives, by a vote of one hundred and five to eighty-three, was returned to the senate on the tenth of July, 1832, by president Jackson, with his objections at length, against signing the bill, and less than two thirds voting for its passage, it was rejected. On the twelfth, the veto message being under consideration, Mr. Clay delivered his sentiments in the following words.]

I HAVE some observations to submit on this question, which I would not trespass on the senate in offering, but that it has some command of leisure, in consequence of the conference which has been agreed upon, in respect to the tariff.

A bill to recharter the bank, has recently passed congress, after much deliberation. In this body, we know that there are members enough who entertain no constitutional scruples, to make, with the vote by which the bill was passed, a majority of two thirds. In the house of representatives, also, it is believed, there is a like majority in favor of the bill. Notwithstanding this state of things, the president has rejected the bill, and transmitted to the senate an elaborate message, communicating at large his objections. The constitution requires that we should reconsider the bill, and that the question of its passage, the president's objections notwithstanding, shall be taken by ays and noes. Respect to him, as well as the injunctions of the constitution, require that we should deliberately examine his reasons, and reconsider the question.

The veto is an extraordinary power, which, though tolerated by the constitution, was not expected, by the convention, to be used in ordinary cases. It was designed for instances of precipitate legislation, in unguarded moments. Thus restricted, and it has been thus restricted by all former presidents, it might not be mischievous. During Mr. Madison's administration of eight years, there occurred but two or three cases of its exercise. During the

last administration, I do not now recollect that it was once. In a period little upwards of three years, the present chief magistrate has employed the veto four times. We now hear quite frequently, in the progress of measures through congress, the statement that the president will veto them, urged as an objection to their passage.

The veto is hardly reconcilable with the genius of representative government. It is totally irreconcilable with it, if it is to be frequently employed in respect to the expediency of measures, as well as their constitutionality. It is a feature of our government, borrowed from a prerogative of the British king. And it is remarkable, that in England it has grown obsolete, not having been used for upwards of a century. At the commencement of the French revolution, in discussing the principles of their constitution, in national convention, the veto held a conspicuous figure. The gay, laughing population of Paris, bestowed on the king the appellation of monsieur Veto, and on the queen, that of madame Veto. The convention finally decreed, that if a measure rejected by the king, should obtain the sanction of two concurring legislatures, it should be a law, notwithstanding the veto. In the constitution of Kentucky, and perhaps in some other of the state constitutions, it is provided that if, after the rejection of a bill by the governor, it shall be passed by a majority of *all* the members elected to *both* houses, it shall become a law, notwithstanding the governor's objections. As a coördinate branch of the government, the chief magistrate has great weight. If, after a respectful consideration of his objections urged against a bill, a majority of all the members elected to the legislature, shall still pass it, notwithstanding his official influence, and the force of his reasons, ought it not to become a law? Ought the opinion of one man to overrule that of a legislative body, twice deliberately expressed?

It cannot be imagined that the convention contemplated the application of the veto, to a question which has been so long, so often, and so thoroughly scrutinized, as that of the bank of the United States, by every department of the government, in almost every stage of its existence, and by the people, and by the state legislatures. Of all the controverted questions which have sprung up under our government, not one has been so fully investigated as that of its power to establish a bank of the United States. More than seventeen years ago, in January, 1815, Mr. Madison then said, in a message to the senate of the United States:

'Waiving the question of the constitutional authority of the legislature to establish an incorporated bank, as being precluded, in my judgment, by repeated recognitions, under varied circumstances, of the validity of such an institution, in acts of the legislative, executive, and judicial branches of the government, accompanied by indications, in different modes, of a concurrence of the general will of the nation.'

Mr. Madison, himself opposed to the first bank of the United States, yielded his own convictions to those of the nation, and all

the departments of the government thus often expressed. Subsequently to this true but strong statement of the case, the present bank of the United States was established, and numerous other acts, of all the departments of government, manifesting their settled sense of the power, have been added to those which existed prior to the date of Mr. Madison's message.

No question has been more generally discussed, within the last two years, by the people at large, and in state legislatures, than that of the bank. And this consideration of it has been prompted by the president himself. In his first message to congress, (in December, 1829,) he brought the subject to the view of that body and the nation, and expressly declared, that it could not, for the interest of all concerned, be 'too soon' settled. In each of his subsequent annual messages, in 1830 and 1831, he again invited the attention of congress to the subject. Thus, after an interval of two years, and after the intervention of the election of a new congress, the president deliberately renews the chartering of the bank of the United States. And yet his friends now declare the agitation of the question to be premature! It was not premature in 1829 to present the question, but it is premature in 1832 to consider and decide it!

After the president had directed public attention to this question, it became not only a topic of popular conversation, but was discussed in the press, and employed as a theme in popular elections. I was myself interrogated, on more occasions than one, to make a public expression of my sentiments; and a friend of mine in Kentucky, a candidate for the state legislature, told me nearly two years ago, that he was surprised, in an obscure part of his county, (the hills of Benson,) where there was but little occasion for banks, to find himself questioned on the stump, as to the recharter of the bank of the United States. It seemed as if a sort of general order had gone out, from head-quarters, to the partisans of the administration, every where, to agitate and make the most of the question. They have done so, and their condition now reminds me of the fable invented by Dr. Franklin, of the eagle and the cat, to demonstrate that Æsop had not exhausted invention, in the construction of his memorable fables. The eagle, you know, Mr. President, pounced from his lofty flight in the air upon a cat, taking it to be a pig. Having borne off his prize, he quickly felt most painfully the paws of the cat, thrust deeply into his sides and body. Whilst flying, he held a parley with the supposed pig, and proposed to let go his hold, if the other would let him alone. No, says puss, you brought me from yonder earth below, and I will hold fast to you until you carry me back — a condition to which the eagle readily assented.

The friends of the president, who have been for nearly three years agitating this question, now turn round upon their opponents,

who have supposed the president quite serious and in earnest, in presenting it for public consideration, and charge them with prematurely agitating it. And that for electioneering purposes! The other side understands perfectly, the policy of preferring an unjust charge, in order to avoid a well-founded accusation.

If there be an electioneering motive in the matter, who have been actuated by it? Those who have taken the president at his word, and deliberated on a measure which he has repeatedly recommended to their consideration; or those who have resorted to all sorts of means to elude the question — by alternately coaxing and threatening the bank; by an extraordinary investigation into the administration of the bank; and by every species of postponement and procrastination, during the progress of the bill?

Notwithstanding all these dilatory expedients, a majority of congress, prompted by the will and the best interests of the nation, passed the bill. And I shall now proceed, with great respect and deference, to examine some of the objections to its becoming a law, contained in the president's message, avoiding, as much as I can, a repetition of what gentlemen have said who preceded me.

The president thinks that the precedents, drawn from the proceedings of congress, as to the constitutional power to establish a bank, are neutralized, by there being two for and two against the authority. He supposes that one congress, in 1811, and another in 1815, decided against the power. Let us examine both of these cases. The house of representatives in 1811, passed the bill to recharter the bank, and, consequently, affirmed the power. The senate, during the same year, were divided, seventeen and seventeen, and the vice-president gave the casting vote. Of the seventeen who voted against the bank, we know from the declaration of the senator from Maryland, (general Smith,) now present, that he entertained no doubt whatever of the constitutional power of congress to establish a bank, and that he voted on totally distinct ground. Taking away his vote and adding it to the seventeen who voted for the bank, the number would have stood eighteen for, and sixteen against the power. But we know further, that Mr. Gaillard, Mr. Anderson, and Mr. Robinson, made a part of that sixteen; and that in 1815, all three of them voted for the bank. Take those three votes from the sixteen, and add them to the eighteen, and the vote of 1811, as to the question of constitutional power, would have been twenty-one and thirteen. And of these thirteen there might have been others still, who were not governed in their votes by any doubts of the power.

In regard to the congress of 1815, so far from their having entertained any scruples in respect to the power to establish a bank, they actually passed a bank bill, and thereby affirmed the power. It is true that, by the casting vote of the speaker of the house of representatives, (Mr. Cheves,) they rejected another bank bill, not on

grounds of want of power, but upon considerations of expediency in the particular structure of that bank.

Both the adverse precedents therefore, relied upon in the message, operate directly against the argument which they were brought forward to maintain. Congress, by various other acts, in relation to the bank of the United States, has again and again sanctioned the power. And I believe it may be truly affirmed, that from the commencement of the government to this day, there has not been a congress opposed to the bank of the United States upon the distinct ground of a want of power to establish it.

And here, Mr. President, I must request the indulgence of the senate, whilst I express a few words in relation of myself.

I voted, in 1811, against the old bank of the United States, and I delivered on that occasion, a speech, in which, among other reasons, I assigned that of its being unconstitutional. My speech has been read to the senate, during the progress of this bill, but the reading of it excited no other regret than that it was read in such a wretched, bungling, mangling manner.* During a long public life, (I mention the fact not as claiming any merit for it,) the only great question in which I have ever changed my opinion, is that of the bank of the United States. If the researches of the senator had carried him a little further, he would, by turning over a few more leaves of the same book from which he read my speech, have found that which I made in 1816, in support of the present bank. By the reasons assigned in it for the change of my opinion, I am ready to abide in the judgment of the present generation and of posterity. In 1816, being speaker of the house of representatives, it was perfectly in my power to have said nothing and done nothing, and thus have concealed the change of opinion which my mind had undergone. But I did not choose to remain silent and escape responsibility. I chose publicly to avow my actual conversion. The war and the fatal experience of its disastrous events, had changed me. Mr. Madison, governor Pleasants, and almost all the public men around me, my political friends, had changed their opinions from the same causes.

The power to establish a bank is deduced from that clause of the constitution which confers on congress all powers necessary and proper to carry into effect the enumerated powers. In 1811, I believed a bank of the United States not necessary, and that a safe reliance might be placed on the local banks, in the administration of the fiscal affairs of the government. The war taught us many lessons, and among others demonstrated the necessity of the bank of the United States, to the successful operations of the government. I will not trouble the senate with a perusal of my speech in 1816, but ask its permission to read a few extracts:

* It is understood to have been read by Mr. Hill.

'But how stood the case in 1816, when he was called upon to examine the powers of the general government to incorporate a national bank? A total change of circumstances was presented — events of the utmost magnitude had intervened.

'A general suspension of specie payments had taken place, and this had led to a train of circumstances of the most alarming nature. He beheld, dispersed over the immense extent of the United States, about three hundred banking institutions, enjoying, in different degrees, the confidence of the public, shaken as to them all, under no direct control of the general government, and subject to no actual responsibility to the state authorities. These institutions were emitting the actual currency of the United States — a currency consisting of paper, on which they neither paid interest nor principal, whilst it was exchanged for the paper of the community, on which both were paid. We saw these institutions, in fact, exercising what had been considered, at all times, and in all countries, one of the highest attributes of sovereignty — the regulation of the current medium of the country. They were no longer competent to assist the treasury, in either of the great operations of collection, deposit or distribution of the public revenues. In fact, the paper which they emitted, and which the treasury, from the force of events, found itself constrained to receive, was constantly obstructing the operations of that department; for it would accumulate where it was not wanted, and could not be used where it was wanted, for the purposes of government, without a ruinous and arbitrary brokerage. Every man who paid to or received from the government, paid or received as much less than he ought to have done, as was the difference between the medium in which the payment was effected and specie. Taxes were no longer uniform. In New England, where specie payments had not been suspended, the people were called upon to pay larger contributions than where they were suspended. In Kentucky as much more was paid by the people, in their taxes, than was paid, for example, in the state of Ohio, as Kentucky paper was worth more than Ohio paper.

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'Considering, then, that the state of the currency was such that no thinking man could contemplate it without the most serious alarm; that it threatened general distress, if it did not ultimately lead to convulsion and subversion of the government; it appeared to him to be the duty of congress to apply a remedy, if a remedy could be devised. A national bank, with other auxiliary measures, was proposed as that remedy. Mr. Clay said he determined to examine the question with as little prejudice as possible, arising from his former opinion; he knew that the safest course to him, if he pursued a cold, calculating prudence, was to adhere to that opinion, right or wrong. He was perfectly aware that if he changed, or seemed to change it, he should expose himself to some censure; but, looking at the subject with the light shed upon it, by events happening since the commencement of the war, he could no longer doubt. * * * He preferred to the suggestions of the pride of consistency, the evident interests of the community, and determined to throw himself upon their justice and candor.'

The interest which foreigners hold in the existing bank of the United States, is dwelt upon in the message as a serious objection to the recharter. But this interest is the result of the assignable nature of the stock; and if the objection be well founded, it applies to government stock, to the stock in local banks, in canal and other companies, created for internal improvements, and every species of money or movables in which foreigners may acquire an interest. The assignable character of the stock is a quality conferred not for the benefit of foreigners, but for that of our own citizens. And the fact of its being transferred to them is the effect of the balance of trade being against us — an evil, if it be one, which the American system will correct. All governments wanting capital, resort to foreign nations possessing it in superabundance, to obtain it. Sometimes the resort is even made by one to another belligerant nation. During our revolutionary war we obtained foreign capital (Dutch and French) to aid us. During the late war

American stock was sent to Europe to sell; and if I am not misinformed, to Liverpool. The question does not depend upon the place whence the capital is obtained, but the advantageous use of it. The confidence of foreigners in our stocks, is a proof of the solidity of our credit. Foreigners have no voice in the administration of this bank; and if they buy its stock, they are obliged to submit to citizens of the United States to manage it. The senator from Tennessee, (Mr. White,) asks what would have been the condition of this country, if, during the late war, this bank had existed, with such an interest in it as foreigners now hold? I will tell him. We should have avoided many of the disasters of that war, perhaps those of Detroit and at this place. The government would have possessed ample means for its vigorous prosecution; and the interest of foreigners, British subjects especially, would have operated upon them, not upon us. Will it not be a serious evil to be obliged to remit in specie to foreigners the eight millions which they now have in this bank, instead of retaining that capital within the country to stimulate its industry and enterprise?

The president assigns in his message a conspicuous place to the alleged injurious operation of the bank on the interests of the western people. They ought to be much indebted to him for his kindness manifested towards them; although, I think, they have much reason to deprecate it. The people of all the west owe to this bank about thirty millions, which have been borrowed from it; and the president thinks that the payments for the interest, and other facilities which they derive from the operation of the bank, are so onerous as to produce 'a drain of their currency, which no country can bear without inconvenience and occasional distress.' His remedy is to compel them to pay the whole of the debt which they have contracted in a period short of four years. Now, Mr. President, if they cannot pay the interest without distress, how are they to pay the principal? If they cannot pay a part, how are they to pay the whole? Whether the payment of the interest be or be not a burden to them, is a question for themselves to decide, respecting which they might be disposed to dispense with the kindness of the president. If, instead of borrowing thirty millions from the bank, they had borrowed a like sum from a Girard, John Jacob Astor, or any other banker, what would they think of one who should come to them and say, 'gentlemen of the west, it will ruin you to pay the interest on that debt, and therefore I will oblige you to pay the whole of the principal in less than four years.' Would they not reply, 'we know what we are about; mind your own business; we are satisfied that in ours we can make not only the interest on what we loan, but a fair profit besides.

A great mistake exists about the western operation of the bank. It is not the bank, but the business, the commerce of the west, and the operations of government, that occasion the transfer, annually, of money from the west to the Atlantic states. What is the actual

course of things? The business and commerce of the west are carried on with New Orleans, with the southern and southwestern states and with the Atlantic cities. We transport our dead or inanimate produce to New Orleans, and receive in return checks or drafts of the bank of the United States at a premium of a half per centum. We send by our drovers our live stock to the south and southwest, and receive similar checks in return. With these drafts or checks our merchants proceed to the Atlantic cities, and purchase domestic or foreign goods for western consumption. The lead and fur trade of Missouri and Illinois is also carried on principally through the bank of the United States. The government also transfers to places where it is wanted, through that bank, the sums accumulated at the different land-offices, for purchases of the public lands.

Now all these varied operations must go on; all these remittances must be made, bank of the United States or no bank. The bank does not create, but facilitates them. The bank is a mere vehicle; just as much so as the steamboat is the vehicle which transports our produce to the great mart of New Orleans, and not the grower of that produce. It is to confound cause and effect, to attribute to the bank the transfer of money from the west to the east. Annihilate the bank to-morrow, and similar transfers of capital, the same description of pecuniary operations, must be continued; not so well, it is true, but performed they must be, ill or well, under any state of circumstances.

The true questions are, how are they now performed? how were they conducted prior to the existence of the bank? how would they be after it ceased? I can tell you what was our condition before the bank was established; and, as I reason from the past to future experience, under analogous circumstances, I can venture to predict what it will probably be without the bank.

Before the establishment of the bank of the United States, the exchange business of the west was carried on by a premium, which was generally paid on all remittances to the east of two and a half per centum. The aggregate amount of all remittances, throughout the whole circle of the year, was very great, and instead of the sum then paid, we now pay half per centum, or nothing, if notes of the bank of the United States be used. Prior to the bank, we were without the capital of the thirty millions which that institution now supplies, stimulating our industry and invigorating our enterprise. In Kentucky we have no specie-paying bank, scarcely any currency other than that of paper of the bank of the United States and its branches.

How is the west to pay this enormous debt of thirty millions of dollars? It is impossible. It cannot be done. General distress, certain, wide-spread, inevitable ruin, must be the consequences of an attempt to enforce the payment. Depression in the value of all property, sheriffs' sales and sacrifices, bankruptcy, must necessarily

ensue, and, with them, relief laws, paper money, a prostration of the courts of justice, evils from which we have just emerged, must again, with all their train of afflictions, revisit our country. But it is argued by the gentleman from Tennessee, (Mr. White,) that similar predictions were made, without being realized, from the downfall of the old bank of the United States. It is, however, to be recollected, that the old bank did not possess one third of the capital of the present; that it had but one office west of the mountains, whilst the present has nine; and that it had little or no debt due to it in that quarter, whilst the present bank has thirty millions. The war, too, which shortly followed the downfall of the old bank, and the suspension of specie payments, which soon followed the war, prevented the injury apprehended from the discontinuance of the old bank.

The same gentleman further argues, that the day of payment must come; and he asks when, better than now? It is to be indefinitely postponed; is the charter of the present bank to be perpetual? Why, Mr. President, all things — governments, republics, empires, laws, human life — doubtless are to have an end; but shall we therefore accelerate their termination? The west is now young, wants capital, and its vast resources, needing nourishment, are daily developing. By and by, it will accumulate wealth from its industry and enterprise, and possess its surplus capital. The charter is not made perpetual, because it is wrong to bind posterity perpetually. At the end of the term limited for its renewal, posterity will have the power of determining for itself, whether the bank shall then be wound up, or prolonged another term. And that question may be decided, as it now ought to be, by a consideration of the interests of all parts of the union, the west among the rest. Sufficient for the day is the evil thereof.

The president tells us, that if the executive had been called upon to furnish the project of a bank, the duty would have been cheerfully performed; and he states that a bank, competent to all the duties which may be required by the government, might be so organized, as not to infringe on our own delegated powers, or the reserved rights of the states. The president is a coördinate branch of the legislative department. As such, bills which have passed both houses of congress, are presented to him for his approval or rejection. The idea of going to the president for the project of a law, is totally new in the practice, and utterly contrary to the theory of the government. What should we think of the senate calling upon the house, or the house upon the senate, for the *project* of a law?

In France, the king possessed the initiative of all laws, and none could pass without its having been previously presented to one of the chambers by the crown, through the ministers. Does the president wish to introduce the initiative here? Are the powers of recommendation, and that of veto, not sufficient? Must all

legislation, in its commencement and in its termination concentrate in the president? When we shall have reached that state of things, the election and annual sessions of congress will be a useless charge upon the people, and the whole business of government may be economically conducted by ukases and decrees.

Congress does sometimes receive the suggestions and opinions of the heads of department, as to new laws. And, at the commencement of this session, in his annual report, the secretary of the treasury stated his reasons at large, not merely in favor of a bank, but in support of the renewal of the charter of the existing bank. Who could have believed that that responsible officer was communicating to congress opinions directly adverse to those entertained by the president himself? When before has it happened, that the head of a department recommended the passage of a law which, being accordingly passed and presented to the president, is subjected to his veto? What sort of a bank it is, with a project of which the president would have designed to furnish congress, if they had applied to him, he has not stated. In the absence of such statement, we can only conjecture that it is his famous treasury bank, formerly recommended by him, from which the people have recoiled with the instinctive horror, excited by the approach of the cholera.

The message states, that 'an investigation *unwillingly* conceded, and so *restricted* in time as necessarily to make it *incomplete* and *unsatisfactory*, disclose enough to excite suspicion and alarm.' As there is no prospect of the passage of this bill, the president's objections notwithstanding, by a constitutional majority of two thirds, it can never reach the house of representatives. The members of that house, and especially its distinguished chairman of the committee of ways and means, who reported the bill, are, therefore, cut off from all opportunity of defending themselves. Under these circumstances, allow me to ask how the president has ascertained that the investigation was *unwillingly* conceded? I have understood directly the contrary; and that the chairman, already referred to, as well as other members in favor of the renewal of the charter, promptly consented to and voted for the investigation. And we all know that those in support of the renewal could have prevented the investigation, and that they did not. But suspicion and alarm have been excited! SUSPICION AND ALARM! Against whom is this suspicion? The house, or the bank, or both?

Mr. President, I protest against the right of any chief magistrate to come into either house of congress, and scrutinize the motives of its members; to examine whether a measure has been passed with promptitude or repugnance; and to pronounce upon the willingness or unwillingness with which it has been adopted or rejected. It is an interference in concerns which partake of a domestic nature. The official and constitutional relations between

the president and the two houses of congress subsist with them as organized bodies. His action is confined to their consummated proceedings, and does not extend to measures in their incipient stages, during their progress through the houses, nor to the motives by which they are actuated. There are some parts of this message that ought to excite deep alarm; and that especially in which the president announces that each public officer may interpret the constitution as he pleases. His language is, 'each public officer, who takes an oath to support the constitution, swears that he will support it as he understands it, and not as it is understood by others.' * * * 'The opinion of the judges has no more authority over congress than the opinion of congress has over the judges; and *on that point the president is independent of both.*' Now, Mr. President, I conceive, with great deference, that the president has mistaken the purport of the oath to support the constitution of the United States. No one swears to support it *as he understands it*, but to support it simply as it is in truth. All men are bound to obey the laws, of which the constitution is the supreme; but must they obey them as they are, or *as they understand them?* If the obligation of obedience is limited and controlled by the measure of information; in other words, if the party is bound to obey the constitution only as he understands it; what would be the consequence? The judge of an inferior court would disobey the mandate of a superior tribunal, because it was not in conformity to the constitution, *as he understands it;* a custom-house officer would disobey a circular from the treasury department, because contrary to the constitution, *as he understands it;* an American minister would disregard an instruction from the president, communicated through the department of state, because not agreeable to the constitution, *as he understands it;* and a subordinate officer in the army or navy, would violate the orders of his superior, because they were not in accordance with the constitution, *as he understands it.* We should have nothing settled, nothing stable, nothing fixed. There would be general disorder and confusion throughout every branch of administration, from the highest to the lowest officers—universal nullification. For what is the doctrine of the president but that of South Carolina applied throughout the union? The president independent both of congress and the supreme court! only bound to execute the laws of the one and the decisions of the other, as far as they conform to the constitution of the United States, *as far as he understands it!* Then it should be the duty of every president, on his installation into office, to carefully examine all the acts in the statute book, approved by his predecessors, and mark out those which he was resolved not to execute, and to which he meant to apply this new species of veto, because they were repugnant to the constitution *as he understands it.* And, after the expiration of every term of the supreme court, he should send for the record of its decisions, and discriminate

between those which he would, and those which he would not, execute, because they were or were not agreeable to the constitution, *as he understands it.*

There is another constitutional doctrine contained in the message, which is entirely new to me. It asserts that 'the government of the United States have no constitutional power to purchase lands within the states,' except 'for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;' and even for these objects, only 'by the consent of the legislature of the state in which the same shall be.' Now sir, I had supposed that the right of congress to purchase lands in any state was incontestable; and, in point of fact, it probably at this moment owns land in every state of the union, purchased for taxes, or as a judgment or mortgage creditor. And there are various acts of congress which regulate the purchase and transfer of such lands. The advisers of the president have confounded the faculty of purchasing lands with the exercise of exclusive jurisdiction, which is restricted by the constitution to the forts and other buildings described.

The message presents some striking instances of discrepancy. First, it contests the right to establish one bank, and objects to the bill that it limits and restrains the power of congress to establish several. Second, it urges that the bill does not recognise the power of state taxation generally; and complains that facilities are afforded to the exercise of that power in respect to the stock held by individuals. Third, it objects that any bonus is taken, and insists that not enough is demanded. And fourth, it complains that foreigners have too much influence, and that stock transferred loses the privilege of representation in the elections of the bank, which, if it were retained, would give them more.

Mr. President, we are about to close one of the longest and most arduous sessions of congress under the present constitution; and when we return among our constituents, what account of the operations of their government shall we be bound to communicate? We shall be compelled to say, that the supreme court is paralysed, and the missionaries retained in prison in contempt of its authority, and in defiance of numerous treaties and laws of the United States; that the executive, through the secretary of the treasury, sent to congress a tariff bill which would have destroyed numerous branches of our domestic industry, and to the final destruction of all; that the veto has been applied to the bank of the United States, our only reliance for a sound and uniform currency; that the senate has been violently attacked for the exercise of a clear constitutional power; that the house of representatives have been unnecessarily assailed; and that the president has promulgated a rule of action for those who have taken the oath to support the constitution of the United States, that must, if there be practical conformity to it, introduce general nullification, and end in the absolute subversion of the government.

ON INTRODUCING THE COMPROMISE TARIFF BILL.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 12, 1833.

[THE protective tariff laws of 1824 and 1828 were very unsatisfactory to the politicians of South Carolina, although under the influence of the policy of those laws, that state, in common with the whole union, had enjoyed a high degree of prosperity The principles of the American system of protection and internal improvement had been advocated by Mr. Calhoun and other South Carolina statesmen in 1816, and the tariff then adopted, although protective, was regarded as the settled policy of the country. These gentlemen, however, thought proper subsequently to change their ground, and under their influence combined with that of others who had not changed, the state of South Carolina became agitated and in hostile array to protection to American industry. Among other schemes of agitation which grew up at this period, was the doctrine of *nullification*, or the right of any state of the union to annul or make void and resist a law of congress, if such state by its legal authorities decided said law to be unconstitutional. Open rebellion to the laws was threatened, and general Jackson, as president, issued a proclamation, declaring his intention to enforce the acts of congress. That body being soon after in session, the friends of Jackson's administration, finding the compulsory measures about being carried out unpopular in the southern states, introduced a new tariff bill, with destructive features in its proposed operation on the great interests of American industry. Under these circumstances, Mr. Clay projected and brought forward in the senate the measure which was afterwards known as the compromise tariff bill. This act was promptly passed by large majorities in congress, and signed by president Jackson. It had the effect of restoring peace and harmony to the country, and of continuing protection to most branches of domestic industry, for a period of ten years. On this subject, Mr. Clay made the following remarks.]

I YESTERDAY, sir, gave notice that I should ask leave to introduce a bill to modify the various acts imposing duties on imports. I at the same time added, that I should, with the permission of the senate, offer an explanation of the principle on which that bill is founded. I owe, sir, an apology to the senate for this course of action, because, although strictly parliamentary, it is, nevertheless, out of the usual practice of this body; but it is a course which I trust that the senate will deem to be justified by the interesting nature of the subject. I rise, sir, on this occasion, actuated by no motives of a private nature, by no personal feelings, and for no personal objects; but exclusively in obedience to a sense of the duty which I owe to my country. I trust, therefore, that no one will anticipate on my part any ambitious display of such humble powers as I may possess. It is sincerely my purpose to present a plain, unadorned, and naked statement of facts connected with the measure

which I shall have the honor to propose, and with the condition of the country. When I survey, sir, the whole face of our country, I behold all around me evidences of the most gratifying prosperity, a prospect which would seem to be without a cloud upon it, were it not that through all parts of the country there exist great dissensions and unhappy distinctions, which, if they can possibly be relieved and reconciled by any broad scheme of legislation adapted to all interests, and regarding the feelings of all sections, ought to be quieted; and leading to which object any measure ought to be well received.

In presenting the modification of the tariff laws, which I am now about to submit, I have two great objects in view. My first object looks to the tariff. I am compelled to express the opinion, formed after the most deliberate reflection, and on full survey of the whole country, that, whether rightfully or wrongfully, the tariff stands in imminent danger. If it should be preserved during this session, it must fall at the next session. By what circumstances, and through what causes, has arisen the necessity for this change in the policy of our country, I will not pretend now to elucidate. Others there are, who may differ from the impressions which my mind has received upon this point. Owing, however, to a variety of concurrent causes, the tariff, as it now exists, is in imminent danger, and if the system can be preserved beyond the next session, it must be by some means not now within the reach of human sagacity. The fall of that policy, sir, would be productive of consequences calamitous indeed. When I look to the variety of interests which are involved, to the number of individuals interested, the amount of capital invested, the value of the buildings erected, and the whole arrangement of the business for the prosecution of the various branches of the manufacturing art, which have sprung up under the fostering care of this government, I cannot contemplate any evil equal to the sudden overthrow of all those interests. History can produce no parallel to the extent of the mischief which would be produced by such a disaster. The repeal of the edict of Nantes itself was nothing in comparison with it. That condemned to exile and brought to ruin a great number of persons. The most respectable portion of the population of France was condemned to exile and ruin by that measure. But, in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe.

What, sir, are the complaints which unhappily divide the people of this great country? On the one hand it is said, by those who are opposed to the tariff, that it unjustly taxes a portion of the people, and paralyses their industry; that it is to be a perpetual operation; that there is to be no end to the system; which, right

or wrong, is to be urged to their inevitable ruin. And what is the just complaint, on the other hand, of those who support the tariff? It is, that the policy of the government is vascillating and uncertain, and that there is no stability in our legislation. Before one set of books is fairly opened, it becomes necessary to close them, and to open a new set. Before a law can be tested by experiment, another is passed. Before the present law has gone into operation; before it is yet nine months old; passed, as it was, under circumstances of extraordinary deliberation, the fruit of nine months labor; before we know any thing of its experimental effects, and even before it commences its operations; we are required to repeal it. On one side we are urged to repeal a system which is fraught with ruin; on the other side, the check now imposed on enterprise, and the state of alarm in which the public mind has been thrown, renders all prudent men desirous, looking ahead a little way, to adopt a state of things, on the stability of which they may have reason to count. Such is the state of feeling on the one side and on the other. I am anxious to find out some principle of mutual accommodation, to satisfy, as far as practicable, both parties — to increase the stability of our legislation; and at some distant day — but not too distant, when we take into view the magnitude of the interests which are involved — to bring down the rate of duties to that revenue standard, for which our opponents have so long contended. The basis on which I wish to found this modification, is one of time; and the several parts of the bill to which I am about to call the attention of the senate, are founded on this basis. I propose to give protection to our manufactured articles, adequate protection for a length of time, which, compared with the length of human life, is very long, but which is short, in proportion to the legitimate discretion of every wise and parental system of government; securing the stability of legislation, and allowing time for a gradual reduction, on one side; and, on the other, proposing to reduce the duties to that revenue standard, for which the opponents of the system have so long contended. I will now proceed to lay the provisions of the bill before the senate, with a view to draw their attention to the true character of the bill.

[Mr. Clay then proceeded to read the first section of the bill.]

According to this section, it will be perceived that it is proposed to come down to the revenue standard at the end of little more than nine years and a half, giving a protection to our own manufactures which I hope will be adequate, during the intermediate time.

[Mr. Clay here recapitulated the provisions of the sections, and showed by various illustrations how they would operate; and then proceeded to read and comment upon the second section of the bill.]

It will be recollected, that at the last session of congress, with a view to make a concession to the southern section of the country, low-priced woollens, those supposed to enter into the consumption of slaves and the poorer classes of persons, were taken out of the general class of duties on woollens, and the duty on them reduced to five per centum. It will be also recollected, that at that time the gentlemen from the south said that this concession was of no consequence, and that they did not care for it, and I believe that they do not now consider it of any greater importance. As, therefore, it has failed of the purpose for which it was taken out of the common class, I think it ought to be brought back again, and placed by the side of the other description of woollens, and made subject to the same reduction of duty as proposed by this section.

[Having next read through the third section of the bill, Mr. Clay said:]

After the expiration of a term of years, this section lays down a rule by which the duties are to be reduced to the revenue standard, which has been so long and so earnestly contended for. Until otherwise directed, and in default of provision being made for the wants of the government in 1842, a rule is thus provided for the rate of duties thereafter, congress being, in the meantime, authorized to adopt any other rule which the exigences of the country, or its financial condition, may require. That is to say, if, instead of the duty of twenty per centum proposed, fifteen or seventeen per centum of duty is sufficient, or twenty-five per centum should be found necessary, to produce a revenue to defray the expenses of an economical administration of the government, there is nothing to prevent either of those rates, or any other, from being fixed upon; whilst the rate of twenty per centum is introduced to guard against any failure on the part of congress to make the requisite provision in due season.

This section of the bill contains also another clause, suggested by that spirit of harmony and conciliation which I pray may preside over the councils of the union at this trying moment. It provides (what those persons who are engaged in manufactures have so long anxiously required for their security) that duties shall be paid in ready money; and we shall thus get rid of the whole of that credit system, into which an inroad was made, in regard to woollens, by the act of the last session. This section further contains a proviso that nothing in any part of this act shall be construed to interfere with the freest exercise of the power of congress to lay any amount of duties, in the event of war breaking out between this country and any foreign power.

[Mr Clay then read the fourth section of the bill.]

One of the considerations strongly urging for a reduction of the

tariff at this time is, that the government is likely to be placed in a dilemma by having an overflowing revenue; and this apprehension is the ground of an attempt totally to change the protective policy of the country. The section which I have read is an effort to guard against this evil, by relieving altogether from duty a portion of the articles of import now subject to it. Some of these would, under the present rate of duty upon them, produce a considerable revenue; the article of silks alone would yield half a million of dollars per annum. If it were possible to pacify present dissensions, and let things take their course, I believe that no difficulty need he apprehended. If the bill which this body passed at the last session of congress, and has again passed at this session, shall pass the other house, and become a law, and the gradual reduction of duties should take place which is contemplated by the first section of this bill, we shall have settled two (if not three) of the great questions which have agitated this country, that of the tariff, of the public lands, and, I will add, of internal improvement also. For, if there should still be a surplus revenue, that surplus might be applied, until the year 1842, to the completion of the works of internal improvement already commenced; and, after 1842, a reliance for all funds for purposes of internal improvement should be placed upon the operation of the land bill, to which I have already referred.

It is not my object in referring to that measure in connection with that which I am about to propose, to consider them as united in their fate, being desirous, partial as I may be to both, that each shall stand or fall upon its own intrinsic merits. If this section of the bill, adding to the number of free articles, should become law, along with the reduction of duties proposed by the first section of the bill, it is by no means sure that we shall have any surplus revenue at all. I have been astonished indeed at the process of reasoning by which the secretary of the treasury has arrived at the conclusion, that we shall have a surplus revenue at all, though I admit that such a conclusion can be arrived at in no other way. But what is this process? Duties of a certain rate now exist. The amount which they produce is known; the secretary, proposing a reduction of the rate of duty, supposes that the duties will be reduced in proportion to the amount of the reduction of duty. Now no calculation can be more uncertain than that. Though perhaps the best that the secretary could have made, it is still all uncertainty; dependent upon the winds and waves, on the mutations of trade, and on the course of commercial operations. If there is any truth in political economy, it cannot be that result will agree with the prediction; for we are instructed by all experience that the consumption of any article is in proportion to the reduction of its price, and that in general it may be taken as a rule, that the duty upon an article forms a portion of its price. I do not

mean to impute any improper design to any one; but, if it had been so intended, no scheme for getting rid of the tariff could have been more artfully devised to effect its purposes, than that which thus calculated the revenue, and, in addition, assumed that the expenditure of the government every year would be so much, and so forth. Can any one here say what the future expenditure of the government will be? In this young, great, and growing community, can we say what will be the expenditure of the government even a year hence, much less what it will be three, or four, or five years hence? Yet it has been estimated, on assumed amounts, founded on such uncertain data, both of income and expenditure, that the revenue might be reduced so many millions a year!

I ask pardon for this digression, and return to the examination of articles in the fourth section, which are proposed to be left free of duty. The duties on these articles now vary from five to ten per centum ad valorem; but low as they are, the aggregate amount of revenue which they produce is considerable. By the bill of the last session, the duties on French silks was fixed at five per centum, and that on Chinese silks at ten per centum ad valorem. By the bill now proposed, the duty on French silks is proposed to be repealed, leaving the other untouched. I will frankly state why I made this distinction. It has been a subject of anxious desire with me to see our commerce with France increased. France, though not so large a customer in the great staples of our country as Great Britain, is a great growing customer. I have been much struck with a fact going to prove this, which accidentally came to my knowledge the other day; which is, that within the short period of fourteen years, the amount of consumption in France of the great southern staple of cotton has been *tripled*. Again, it is understood that the French silks of the lower grades of quality cannot sustain a competition with the Chinese without some discrimination of this sort. I have understood, also, that the duty imposed upon this article at the last session has been very much complained of on the part of France; and, considering all the circumstances connected with the relations between the two governments, it appears to me to be desirable to make this discrimination in favor of the French product. If the senate should think differently, I shall be content. If, indeed, they should think proper to strike out this section altogether, I shall cheerfully submit to their decision.

[After reading the fifth and sixth sections, Mr. Clay said:]

I will now take a few of some of the objections which will be made to the bill. It may be said that the act is prospective, that it binds our successors, and that we have no power thus to bind them. It is true that the act is prospective, and so is almost every act which we ever passed, but we can repeal it the next day. It

is the established usage to give all acts a prospective operation. In every tariff there are some provisions which go into operation immediately, and others at a future time. Each congress legislate according to their own views of propriety; their act does not bind their successors, but creates a species of public faith, which will not rashly be broken. But if this bill shall go into operation, as I hope, even against hope, that it may, I doubt not that it will be adhered to by all parties. There is but one contingency which will render a change necessary, and that is the intervention of a war, which is provided for in the bill. The hands of congress are left untied in this event, and they will be at liberty to resort to any mode of taxation, which they may propose. But if we suppose peace to continue, there will be no motive for disturbing the arrangement, but on the contrary, every motive to carry it into effect. In the next place, it will be objected to the bill, by the friends of the protective policy, of whom I hold myself to be one, for my mind is immutably fixed in favor of that policy, that it abandons the power of protection. But I contend, in the first place, that a suspension of the exercise of the power is not an abandonment of it; for the power is in the constitution according to our theory, was put there by its framers, and can only be dislodged by the people. After the year 1842, the bill provides that the power shall be exercised in a certain mode. There are four modes by which the industry of the country can be protected.

First, the absolute prohibition of rival foreign articles that are totally unattempted by the bill; but it is competent to the wisdom of the government to exert the power whenever they wish. Second, the imposition of duties in such a manner as to have no reference to any object but revenue. When we had a large public debt in 1816, the duties yielded thirty-seven millions, and paid so much more of the debt, and subsequently they yielded but eight or ten millions, and paid so much less of the debt. Sometimes we have to trench on the sinking fund. Now we have no public debt to absorb the surplus revenue, and no motive for continuing the duties. No man can look at the condition of the country, and say that we can carry on this system with accumulating revenue, and no practical way of expending it. The third mode was attempted last session, in a resolution which I had the honor to submit last year, and which in fact ultimately formed the basis of the act which finally passed both houses. This was to raise as much revenue as was wanted for the use of the government, and no more, but to raise it from the protected and not from the unprotected articles. I will say, that I regret most deeply that the greater part of the country will not suffer this principle to prevail. It ought to prevail; and the day, in my opinion, will come, when it will be adopted as the permanent policy of the country. Shall we legislate for our own wants or that of a foreign country? To protect our own

interests in opposition to foreign legislation was the basis of this system. The fourth mode in which protection can be afforded to domestic industry, is to admit free of duty every article which aided the operations of the manufacturers. These are the four modes for protecting our industry; and to those who say that the bill abandons the power of protection, I reply, that it does not touch that power; and that the fourth mode, so far from being abandoned, is extended and upheld by the bill. The most that can be objected to the bill by those with whom I coöperate to support the protective system, is, that, in consideration of nine and a half years of peace, certainty, and stability, the manufacturers relinquished some advantages which they now enjoy. What is the principle which has always been contended for in this and in the other house? After the accumulation of capital and skill, the manufacturers will stand alone, unaided by the government, in competition with the imported articles from any quarter. Now give us time; cease all fluctuations and agitations, for nine years, and the manufacturers in every branch will sustain themselves against foreign competition. If we can see our way clearly for nine years to come, we can safely leave to posterity to provide for the rest. If the tariff be overthrown, as may be its fate next session, the country will be plunged into extreme distress and agitation. I want harmony. I wish to see the restoration of those ties which have carried us triumphantly through two wars. I delight not in this perpetual turmoil. Let us have peace, and become once more united as a band of brothers.

It may be said that the farming interest cannot subsist under a twenty per centum ad valorem duty. My reply is, 'sufficient for the day is the evil thereof.' I will leave it to the day when the reduction takes effect, to settle the question. When the reduction takes place, and the farmer cannot live under it, what will he do? I will tell you what he ought to do. He ought to try it — make a fair experiment of it — and if he cannot live under it, let him come here and say that he is bankrupt and ruined. If then nothing can be done to relieve him, sir, I will not pronounce the words, for I will believe that something will be done, and that relief will be afforded, without hazarding the peace and integrity of the union. The confederacy is an excellent contrivance, but it must be managed with delicacy and skill. There are an infinite variety of prejudices and local interests to be regarded, but all should be made to yield to the union.

If the system proposed cannot be continued, let us try some intermediate system, before we think of any other dreadful alternative. Sir, it will be said, on the other hand — for the objections are made by the friends of protection, principally — that the time is too long; that the intermediate reductions are too inconsiderable, and that there is no guarantee that, at the end of the time stipulated, the reduction proposed would be allowed to take effect. In

the first place should be recollected the diversified interests of the country; the measures of the government which preceded the establishment of manufactures; the public faith in some degree pledged for their security; and the ruin in which rash and hasty legislation would involve them. I will not dispute about terms. It would not, in a court of justice, be maintained that the public faith is pledged for the protection of manufactures; but there are other pledges which men of honor are bound by, besides those of which the law can take cognizance.

If we excite, in our neighbor, a reasonable expectation which induces him to take a particular course of business, we are in honor bound to redeem the pledge thus tacitly given. Can any man doubt that a large portion of our citizens believed that the system would be permanent? The whole country expected it. The security against any change of the system proposed by the bill, is in the character of the bill, as a compromise between two conflicting parties. If the bill should be taken by common consent, as we hope it will be, the history of the revenue will be a guarantee of its permanence. The circumstances under which it was passed will be known and recorded; and no one will disturb a system which was adopted with a view to give peace and tranquillity to the country.

The descending gradations by which I propose to arrive at the minimum of duties, must be gradual. I never would consent to any precipitate operation to bring distress and ruin on the community.

Now, viewing it in this light, it appears that there are eight years and a half, and nine years and a half, taking the ultimate time, which would be an efficient protection, the remaining duties will be withdrawn by a biennial reduction. The protective principle must be said to be, in some measure, relinquished at the end of eight years and a half. This period cannot appear unreasonable, and I think that no member of the senate, or any portion of the country, ought to make the slightest objection. It now remains for me to consider the other objection — the want of guarantee to there being an ulterior continuance of the duties imposed by the bill, on the expiration of the term which it prescribes. The best guarantee will be found in the circumstances under which the measure would be passed. If it passes by common consent; if it is passed with the assent of a portion — a considerable portion of those who have directly hitherto supported this system, and by a considerable portion of those who opposed it — if they declare their satisfaction with the measure, I have no doubt the rate of duties guarantied, will be continued after the expiration of the term, if the country continues at peace. And, at the end of the term, when the experiment will have been made of the efficiency of the mode of protection fixed by the bill, while the constitutional question has been

suffered to lie dormant, if war should render it necessary, protection might be carried up to prohibition; while if the country should remain at peace, and this measure go into full operation, the duties will be gradually lowered down to the revenue standard, which has been so earnestly wished for.

But suppose that I am wrong in all these views, for there are no guarantees, in one sense of the term, of human infallibility. Suppose a different state of things in the south; that this senate, from causes which I shall not dwell upon now, but which are obvious to every reflecting man in this country — causes which have operated for years past, and which continue to operate — suppose, for a moment, that there should be a majority in the senate in favor of the southern views, and that they should repeal the whole system at once, what guarantee would we have that the repealing of the law would not destroy those great interests which it is so important to preserve? What guarantee will you have that the thunders of those powerful manufactures will not be directed against your capitol, because of this abandonment of their interests, and because you have given them no protection against foreign legislation. Sir, if you carry your measure of repeal without the consent, at least, of a portion of those who are interested in the preservation of manufactures, you have no security, no guarantee, no certainty, that any protection will be continued. But if the measure should be carried by the common consent of both parties, we shall have all security; history will faithfully record the transaction; narrate under what circumstances the bill was passed; that it was a pacifying measure; that it was as oil poured from the vessel of the union to restore peace and harmony to the country. When all this was known, what congress, what legislature, would mar the guarantee? What man who is entitled to deserve the character of an American statesman, would stand up in his place in either house of congress, and disturb this treaty of peace and amity?

Sir, I will not say that it may not be disturbed. All that I say is, that here is all the reasonable security that can be desired by those on the one side of the question, and much more than those on the other would have by any unfortunate concurrence of circumstances. Such a repeal of the whole system should be brought about as would be cheerfully acquiesced in by all parties in this country. All parties may find in this measure some reasons for objection. And what human measure is there which is free from objectionable qualities? It has been remarked, and justly remarked, by the great father of our country himself, that if that great work which is the charter of our liberties, and under which we have so long flourished, had been submitted, article by article, to all the different states composing this union, that the whole would have been rejected; and yet when the whole was presented together, it was accepted as a whole. I will admit that my friends do not get

all they could wish for; and the gentlemen on the other side do not obtain all they might desire; but both will gain all that in my humble opinion is proper to be given in the present condition of this country. It may be true that there will be loss and gain in this measure. But how is this loss and gain distributed? Among our countrymen. What we lose, no foreign land gains; and what we gain, will be no loss to any foreign power. It is among ourselves the distribution takes place. The distribution is founded on that great principle of compromise and concession which lies at the bottom of our institutions, which gave birth to the constitution itself, and which has continued to regulate us in our onward march, and conducted the nation to glory and renown.

It remains for me now to touch another topic. Objections have been made to all legislation at this session of congress, resulting from the attitude of one of the states of this confederacy. I confess that I felt a very strong repugnance to any legislation at all on this subject at the commencement of the session, principally because I misconceived the purposes, as I have found from subsequent observation, which that state has in view. Under the influence of more accurate information, I must say that the aspect of things since the commencement of the session has, in my opinion, greatly changed. When I came to take my seat on this floor, I had supposed that a member of this union had taken an attitude of defiance and hostility against the authority of the general government. I had imagined that she had arrogantly required that we should abandon at once a system which had long been the settled policy of this country. Supposing that she had manifested this feeling, and taken up this position, I had, in consequence, felt a disposition to hurl defiance back again, and to impress upon her the necessity of the performance of her duties as a member of this union. But since my arrival here, I find that South Carolina does not contemplate force, for it is denied and denounced by that state. She disclaims it; and asserts that she is merely making an experiment. That experiment is this: by a course of state legislation, and by a change in her fundamental laws, she is endeavoring by her civil tribunals to prevent the general government from carrying the laws of the United States into operation within her limits. That she has professed to be her object. Her appeal is not to arms, but to another power; not to the sword, but to the law. I must say, and I will say it with no intention of disparaging that state, or any other of the states, it is a feeling unworthy of her. As the purpose of South Carolina is not that of force, this at once disarms, divests legislation of one principal objection, which it appears to me existed against it at the commencement of this session. Her purposes are all of a civil nature. She thinks she can oust the United States from her limits; and unquestionably she has taken good care to prepare her judges beforehand by swearing them to decide

in her favor. If we submitted to her, we should thus stand but a poor chance of obtaining justice. She disclaims any intention of resorting to force unless we should find it indispensable to execute the laws of the union by applying force to her. It seems to me the aspect of the attitude of South Carolina has changed; or rather, the new light which I have obtained, enables me to see her in a different attitude; and I have not truly understood her until she passed her laws, by which it was intended to carry her ordinance into effect. Now, I venture to predict that the state to which I have referred must ultimately fail in her attempt. I disclaim any intention of saying anything to the disparagement of that state. Far from it. I think that she has been rash, intemperate, and greatly in error; and, to use the language of one of her own writers, made up an issue unworthy of her. From one end to the other of this continent, by acclamation, as it were, nullification has been put down, and put down in a manner more effectually than by a thousand wars or a thousand armies — by the irresistible force, by the mighty influence of public opinion. Not a voice beyond the single state of South Carolina has been heard in favor of the principle of nullification, which she has asserted by her own ordinance; and I will say, that she must fail in her lawsuit. I will express two opinions; the first of which is, that it is not possible for the ingenuity of man to devise a system of state legislation to defeat the execution of the laws of the United States, which cannot be countervailed by federal legislation.

A state might take it upon herself to throw obstructions in the way of the execution of the laws of the federal government; but federal legislation can follow at her heel quickly, and successfully counteract the course of state legislation. The framers of the constitution foresaw this, and the constitution has guarded against it. What has it said? It is declared, in the clause enumerating the powers of this government, that congress shall have all power to carry into effect all the powers granted by the constitution, in any branch of the government under the sweeping clause; for they have not specified contingencies, because they could not see what was to happen; but whatever powers were necessary, all, all are given to this government by the fundamental law, necessary to carry into effect those powers which are vested by that constitution in the federal government. That is one reason. The other is, that it is not possible for any state, provided this government is administered with prudence and propriety, so to shape its laws as to throw upon the general government the responsibility of first resorting to the employment of force; but, if force at all is employed, it must be by state legislation, and not federal legislation; and the responsibility of employing that force must rest with, and attach to, the state itself.

I shall not go into the details of this bill. I merely throw out

these sentiments for the purpose of showing you, that South Carolina, having declared her purpose to be this, to make an experiment whether, by a course of legislation, in a conventional form, or a legislative form of enactment, she can defeat the execution of certain laws of the United States, I for one, will express my opinion, that I believe it is utterly impracticable, whatever course of legislation she may choose to adopt, for her to succeed. I am ready, for one, to give the tribunals and the executive of the country, whether that executive has or has not my confidence, the necessary measures of power and authority to execute the laws of the union. But I would not go a hair's breadth further than what was necessary for those purposes. Up to that point I would go, and cheerfully go; for it is my sworn duty, as I regard it, to go to that point.

Again; taking this view of the subject, South Carolina is doing nothing more, except that she is doing it with more rashness, than some other states have done — that respectable state, Ohio, and, if I am not mistaken, the state of Virginia also. An opinion prevailed some years ago, that if you put the laws of a state into a penal form, you could oust federal jurisdiction out of the limits of that state, because the state tribunals had an exclusive jurisdiction over penalties and crimes, and it was inferred that no federal court could wrest the authority from them. According to that principle, the state of Ohio passed the laws taxing the branch of the United States bank, and high penalties were to be enforced against every person who should attempt to defeat her taxation. The question was tried. It happened to be my lot to be counsel at law to bring the suit against the state, and to maintain the federal authority. The trial took place in the state of Ohio; and it is one of the many circumstances which redounds to the honor of that patriotic state, that she submitted to the federal force. I went to the office of the public treasury myself, to which was taken the money of the bank of the United States, it having remained there in sequestration until it was peaceably rendered, in obedience to the decision of the court, without any appeal to arms. In a building which I had to pass in order to reach the treasury, I saw the most brilliant display of arms and musketry that I ever saw in my life; but not one was raised, or threatened to be raised, against the due execution of the laws of the United States, when they were then enforced. In Virginia, (but I am not sure that I am correct in the history of it,) there was a case of this kind. Persons were liable to penalties for selling lottery tickets. It was contended that the state tribunals had an exclusive jurisdiction over the subject. The case was brought before the supreme court; the parties were a Mr. Myers and somebody else, and it decided, as it must always decide, no matter what obstruction, no matter what the state law may be, the constitutional laws of the United States must follow and defeat it.

in its attempt to arrest the federal arm in the exercise of its lawful authority. South Carolina has attempted, and, I repeat it, in a much more offensive way attempted, to defeat the execution of the laws of the United States. But it seems, that, under all the circumstances of the case, she has, for the present, determined to stop here, in order that, by our legislation, we may prevent the necessity of her advancing any further. But there are other reasons for the expediency of legislation at this time. Although I came here impressed with a different opinion, my mind has now become reconciled.

The memorable first of February is past. I confess I did feel an unconquerable repugnance to legislation until that day should have passed, because of the consequences that were to ensue. I hoped that the day would go over well. I feel, and I think that we must all confess, we breathe a freer air than when the restraint was upon us. But this is not the only consideration. South Carolina has practically postponed her ordinance, instead of letting it go into effect, till the fourth of March. Nobody who has noticed the course of events, can doubt that she will postpone it by still further legislation, if congress should rise without any settlement of this question. I was going to say, my life on it, she will postpone it to a period subsequent to the fourth of March. It is in the natural course of events. South Carolina must perceive the embarrassments of her situation. She must be desirous — it is unnatural to suppose that she is not — to remain in the union. What! a state whose heroes in its gallant ancestry fought so many glorious battles along with those of the other states of this union — a state with which this confederacy is linked by bonds of such a powerful character! I have sometimes fancied what would be her condition if she goes out of this union; if her five hundred thousand people should at once be thrown upon their own resources. She is out of the union. What is the consequence? She is an independent power. What then does she do? She must have armies and fleets, and an expensive government; have foreign missions; she must raise taxes; enact this very tariff, which has driven her out of the union, in order to enable her to raise money, and to sustain the attitude of an independent power. If she should have no force, no navy to protect her, she would be exposed to piratical incursions. Their neighbor, St. Domingo, might pour down a horde of pirates on her borders, and desolate her plantations. She must have her embassies; therefore must she have a revenue. And, let me tell you, there is another consequence, an inevitable one; she has a certain description of persons recognised as property south of the Potomac, and west of the Mississippi, which would be no longer recognised as such, except within their own limits. This species of property would sink to one half of its present value, for it is Louisiana and the southwestern states which are her great market.

But I will not dwell on this topic any longer. I say it is utterly impossible that South Carolina ever desired, for a moment, to become a separate and independent state. If the existence of the ordinance, while an act of congress is pending, is to be considered as a motive for not passing that law, why, this would be found to be a sufficient reason for preventing the passing of any laws. South Carolina, by keeping the shadow of an ordinance even before us, as she has it in her power to postpone it from time to time, would defeat our legislation for ever. I would repeat, that under all the circumstances of the case, the condition of South Carolina is only one of the elements of a combination, the whole of which, together, constitutes a motive of action which renders it expedient to resort, during the present session of congress, to some measure in order to quiet and tranquillize the country.

If there be any who want civil war, who want to see the blood of any portion of our countrymen spilt, I am not one of them. I wish to see war of no kind; but, above all, I do not desire to see a civil war. When war begins, whether civil or foreign, no human sight is competent to foresee when, or how, or where it is to terminate. But when a civil war shall be lighted up in the bosom of our own happy land, and armies are marching, and commanders are winning their victories, and fleets are in motion on our coast, tell me, if you can, tell me, if any human being can tell, its duration. God alone knows where such a war would end. In what a state will our institutions be left? In what state our liberties? I want no war; above all, no war at home.

Sir, I repeat, that I think South Carolina has been rash, intemperate, and greatly in the wrong; but I do not want to disgrace her, nor any other member of this union. No: I do not desire to see the lustre of one single star dimmed of that glorious confederacy which constitutes our political sun; still less do I wish to see it blotted out, and its light obliterated for ever. Has not the state of South Carolina been one of the members of this union in 'days that tried men's souls?' Have not her ancestors fought along side our ancestors? Have we not, conjointly, won together many a glorious battle? If we had to go into a civil war with such a state, how would it terminate? Whenever it should have terminated, what would be her condition? If she should ever return to the union, what would be the condition of her feelings and affections? what the state of the heart of her people? She has been with us before, when her ancestors mingled in the throng of battle, and as I hope our posterity will mingle with hers, for ages and centuries to come, in the united defence of liberty, and for the honor and glory of the union; I do not wish to see her degraded or defaced as a member of this confederacy.

In conclusion, allow me to entreat and implore each individual

member of this body to bring into the consideration of this measure, which I have had the honor of proposing, the same love of country which, if I know myself, has actuated me, and the same desire of restoring harmony to the union, which has prompted this effort. If we can forget for a moment — but that would be asking too much of human nature — if we could suffer, for one moment, party feelings and party causes — and, as I stand here before my God, I declare I have looked beyond those considerations, and regarded only the vast interests of this united people — I should hope, that under such feelings, and with such dispositions, we may advantageously proceed to the consideration of this bill, and heal, before they are yet bleeding, the wounds of our distracted country.

IN SUPPORT OF THE COMPROMISE TARIFF ACT.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 25, 1833.

[THE compromise tariff bill introduced by Mr. Clay, and supported by him in the foregoing speech of the twelfth of February, although favorably received by a majority, encountered considerable opposition from various motives. Mr. Forsyth, of Georgia, and others, met the proposition with sarcastic remarks, while Mr. Webster, and other northern senators, objected to it as surrendering too much of the protective system. To these objections Mr. Clay replied as follows. The bill finally passed the house of representatives (to obviate doubts as to its being a revenue bill) on the twenty-sixth of February, by a vote of one hundred and twenty to eighty-four, and the senate on the first of March, by twenty-nine to sixteen.]

BEING anxious, Mr. President, that this bill should pass, and pass this day, I will abridge as much as I can, the observations I am called upon to make. I have long, with pleasure and pride, coöperated in the public service with the senator from Massachusetts; and I have found him faithful, enlightened, and patriotic. I have not a particle of doubt as to the pure and elevated motives which actuate him. Under these circumstances, it gives me deep and lasting regret, to find myself compelled to differ from him as to a measure involving vital interests, and perhaps the safety of the union. On the other hand, I derive great consolation from finding myself on this occasion, in the midst of friends with whom I have long acted, in peace and in war, and especially with the honorable senator from Maine, (Mr. Holmes,) with whom I had the happiness to unite in a memorable instance. It was in this very chamber, that senator presiding in the committee of the senate, and I in committee of twenty-four of the house of representatives, on a Sabbath day, that the terms were adjusted, by which the compromise of the Missouri question was effected. Then the dark clouds that hung over our beloved country were dispersed and now the thunders from others not less threatening, and which have been longer accumulating, will, I hope, roll over us harmless and without injury.

The senator from Massachusetts objects to the bill under consideration, on various grounds. He argues, that it imposes unjustifiable restraints on the power of future legislation; that it abandons the protective policy, and that the details of the bill are

practically defective. He does not object to the gradual, but very inconsiderable, reduction of duties which is made prior to 1842. To that he could not object, because it is a species of prospective provision, as he admits, in conformity with numerous precedents on our statute-book. He does not object so much to the state of the proposed law prior to 1842, during a period of nine years; but throwing himself forward to the termination of that period, he contends that congress will then find itself under inconvenient shackles, imposed by our indiscretion. In the first place, I would remark, that the bill contains no obligatory pledges; it could make none; none are attempted. The power over the subject is in the constitution; put there by those who formed it, and liable to be taken out only by an amendment of the instrument. The next congress, and every succeeding congress, will undoubtedly have the power to repeal the law whenever they may think proper. Whether they will exercise it or not, will depend upon a sound discretion, applied to the state of the whole country, and estimating fairly the consequences of the repeal, both upon the general harmony and the common interests. Then the bill is founded in a spirit of compromise. Now, in all compromises there must be mutual concessions. The friends of free trade insist, that duties should be laid in reference to revenue alone. The friends of American industry say, that another, if not paramount object in laying them, should be, to diminish the consumption of foreign and increase that of domestic products. On this point the parties divide, and between these two opposite opinions a reconciliation is to be effected, if it can be accomplished. The bill assumes as a basis adequate protection for nine years, and less beyond that term. The friends of protection say to their opponents, we are willing to take a lease of nine years, with the long chapter of accidents beyond that period, including the chance of war, the restoration of concord, and along with it, a conviction common to all, of the utility of protection; and in consideration of it, if, in 1842, none of these contingences shall have been realized, we are willing to submit as long as congress may think proper, to a maximum rate of twenty per centum, with the power of discrimination below it, cash duties, home valuations, and a liberal list of free articles, for the benefit of the manufacturing interest. To these conditions the opponents of protection are ready to accede. The measure is what it professes to be, a compromise; but it imposes and could impose no restriction upon the will or power of a future congress. Doubtless great respect will be paid, as it ought to be paid, to the serious condition of the country that has prompted the passage of this bill. Any future congress that might disturb this adjustment, would act under a high responsibility, but it would be entirely within its competency to repeal, if it thought proper, the whole bill. It is far from the object of those who support this bill, to abandon or

surrender the policy of protecting American industry. Its protection or encouragement may be accomplished in various ways — first, by bounties, as far as they are within the constitutional power of congress to offer them; second, by prohibitions, totally excluding the foreign rival article; third, by high duties without regard to the aggregate amount of revenue which they produce; fourth, by discriminating duties so adjusted as to limit the revenue to the economical wants of government; and, fifth, by the admission of the raw material, and articles essential to manufactures, free of duty; to which may be added, cash duties, home valuations, and the regulation of auctions. A perfect system of protection would comprehend most if not all these modes of affording it. There might be at this time a prohibition of certain articles (ardent spirits and coarse cottons, for example,) to public advantage. If there were not inveterate prejudices and conflicting opinions prevailing, (and what statesman can totally disregard impediments?) such a compound system might be established.

Now, Mr. President, before the assertion is made, that the bill surrenders the protective policy, gentlemen should understand perfectly what it does not as well as what it does propose. It impairs no power of congress over the whole subject; it contains no promise or pledge whatever, express or implied, as to bounties, prohibitions, or auctions; it does not touch the power of congress in regard to them, and congress is perfectly free to exercise that power at any time; it expressly recognises discriminating duties within a prescribed limit; it provides for cash duties and home valuations; and it secures a free list, embracing numerous articles, some of high importance to the manufacturing arts. Of all the modes of protection which I have enumerated, it affects only the third; that is to say, the imposition of high duties, producing a revenue beyond the wants of government. The senator from Massachusetts contends that the policy of protection was settled in 1816, and that it has ever since been maintained. Sir, it was settled long before 1816. It is coeval with the present constitution, and it will continue, under some of its various aspects, during the existence of the government. No nation can exist, no nation perhaps ever existed, without protection in some form, and to some extent, being applied to its own industry. The direct and necessary consequence of abandoning the protection of its own industry, would be to subject it to the restrictions and prohibitions of foreign powers; and no nation, for any length of time, can endure an alien legislation in which it has no will. The discontents which prevail, and the safety of the republic, may require the modification of a specific mode of protection, but it must be preserved in some other more acceptable shape.

All that was settled in 1816, in 1824, and in 1828, was, that protection should be afforded *by high duties, without regard to the*

amount of the revenue which they might yield. During that whole period, we had a public debt which absorbed all the surpluses beyond the ordinary wants of government. Between 1816 and 1824, the revenue was liable to the greatest fluctuations, vibrating between the extremes of about nineteen and thirty-six millions of dollars. If there were more revenue, more debt was paid; if less, a smaller amount was reimbursed. Such was sometimes the deficiency of the revenue, that it became necessary to the ordinary expenses of government, to trench upon the ten millions annually set apart as a sinking fund, to extinguish the public debt. If the public debt remained undischarged, or we had any other practical mode of appropriating the surplus revenue, the form of protection, by high duties, might be continued without public detriment. It is the payment of the public debt, then, and the arrest of internal improvements by the exercise of the veto, that unsettles that specific form of protection. Nobody supposes, or proposes, that we should continue to levy, by means of high duties, a large annual surplus, of which no practical use can be made, for the sake of the incidental protection which they afford. The secretary of the treasury estimates that surplus on the existing scale of duties, and with the other sources of revenue, at six millions annually. An annual accumulation at that rate, would, in a few years, bring into the treasury the whole currency of the country, to lie there inactive and dormant.

This view of the condition of the country has impressed every public man with the necessity of some modification of the principles of protection, so far as it depends upon high duties. The senator from Massachusetts feels it; and hence, in the resolutions which he submitted, he proposes to reduce the duties, so as to limit the amount of the revenue to the wants of the government. With him revenue is the principal, protection the subordinate object. If protection cannot be enjoyed after such a reduction of duties as he thinks ought to be made, it is not to be extended. He says, specific duties and the power of discrimination, are preserved by his resolutions. So they may be under the operation of the bill. The only difference between the two schemes is, that the bill, in the maximum which it provides, suggests a certain limit, while his resolutions lay down none. Below that maximum, the principle of discrimination and specific duties may be applied. The senator from Pennsylvania, (Mr. Dallas,) who, equally with the senator from Massachusetts, is opposed to this bill, would have agreed to the bill if it had fixed thirty instead of twenty per centum; and he would have dispensed with home valuation, and come down to the revenue standard in five or six years. Now, Mr. President, I prefer, and I think the manufacturing interest will prefer, nine years of adequate protection, home valuations, and twenty per centum, to the plan of the senator from Pennsylvania.

Mr. President, I want to be perfectly understood as to the motives which have prompted me to offer this measure. I repeat what I said on the introduction of it, that they are, first, to preserve the manufacturing interest, and, secondly, to quiet the country. I believe the American system to be in the greatest danger; and I believe it can be placed on a better and safer foundation at this session than at the next. I heard with surprise, my friend from Massachusetts say, that nothing had occurred within the last six months to increase its hazard. I entreat him to review that opinion. Is it correct? Is the issue of numerous elections, including that of the highest officer of the government, nothing? Is the explicit recommendation of that officer, in his message, at the opening of the session, sustained, as he is, by a recent triumphant election, nothing? Is his declaration in his proclamation, that the burdens of the south ought to be relieved, nothing? Is the introduction of a bill into the house of representatives, during this session, sanctioned by the head of the treasury and the administration, prostrating the greater part of the manufactures of the country, nothing? Are the increasing discontents, nothing? Is the tendency of recent events to unite the whole south, nothing? What have we not witnessed in this chamber? Friends of the administration, bursting all the ties which seemed indissolubly to unite them to its chief, and, with few exceptions south of the Potomac, opposing, and vehemently opposing, a favorite measure of that administration, which three short months ago they contributed to establish! Let us not deceive ourselves. Now is the time to adjust the question, in a manner satisfactory to both parties. Put it off until the next session, and the alternative may and probably then would be a speedy and ruinous reduction of the tariff, or a civil war with the entire south.

It is well known, that the majority of the dominant party is adverse to the tariff. There are many honorable exceptions, the senator from New Jersey, (Mr. Dickerson,) among them. But for the exertions of the other party, the tariff would have been long since sacrificed. Now let us look at the composition of the two branches of congress at the next session. In this body we lose three friends of the protective policy, without being sure of gaining one. Here, judging from present appearances, we shall at the next session be in the minority. In the house it is notorious, that there is a considerable accession to the number of the dominant party. How then, I ask, is the system to be sustained against numbers, against the whole weight of the administration, against the united south, and against the increased pending danger of civil war? There is, indeed, one contingency that might save it, but that is too uncertain to rely upon. A certain class of northern politicians, professing friendship to the tariff, have been charged with being secretly inimical to it, for political purposes. They may change

their ground, and come out open and undisguised supporters of the system. They may even find in the measure which I have brought forward, a motive for their conversion. Sir, I shall rejoice in it, from whatever cause it may proceed. And, if they can give greater strength and durability to the system, and at the same time quiet the discontents of its opponents, I shall rejoice still more. They shall not find me disposed to abandon it, because it has drawn succor from an unexpected quarter. No, Mr. President, it is not destruction, but preservation of the system at which we aim. If dangers now assail it, we have not created them. I have sustained it upon the strongest and clearest convictions of its expediency. They are entirely unaltered. Had others, who avow attachment to it, supported it with equal zeal and straightforwardness, it would be now free from embarrassment; but with them it has been a secondary interest. I utter no complaints; I make no reproaches. I wish only to defend myself now, as heretofore, against unjust assaults. I have been represented as the father of this system, and I am charged with an unnatural abandonment of my own offspring. I have never arrogated to myself any such intimate relation to it. I have, indeed, cherished it with parental fondness, and my affection is undiminished, but in what condition do I find this child? It is in the hands of the Philistines, who would strangle it. I fly to its rescue, to snatch it from their custody, and to place it on a bed of security and repose for nine years, where it may grow and strengthen, and become acceptable to the whole people. I behold a torch about being applied to a favorite edifice, and I would save it if possible before it is wrapt in flames, or at least preserve the precious furniture which it contains. I wish to see the tariff separated from the politics of the country, that business men may go to work in security, with some prospect of stability in our laws, and without every thing being staked on the issue of elections, as it were on the hazards of the die.

And the other leading object which has prompted the introduction of this measure, the tranquillizing of the country, is no less important. All wise human legislation must consult in some degree the passions and prejudices, and feelings, as well as the interests of the people. It would be vain and foolish to proceed at all times, and under all circumstances, upon the notion of absolute certainty in any system, or infallability in any dogma, and to push these out without regard to any consequences. With us, who entertain the opinion that congress is constitutionally invested with power to protect domestic industry, it is a question of mere expediency as to the form, the degree, and the time that the protection shall be afforded. In weighing all the considerations which should control and regulate the exercise of that power, we ought not to overlook what is due to those who honestly entertain opposite opinions to large masses of the community, and to deep,

long-cherished, and growing prejudices. Perceiving, ourselves, no constitutional impediment, we have less difficulty in accommodating ourselves to the sense of the people of the United States upon this interesting subject. I do believe that a majority of them is in favor of this policy; but I am induced to believe this almost against evidence. Two states in New England, which have been in favor of the system, have recently come out against it. Other states of the north and east have shown a remarkable indifference to its preservation. If, indeed, they have wished to preserve it, they have nevertheless placed the powers of government in hands which ordinary information must have assured them were rather a hazardous depository. With us in the west, although we are not without some direct and considerable indirect interest in the system, we have supported it more upon national than sectional grounds.

Meantime the opposition of a large and respectable section of the union, stimulated by political success, has increased, and is increasing. Discontents are multiplying and assuming new and dangerous aspects. They have been cherished by the course and hopes inspired during this administration, which, at the very moment that it threatens and recommends the use of the power of the union, proclaims aloud the injustice of the system which it would enforce. These discontents are not limited to those who maintain the extravagant theory of nullification; they are not confined to one state; they are coextensive with the entire south, and extend even to northern states. It has been intimated by the senator from Massachusetts, that, if we legislate at this session on the tariff, we would seem to legislate under the influence of a panic. I believe, Mr. President, I am not more sensible to danger of any kind, than my fellow-men are generally. It perhaps requires as much moral courage to legislate under the imputation of a panic, as to refrain from it lest such an imputation should be made. But he who regards the present question as being limited to South Carolina alone, takes a view of it much too contracted. There is a sympathy of feeling and interest throughout the whole south. Other southern states may differ from that as to the remedy to be now used, but all agree, (great as in my humble judgment is their error,) in the substantial justice of the cause. Can there be a doubt that those who think in common will sooner or later act in concert? Events are on the wing, and hastening this coöperation. Since the commencement of this session, the most powerful southern member of the union has taken a measure which cannot fail to lead to important consequences. She has deputed one of her most distinguished citizens to request a suspension of measures of resistance. No attentive observer can doubt that the suspension will be made. Well, sir, suppose it takes place, and congress should fail at the next session to afford the redress

which will be solicited, what course would every principle of honor, and every consideration of the interests of Virginia, as she understands them, exact from her? Would she not make common cause with South Carolina? and if she did, would not the entire south eventually become parties to the contest? The rest of the union might put down the south, and reduce it to submission; but, to say nothing of the uncertainty and hazards of all war, is that a desirable state of things? Ought it not to be avoided if it can be honorably prevented? I am not one of those who think that we must rely exclusively upon moral power, and never resort to physical force. I know too well the frailties and follies of man, in his collective as well as individual character, to reject in all possible cases, the employment of force; but I do think that when resorted to, especially among the members of a confederacy, it should manifestly appear to be the only remaining appeal.

But suppose the present congress terminates without any adjustment of the tariff, let us see in what condition its friends will find themselves at the next session. South Carolina will have postponed the execution of the law passed to carry into effect her ordinance, until the end of that session. All will be quiet in the south for the present. The president, in his opening message, will urge that justice, as he terms it, be done to the south; and that the burdens imposed upon it by the tariff, be removed. The whole weight of the administration, the united south, and majorities of the dominant party, in both branches of congress, will be found in active coöperation. Will the gentleman from Massachusetts tell me how we are to save the tariff against this united and irresistible force? They will accuse us of indifference to the preservation of the union, and of being willing to expose the country to the dangers of civil war. The fact of South Carolina's postponing of her ordinance, at the instance of Virginia, and once more appealing to the justice of congress, will be pressed with great emphasis and effect. It does appear to me impossible that we can prevent a most injurious modification of the tariff, at the next session, and that this is the favorable moment for an equitable arrangement of it. I have been subjected to animadversion, for the admission of the fact, that, at the next session, our opponents will be stronger, and the friends of the American system weaker than they are in this congress. But, is it not so? And is it not the duty of every man, who aspires to be a statesman, to look at naked facts as they really are? Must he suppress them? Ought he, like children, to throw the counterpane over his eyes, and persuade himself that he is secure from danger? Are not our opponents as well informed as we are, about their own strength?

If we adjourn, without any permanent settlement of the tariff, in what painful suspense and terrible uncertainty shall we not leave the manufacturers and business men of the country? All

eyes will be turned, with trembling and fear, to the next session. Operations will be circumscribed, and new enterprises checked; or, if otherwise, ruin and bankruptcy may be the consequence. I believe, sir, this measure, which offers a reasonable guarantee for permanence and stability, will be hailed by practical men with pleasure. The political manufacturers may be against it, but it will command the approbation of a large majority of the business manufacturers of the country.

But the objections of the honorable senator from Massachusetts are principally directed to the period beyond 1842. During the intermediate time, there is every reason to hope and believe that the bill secures adequate protection. All my information assures me of this; and it is demonstrated by the fact, that, if the measure of protection, secured prior to the thirty-first of December, 1841, were permanent; or if the bill were even silent beyond that period, it would command the cordial and unanimous concurrence of the friends of the policy. What then divides, what alarms us? It is what *may possibly* be the state of things in the year one thousand eight hundred and forty-two, or subsequently! Now, sir, even if that should be as bad as the most vivid imagination, or the most eloquent tongue could depict it, if we have intermediate safety and security, it does not seem to me wise to rush upon certain and present evils, because of those which, admitting their possibility, are very remote and contingent. What! shall we not extinguish the flame which is bursting through the roof that covers us, because, at some future and distant day, we may be again threatened with conflagration?

I do not admit that this bill abandons or fails, by its provisions, to secure reasonable protection beyond 1842. I cannot know, I pretend not to know, what will then be the actual condition of this country, and of the manufacturing arts, and their relative condition to the rest of the world. I would as soon confide in the forecast of the honorable senator from Massachusetts, as in that of any other man in this senate, or in this country; but he, nor any one else, can tell what that condition will then be. The degree of protection which will be required for domestic industry beyond 1842, depends upon the reduction of wages, the accumulation of capital, the improvement in skill, the protection of machinery, and the cheapening of the price, at home, of essential articles, such as fuel, iron, and so forth. I do not think that the honorable senator can throw himself forward to 1842, and tell us what, in all these particulars, will be the state of this country, and its relative state to other countries. We know that, in all human probability, our numbers will be increased by an addition of one third, at least, to their present amount, and that may materially reduce wages. We have reason to believe that our capital will be augmented, our skill improved; and we know that great progress has been made, and

is making, in machinery. There is a constant tendency to decrease in the price of iron and coal. The opening of new mines and new channels of communication, must continue to lower it. The successful introduction of the process of cooking, will have great effect. The price of these articles, one of the most opulent and intelligent manufacturing houses in this country assures me, is a principal cause of the present necessity of protection to the cotton interest; and that house is strongly inclined to think that twenty per centum, with the other advantages secured in this bill, may do beyond 1842. Then, sir, what effect may not convulsions and revolutions in Europe, if any should arise, produce? I am far from desiring them, that our country may profit by their occurrence. Her greatness and glory rest, I hope, upon a more solid and more generous basis. But we cannot shut our eyes to the fact, that our greatest manufacturing, as well as commercial competitor, is undergoing a momentous political experiment, the issue of which is far from being absolutely certain. Who can raise the veil of the succeeding nine years, and show what, at their termination, will be the degree of competition which Great Britain can exercise towards us in the manufacturing arts?

Suppose, in the progress of gradual descent towards the revenue standard for which this bill provides, it should some years hence become evident that further protection, beyond 1842, than that which it contemplates may be necessary, can it be doubted that, in some form or other, it will be applied? Our misfortune has been, and yet is, that the public mind has been constantly kept in a state of feverish excitement, in respect to this system of policy. Conventions, elections, congress, the public press, have been for years all acting upon the tariff, and the tariff acting upon them all. Prejudices have been excited, passions kindled, and mutual irritations carried to the highest pitch of exasperation, insomuch that good feelings have been almost extinguished, and the voice of reason and experience silenced, among the members of the confederacy. Let us separate the tariff from the agitating politics of the country, place it upon a stable and firm foundation, and allow our enterprising countrymen to demonstrate to the whole union, by their skilful and successful labors, the inappreciable value of the arts. If they can have what they have never yet enjoyed, some years of repose and tranquillity, they will make, silently, more converts to the policy, than would be made during a long period of anxious struggle and boisterous contention. Above all, I count upon the good effects resulting from a restoration of the harmony of this divided people, upon their good sense and their love of justice. Who can doubt, that when passions have subsided, and reason has resumed her empire, that there will be a disposition throughout the whole union, to render ample justice to all its parts? Who will believe that any section of this great confederacy would

look with indifference to the prostration of the interests of another section, by distant and selfish foreign nations, regardless alike of the welfare of us all? No, sir; I have no fears beyond 1842. The people of the United States are brethren, made to love and respect each other. Momentary causes may seem to alienate them, but, like family differences, they will terminate in a closer and more affectionate union than ever. And how much more estimable will be a system of protection, based on common conviction and common consent, and planted in the bosoms of all, than one wrenched by power from reluctant and protesting weakness?

That such a system will be adopted, if it should be necessary for the period of time subsequent to 1842, I will not doubt. But, in the scheme which I originally proposed, I did not rely exclusively, great as my reliance is, upon the operation of fraternal feelings, the return of reason, and a sense of justice. The scheme contained an appeal to the interests of the south. According to it, unmanufactured cotton was to be a free article after 1842. Gentlemen from that quarter have again and again asserted that they were indifferent to the duty of three cents per pound on cotton, and that they feared no foreign competition. I have thought otherwise; but I was willing, by way of experiment, to take them at their word; not that I was opposed to the protection of cotton, but believing that a few cargoes of foreign cotton introduced into our northern ports, free of duty, would hasten our southern friends to come here and ask that protection for their great staple, which is wanted in other sections for their interests. That feature in the scheme was stricken out in the select committee, but not by the consent of my friend from Delaware, (Mr. Clayton,) or myself. Still, after 1842, the south may want protection for sugar, for tobacco, for Virginia coal, perhaps for cotton and other articles, whilst other quarters may need it for wool, woollens, iron, and cotton fabrics; and these mutual wants, if they should exist, will lead, I hope, to some amicable adjustment of a tariff for that distant period, satisfactory to all. The theory of protection supposes, too, that, after a certain time, the protected arts will have acquired such strength and perfection as will enable them subsequently, unaided, to stand up against foreign competition. If, as I have no doubt, this should prove to be correct, it will, on the arrival of 1842, encourage all parts of the union to consent to the continuance of longer protection to the few articles which may then require it.

The bill before us strongly recommends itself by its equity and impartiality. It favors no one interest, and no one state, by an unjust sacrifice of others. It deals equally by all. Its basis is the act of July last. That act was passed, after careful and thorough investigation, and long deliberation, continued through several months. Although it may not have been perfect in its adjustment

of the proper measure of protection to each article which was supposed to merit it, it is not likely, that, even with the same length of time before us, we could make one more perfect. Assuming the justness of that act, the bill preserves the respective propositions for which the act provides, and subjects them all to the same equal but moderate reduction, spread over the long space of nine years. The senator from Massachusetts contends that a great part of the value of all protection, is given up by dispensing with specific duties and the principle of discrimination. But much the most valuable articles of our domestic manufactures, (cotton and woollens, for example,) have never enjoyed the advantage of specific duties. They have always been liable to ad valorem duties, with a very limited application of the minimum principle. The bill does not, however, even after 1842, surrender either mode of laying duties. Discriminations are expressly recognised below the maximum, and specific duties may also be imposed, provided they do not exceed it.

The honorable senator also contends that the bill is imperfect, and that the execution of it will be impracticable. He asks, how is the excess above twenty per centum to be ascertained on coarse and printed cottons, liable to minimums of thirty and thirty-five cents, and subject to a duty of twenty-five per centum, ad valorem; and how is it to be estimated in the case of specific duties? Sir, it is very probable that the bill is not perfect, but I do not believe that there is any thing impracticable in its execution. Much will, however, depend upon the head of the treasury department. In the instance of the cotton minimums, the statute having, by way of exception to the general ad valorem rule, declared, in certain cases, how the value shall be estimated, that statutory value ought to govern; and consequently, the twenty per centum should be exclusively deducted from the twenty-five per centum, being the rate of duties to which cottons generally are liable; and the biennial tenths should be subtracted from the excess of five per centum. With regard to specific duties, it will, perhaps, be competent to the secretary of the treasury, in the execution of the law, for the sake of certainty, to adopt some average value, founded upon importations of a previous year. But if the value of each cargo, and every part of it, is to be ascertained, it would be no more than what now is the operation in the case of woollens, silks, cottons above thirty and thirty-five cents, and a variety of other articles; and consequently there would be no more impracticability in the law.

To all defects, however, real or imaginary, which it may be supposed will arise in the execution of the principle of the bill, I oppose one conclusive, and, I hope, satisfactory answer. Congress will be in session one whole month before the commencement of the law; and if, in the meantime, omissions calling for further legislation shall be discovered, there will be more time then than

we have now to supply them. Let us, on this occasion of compromise, pursue the example of our fathers, who, under the influence of the same spirit, in the adoption of the constitution of the United States, determined to ratify it, and go for amendments afterwards.

To the argument of the senator from Massachusetts, that this interest, and that, and the other, cannot be sustained under the protection, beyond 1842, I repeat the answer, that no one can now tell what may then be necessary. That period will provide for itself. But I was surprised to hear my friend singling out iron as an article that would be most injuriously affected by the operation of this bill. If I am not greatly mistaken in my recollection, he opposed and voted against the act of 1824, because of the high duty imposed on iron. But for that duty, (and perhaps the duty on hemp,) which he then considered threw an unreasonable burden upon the navigation of the country, he would have supported that act. Of all the articles to which protecting duties are applied, iron, and the manufactures of iron, enjoy the highest protection. During the term of nine years, the deductions from the duty are not such as seriously to impair those great interests, unless all my information deceives me; and beyond that period, the remedy has been already indicated. Let me suppose that the anticipations which I form, upon the restoration of concord and confidence, shall be all falsified; that neither the sense of fraternal affection, nor common justice, nor even common interests, will lead to an amicable adjustment of the tariff beyond 1842. Let me suppose that period has arrived, and that the provisions of the bill shall be interpreted as an obligatory pledge upon the congress of that day; and let me suppose, also, that a greater amount of protection than the bill provides, is absolutely necessary to some interests; what is to be done? Regarded as a pledge, it does not bind congress for ever to adhere to the specific rate of duty contained in the bill. The most, in that view, that it exacts, is, to make a fair experiment. If, after such experiment, it should be demonstrated, that, under such an arrangement of the tariff, the interests of large portions of the union would be sacrificed, and they exposed to ruin, congress will be competent to apply some remedy that will be effectual; and I hope and believe that, in such a contingency, some will be devised that may preserve the harmony and perpetuate the blessings of the union.

It has been alleged, that there will be an augmentation, instead of a diminution of revenue, under the operation of this bill. I feel quite confident of the reverse; but it is sufficient to say, that both contingencies are carefully provided for in the bill, without affecting the protected articles.

The gentleman from Massachusetts dislikes the measure, because it commands the concurrence of those who have been hitherto

opposed, in regard to the tariff; and is approved by the gentleman from South Carolina, (Mr. Calhoun,) as well as by myself. Why, sir, the gentleman has told us that he is not opposed to any compromise. Will he be pleased to say how any compromise can be effected, without a concurrence between those who had been previously divided, and taking some medium between the two extremes? The wider the division may have been, so much the better for the compromise, which ought to be judged of by its nature and by its terms, and not solely by those who happen to vote for it. It is an adjustment to which both the great interests in this country may accede without either being dishonored. The triumph of neither is complete. Each, for the sake of peace, harmony, and union, makes some concessions. The south has contended that every vestige of protection should be eradicated from the statute-book, and the revenue standard forthwith adopted. In assenting to this bill, it waives that pretension — yields to reasonable protection for nine years; and consents, in consideration of the maximum of twenty per centum, to be subsequently applied, to discriminations below it, cash duties, home valuations, and a long list of free articles. The north and west have contended for the practical application of the principle of protection, regulated by no other limit than the necessary wants of the country. If they accede to this adjustment, they agree, in consideration of the stability and certainty which nine years' duration of a favorite system of policy affords, and of the other advantages which have been enumerated, to come down in 1842 to a limit not exceeding twenty per centum. Both parties, animated by a desire to avert the evils which might flow from carrying out into all their consequences the cherished system of either, have met upon common ground, made mutual and friendly concessions, and, I trust, and sincerely believe, that neither will have, hereafter, occasion to regret, as neither can justly reproach the other with what may be now done.

This, or some other measure of conciliation, is now more than ever necessary, since the passage, through the senate, of the enforcing bill. To that bill, if I had been present, on the final vote, I should have given my assent, although with great reluctance. I believe this government not only possessed of the constitutional power, but to be bound by every consideration, to maintain the authority of the laws. But I deeply regretted the necessity which seemed to me to require the passage of such a bill. And I was far from being without serious apprehensions as to the consequences to which it might lead. I felt no new-born zeal in favor of the present administration, of which I now think as I have always thought. I could not vote against the measure; I would not speak in its behalf. I thought it most proper in me to leave to the friends of the administration and to others, who might feel themselves

particularly called upon, to defend and sustain a strong measure of the administration. With respect to the series of acts to which the executive has resorted, in relation to our southern disturbance, this is not a fit occasion to enter upon a full consideration of them; but I will briefly say, that, although the proclamation is a paper of uncommon ability and eloquence, doing great credit, as a composition, to him who prepared it, and to him who signed it, I think it contains some ultra doctrines, which no party in this country had ventured to assert. With these are mixed up many sound principles and just views of our political systems. If it is to be judged by its effects upon those to whom it was more immediately addressed, it must be admitted to have been ill-timed and unfortunate. Instead of allaying the excitement which prevailed, it increased the exasperation in the infected district, and afforded new and unnecessary causes of discontent and dissatisfaction in the south generally. The message, subsequently transmitted to congress, communicating the proceedings of South Carolina, and calling for countervailing enactments, was characterized with more prudence and moderation. And, if this unhappy contest is to continue, I sincerely hope, that the future conduct of the administration may be governed by wise and cautious counsels, and a parental forbearance. But when the highest degree of animosity exists; when both parties, however unequal, have arrayed themselves for the conflict; who can tell when, by the indiscretion of subordinates, or other unforeseen causes, the bloody struggle may commence? In the midst of magazines, who knows when the fatal spark may produce a terrible explosion? And the battle once begun, where is its limit? What latitude will circumscribe its rage? Who is to command our armies? When, and where, and how, is the war to cease? In what condition will the peace leave the American system, the American union, and, what is more than all, American liberty? I cannot profess to have a confidence, which I have not, in this administration, but if I had all confidence in it, I should still wish to pause, and, if possible, by any honorable adjustment, to prevent awful consequences, the extent of which no human wisdom can foresee.

It appears to me, then, Mr. President, that we ought not to content ourselves with passing the enforcing bill only. Both that and the bill of peace seem to me to be required for the good of our country. The first will satisfy all who love order and law, and disapprove the inadmissible doctrine of nullification. The last will soothe those who love peace and concord, harmony and union. One demonstrates the power and the disposition to vindicate the authority and supremacy of the laws of the union; the other offers that, which, if it be accepted in the fraternal spirit in which it is tendered, will supersede the necessity of the employment of all force.

There are some who say, let the tariff go down; let our manufactures be prostrated, if such be the pleasure, at another session, of those to whose hands the government of this country is confided; let bankruptcy and ruin be spread over the land; and let resistance to the laws, at all hazards, be subdued. Sir, they take counsel from their passions. They anticipate a terrible reaction from the downfall of the tariff, which would ultimately reëstablish it upon a firmer basis than ever. But it is these very agitations, these mutual irritations between brethren of the same family, it is the individual distress and general ruin that would necessarily follow the overthrow of the tariff, that ought, if possible, to be prevented. Besides, are we certain of this reaction? Have we not been disappointed in it as to other measures heretofore? But suppose, after a long and embittered struggle, it should come, in what relative condition would it find the parts of this confederacy? In what state our ruined manufactures? When they should be laid low, who, amidst the fragments of the general wreck, scattered over the face of the land, would have courage to engage in fresh enterprises, under a new pledge of the violated faith of the government? If we adjourn, without passing this bill, having intrusted the executive with vast powers to maintain the laws, should he be able by the next session to put down all opposition to them, will he not, as a necessary consequence of success, have more power than ever to put down the tariff also? Has he not said that the south is oppressed, and its burdens ought to be relieved? And will he not feel himself bound, after he shall have triumphed, if triumph he may in a civil war, to appease the discontents of the south by a modification of the tariff, in conformity with its wishes and demands? No, sir; no, sir; let us save the country from the most dreadful of all calamities, and let us save its industry, too, from threatened destruction. Statesmen should regulate their conduct and adapt their measures to the exigences of the times in which they live. They cannot, indeed, transcend the limits of the constitutional rule; but with respect to those systems of policy which fall within its scope, they should arrange them according to the interests, the wants, and the prejudices of the people. Two great dangers threaten the public safety. The true patriot will not stop to inquire how they have been brought about, but will fly to the deliverance of his country. The difference between the friends and the foes of the compromise, under consideration, is, that they would, in the enforcing act, send forth alone a flaming sword. We would send out that also, but along with it the olive branch, as a messenger of peace. They cry out, the law! the law! the law! Power! power! power! We, too, reverence the law, and bow to the supremacy of its obligation; but we are in favor of the law executed in mildness, and of power tempered with mercy. They, as we think, would hazard a civil commotion, beginning in South Carolina and

extending, God only knows where. While we would vindicate the federal government, we are for peace, if possible, union, and liberty. We want no war, above all, no civil war, no family strife. We want to see no sacked cities, no desolated fields, no smoking ruins, no streams of American blood shed by American arms!

I have been accused of ambition in presenting this measure. Ambition! inordinate ambition! If I had thought of myself only, I should have never brought it forward. I know well the perils to which I expose myself; the risk of alienating faithful and valued friends, with but little prospect of making new ones, if any new ones could compensate for the loss of those whom we have long tried and loved; and the honest misconceptions both of friends and foes. Ambition! If I had listened to its soft and seducing whispers; if I had yielded myself to the dictates of a cold, calculating, and prudential policy, I would have stood still and unmoved. I might even have silently gazed on the raging storm, enjoyed its loudest thunders, and left those who are charged with the care of the vessel of state, to conduct it as they could. I have been heretofore often unjustly accused of ambition. Low, grovelling souls, who are utterly incapable of elevating themselves to the higher and nobler duties of pure patriotism — beings, who, for ever keeping their own selfish aims in view, decide all public measures by their presumed influence on their aggrandizement — judge me by the venal rule which they prescribe to themselves. I have given to the winds those false accusations, as I consign that which now impeaches my motives. I have no desire for office, not even the highest. The most exalted is but a prison, in which the incarcerated incumbent daily receives his cold, heartless visitants, marks his weary hours, and is cut off from the practical enjoyment of all the blessings of genuine freedom. I am no candidate for any office in the gift of the people of these states, united or separated; I never wish, never expect to be. Pass this bill, tranquillize the country, restore confidence and affection in the union, and I am willing to go home to Ashland, and renounce public service for ever. I should there find, in its groves, under its shades, on its lawns, amidst my flocks and herds, in the bosom of my family, sincerity and truth, attachment, and fidelity, and gratitude, which I have not always found in the walks of public life. Yes, I have ambition; but it is the ambition of being the humble instrument, in the hands of Providence, to reconcile a divided people; once more to revive concord and harmony in a distracted land — the pleasing ambition of contemplating the glorious spectacle of a free, united, prosperous, and fraternal people!

IN SUPPORT OF THE COMPROMISE ACT.

IN THE SENATE, MARCH 1, 1833.

[THE bill for modifying the duties on imports, as passed by the house of representatives, (in effect, Mr. Clay's bill,) being under consideration, and on its passage, a brief discussion took place, between Messrs. Calhoun, Mangum, Frelinghuysen, Sprague, and others, in favor of the bill, and Messrs. Webster, Dallas, Robbins, and others, in opposition.]

MR. CLAY then said a few words in reference to this bill and the enforcing bill, both of which he considered that it was necessary to send forth, as well to show that the laws must be executed, as that there is a disposition to make concessions. He stated, that on the subject of the government's being a compact, he principally agreed with the senator from South Carolina, but with some difference as to the character of the right conferred by that compact. He did not adopt the opinion, that there had been any advance made in usurpation of powers by the general government. He then went into a view of the history of this system, to show, that twelve or thirteen years ago, there was no opposition raised against the power of congress to protect domestic industry. The opposition on constitutional grounds had subsequently grown up. He then stated, that in his opinion no state could so practically construe the constitution as to nullify the laws of the United States, without plunging the country into all the miseries of anarchy. He said that he adhered to the doctrines of that ablest, wisest, and purest of American statesmen, James Madison, who still lives, and resides in Virginia — the doctrines which were advanced by him in 1799. The answer of that distinguished man to the resolutions of the other states, and his address to the people, effected a sudden revolution of public opinion. The people rallied around him; the alien and sedition laws were repealed; and the usurpations of the general government were arrested. He viewed the government as federative in its origin, in its character, and in its operation, and under the clause of the constitution which gives to congress power to pass all laws to carry into effect the granted powers, they could pass all necessary laws. He hoped that the effect of this bill would conciliate all classes and all sections of the union.

He did not arrogate any merit for the passage of this bill. He had cherished this system as a favorite child, and he still clung to it, and should still cling to it. Why had he been reproached? He had come to the child and found it in the hands of the Philistines, who were desirous to destroy it. He wished to save and cherish it, and to find for it better and safer nurses. He did not wish to employ the sword, but to effect his object by concession and conciliation. He wished to see the system placed on a securer basis, to plant it in the bosoms and affections of the people. The gentleman from Pennsylvania, who had learned his views of the system from the senator from South Carolina, had spoken of him as the pilot who was directing the vessel. If it was so, he would ask if she had been secured by a faithful crew? If all had been faithful, he believed there would have been no danger in assailing the system. He assailed no one; he merely defended himself against the reproaches of others.

Another motive with him was to preserve the union. He feared he saw hands uplifted to destroy the system; he saw the union endangered; and in spite of all peril which might assail himself, he had determined to stand forward and attempt the rescue.

He felt himself pained exceedingly in being obliged to separate on the question, from valued friends, especially from his friend from Massachusetts, whom he had always respected, and whom he still respected. He then replied to the argument founded on the idea that the protective principle had been abandoned by this bill. He admitted that protection had been better secured by former bills, but there was no surrender by this. He considered revenue as the first object and protection as the second. As to the reduction of the revenue, he was of opinion that there was an error in the calculations of gentlemen. He thought that in the article of silks alone, there would be a considerable reduction. The protection to the mechanic arts was only reduced by the whole operation of the bill to twenty-six per centum, and he did not know that there would be any just ground for complaint, as some of the mechanic arts now enjoy only twenty-five per centum.

The argument of the senator from New York, (Mr. Wright,) was against the bill, but he was happy to find his vote was to be for it. If his argument brought other minds to the same conclusion to which it had brought his, the bill would not be in any danger. He would say, save the country; save the union; and save the American system.

ON THE PRESIDENT'S MESSAGE, RETURNING THE PUBLIC LAND BILL.

IN THE SENATE OF THE UNITED STATES, DECEMBER 5, 1833.

[THE bill to distribute the proceeds of the public lands, introduced by Mr. Clay, passed both houses of congress on the first of March, 1832, one day before the adjournment, and the term of the twenty-second congress expired on Sunday, the third of March, 1832. The majorities were so large in favor of the bill, that it was believed if the president had immediately returned the bill with his objections, on the second of March, it would have been passed by the constitutional majority of two thirds of the members present in each house, and thus have become a law, notwithstanding the objections of president Jackson. But the president adopted the unprecedented course of retaining the bill until the next session of congress. In December, 1833, the twenty-third congress assembled, and the president sent a message to the senate, returning the land bill which had been passed by the previous congress, with his objections to the same, and stating that for want of time he had not pursued the usual course. The message of the president, assigning his reasons for the return of the bill, having been read, Mr. Clay rose and made the following remarks]

THIS measure had been first introduced into congress at the session before the last, under circumstances which must be within the recollection of every member of the senate. Its object was, to dispose of the proceeds of the public lands for a limited time. The subject had been greatly discussed not only in congress, but throughout the country. The principles and provisions of the bill were well and generally understood. The subject had attracted the attention of the chief magistrate himself, and this bill was made the subject of commentary in his message at the commencement of the last session of congress. It must, therefore, be considered as a subject perfectly well understood by the president, for it was not to be supposed that he would have commented upon it, and recommended it to the attention of congress, if it had not been understood. During the last session, this bill, which had previously been before the house, was introduced in this body, and was passed, and sent to the other house, whence it was returned with a slight amendment, taking away the discretion which had been vested in the state legislatures as to the disposal of the proceeds. This bill, which had been before congress the session before the last, which had passed at the last session, having been before the country for a

whole year, when it passed the two houses, was placed before the executive, with a number of other measures, just before the close of the last congress. As the subject had been before the president for consideration so long previously to the passage of the bill, and he had reflected upon it, it was not to have been expected that he would take advantage of the shortness of the session to retain the bill until this time. Yet such had been the fact, and a proceeding had taken place which was unprecedented and alarming, and which, unless the people of this country were lost to all sense of what was due to the legislative branch of the government, to themselves, and to those principles of liberty which had been transmitted to them from the revolution, they would not tolerate. It was at least due to the legislature, that the president should have sent a few lines, courteously informing them, that when his own mind was made up he would communicate the result. But, without deigning to make known his intention, or to impart the reasons which influenced him, he despotically kept silence, and retained the bill. He begged leave to congratulate the senate on the return of the bill. The question which now presented itself was, whether the bill was dead, in consequence of the non-action of the president, or whether it had become an existing law. He was not now about to discuss that question; but he had felt himself called on to make a few observations on the extraordinary course, and to say that it was due to congress, to the people, and to the executive himself, to have informed the last congress in reference to this subject, concerning which he must have made up his mind. He would now move to lay this bill on the table, and would afterwards give notice of a day when he should ask leave to bring in a bill in order to submit it again to the action of the senate.

Mr. Kane wished to know if it was the intention of the senator from Kentucky that the bill should lie permanently on the table, or only to be called up at an early day.

Mr. Clay replied that the only alternative was to consider the bill as defunct, or as an existing law. If the gentleman from Illinois could point out any other course, he had read some clause in the constitution which he (Mr. Clay) had never been so fortunate as to find.

Mr. Benton said he would wish to make a remark; and, if he was precluded by the pressing of this question, he would find some other opportunity of making it.

The question was then taken on the motion to lay the bill upon the table, and decided in the affirmative — ays nineteen.

Mr. Benton then moved to take up the message for consideration.

After further discussion, Mr. Clay said, he did not rise to reply to any one who had felt himself called upon to rise in the senate to *vindicate* the president. If there were any such member, he did not wish to disturb him in his office of vindicator of the president, or to affect the complacency with which he might regard *his* vindi-

cation. But he (Mr. Clay) stood here to sustain his own course, to vindicate the constitution, and to vindicate the rights of congress under it. And he must repeat, that the withholding of the land bill, at the last session, under the circumstances of the case, was a violation of the constitution, and disrespectful to the senate. What were the circumstances?

At two different sessions of congress, the land subject was before it. At that which preceded the last, a bill had been introduced to distribute among the states the proceeds of the public lands. The whole subject, by the bill and by reports of committees, was laid before congress and spread before the country. A copy of the bill, when it was first introduced, according to the constant practice of congress, was sent to the president. He was thus, as well as the country generally, put in entire possession of the matter. It attracted great public attention. It engaged that of the president. And, accordingly, at the commencement of the last session, in his annual message, he adverted to it, in a manner which evidently showed that the writer of the message fully understood it, and all the views which had been developed about it.

[Here Mr. Clay read the message of the last session, so far as it related to the public lands, to show that the president had himself invited the attention of congress to it, as one of urgent and pressing importance; that the *discretion* of congress to make any disposition of the public lands, which they might deem best for the harmony, union, and interest of the United States, was uncontrolled; that the question ought *speedily* to be settled; and that the president had *considered*, but objected to the bill of the previous session, proposing, as a substitute, a plan of his own, which, while the message on the table argued that the public lands belonged to *all* the states, proposed to give the unsold lands to *some* of them.]

Thus was congress, at the commencement of the last session, officially invited to act, and to act speedily, respecting the public lands; and thus did the president manifest his knowledge of the provisions of the bill of the previous session. Well, sir, congress again took up the question. The identical bill of the previous session was again introduced, and again, prior to its passage, placed before the president, along with the other printed documents, according to standing usage. And it was passed by both houses, substantially in the shape in which at the previous session it was passed by the senate, except that the restriction as to the power of the states to apply the sum to be distributed among the several states, after the deduction of the twelve and a half per centum first set apart for the new states, was stricken out.

In this form, the bill was laid before the president on the second day of March last. It was no stranger, but an old acquaintance. He had seen it repeatedly before; and he must have been well informed as to its progress in congress. He had commented on the very project contained in the bill, when he had brought forward his own in his message, at the opening of the session. Without deigning to communicate to congress what disposition he had made,

or meant to make of it, he permitted the body to rise, in utter igno rance of his intentions.

It may be true, that there was a great press of business on the president on the second of March, and that he may have acted upon some ninety or one hundred bills. But this is what occurs with every president on the day before the termination of the short session of congress. With most of those bills the president must have been less acquainted than he was with the land bill. Of some of them he probably had never heard at all. Not one of them possessed the importance of the land bill. How did it happen that the president could find time to decide on so many new bills, and yet had not time to examine and dispose of one which had long been before him and the public; one embracing a subject which he thought the union, harmony, and interests of the states required should be *speedily* adjusted; one which he himself had pronounced his judgment upon at the commencement of the session? By withholding the bill, the president took upon himself a responsibility beyond the exercise of the veto. He deprived congress altogether of its constitutional right to act upon the bill, and to pass it, his negative notwithstanding.

The president is, by the constitution, secured time to consider bills which shall have passed both branches of congress. But so is congress equally secured the right to act upon bills which they have passed, and which the president may have thought proper to reject. If he exercises his veto, and returns the bill, two thirds may pass it. But if he withholds the bill, it cannot become a law, even although the two houses should be unanimously in its favor.

Mr. Clay denied that the constitution gave to the president ten days to consider bills, except at the long session. At that session, the period of its termination is uncertain, and dependent upon the will of congress. To guard against a sudden adjournment, by which the president might be deprived of due time to deliberate on an important bill, the constitution provides for ten days at that session. But, at the short session, it is not an adjournment but a dissolution of congress, on the third of March, and the day of that dissolution is fixed in the constitution itself, and known to all.

Mr. Clay contended, therefore, that the act of withholding the bill was arbitrary and unconstitutional, by which congress, and the senate especially, in which the bill originated, were deprived of their constitutional right of passing on the bill, after the president had exercised his powers. Respect to congress required of the president, if he really had not time to form a judgment on the bill, or, having formed it, had not time to lay his reasons before the body, a communication to that effect. But, without condescending to transmit one word upon the subject to congress, he suffered the session to terminate, and the members to go home destitute of all information, until this day, of his intentions.

Mr. Benton then withdrew his motion to take up the bill.

ON THE REMOVAL OF THE PUBLIC DEPOSITS FROM THE BANK OF THE UNITED STATES.

IN THE UNITED STATES SENATE, DECEMBER 26, 1833.

[The house of representatives, on the second of March, 1833, adopted, by a vote of one hundred and ten to forty-six, the following resolution: 'that the government deposits may, in the opinion of the house, be safely continued in the bank of the United States.' Notwithstanding this resolution, the president of the United States, (general Jackson,) in September following, read a paper to his cabinet, declaring his intention to cause the deposits to be removed from the bank. He then removed the secretary of the treasury, Mr. Duane, from office, in consequence of his refusal to comply with the president's orders in this respect, and appointed Mr. Taney secretary in his place; who removed the deposits from the United States bank, on the first of October, 1833, and placed them in sundry state banks. At the ensuing session of congress, the secretary of the treasury, Mr. Taney, having made his report on that transaction, the subject came up for consideration in the senate, when Mr. Clay submitted the following resolutions, which he accompanied with the subjoined speech.]

Resolved, that by dismissing the late secretary of the treasury, because he would not, contrary to his sense of his own duty, remove the money of the United States in deposit with the bank of the United States and its branches, in conformity with the president's opinion; and by appointing his successor to effect such removal, which has been done, the president has assumed the exercise of a power over the treasury of the United States not granted to him by the constitution and laws, and dangerous to the liberties of the people.

Resolved, that the reasons assigned by the secretary of the treasury for the removal of the money of the United States, deposited in the bank of the United States and its branches, communicated to congress on the third of December, 1833, are unsatisfactory and insufficient.

We are in the midst of a revolution, hitherto bloodless, but rapidly tending towards a total change of the pure republican character of the government, and to the concentration of all power in the hands of one man. The powers of congress are paralysed, except when exerted in conformity with his will, by frequent and an extraordinary exercise of the executive veto, not anticipated by the founders of our constitution, and not practiced by any of the predecessors of the present chief magistrate. And, to cramp them still more, a new expedient is springing into use, of withholding

altogether bills which have received the sanction of both houses of congress, thereby cutting off all opportunity of passing them, even if, after their return, the members should be unanimous in their favor. The constitutional participation of the senate in the appointing power is virtually abolished by the constant use of the power of removal from office, without any known cause, and by the appointment of the same individual to the same office, after his rejection by the senate. How often have we, senators, felt that the check of the senate, instead of being, as the constitution intended, a salutary control, was an idle ceremony? How often, when acting on the case of the nominated successor, have we felt the injustice of the removal? How often have we said to each other, well, what can we do? the office cannot remain vacant, without prejudice to the public interest, and, if we reject the proposed substitute, we cannot restore the displaced; and, perhaps, some more unworthy man may be nominated.

The judiciary has not been exempt from the prevailing rage for innovation. Decisions of the tribunals, deliberately pronounced, have been contemptuously disregarded. And the sanctity of numerous treaties openly violated. Our Indian relations, coeval with the existence of the government, and recognised and established by numerous laws and treaties, have been subverted, the rights of the helpless and unfortunate aborigines trampled in the dust, and they brought under subjection to unknown laws, in which they have no voice, promulgated in an unknown language. The most extensive and most valuable public domain that ever fell to the lot of one nation, is threatened with a total sacrifice. The general currency of the country — the life-blood of all its business — is in the most imminent danger of universal disorder and confusion. The power of internal improvement lies crushed beneath the veto. The system of protection of American industry was snatched from impending destruction, at the last session; but we are now coolly told by the secretary of the treasury, without a blush, 'that it is understood to be *conceded on all hands*, that the tariff for protection merely is to be finally abandoned.' By the third of March, 1837, if the progress of innovation continues, there will be scarcely a vestige remaining of the government and its policy, as they existed prior to the third of March, 1829. In a term of eight years, a little more than equal to that which was required to establish our liberties, the government will have been transformed into an elective monarchy — the worst of all forms of government.

Such is a melancholy but faithful picture of the present condition of our public affairs. It is not sketched or exhibited to excite, here or elsewhere, irritated feeling. I have no such purpose. I would, on the contrary, implore the senate and the people to discard all passion and prejudice, and to look calmly, but resolutely, upon the actual state of the constitution and the country. Although I bring

into the senate the same unabated spirit, and the same firm determination which have ever guided me in the support of civil liberty, and the defence of our constitution, I contemplate the prospect before us with feelings of deep humiliation and profound mortification.

It is not among the least unfortunate symptoms of the times, that a large portion of the good and enlightened men of the union, of all parties, are yielding to sentiments of despondency. There is, unhappily, a feeling of distrust and insecurity pervading the community. Many of our best citizens entertain serious apprehensions, that our union and our institutions are destined to a speedy overthrow. Sir, I trust that the hopes and confidence of the country will revive. There is much occasion for manly independence and patriotic vigor, but none for despair. Thank God, we are yet free; and, if we put on the chains which are forging for us, it will be because we deserve to wear them. We should never despair of the republic. If our ancestors had been capable of surrendering themselves to such ignoble sentiments, our independence and our liberties would never have been achieved. The winter of 1776–7 was one of the gloomiest periods of the revolution; but on *this day*, fifty-seven years ago, the father of his country achieved a glorious victory, which diffused joy and gladness and animation throughout the states. Let us cherish the hope that, since he has gone from among us, Providence, in the dispensation of his mercies, has near at hand in reserve for us, though yet unseen by us, some sure and happy deliverance from all impending dangers.

When we assembled here last year, we were full of dreadful forebodings. On the one hand we were menaced with a civil war, which, lighting up in a single state, might spread its flames throughout one of the largest sections of the union. On the other, a cherished system of policy, essential to the successful prosecution of the industry of our countrymen, was exposed to imminent danger of immediate destruction. Means were happily applied by congress to avert both calamities; the country was reconciled, and our union once more became a band of friends and brothers. And I shall be greatly disappointed, if we do not find those who were denounced as being unfriendly to the continuance of our confederacy, among the foremost to fly to its preservation, and to resist all executive encroachment.

Mr. President, when congress adjourned, at the termination of the last session, there was one remnant of its powers, that over the purse, left untouched. The two most important powers of civil government are, those of the sword and the purse. The first, with some restriction, is confided by the constitution to the executive, and the last to the legislative department. If they are separate, and exercised by different responsible departments, civil liberty is safe;

but if they are united in the hands of the same individual, it is gone. That clear-sighted and sagacious revolutionary orator and patriot, Patrick Henry, justly said, in the Virginia convention, in reply to one of his opponents:

'Let him candidly tell me where and when did freedom exist, when the sword and purse were given up from the people? Unless a miracle in human affairs interposed, no nation ever retained its liberty after the loss of the sword and the purse? Can you prove by any argumentative deduction, that it is possible to be safe without one of them? If you give them up you are gone.'

Up to the period of the termination of the last session of congress, the exclusive constitutional power of congress over the treasury of the United States had never been contested. Among its earliest acts was one to establish the treasury department, which provided for the appointment of a treasurer, who was required to give bond and security in a very large amount, 'to receive and keep the moneys of the United States and to disburse the same, upon warrants drawn by the secretary of the treasury, countersigned by the comptroller, recorded by the register, *and not otherwise.*' Prior to the establishment of the present bank of the United States, no treasury or place had been provided and designated by law for the safe-keeping of the public moneys, but the treasurer was left to his own discretion and responsibility. When the existing bank was established, it was provided that the public moneys should be deposited with it, and consequently that bank became the treasury of the United States. For whatever place is designated by law for the keeping of the public money of the United States, under the care of the treasurer of the United States, is for the time being the *treasury.* Its safety was drawn in question by the chief magistrates, and an agent was appointed, a little more than a year ago, to investigate its ability. He reported to the executive, that it was perfectly safe. His apprehensions of its solidity were communicated by the president to congress, and a committee was appointed to examine the subject. They, also, reported in favor of its security. And, finally, among the last acts of the house of representatives, prior to the close of the last session, was the adoption of a resolution, manifesting its entire confidence in the ability and solidity of the bank.

After all these testimonies to the perfect safety of the public moneys, in the place appointed by congress, who could have supposed that the place would have been changed? Who could have imagined, that within sixty days of the meeting of congress, and, as it were, in utter contempt of its authority, the change should have been ordered? Who would have dreamed, that the treasurer should have thrown away the single key to the treasury, over which congress held ample control, and accepted in lieu of it some dozens of keys, over which neither congress nor he has any adequate control? Yet, sir, all this has been done; and it is now

our solemn duty to inquire, first, by whose authority it has been ordered? and, secondly, whether the order has been given in conformity with the constitution and laws of the United States?

I agree, sir, and I am happy whenever I can agree with the president, as to the immense importance of these questions. He says, in a paper which I hold in my hand, that he looks upon the pending question as involving higher considerations than the 'mere transfer of a sum of money from one bank to another. Its decision may affect the character of our government for ages to come.' And, with him, I view it as of transcendent importance, both in its consequences and the great principles which the question involves. In the view which I have taken of this subject, I hold the bank as nothing, as perfectly insignificant, faithful as it has been in the performance of all its duties, efficient as it has proved in regulating the currency, than which there is none in all christendom so sound, and deep as is the interest of the country in the establishment and continuance of a sound currency, and the avoidance of all those evils which result from a defective or unsettled currency. All these I regard as questions of no importance, in comparison with the principles involved in this executive innovation. It involves the distribution of power by the executive, and the taking away a power from congress which it was never before doubted to possess — the power over the public purse. Entertaining these views, I shall not, to-day, at least, examine the reasons assigned by the president, or by the secretary of the treasury; for if the president had no power to perform the act, no reasons, however cogent or strong, which he can assign as urging him to the accomplishment of his purpose, no reasons, can sanctify an unconstitutional and illegal act.

The first question, sir, which I intimated it to be my purpose to examine, was, by whose direction was this change of the deposits made?

Now, sir, is there any man who hears me, who requires proof on this point? Is there an intelligent man in the whole country who does not know who it was that decided on the removal of the deposits? Is it not of universal notoriety? Does any man doubt that it was the act of the president? That it was done by his authority and at his command? The president, on this subject, has himself furnished evidence which is perfectly conclusive, in the paper which he has read to his cabinet; for, although he has denied to the senate an official copy of that paper, it is universally admitted that he has given it to the world, as containing the reasons which influenced him to this act. As a part of the people, if not in our senatorial character, we have a right to avail ourselves of that paper, and of all which it contains. Is it not perfectly conclusive as to the authority by which the deposits have been removed? I admit that it is an unprecedented and most extraordinary power.

The constitution of the United States admits of a call, from the chief magistrate, on the heads of departments, for their opinions in writing.

It appears, indeed, that this power which the constitution confers on the president, had been exercised, and that the cabinet were divided, two and two; and one, who was ready to go on either side, being a little indifferent how this great constitutional power was settled by the president. The president was not satisfied with calling on his cabinet for their opinions, in the customary and constitutional form; but he prepares a paper of his own, and, instead of receiving reasons from them, reads to them, and thus indoctrinates them according to his own views. This, sir, is the first time in the history of our country, when a paper has been thus read, and thus published. The proceeding is entirely without precedent. Those who now exercise power, consider all precedents wrong. They hold precedents in contempt; and, casting them aside, have commenced a new era in administration. But while they thus hold all precedents in contempt, disregarding all, no matter how long established, no matter to what departments of the government they may have given sanction, they are always disposed to shield themselves behind a precedent, whenever they can find one to subserve their purpose.

But the question is, who gave the order for the removal of the deposits? By whose act were they removed from the bank of the United States, where they were required by the law to be placed, and placed in banks which the law never designated? I tell the gentlemen who are opposed to me, that I am not to be answered by the exhibition of an order signed by R. Taney, or any one else. I want to know, not the clerk who makes the writing, but the individual who dictates — not the hangman who executes the culprit, but the tribunal which orders the execution. I want the original authority, that I may know by whose order, on whose authority, the public deposits were removed, and I again ask, is there a member of this senate, is there an intelligent man in the whole country, who doubts on this point? Hear what the president himself says, in his manifesto, read to his cabinet:

'The president deems it HIS duty, to communicate in this manner to his cabinet *the final conclusions* OF HIS OWN MIND, and the reasons on which they are founded,' and so forth.

At the conclusion of this paper what does he say?

'The president again repeats, that he begs his cabinet to consider the proposed measure as HIS OWN, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. ITS RESPONSIBILITY HAS BEEN ASSUMED, after the most mature reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise, without which all will unite in saying, that the blood and treasure expended by our forefathers in the establishment of our happy system of government will have been vain and fruitless.

Under these convictions, he feels that a measure so important to the American people cannot be commenced too soon; *and* HE *therefore names the first day of October next* as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the state banks can be made.'

Sir, is there a senator here who will tell me that this removal was not made by the president? I know, indeed, that there are in this document many of those most mild, most gracious, most condescending expressions, with which power too well knows how to clothe its mandates. The president coaxes, he soothes the secretary, in the most bland and conciliating language:

'In the remarks he has made on this all-important question, he *trusts* the secretary of the treasury will see only the frank and *respectful* declarations of the opinions which the president has formed on a measure of great national interest, deeply affecting the character and usefulness of his administration; and *not a spirit of dictation*, which the president would be as *careful to avoid*, as ready to resist. Happy will he be, if the facts now disclosed produce uniformity of opinion and unity of action among the members of the administration.'

Sir, how kind! how gentle! How very gracious must this have sounded in the gratified ear of the secretary of the treasury! Sir, it reminds me of an historical anecdote, related of one of the most remarkable characters which our species has ever produced. While Oliver Cromwell was contending for the mastery of Great Britain, or Ireland, (I do not now remember which,) he besieged a certain catholic town. The place made a stout resistance; but at length the town being likely to be taken, the poor catholics proposed terms of capitulation, stipulating therein for the toleration of their religion. The paper containing the terms was brought to Oliver, who, putting on his spectacles to read it, cried out, 'oh, granted, granted, certainly;' he added, however, 'but if one of them shall dare to be found attending mass, he shall be hanged;' (under what section is not mentioned; whether under a second, or any other section, of any particular law, we are not told.)

Thus, sir, the secretary was told by the president, that he had not the slightest wish to dictate — oh, no; nothing is further from the president's intention; but, sir, what was he told in the sequel? 'If you do not comply with my wishes — if you do not effect the removal of these deposits within the period I assign you — you must quit your office.' And what, sir, was the effect? This document bears date on the eighteenth of September. In the official paper, published at the seat of government, and through which it is understood that the government makes known its wishes and purposes to the people of the United States, we were told, under date of the twentieth of September, 1833, two days only after this cabinet paper was read, as follows:

'We are authorized to state' — [*authorized;* this is the word which gave credit to this annunciation —] 'We are authorized to state, that the deposits of the public money will be changed from the bank of the United States to the state banks, as soon

as necessary arrangements can be made for that purpose; and that it is believed they can be completed in Baltimore, Philadelphia, New York, and Boston, in time to make the change *by the first of October, and perhaps sooner*, if circumstances should render an earlier action necessary on the part of the government.'

Yes, sir, on the eighteenth of September this measure was decided on; and on the twentieth, it is announced to the people, that the deposits would be removed by the first of October, or sooner, if practicable! Mr. Duane was continued in office till the twenty-third, on which day he was dismissed; and between the twenty-third and the twenty-sixth, on which latter day the mere clerical act of signing the order for removal was performed, Mr. Taney, by whom it was done, was appointed secretary of the treasury, having conformed to the will of the president, against his own duty, which Mr. Duane would not do. Yes, sir, on the twentieth went forth this proclamation, by authority, of the removal of the deposits, although Mr. Duane remained in office till the twenty-third. On this point we have conclusive proof in a letter of the president to that gentleman, dated on the twenty-third, which letter, after all the gracious, friendly, and conciliating language of the cabinet paper, concludes in these terms:

'I feel constrained to notify you, that your further services as secretary of the treasury are no longer required.'

Such, Mr. President, is the testimony on the one side to prove the truth of the proposition, that the removal of the deposits from the bank of the United States, was a measure determined on by the president himself — determined on while the latter secretary of the treasury was still in office, and against the will of the secretary; although Mr. Taney may have put his signature to the order on the twenty-sixth — a mere ministerial act, done in conformity with the previous decision of the president, that the removal should take place on or before the first of October.

I now call the attention of the senate to testimony of the other party; I mean Mr. Duane. After giving a history of the circumstances which accompanied his appointment to office, and what passed antecedently to his removal, he proceeds to say:

'Thus was I thrust into office; thus was I thrust from office; not because I had neglected any duty; not because I had differed with him about the bank of the United States; but because I refused, without further inquiry by congress, to remove the deposits.'

Can testimony be more complete to establish the proposition I have advanced? And is it possible, after the testimony of the president on one side, and of his secretary on the other, that the former had decided that the deposits should be removed, and had removed the secretary because he would not do it, that any man can doubt that the removal was the president's own act? — that it was done in accordance with his command?

And now, sir, having seen that the removal was made by the command and authority of the president, I shall proceed to inquire whether it was done in conformity with the constitution and laws of the United States.

I do not purpose at this time to go into the reasons alleged by the president or his secretary, except so far as those reasons contain an attempt to show that he possessed the requisite authority. Because if the president of the United States had no power to do this thing — if the constitution and laws, instead of authorizing it, required him to keep his hands off the treasury — it is useless to inquire into any reasons he may give for exercising a power which he did not possess. Sir, what power has the president of the United States over the treasury? Is it in the charter establishing the bank? The clause of the charter relating to the public deposits declares,

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

This is in strict consonance with the act creating the treasury department in 1789. The secretary of the treasury is by that act constituted the agent of congress; he is required to report to congress annually the state of the finances, and his plans respecting them; and if congress in either of its branches shall require it, he is to report at any time on any particular branch of the fiscal concerns of the country. He is the agent of congress to watch over the safety of the national deposits; and if, from any peculiar circumstances, the removal of them shall be required, he is to report the fact — to whom? to the president? No, sir; he must report to congress, together with his reasons therefor. By the charter of the bank, the president of the United States is clothed with two powers respecting it, and two only. By one of its clauses he is authorized to nominate, and by and with the consent of the senate, to appoint the government directors, and to remove them, by the other clause he is empowered to issue a *scire facias* when he shall apprehend that the charter of the institution has been violated. These, I say, are the only powers given him by the charter; all others are denied to him, and are given to others. The bank is not bound to report the state of its affairs to him, but to the secretary of the treasury; and it is thus to report whenever he shall call upon it for information; but when it becomes necessary to go further, a committee of congress is authorized to examine the books of the bank, and to look into the whole state of its affairs, and to report, not to the president, but to congress, who appointed them.

The president, as I have said, is restricted to the two powers of appointing directors, and issuing a *scire facias*.

And has the president any power over the treasury by the constitution? None, sir—none. The constitution requires that no money shall be drawn from the treasury except by appropriation, thus placing it entirely under the control of congress. But the president himself says; 'upon him has been devolved, by the constitution and the suffrages of the American people, the duty of superintending the operation of the executive departments of the government, and seeing that the laws are faithfully executed.' Sir, the president, in another part of this same paper, refers to the same suffrages of the American people, as the source of some other and new powers over and above those in the constitution, or at least as expressive of their approbation of the exercise of them. Sir, I differ from the president on this point; and though it does not belong exactly in this place in the argument, I will add a remark or two on this idea. His reëlection resulted from his presumed merits generally, and the confidence and attachment of the people; and from the unworthiness of his competitor; nor was it intended thereby to express their approbation of all the opinions he was known to hold. Sir, it cannot be believed that the great state of Pennsylvania, for instance, which has so justly been denominated the key-stone of our federal arch, in voting again and again for the present chief magistrate, meant by that act to reverse her own opinions on the subject of domestic industry. Sir, the truth is, that the reëlection of the president proves as little an approbation by the people of all the opinions he may hold, even if he had ever unequivocally expressed what those opinions were, (a thing which he never, so far as my knowledge extends, has yet done,) as it would prove that if the president had a carbuncle or the king's evil, they meant, by reëlecting him, to approve of his carbuncle.

But the president says, that the duty 'has been devolved upon him,' to remove the deposits, 'by the constitution and the suffrages of the American people.' Sir, does he mean to say that these suffrages created of themselves a new source of power? That he derived an authority from them which he did not hold as from any other source? If he means that their suffrages made him the president of the United States, and that, as president, he may exercise every power pertaining to that office under the constitution and the laws, there are none who controvert it; but then there could be no need to add the suffrages to the constitution. But his language is, 'the suffrages of the American people and the constitution.' Sir, I deny it. There is not a syllable in the constitution which imposes any such duty upon him. There is nothing of any such thing; no color to the idea. It is true, that by law, all the departments, with the exception of the treasury, are placed under the general care of the president. He says this is done by the

constitution. The laws, however, have appointed but three executive departments; and it is true, that the secretaries are often required by law to act in certain cases according to the directions of the president. *So far* it is admitted that they have been, by the law, (not by the constitution,) placed under the direction of the president. Yet, even as to the state department, there are duties devolving upon the secretary over which the president has no control; and for the non-performance of which that officer is responsible, not to the president, but to the legislative tribunals or to the courts of justice. This is no new opinion. The supreme court, in the case of Marbury and Madison, expressed it in the following terms:

'By the constitution of the United States, the president is invested with certain important political powers, in the exercise of which, he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority, and in conformity to his orders.

* * * * * * *

'In such cases, their acts are his acts; and whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists, and can exist, no power to control that discretion. The subjects are political. They respect the nation, not individual rights, and being intrusted to the executive, the decision of the executive is conclusive. The application of this remark will be perceived by adverting to the act of congress for establishing the department of foreign affairs. This officer, as his duties were prescribed by that act, is to conform precisely to the will of the president. He is the mere organ by whom that will is communicated. The acts of such an officer, as an officer, can never be examined by the courts.

'But when the legislature proceeds to impose on that officer other duties; when he is directed peremptorily to perform certain acts, (that is, when he is not placed under the direction of the president,) when the rights of individuals are dependent on the performance of those acts, he is so far *the officer of the law;* is amenable *to the laws* for his conduct; and cannot at his discretion sport away the vested rights of others.

'The conclusion from this reasoning is, that where the heads of departments are the political or confidential agents of the executive, merely to execute the will of the president, or rather to act in cases in which the executive possesses a constitutional or legal discretion, nothing can be more perfectly clear than that their acts are only politically examinable. But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured, has a right to resort to the laws of his country for a remedy.'

Though the president is mistaken in his assertion, that the constitution devolves upon the president the superintendence of the departments, there is one clause of that instrument which he has very correctly quoted, and which makes it his duty to 'see that the laws are faithfully executed,' as it is mine now to examine what authority he obtains by this clause in the case before us. Under it, the most enormous pretensions have been set up for the president.

It has been contended, that if a law shall pass which the president does not conceive to be in conformity with the constitution, he is not bound to execute it; and if a treaty shall have been made, which, in his opinion, has been unconstitutional in its stipulations, he is not bound to enforce them. And it necessarily follows, that,

if the courts of justice shall give a decision, which he shall in like manner deem repugnant to the constitution, he is not expected or bound to execute that law. Sir, let us look a little into this principle, and trace it out into some of its consequences.

One of the most important acts performed at the departments is, to settle those very large accounts which individuals have with the government; accounts amounting to millions of dollars; to settle them, an auditor and a comptroller have been appointed by law, whose official acts may affect, to the extent of hundreds of thousands of dollars, the property of individual contractors. If the pretensions of the president are well founded, his power goes further than he has exerted it. He may go into the office of the auditor, or the office of the comptroller, and may say to him, sir, Mr. A. B. has an account under settlement in this office, one item of which, objected to by you, I consider to be in accordance with the constitution; pass that account and send it to the auditor; and he may then go to the auditor and hold similar language. If the clause of the constitution is to be expounded, as is contended for, it amounts to a complete absorption of all the powers of government in the person of the executive. Sir, when a doctrine like this shall be admitted as orthodox, when it shall be acquiesced in by the people of this country, our government will have become a *simple* machine enough. The will of the president will be the whole of it. There will be but one bed, and that will be the bed of Procrustes; but one will, the will of the president. All the departments, and all subordinate functionaries of government, great or small, must submit to that will; and if they do not, then the president will have failed to 'see that the laws are faithfully executed.'

Sir, such an extravagant and enormous pretension as this must be set alongside of its exploded compeer, the pretension that congress has the power of passing any and all laws which it may suppose conducive to 'the general welfare.'

Let me, in a few words, present to the senate what are my own views as to the structure of this government. I hold that no powers can legitimately be exercised under it but such as are expressly delegated, and those which are necessary to carry these into effect. Sir, the executive power, as existing in this government, is not to be traced to the notions of Montesquieu, or of any other writer of that class, in the abstract nature of the executive power. Neither is the legislative nor the judicial power to be decided by any such reformer. These several powers with us, whatever they may be elsewhere, are just what the constitution has made them, and nothing more. And as to the general clauses in which reference is made to either, they are to be controlled and interpreted by those where these several powers are specially delegated, otherwise the executive will become a great vortex that

must end in swallowing up all the rest. Nor will the judicial power be any longer restrained by the restraining clauses in the constitution, which relate to its exercise. What then, it will be asked, does this clause, that the president shall see that the laws are faithfully executed, mean? Sir, it means nothing more nor less than this, that if resistance is made to the laws, he shall take care that resistance shall cease. Congress, by the first article of the eighth section of the constitution, is required to provide for calling out the militia to execute the laws, in case of resistance. Sir, it might as well be contended under that clause, that congress have the power of determining what are, and what are not, the laws of the land. Congress has the power of calling out the military; well, sir, what is the president, by the constitution? He is commander of the army and navy of the United States, and of the militia when called out into actual service. When, then, we are here told that he is clothed with the whole physical power of the nation, and when we are afterwards told, that he must take care that the laws are faithfully executed, is it possible that any man can be so lost to the love of liberty, as not to admit that this goes no further than to remove any resistance which may be made to the execution of the laws? We have established a system in which power has been carefully divided among different departments of the government. And we have been told a thousand times, that this division is indispensable as a safeguard to civil liberty. We have designated the departments, and have established in each, officers to examine the power belonging to each. The president, it is true, presides over the whole; his eye surveys the whole extent of the system in all its movements. But has he power to enter into the courts, for example, and tell them what is to be done? Or may he come here, and tell us the same? Or when we have made a law, can he withhold the power necessary to its practical effect? He moves, it is true, in a high, a glorious sphere. It is his to watch over the whole with a paternal eye; and, when any one wheel of the vast machine is for a time interrupted by the occurrence of invasion or rebellion, it is his care to propel its movements, and to furnish it with the requisite means of performing its appropriate duty in its own place.

That this is the true interpretation of the constitutional clause to which I have alluded, is inferred from the total silence of all contemporaneous expositions of that instrument on the subject. I have myself, (and when it was not in my power personally, have caused others to aid me,) made researches into the numbers of the Federalist, the debates in the Virginia convention, and in the conventions of other states, as well as all other sources of information to which I could obtain access, and I have not, in a solitary instance, found the slightest color for the claims set up in these most extraordinary times for the president, that he has authority to afford

or withhold at pleasure the means of enforcing the laws, and to superintend and control an officer charged with a specific duty, made by the law exclusively his. But, sir, I have found some authorities which strongly militate against any such claim. If the doctrine be indeed true, then it is most evident that there is no longer any other control over our affairs, than that exerted by the president. If it be true, that when a duty is by law specifically assigned to a particular officer, the president may go into his office and control him in the manner of performing it, then is it most manifest that all barriers for the safety of the treasury are gone. Sir, it is that union of the purse and the sword, in the hand of one man, which constitutes the best definition of tyranny which our language can give.

The charter of the bank of the United States requires that the public deposits be made in its vaults. It also gives the secretary of the treasury power to remove them — and why? The secretary is at the head of the finances of the government. Weekly reports are made by the bank to him. He is to report to congress annually; and to either house whenever he should be called upon. He is the sentinel of congress — the agent of congress — the representative of congress. Congress has prescribed and has defined his duties. He is required to report to them, not to the president. He is put there by us, as our representative; he is required to remove the deposits when they shall be in danger, and we not in session; but when he does this, he is required to report to congress the fact, with his reasons for it. Now, sir, if, when an officer of government is thus specifically assigned his duty, if he is to report his official acts on his responsibility to congress; if, in a case where no power whatever is given to the president, the president may go and say to that officer, 'go and do as I bid you, or you shall be removed from office;' let me ask, whether the danger apprehended by that eloquent man has not already been realized?

But, sir, let me suppose that I am mistaken in my construction of the constitution; and let me suppose that the president has, as is contended, power to see every particular law carried into effect; what, then, was it his duty to do in the present case under the clause thus interpreted? The law authorized the secretary of the treasury to remove the deposits on his responsibility to congress. Now, if the president has power to see this, like other laws, faithfully executed, then, surely, the law exacted of him that he should see that the secretary was allowed to exercise his free, unbiased, uncontrolled judgment in removing or not removing them. That was the execution of the law. Congress had not said that the secretary of war, or the secretary of state, might remove the public deposits from the treasury.

The president has no right to go to the secretary of war and ask

him what the secretary of the treasury ought to do. He might as well have consulted the secretary of the treasury about a contemplated movement of the army, as to ask the secretary of war about the disposition of the public moneys. It was not to the president, and all his secretaries combined, that the power was given to alter the disposition of the deposits in the bank. It was to the secretary alone, exclusive of the president, and all the other officers of government. And according to gentlemen's own showing, by their construction of the clause, the secretary ought to have been left to his own unbiased determination, uncontrolled by the president or any body else.

I would thank the secretary of the senate to get me the sedition law. It is not very certain how soon we may be called to act upon it.

Now, sir, let us trace some of the other sources of the exercise of this power, or motives for it, or by whatever other name they are to be called. He says to Mr. Duane:

'The president repeats, that he begs the cabinet to consider the proposed measure as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise.'

The morals of the people! What part of the constitution has given to the president any power over 'the morals of the people?' None. It does not give such power even over religion, the presiding and genial influence over every true system of morals. No, sir, it gives him no such power.

And what is the next step? To-day he claims a power as necessary to the morals of the people; to-morrow he will claim another, as still more indispensable to our religion. And the president might in this case as well have said that he went into the office of the secretary of the treasury, and controlled his free exercise of his authority as secretary, because it was necessary to preserve 'the religion of the people!' I ask for the authority. Will any one of those gentlemen here, who consider themselves as the vindicators of the executive, point me to any clause of the constitution which gives to the *present* president of the United States any power to preserve 'the morals of the people?'

But 'the freedom of the press,' it seems, was another motive. Sir, I am not surprised that the present secretary of the treasury should feel a desire to revive this power over the press. He, I think, was a member of that party which passed the sedition law, under precisely the same pretext. I recollect it was said, that this bank, this monster of tyranny, was taking into its pay a countless number of papers, and by this means was destroying the fair fame of the president and his secretary, and all that sort of thing. Sir,

it is sometimes useful to refer back to those old things — to the notions and the motives which induced men in former times to do certain acts which may not be altogether unlike some others in our own time.

The famous sedition act was passed, sir, in 1789; and it contained, among others, the following provision:

'Section 2. That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall, knowingly and willingly, assist or aid in writing, printing, uttering, or publishing, any false, scandalous, and malicious writing or writings, against the government of the United States, or either house of the congress of the United States, or the president of the United States, with intent to defame the said government, or either house of the said congress, or the said president, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either of them, the hatred of the good people of the United States, or to stir up sedition within the United States; or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the president of the United States, done in pursuance of any such law, or of the powers in him vested by the constitution of the United States; or to resist, oppose, or defeat, any such law or act; or to aid, encourage, or abet, any hostile designs of any foreign nation, against the United States, their people, or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.'

We have now, sir, in the reasons for the removal of the government deposits, the same motives avowed and acted upon. The abuse of the government, bringing it into disrepute, using contemptuous language to persons high in authority, constituted the motives for passing the sedition law; and what have we now but a repetition of the same complaints of abuses, disrespect, and so forth. As it is now, so it was then; for, says the next section of the same sedition act:

'That if any person shall be prosecuted under this act, for the writing or publishing of any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defence, the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases.'

It is only for the sake of *the truth*, said they who favored the passage of that law — for the sake of justice; as it is now said that it was necessary to remove the deposits, in order to preserve the purity of the press. That's all, sir. But there is one part of this assumption of power by the president much more tyrannical than that act. Under that law, the offending party was to have a trial by jury; the benefit of witnesses and of counsel; and the right to have the truth of his alleged libels examined. But what is the case now under consideration? Why, sir, the president takes the whole matter in his own hands; he is at once the judge, the jury, and the executioner of the sentence, and utterly deprives the accused party of the opportunity of showing that the imputed libel is no libel at all, but founded in the clearest truth.

But 'the purity of the elective franchise,' also, the president has very much at heart. And here, again, I ask what part of the constitution gives him any power over that 'franchise?' Look, sir, at the nature of the exercise of this power! If it was really necessary that steps should be taken to preserve the purity of the press or the freedom of elections, what ought the president to have done? Taken the matter into his own hands? No, sir; it was his duty to recommend to congress the passage of laws for the purpose, under suitable sanctions; laws which the courts of the United States could execute. We could not have been worse off under such laws, (however exceptionable they might be,) than we are now. We could then, sir, have reviewed the laws, and seen whether congress or the president had properly any power over this matter; or whether the article of the constitution which forbids that the press shall be touched, and declares that religion shall be sacred from all the powers of legislation, applied in the case or not. This the president has undertaken to do of himself, without the shadow of authority, either in the constitution or the laws.

Suppose, sir, that this contumacious institution, which committed the great sin, in 1829, of not appointing a new president to a certain one of its branches — suppose that the bank should go on and vindicate itself against the calumnies poured out upon it — that it should continue to stand upon its defence; how inefficient will have been the exercise of power by the president! How inadequate to the end he had in view, of preserving the press from being made use of to defend the bank! Why, sir, if we had had the power, and the president had come to us, we could have laid Mr. Nicholas Biddle by the heels, if he should have undertaken to publish another report of general Smith or Mr. Duffie, or another speech of the eloquent gentleman near me, (Mr. Webster,) or any other such *libels*, tending to bring the president or his administration into disrepute. But the president of the United States, who thought he had the bank in his power, who thought he could stop it, who was induced to believe, by that 'influence behind the throne, greater than itself,' that he could break down the bank at a word, has only shown his want of power over the press, by his attempt to exercise it in the manner he has done. The bank has avowed and openly declared its purpose to defend itself on all suitable occasions. And, what is still more provoking, instead of being a bankrupt, as was expected, with its doors closed, and its vaults inaccessible, it has now, it seems, got more money than it knows what to do with; and this greatest of misers and hoarders, cruelly refuses to let out a dollar of its ten millions of specie, to relieve the sufferings of the banks to which the government deposits have been transferred.

Sir, the president of the United States had nothing to do with the morals of the community. No, sir; for the preservation of our

morals we are responsible to God, and I trust that that responsibility will ever remain to Him and His mercy alone. Neither had the president any thing to do with the freedom of the press. The power over it is denied, even to congress, by the people. It was said, by one of those few able men and bright luminaries, whom Providence has yet spared to us, in answer to complaints by a foreign minister, against the freedom with which the American press treated certain French functionaries, that the press was one of those concerns which admitted of no regulation by the government; that its abuses must be tolerated, lest its freedom should be abridged. Such, sir, is the freedom of the press, as recognised by our constitution, and so it has been respected ever since the repeal of the obnoxious act which I have already quoted, until the detestable principles of that law have been reasserted by the president, in his assumption of a power, in nowise belonging to his office, of preserving the purity of the press.

Such, sir, are the powers on which the president relies to justify his seizure of the treasury of the United States. I have examined them one by one; and they all fail, utterly fail, to bear out the act. We are irresistibly brought to the conclusion, that the removal of the public money from the bank of the United States has been effected by the displacement from the head of the treasury department of one who would not remove them, and putting in his stead another person, who would; and, secondly, that the president has no color of authority in the constitution or the laws for the act which he has undertaken to perform.

Let us now, for a few moments, examine the consequences which may ensue from the exercise of this enormous power. If the president has authority, in a case in which the law has assigned a specific duty exclusively to a designated officer, to control the exercise of his discretion by that officer, he has a right to interfere in every other case, and remove every one from office who hesitates to do his bidding, against his judgment of his own duty. This, surely, is a logical deduction not to be resisted. Well, then, how stands the matter? Recapitulating the provisions of the law prescribing how money should be drawn from the treasury and the deduction above stated, what is to prevent the president from going to the comptroller, and, if he will not countersign a warrant which he has found an accommodating secretary to sign, turning him out for another; then going to the register, and doing the same; and then to the treasurer, and commanding him to pay over the money expressed in the warrant, or subject himself to expulsion.

Where is the security against such conduct on the part of the president? Where the boundary to this tremendous authority, which he has undertaken to exercise? Sir, every barrier around the treasury is broken down. From the moment that the president

said, 'I make this measure my own, I take upon myself the responsibility,' from that moment the public treasury might as well have been at the hermitage as at this place. Sir, the measure adopted by the president is without precedent — in our day at best. There is, indeed, a precedent on record, but you must go down to the christian era for it. It will be recollected, by those who are conversant with ancient history, that after Pompey was compelled to retire to Brundusium, Cæsar, who had been anxious to give him battle, returned to Rome, 'having reduced Italy, (says the historian,) in sixty days, (the exact period, sir, between the removal of the deposits, and the meeting of congress, without the usual allowance of three days' grace,) without bloodshed.' The historian goes on; 'finding the city in a more settled condition than he expected, and many senators there, he addressed them in a mild and gracious manner, (as the president addressed his late secretary of the treasury,) and desired them to send deputies to Pompey with an offer of honorable terms of peace. As Metellus, the tribune, *opposed his* taking money out of the public treasury, and cited some laws against it, (such, sir, I suppose, as I have endeavored to cite on this occasion,) Cæsar said, 'arms and laws do not flourish together. If you are not pleased with what I am about, you have only to withdraw. (Leave the office, Mr. Duane!) War, indeed, will not tolerate much liberty of speech. When I say this, I am renouncing my own right; for you, and all those whom I have found exciting a spirit of faction against me, are at my disposal.' Having said this, he approached the doors of the treasury, and as the keys were not produced, he sent for workmen to break them open. Metellus again opposed him, and gained credit with some for his firmness; but Cæsar, with an elevated voice, threatened to put him to death, if he gave any further trouble. 'And you know very well, young man,' said he, 'that this is harder for me to say than to do.' Metellus, terrified by the measure, retired, and Cæsar was afterward easily and readily supplied with every thing necessary for the war.

And where now, sir, is the public treasury? Who can tell? It is certainly without a local habitation, if it be not without a name. And where is the money of the people of the United States? Floating about in treasury drafts or checks to the amount of millions, placed in the hands of tottering banks, to enable them to pay their own debts, instead of being appropriated to the service of the people. These checks are scattered to the winds by the treasurer of the United States, who is required by law to let out money from the treasury, on warrants signed by the secretary of the treasury, countersigned, registered, and so forth, and not otherwise.

[Mr. Clay here referred to a correspondence, which he quoted, between the treasurer and the officers of the bank, complaining of these checks drawn without

proper notice, and so forth, in which the treasurer says they were only issued to be used in certain contingencies, and so forth.]

Thus, sir, the people's money is put into a bank here, and the bank there, in regard to the solvency of which we know nothing, and it is placed there to be used in the event of certain contingencies — contingencies of which neither the treasurer nor the secretary have yet deigned to furnish us any account.

Where was the oath of office of the treasurer, when he ventured thus to sport with the people's money? Where was the constitution, which forbids money to be drawn from the treasury without appropriation by law? Where was the treasurer's bond, when he thus cast about the people's money? Sir, his bond is forfeited. I do not pretend to any great knowledge of the law, but give me an intelligent and unpacked jury, and I undertake to prove to him that he has forfeited the penalty of his bond.

Mr. President, the people of the United States are indebted to the president for the boldness of this movement; and as one among the humblest of them, I profess my obligations to him. He has told the senate, in his message refusing an official copy of his cabinet paper, that it has been published for the information of the people. As a part of the people, the senate, if not in their official character, have a right to its use. In that extraordinary paper, he has proclaimed, that the measure is *his* own; and that *he has taken* upon himself the responsibility of it. In plain English, he has proclaimed an open, palpable, and daring usurpation!

For more than fifteen years, Mr. President, I have been struggling to avoid the present state of things. I thought I perceived in some proceedings, during the conduct of the Seminole war, a spirit of defiance to the constitution and to all law. With what sincerity and truth, with what earnestness and devotion to civil liberty, I have struggled, the searcher of all human hearts best knows. With what fortune, the bleeding constitution of my country now fatally attests.

I have, nevertheless, persevered; and under every discouragement, during the short time that I expect to remain in the public councils, I will persevere. And if a bountiful Providence would allow an unworthy sinner to approach the throne of grace, I would beseech Him, as the greatest favor He could grant to me here below, to spare me until I live to behold the people rising in their majesty, with a peaceful and constitutional exercise of their power, to expel the Goths from Rome; to rescue the public treasury from pillage, to preserve the constitution of the United States; to uphold the union against the danger of the concentration and consolidation of *all* power in the hands of the executive; and to sustain the liberties of the people of this country against the imminent perils to which they now stand exposed.

[Here Mr. Clay, who was understood to have gone through the first part of his speech only, gave way, and Mr. Ewing of Ohio moved that the further consideration of the subject be postponed until Monday next; which was ordered accordingly. And then the senate adjourned to that day. December 30, Mr. Clay resumed his speech.]

Before I proceed to a consideration of the report of the secretary of the treasury, and the second resolution, I wish to anticipate and answer an objection, which may be made to the adoption of the first. It may be urged, that the senate, being, in a certain contingency, a court of impeachment, ought not to prejudge a question which it may be called upon to decide judicially. But by the constitution the senate has three characters, legislative, executive, and judicial. Its ordinary, and by far its most important character, is that of its being a component part of the legislative department. Only three or four cases, since the establishment of the government, (that is, during a period of nearly half a century,) have occurred, in which it was necessary that the senate should act as a judicial tribunal, the least important of all its characters. Now it would be most strange if, when its constitutional powers were assailed, it could not assert and vindicate them, because, by possibility, it might be required to act as a court of justice. The first resolution asserts only, that the president has assumed the exercise of a power over the public treasury not granted by the constitution and laws. It is silent as to motive; and without the *quo animo* — the deliberate purpose of usurpation — the president would not be liable to impeachment. But if a concurrence of all the elements be necessary to make out a charge of wilful violation of the constitution, does any one believe that the president will now be impeached? And shall we silently sit by and see ourselves stripped of one of the most essential of our legislative powers, and the exercise of it assumed by the president, to which it is not delegated, without effort to maintain it, because, against all human probability, he may be hereafter impeached?

The report of the secretary of the treasury, in the first paragraph, commences with a misstatement of the fact. He says, '*I have directed*' that the deposits of the money of the United States shall not be made in the bank of the United States. If this assertion is regarded in any other than a mere formal sense, it is not true. The secretary may have been the instrument, the clerk, the automaton, in whose name the order was issued; but the measure was that of the president, by whose authority or command the order was given; and of this we have the highest and most authentic evidence. The president has told the world that the measure was his own, and that he took it upon his own responsibility. And he has exonerated his cabinet from all responsibility about it. The secretary ought to have frankly disclosed all the circumstances of the case, and told the truth, the whole truth, and nothing but the

truth. If he had done so, he would have informed congress, that the removal had been decided by the president on the eighteenth of September last; that it had been announced to the public on the twentieth; and that Mr. Duane remained in office until the twenty-third. He would have informed congress, that this important measure was decided before he entered into his new office, and was the cause of his appointment. Yes, sir, the present secretary stood by, a witness to the struggle in the mind of his predecessor, between his attachment to the president and his duty to the country; saw him dismissed from office, because he would not violate his conscientious obligations, and came into his place, to do what he could not, honorably, and would not perform. A son of one of the fathers of democracy, by an administration professing to be democratic, was expelled from office, and his place supplied by a gentleman, who, throughout his whole career, has been uniformly opposed to democracy! — a gentleman who, at another epoch of the republic, when it was threatened with civil war, and a dissolution of the union, voted, (although a resident of a slave state,) in the legislature of Maryland, against the admission of Missouri into the union without a restriction incompatible with her rights as a member of the confederacy!* Mr. Duane was dismissed because the solemn convictions of his duty would not allow him to conform to the president's will; because his logic did not bring his mind to the same conclusions with those of the logic of a venerable old gentleman, inhabiting a white house not distant from the capitol; because his watch, (here Mr. Clay held up his own,) did not keep time with that of the president. He was dismissed under that detestable system of proscription for opinion's sake, which has finally dared to intrude itself into the halls of congress — a system under which three unoffending clerks, the husbands of wives, the fathers of families, dependent on them for support, without the slightest imputation of delinquency, have been recently unceremoniously discharged, and driven out to beggary, by a man, himself the substitute of a meritorious officer, who has not been in this city a period equal to one monthly revolution of the moon! I tell our secretary, (said Mr. Clay, raising his voice,) that, if he touch a single hair of the head of any one of the clerks of the senate, (I am sure he is not disposed to do it,) on account of his opinions, political or religious, if no other member of the senate does it, I will instantly submit a resolution for his own dismission.

The secretary ought to have communicated all these things; he

* The following is the proceeding to which Mr. Clay referred:

Resolved, by the general assembly of Maryland, that the senators and representatives from this state in congress, be requested to use their utmost endeavors, in the admission of the state of Missouri into the union, to prevent the prohibition of slavery from being required of that state as a condition of its admission.

It passed, January, 1820, in the affirmative. Among the names of those in the negative, is that of Mr. Taney.

ought to have stated that the cabinet was divided two and two, and one of the members equally divided with himself on the question, willing to be put into either scale. He ought to have given a full account of this, the most important act of executive authority since the origin of the government; he should have stated with what unsullied honor his predecessor retired from office, and on what degrading conditions he accepted his vacant place. When a momentous proceeding like this, varying the constitutional distribution of the powers of the legislative and executive departments, was resolved on, the ministers against whose advice it was determined, should have resigned their stations. No ministers of any monarch in Europe, under similar circumstances, would have retained the seals of office. And if, as nobody doubts, there is a cabal behind the curtain, without character and without responsibility, feeding the passions, stimulating the prejudices, and moulding the actions of the incumbent of the presidential office, it was an additional reason for their resignations. There is not a *maitre d'hotel* in christendom, who, if the scullions were put into command in the parlor and dining-room, would not scorn to hold his place, and fling it up in disgust with indignant pride!

I shall examine the report before us, first, as to the power of the secretary over the deposits; secondly, his reasons for the exercise of it; and, thirdly, the manner of its exercise.

First. The secretary asserts that the power of removal is *exclusively* reserved to him; that it is *absolute* and *unconditional*, so far as the interests of the bank are concerned; that it is not restricted to any particular contingencies; that the reservation of the power to the secretary of the treasury exclusively, is a part of the compact; that he may exercise it, if the public convenience or interest would *in any degree* be promoted; that this exclusive power, thus reserved, is so absolute, that the secretary is not restrained by the considerations that the public deposits in the bank are perfectly safe; that the bank promptly meets *all* demands upon it; and that it faithfully performs all its duties; and that the power of congress, on the contrary, is so totally excluded, that it could not, without a breach of the compact, order the deposits to be changed, even if congress were satisfied that they were not safe, or should be convinced that the interests of the people of the United States imperiously demanded the removal.

Such is the statement which this unassuming secretary makes of his own authority. He expands his own power to the most extravagant dimensions; and he undertakes to circumscribe that of congress in the narrowest and most restricted limits! Who would have expected that, after having so confidently maintained for himself such absolute, exclusive, unqualified, and uncontrollable power, he would have let in any body else to share with him its exercise? Yet he says, 'as the secretary of the treasury presides over one of

the *executive* departments of the government, and *his* power over this subject forms a part of the executive duties of his office, the manner in which it is exercised must be subject to the supervision of the officer,' (meaning the president, whose official name his modesty would not allow him to pronounce,) 'to whom the constitution has confided the whole executive power, and has required to take care that the laws be faithfully executed.' If the clause in the compact exclusively vests the power of removal in the secretary of the treasury, what has the president to do with it? What part of the charter conveys to him any power? If, as the secretary contends, the clause of removal, being part of the compact, restricts its exercise to the secretary, to the entire exclusion of congress, how does it embrace the president? especially since both the president and secretary conceive, that 'the power over the place of deposit for the public money would seem properly to belong to the legislative department of the government?' If the secretary be correct in asserting that the power of removal is confined to the secretary of the treasury, then Mr. Duane, while in office, possessed it; and his dismission, because he would not exercise a power which belonged to him exclusively, was itself a violation of the charter.

But by what authority does the secretary assert that the treasury department is one of the executive departments of the government? He has none in the act which creates the department; he has none in the constitution. The treasury department is placed by law on a different footing from all the other departments, which are, in the acts creating them, denominated executive, and placed under the direction of the president. The treasury department, on the contrary, is organized on totally different principles. Except the appointment of the officers, with the coöperation of the senate, and the power which is exercised of removing them, the president has neither by the constitution nor the law creating the department, any thing to do with it. The secretary's reports and responsibility are directly to congress. The whole scheme of the department is one of checks, each officer acting as a control upon his associates. The secretary is required by the law to report, not to the president, but directly to congress. Either house may require any report from him, or command his personal attendance before it. It is not, therefore, true, that the treasury is one of the executive departments, subject to the supervision of the president. And the inference drawn from that erroneous assumption entirely fails. The secretary appears to have no precise ideas either of the constitution or duties of the department over which he presides. He says:

'The treasury department being intrusted with the administration of the finances of the country, it was always the duty of *the secretary*, in the absence of any legislative provision on the subject, to take care that the public money was deposited in safe-keeping, in the hands of faithful agents,' and so forth.

The premises of the secretary are only partially correct, and the conclusion is directly repugnant to law. It never was the duty of the *secretary* to take care that the public money was deposited in safe-keeping, in the hands of faithful agents, and so forth. That duty is expressly, by the act organizing the department, assigned to the treasurer of the United States, who is placed under oath, and under bond, with a large penalty, not to issue a dollar out of the public treasury, but in virtue of warrants granted in pursuance of acts of appropriation, 'and not otherwise.' When the secretary treats of the power of the president, he puts on corsets and prostrates himself before the executive, in the most graceful, courteous, and lady-like form; but when he treats of that of congress, and of the treasurer, he swells and expands himself, and flirts about, with all the airs of high authority.

But I cannot assent to the secretary's interpretation of his power of removal, contained in the charter. Congress has not given up its control over the treasury, or the public deposits, to either the secretary or the executive. Congress could not have done so without a treacherous renunciation of its constitutional powers, and a faithless abandonment of its duties. And now let us see what is the true state of the matter. Congress has reserved to itself, exclusively, the right to judge of the reasons for removal of the deposits, by requiring the report of them to be made to it; and, consequently, the power to ratify or invalidate the act. The secretary of the treasury is the fiscal sentinel of congress, to whom the bank makes weekly reports, and who is presumed constantly to be well acquainted with its actual condition. He may, consequently, discover the urgent necessity of prompt action, to save the public treasure, before it is known to congress, and when it is not in session. But he is immediately to report — to whom? To the executive? No, to congress. For what purpose? That congress may sanction or disprove the act.

The power of removal is a reservation for the benefit of the people, not of the bank. It may be waived. Congress, being a legislative party to the compact, did not thereby deprive itself of ordinary powers of legislation. It cannot, without a breach of the national faith, repeal privileges or stipulations intended for the benefit of the bank. But it may repeal, modify, or waive the exercise altogether, of those parts of the charter which were intended exclusively for the public. Could not congress repeal altogether the clause of removal? Such a repeal would not injure, but add to, the security of the bank. Could not congress modify the clause, by revoking the agency of the secretary of the treasury, and substituting that of the treasurer, or any other officer of government? Could not congress, at any time during the twenty years' duration of the charter, abolish altogether the office of secretary of the treasury, and assign all his present duties to some newly constituted

department? The right and the security of the bank do not consist in the form of the agency, nor in the name of the agent, but in this: that, whatever may be its form or his denomination, the removal shall only be made upon urgent and satisfactory reasons. The power of supplemental legislation was exercised by congress both under the new and old bank. Three years after the establishment of the existing bank, an act passed, better to regulate the election of directors, and to punish any one who should attempt, by bribes, or presents in any form, to influence the operation of the institution.

The denial of the secretary, to congress, of the power to remove the deposits, under any circumstances, is most extraordinary. Why, sir, suppose a corrupt collusion between the secretary and the bank, to divide the spoils of the treasury? Suppose a total nonfulfilment of all the stipulations on the part of the bank? Is congress to remain bound and tied, whilst the bank should be free from all the obligations of the charter? The obligation of one party, to observe faithfully his stipulations, in a contract, rests upon the corresponding obligation of the other party to observe his stipulations. If one party is released, both are free. If one party fails to comply with his contract, *that* releases the other. This is the fundamental principle of all contracts, applicable to treaties, charters, and private agreements. If it were a mere private agreement, and one party who had bound himself to deposit, from time to time, his money with the other, to be redrawn at his pleasure, saw that it was wasting and squandered away, he would have a clear right to discontinue the deposits. It is true, that a party has no right to excuse himself from the fulfilment of his contract, by imputing a breach to the other which has never been made. And it is fortunate for the peace and justice of society, that neither party to any contract, whether public or private, can decide conclusively the question of fulfilment by the other, but must always act under subjection to the ultimate decision, in case of controversy, of an impartial arbiter, provided in the judicial tribunals of civilized communities.

As to the absolute, unconditional, and exclusive power which the secretary claims to be vested in himself, it is in direct hostility with the principles of our government, and adverse to the genius of all free institutions. The secretary was made, by the charter, the mere representative or agent of congress. Its temporary substitute, acting in subordination to it, and bound, whenever he did act, to report to his principal his reasons, that they might be judged of and sanctioned, or overruled. Is it not absurd to say, that the agent can possess more power than the principal? The power of revocation is incident to all agency, unless, in express terms, by the instrument creating it, a different provision is made. The powers, whether of the principal or the agent, in relation to any contract, must be expounded by the principles which govern all

contracts. It is true, that the language of the clause of removal, in the charter, is general, but it is not, therefore, to be torn from the context. It is a part only of an entire compact, and is so to be interpreted, in connection with every part and with the whole. Upon surveying the entire compact, we perceive that the bank has come under various duties to the public; has undertaken to perform important financial operations of the government; and has paid a bonus into the public treasury of a million and a half of dollars. We perceive, that, in consideration of the assumption of these heavy engagements, and the payment of that large sum of money on the part of the bank, the public has stipulated that the public deposits shall remain with the bank, during the continuation of the charter, and that its notes shall be received by the government, in payment of all debts, dues, and taxes. Except the corporate character conferred, there is none but those two stipulations of any great importance to the bank. Each of the two parties to the compact must stand bound to the performance of his engagements, whilst the other is honestly and faithfully fulfilling *his*. It is not to be conceived, in the formation of the compact, that either party could have anticipated that, whilst he was fairly and honestly executing every obligation which he had contracted, the other party might arbitrarily or capriciously exonerate himself from the discharge of his obligations. Suppose, when citizens of the United States were invited by the government to subscribe to the stock of this bank, that they had been told, that, although the bank performs all its covenants with perfect fidelity, the secretary of the treasury may, arbitrarily or capriciously, upon his speculative notions of any degree of public interest or convenience to be advanced, withdraw the public deposits; would they have ever subscribed? Would they have been guilty of the folly of binding themselves to the performance of burdensome duties, whilst the government was left at liberty to violate at pleasure that stipulation of the compact which by far was the most essential to them?

On this part of the subject, I conclude, that congress has not parted from, but retains, its legitimate power over the deposits; that it might modify or repeal altogether the clause of removal in the charter; that a breach of material stipulations on the part of the bank would authorize congress to change the place of the deposits; that a corrupt collusion to defraud the public, between the bank and a secretary of the treasury, would be a clear justification to congress to direct a transfer of the public deposits; that the secretary of the treasury is the mere agent of congress, in respect to the deposits, acting in subordination to his principal; that it results from the nature of all agency that it may be revoked, unless otherwise expressly provided; and, finally, that the principal, and much less the agent, of one party cannot justly or lawfully violate the compact, or any of its essential provisions, whilst the

other party is in the progressive and faithful performance of all his engagements.

If I am right in this view of the subject, there is an end of the argument. There was perfect equality and reciprocity between the two parties to the compact. Neither could exonerate himself from the performance of his obligations, while the other was honestly proceeding fairly to fulfil all his engagements. But the secretary of the treasury *concedes* that the public deposits were perfectly safe in the hands of the bank; that the bank promptly met every demand upon it; and that it faithfully performed all its duties. By these concessions, he surrenders the whole argument, admits the complete obligation of the public to perform its part of the compact, and demonstrates that no reasons, however plausible or strong, can justify an open breach of a solemn national compact.

Secondly. But he has brought forward various reasons to palliate or justify his violation of the national faith; and it is now my purpose to proceed, in the second place, to examine and consider them. Before I proceed to do this, I hope to be allowed again to call the attention of the senate to the nature of the office of secretary of the treasury. It is altogether financial and administrative. His duties relate to the finances, their condition and improvement, and to them exclusively. The act creating the treasury department, and defining the duties of the secretary, demonstrates this. He has no legislative powers; and congress has delegated and could delegate none to him. His powers, wherever given, and in whatever language expressed, must be interpreted by his defined duties. Neither is the treasury department an *executive* department. It was expressly created not to be an executive department. It is administrative, but not *executive*. His relations are positive and direct to congress, by the act of his creation, and not to the president. Whenever he is put under the direction of the president, (as he is by various subsequent acts, especially those relating to the public loans,) it is done by express provision of law, and for specified purposes.

With this key to the nature of the office, and the duties of the officer, I will now briefly examine the various reasons which he assigns for the removal of the public deposits. The first is, the near approach of the expiration of the charter. But the charter had yet to run about two and a half of the twenty years to which it was limited. During the *whole* term the public deposits were to continue to be made with the bank. It was clearly foreseen, at the commencement of the term, as now, that it would expire, and yet congress neither then nor since has ever thought proper to provide for the withdrawal of the deposits prior to the expiration of the charter. Whence does the secretary derive an authority to do what congress had never done? Whence his power to abridge in effect the period of the charter, and to limit it to seventeen and a

half years, instead of twenty? Was the urgency for the removal of the deposits so great, that he could not wait sixty days, until the assembling of congress? He admits that they were perfectly safe in the bank; that it promptly met every demand upon it; and that it faithfully performed all its duties. Why not, then, wait the arrival of congress? The last time the house of representatives had spoken, among the very last acts of the last session, that house had declared its full confidence in the safety of the deposits. Why not wait until it could review the subject, with all the new light which the secretary could throw upon it, and it again proclaims its opinion? He comes into office on the twenty-third of September, 1833, and in three days, with intuitive celerity, he comprehends the whole of the operations of the complex department of the treasury, perceives that the government, from its origin, had been in uniform error, and denounces the opinions of all his predecessors! And, hastening to rectify universal wrong, in defiance and in contempt of the resolution of the house, he signs an order for the removal of the deposits! It was of no consequence to him, whether places of safety, in substitution of the bank of the United States, could be obtained or not; without making the essential precautionary arrangements, he commands the removal almost instantly to be made.

Why, sir, if the secretary were right in contending that he alone could order the removal, even he admits that congress has power to provide for the security of the public money, in the new places to which it might be transferred. If he did not deign to consult the representatives of the people as to the propriety of the first step, did not a decent respect to their authority and judgment exact from him a delay, for the brief term of sixty days, that they might consider what was fitting to be done? The truth is, that the secretary, by law, has nothing to do with the care and safe-keeping of the public money. As has been already shown, that duty is specifically assigned by law to the treasurer of the United States. And, in assuming upon himself the authority to provide other depositories than the bank of the United States, he alike trampled upon the duties of the treasurer, and what was due to congress. Can any one doubt the motive of this precipitancy? Does anybody doubt, that it was to preclude the action of congress, or to bring it under the influence of the executive veto? Let the two houses, or either of them, perform their duty to the country, and we shall hereafter see whether, in that respect, at least, Mr. Secretary will not fail to consummate his purpose.

Second. The next reason assigned for this offensive proceeding, is the reëlection of the present chief magistrate. The secretary says:

'I have always regarded the result of the last election of president of the United States, as the declaration of a majority of the people, that the charter ought not to be renewed.' * * * 'Its voluntary application to congress for the renewal of its

charter four years before it expired, and upon the eve of the election of president, was *understood on all sides* as bringing forward that question for incidental decision at the then approaching election. It was accordingly argued on both sides before the tribunal of the people, and their verdict pronounced against the bank,' and so forth.

What has the secretary to do with elections? Do they belong to the financial concerns of his department? Why this constant reference to the result of the last presidential election? Ought not the president to be content with the triumphant issue of it? Did he want still more vetoes? The winners ought to forbear making any complaints, and be satisfied, whatever the losers may be. After an election is fairly terminated, I have always thought that the best way was to forget all the incidents of the preceding canvass, and especially the manner in which votes had been cast. If one has been successful, that ought to be sufficient for him; if defeated, regrets are unavailing. Our fellow-citizens have a right freely to exercise their elective franchise as they please, and no one, certainly no candidate, has any right to complain about it.

But the argument of the secretary is, that the question of the bank was fully submitted to the people, by the consent of all parties, fully discussed before them, and their verdict pronounced against the institution, in the reëlection of the president. His statement of the case requires that we should examine carefully the various messages of the president, to ascertain whether the bank question was fairly and frankly, (to use a favorite expression of the president,) submitted by him to the people of the United States. In his message of 1829, the president says:

'The charter of the bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from *precipitancy* in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to *the parties* interested, too soon present it to the deliberate consideration of the legislature and the people.'

The charter had then upwards of six years to run. Upon this solemn invitation of the chief magistrate, two years afterwards, the bank came forward with an application for renewal. Then it was discovered that the application was premature. And the bank was denounced for accepting the very invitation which had been formally given. The president proceeds:

'Both the constitutionality and the expediency of the bank are well questioned, *by a large portion of our fellow-citizens.*'

This message was a noncommittal. The president does not announce clearly his own opinion, but states that of *a large portion of our fellow-citizens.* Now we all know that a large and highly respectable number of the people of the United States have always entertained an opinion adverse to the bank on both grounds. The president continues:

'*If* such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the legislature whether *a national one*, founded upon the *credit* of the government, and its resources, might not be devised.'

Here, again, the president, so far from expressing an explicit opinion against all national banks, makes a hypothetical admission of the utility of a bank, and distinctly intimates the practicability of devising one on the basis of the credit and resources of the government.

In his message of 1830, speaking of the bank, the president says:

'Nothing has occurred to lessen, in any degree, the dangers which *many of our citizens* apprehend from that institution, *as at present organized*. In the spirit of improvement and compromise, which distinguishes our country and its institutions, it becomes us to inquire whether it be not *possible* to secure the advantages afforded by the present bank through the agency of a bank of the United States, so modified in its principles and structure, *as* to obviate constitutional and other objections.'

Here, again, the president recites the apprehensions of 'many of our citizens,' rather than avows his own opinion. He admits, indeed, 'the advantages afforded by the present bank,' but suggests an inquiry whether it be possible, (of course doubting,) to secure them by a bank differently constructed. And towards the conclusion of that part of the message, his language fully justifies the implication, that it was not to the bank itself, but to 'its present form,' that he objected.

The message of 1831, when treating of the bank, was very brief. The president says:

'Entertaining the opinions heretofore expressed in relation to the bank of the United States, *as at present organized*,' (noncommittal once more: and what *that* means, Mr. President, nobody better knows than *you* and I,) 'I felt it my duty, in my former messages, *frankly to disclose them*.'

Frank disclosures! Now, sir, I recollect perfectly well the impressions made on my mind, and on those of other senators with whom I conversed, immediately after the message was read We thought and said to each other, the president has left a door open to pass out. It is not the bank; it is not *any* bank of the United States to which he is opposed, but it is to the particular organization of the existing bank. And we all concluded that, if amendments could be made to the charter satisfactory to the president, he would approve a bill for its renewal.

We come now to the famous message of July, 1832, negativing the bill to recharter the bank. Here, it may be expected, we shall certainly find clear opinions, unequivocally expressed. The president cannot elude the question. He must now be perfectly *frank*. We shall presently see. He says:

'A bank of the United States is, in *many* respects, convenient to the government, and useful to the people. Entertaining this *opinion*, and deeply impressed with the

belief that *some* of the powers and privileges possessed by the existing bank, are unauthorized by the constitution,' and so forth. * * * 'I felt it my duty, at an early period of my administration, to call the attention of congress to the practicability of *organizing an institution*, combining all its advantages, and obviating these objections. I sincerely regret, that in the act before me I can perceive none of *those modifications*,' and so forth. * * * 'That a bank of the United States, competent to all the duties which may be required by the government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the states, I do not entertain *a doubt*. Had the executive been called on to furnish *the project of such an institution*, the duty would have been cheerfully performed.'

The message is principally employed in discussing the objections which the president entertained to the particular provisions of the charter, and not to the bank itself; such as the right of foreigners to hold stock in it; its exemption from state taxation; its capacity to hold real estate, and so forth, and so forth. Does the president, even in this message, array himself in opposition to any bank of the United States? Does he even oppose himself to the existing bank under every organization of which it is susceptible? On the contrary, does he not declare that he does not entertain *a doubt* that a bank may be constitutionally organized? Does he not even rebuke congress for not calling on him to furnish a project of a bank, which he would have cheerfully supplied? Is it not fairly deducible, from the message, that the charter of the present bank might have been so amended as to have secured the president's approbation to the institution? So far was the message from being decisive against all banks of the United States, or against the existing bank, under any modification, that the president expressly declares that the question was adjourned. He says:

'A general discussion will now take place, eliciting new light, and settling important principles; and a *new* congress, elected in the midst of such discussion, and furnishing an equal representation of the people, according to the last census, will bear to the *capitol* the verdict of public opinion, and I doubt not bring this important question to a satisfactory result.'

This review of the various messages of the president, conclusively evinces that they were far from expressing, frankly and decisively, any opinions of the chief magistrate, except that he was opposed to the amendments of the charter contained in the bill submitted to him for its renewal, and that he required further amendments. It demonstrates that he entertained no doubt that it was practicable and desirable to establish a bank of the United States; it justified the hope that he might be ultimately reconciled to the continuation of the present bank, with *suitable* modifications; and it expressly proclaimed that the whole subject was adjourned to the new congress, to be assembled under the last census. If the parts of the messages which I have cited, or other expressions, in the same document, be doubtful, or susceptible of a different interpretation, the review is sufficient for my purpose; which is, to refute the argument, so confidently advanced, that the president's

opinion, in opposition to the present or any other bank of the United States, was frankly and fairly stated to the people, prior to the late election, was fully understood, and finally decided by them.

Accordingly, in the canvass which ensued, it was boldly asserted by the partisans of the president, that he was not opposed to a bank of the United States, nor to the existing bank with proper amendments. They maintained, at least, wherever those friendly to a national bank were in the majority, that the reëlection would be followed by a recharter of the bank, with proper amendments. They dwelt, it is true, with great earnestness, upon his objections to the pernicious influence of foreigners in holding stock in it; but they nevertheless contended that these objections would be cured, if he was reëlected, and the bank sustained. I appeal to the whole senate, to my colleagues, to the people of Kentucky, and especially to the citizens of the city of Louisville, for the correctness of this statement.

After all this, was it anticipated by the people of the United States, that, in the reëlection of the president, they were deciding against an institution of such vital importance? Could they have imagined, that, after an express adjournment of the whole matter to a new congress, by the president himself, he would have prejudged the action of this new congress, and pronounced that a question, expressly by himself referred to its authority, was previously settled by the people? He claimed no such result in his message, immediately after the reëlection; although in it he denounced the bank as an unsafe depository of the public money, and invited congress to investigate its condition. The president, then, and the secretary of the treasury, are without all color of justification for their assertions, that the question of bank or no bank was fully and fairly submitted to the people, and a decision pronounced against it by them.

Sir, I am surprised and alarmed at the new source of executive power, which is found in the result of a presidential election. I had supposed that the constitution and the laws were the sole source of executive authority; that the constitution could only be amended in the mode which it has itself prescribed; that the issue of a presidential election, was merely to place the chief magistrate in the post assigned to him; and that he had neither more nor less power, in consequence of the election, than the constitution defines and delegates. But it seems that if, prior to an election, certain opinions, no matter how ambiguously put forth by a candidate, are known to the people, these loose opinions, in virtue of the election, incorporate themselves with the constitution, and afterwards are to be regarded and expounded as parts of the instrument.

Third. The public money ought not, the secretary thinks, to remain in the bank until the last moment of the existence of the charter. But that was not the question which he had to decide on

the twenty-sixth of September last. The real question then was, could he not wait sixty days for the meeting of congress? There were many *last* moments, nearly two years and a half, between the twenty-sixth of September and the day of the expiration of the charter. But why not let the public money remain in the bank until the last day of the charter? It is a part of the charter, that it shall so remain; and congress having so ordered it, the secretary ought to have acquiesced in the will of congress, unless the exigency had arisen on which alone it was supposed his power over the deposits would be exercised. The secretary is greatly mistaken, in believing that the bank will be less secure in the last hours of its existence than previously. It will then be collecting its resources, with a view to the immediate payment of its notes, and the ultimate division among the stockholders of their capital; and at no period of its existence will it be so strong and able to pay all demands upon it. As to the depreciation in the value of its notes in the interior, at that time, why, sir, is the secretary possessed of the least knowledge of the course of the trade of the interior, and especially of the western states? If he had any, he could not have made such a suggestion. When the bank itself is not drawing, its notes form the best medium of remittance from the interior to the Atlantic capitals. They are sought after by merchants and traders with avidity, are never below par, and in the absence of bank drafts may command a premium. This will continue to be the case as long as the charter endures, and especially during the last moments of its existence, when its ability will be unquestionable, Philadelphia being the place of the redemption; whilst the notes themselves will be received in all the large cities in payment of duties.

Fourth The secretary asserts, that 'it is *well understood* that the superior credit heretofore enjoyed by the notes of the bank of the United States, was not founded on any particular confidence in its management or solidity. It was occasioned *altogether* by the agreement on behalf of the public, in the act of incorporation, to receive them in all payments to the United States.' I have rarely seen any state paper characterized by so little gravity, dignity, and circumspection, as the report displays. The secretary is perfectly reckless in his assertions of matters of fact, and culpably loose in his reasoning. Can he believe the assertion which he has made? Can he believe, for example, that if the notes of the bank of the Metropolis were made receivable in all payments to the government, they would ever acquire, at home and abroad, the credit and confidence which are attached to those of the bank of the United States? If he had stated that the faculty mentioned, was one of the elements of the great credit of those notes, the statement would have been true; but who can agree with him, that it is the *sole* cause? The credit of the bank of the United States results from the large amount of its capital; from the great ability and integrity with which it has

been administered; from the participation of the government in its affairs; from its advantageous location; from its being the place of deposit of the public moneys, and its notes being receivable in all payments to the government; and from its being emphatically *the bank of the United States.* This latter circumstance arranges it with the bank of England, France, Amsterdam, Genoa, and so forth.

Fifth. The expansion and contraction of the accommodations of the bank to its individual customers, are held up by the secretary, in bold relief, as evidences of misconduct, which justified his withdrawal of the deposits. He represents the bank as endeavoring to operate on the public, by alternate bribery and oppression, with the same object in both cases, of influencing the election, or the administration of the president. Why this perpetual reference of all the operations of the institution to the executive? Why does the executive think of nothing but itself? It is I! It is I! It is I, that is meant! appears to be the constant exclamation. Christianity and charity enjoin us never to ascribe a bad motive if we can suppose a good one. The bank is a moneyed corporation, whose profits result from its business; if that be extensive, it makes better; if limited, less profit. Its interest is to make the greatest amount of dividends which it can safely. And all its actions may be more certainly ascribed to that than any other principle. The administration must have a poor opinion of the virtue and intelligence of the people of the United States, if it supposes that their judgments are to be warped, and their opinions controlled by any scale of graduated bank accommodations. The bank must have a still poorer conception of its duty to the stockholder, if it were to regulate its issues by the uncertain and speculative standard of political effect, rather than a positive arithmetical rule for the computation of interest.

As to the alleged extension of the business of the bank, it has been again and again satisfactorily accounted for by the payment of the public debt, and the withdrawal from Europe of considerable sums, which threw into its vaults a large amount of funds, which, to be productive, must be employed; and, as the commercial wants proceeding from extraordinary activity of business, created great demands about the same period for bank accommodations, the institution naturally enlarged its transactions. It would have been treacherous to the best interests of its constituents if it had not done so. The recent contraction of its business is the result of an obvious cause. Notwithstanding the confidence in it, manifested by one of the last acts of the last house of representatives, congress had scarcely left the district before measures were put in operation to circumvent its authority. Denunciations and threats were put forth against it. Rumors, stamped with but too much authority, were circulated, of the intention of the executive to disregard the

admonition of the house of representatives. An agent was sent out — *and then such an agent* — to sound the local institutions as to the terms on which they would receive the deposits. Was the bank, who could not be ignorant of all this, to sit carelessly by, without taking any precautionary measures? The prudent mariner, when he sees the coming storm, furls his sails, and prepares for all its rage. The bank knew that the executive was in open hostility to it, and that it had nothing to expect from its forbearance. It had numerous points to defend, the strength or weakness of all of which was well known from its weekly returns to the secretary, and it could not possibly know at which the first mortal stroke would be aimed. If, on the twentieth of September last, instead of the manifesto of the president against the bank, he had officially announced, that he did not mean to make war upon the bank, and intended to allow the public deposits to remain until the pleasure of congress was expressed, public confidence would have been assured and unshaken, the business of the country continued in quiet and prosperity, and the numerous bankruptcies in our commercial cities averted. The wisdom of human actions is better known in their results than at their inception. That of the bank is manifest from all that has happened, and especially from its actual condition of perfect security.

Sixth. The secretary complains of misconduct of the bank in delegating to the committee of exchange the transaction of important business, and in that committee's being appointed by the president and not the board, by which the government directors have been excluded. The directors who compose the board meet only periodically. Deriving no compensation from their places, which the charter, indeed, prohibits them from receiving, it cannot be expected that they should be constantly in session. They must, necessarily, therefore, devolve a great part of the business of the bank in its details, upon the officers and servants of the corporation. It is sufficient, if the board controls, governs, and directs the whole machine. The most important operation of a bank, is that of paying out its cash, and that the cashier or teller and not the board performs. As to committees of exchange, the board not being always in session, it is evident that the convenience of the public requires that there should be some authority at the bank daily, to pass daily upon bills, either in the sale or purchase, as the wants of the community require. Every bank, I believe, that does business to any extent, has a committee of exchange, similar to that of the bank of the United States. In regard to the mode of appointment by the president of the board, it is in conformity with the invariable usage of the house of representatives, with the practice of the senate for several years, and, until altered at the commencement of this session, with the usage, in a great variety, if not all of the state legislatures, and with that which prevails in

our popular assemblies. The president, speaker, chairman, moderator, almost uniformly appoints committees. That none of the government directors have been on the committee of exchange, has proceeded, it is to be presumed, from their not being entitled, from their skill and experience, and standing in society, to be put there. The government directors stand upon the same equal footing with those appointed by the stockholders. When appointed, they are thrown into the mass, and must take their fair chances with their colleagues. If the president of the United States will nominate men of high character and credit, of known experience and knowledge in business, they will, no doubt, be placed in corresponding stations. If he appoints different men, he cannot expect it. Banks are exactly the places where currency and value are well understood, and duly estimated. A piece of coin, having even the stamp of the government, will not pass, unless the metal is pure.

Seventh. The French bill forms another topic of great complaint with the secretary. The state of the case is, that the government sold to the bank a bill on that of France for nine hundred thousand dollars, which the bank sold in London, whence it was sent by the purchaser to Paris to receive the amount. When the bank purchased the bill, it paid the amount to the government, or, which is the same thing, passed it to the credit of the treasury, to be used on demand. The bill was protested in Paris, and the agents of the bank, to avoid its being liable to damages, took up the bill on account of the bank. The bill being dishonored, the bank comes back on the drawer, and demands the customary damages due according to the course of all such transactions. The complaint of the secretary is, that the bank took up the bill to save its own credit, and that it did not do it on account of the government; in other words, that the bank did not advance at Paris nine hundred thousand dollars to the government on account of a bill which it had already paid, every dollar, at Philadelphia. Why, sir, has the secretary read the charter? If he has, he must have known that the bank could not have *advanced* the nine hundred thousand dollars for the government at Paris, without subjecting itself to a penalty of three times the amount, (two million and seven hundred thousand dollars.) The thirteenth section of the charter is express and positive:

'That if the said corporation shall *advance* or lend any sum of money for *the use or on account* of the government of the United States, to an amount exceeding five hundred thousand dollars, all persons concerned in making such unlawful advances or loan, shall forfeit treble the amount, one fifth to the informer,' and so forth.

Eighth. The last reason which I shall notice of the secretary is, that this ambitious corporation aspires to possess political power. Those in the actual possession of power, especially when they have grossly abused it, are perpetually dreading its loss. The miser does not cling to his treasure with a more death-like grasp. Their

suspicions are always active and on the alert. In every form they behold a rival, and every breeze comes charged with alarm and dread. A thousand spectres glide before their affrighted imaginations, and they see, in every attempt to enlighten those who have placed them in office, a sinister design to snatch from them their authority. On what other principles can we account for the extravagant charges brought forward by the secretary against the bank? More groundless and reckless assertions than those which he has allowed himself to embody in his report, never were presented to a deceived, insulted, and outraged people. Suffer me, sir, to group some of them. He asserts, 'that there is *sufficient evidence to prove* that the bank has used its means to obtain political power;' that, in the presidential election, 'the bank took an open and direct interest, demonstrating that it was using its money for the purpose of obtaining a hold upon the people of this country;' that it 'entered the political arena;' that it circulated publications containing 'attacks on the officers of government;' that 'it is now openly in the field as a political partisan;' that there are '*positive proofs*' of the efforts of the bank to obtain power. And, finally, he concludes, as a demonstrated proposition:

'Fourthly, that there is sufficient evidence to show that the bank has been and still is seeking to obtain political power, and has used its money for the purpose of influencing the election of the public servants.'

After all this, who can doubt that this ambitious corporation is a candidate for the next presidency? Or, if it can moderate its lofty pretensions, that it means at least to go for the office of secretary of the treasury, upon the next removal? But, sir, where are the proofs of these political designs? Can any thing be more reckless than these confident assertions of the secretary? Let us have the proofs; I call for the proofs. The bank has been the constant object for years of vituperation and calumny. It has been assailed in every form of bitterness and malignity. Its operations have been misrepresented; attempts have been made to destroy its credit, and the public confidence in its integrity and solidity; and the character of its officers has been assailed. Under these circumstances, it has dared to defend itself. It has circulated public documents, speeches of members of congress, reports made by chairmen of committees, friends of the administration, and other papers. And, as it was necessary to make the defence commensurate with the duration and the extensive theatre of the attack, it has been compelled to incur a heavy expense to save itself from threatened destruction. It has openly avowed, and yet avows, its right and purpose to defend itself. All this was known to the last congress. Not a solitary material fact has been since disclosed. And when before, in a country where the press is free, was it deemed criminal for any body to defend itself? Who invested the secretary of the

treasury with power to interpose himself between the people, and light and intelligence? Who gave him the right to dictate what information should be communicated to the people and by whom? Whence does he derive his jurisdiction? Who made him censor of the public press? From what new sedition law does he deduce his authority? Is the superintendence of the American press a part of the financial duty of a secretary of the treasury? Why did he not lay the whole case before congress, and invite the revival of the old sedition law? Why anticipate the arrival of their session? Why usurp the authority of the only department of government competent to apply a remedy, if there be any power to abridge the freedom of the press? If the secretary wishes to purify the press, he has a most Herculean duty before him. And when he sallies out on his quixotic expedition, he had better begin with the Augean stable, the press nearest to him, his organ, as most needing purification.

I have done with the secretary's reasons. They have been weighed and found wanting. There was not only no financial motive for his acting — the sole motive which he could officially entertain — but every financial consideration forbade him to act. I proceed now, in the third and last place, to examine the manner in which he has exercised his power over the deposits.

Thirdly. The whole people of the United States derive an interest from the public deposits in the bank of the United States, as a stockholder, in that institution. The bank is enabled, through its branches, to throw capital into those parts of the union where it is most needed. Thus it distributes and equalizes the advantages accruing from the collection of a large public revenue, and the consequent public deposits. Thus it neutralizes the injustice which would otherwise flow from the people of the west and the interior's paying their full proportion of the public burdens, without deriving any corresponding benefit from the circulation and deposits of the public revenue. The use of the capital of the bank has been signally beneficial to the west. We there want capital, domestic, foreign—any capital that we can honestly get. We want it to stimulate enterprise, to give activity to business, and to develope the vast resources which the bounty of Nature has concentrated in that region. But, by the secretary's financial arrangements, the twenty-five or thirty millions of the public revenue collected from all the people of the United States, (including those of the west,) will be retained in a few Atlantic ports. Each port will engross the public moneys there collected. And, as that of New York collects about one half of the public revenue, all the people of the United States will be laid under contribution, not for the sake of the people of the city of New York, but of two or three banks in that city, in which the people of the United States, collectively, have not a particle of interest; banks, the stock in which is or may be held by foreigners.

Three months have elapsed, and the secretary has not yet found places of deposit for the public moneys, as substitutes for the bank of the United States. He tells us, in his report of yesterday, that the bank at Charleston, to which he applied for their reception, declined the custody, and that he has yet found no other bank willing to assume it. But he states that the public interest does not in consequence suffer. No! What is done with the public moneys constantly receiving in the important port of Charleston, the largest port, (New Orleans excepted,) from the Potomac to the Gulf of Mexico? What with the revenue bonds? It appears that he has not yet received the charters from all the banks selected as places of deposit. Can any thing be more improvident than that the secretary should undertake to contract with banks, without knowing their power and capacity to contract by their charters? That he should venture to deposit the people's money in banks, without a full knowledge of every thing respecting their actual condition? But he has found some banks willing to receive the public deposits, and he has entered into contracts with them. And the very first step he has taken has been in direct violation of an express and positive statute of the United States. By the act of the first of May, 1820, section sixth, it is enacted:

'That no contract shall hereafter be made by the secretary of state, or of *the treasury*, or of the department of war, or of the navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment; and excepting, also, contracts for the subsistence and clothing of the army or navy, and contracts by the quarter-master's department, which may be made by the secretaries of those departments.'

Now, sir, what law authorized these contracts with the local banks, made by the secretary *of the treasury?* The argument, if I understand the argument intended to be employed on the other side, is this; that, by the bank charter, the secretary, is authorized to remove the public deposits, and that includes the power in question? But the act establishing the treasury department confides, expressly, the safe-keeping of the public moneys of the United States to the treasurer of the United States, and not to the secretary; and the treasurer, not the secretary, gives a bond for the fidelity with which he shall keep them. The moment, therefore, that they are withdrawn from the bank of the United States, they are placed, by law, under the charge and responsibility of the treasurer and his bond, and not of the secretary, who has given no bond. But let us trace this argument a little further. The power to remove the deposits, says the secretary, *from* a given place, implies the power to designate the place *to* which they shall be removed. And this *implied* power to designate the place to which they shall be removed, *implies* the power to the secretary of the treasury to contract with the new banks of deposit. And, on this third link, in the chain of implications, a fourth is constructed, to

dispense with the express duties of the treasurer of the United States, defined in a positive statute; and *yet a fifth*, to repeal a positive statute of congress, passed four years after the passage of the law containing the present source of this most extraordinary chain of implications. The exceptions in the act of 1820, prove the inflexibility of the rule which it prescribes. Annual appropriations are made for the clothing and subsistence of the army and navy. These appropriations might have been supposed to be included in a power to contract for those articles, notwithstanding the prohibitory clause in that act. But congress thought otherwise, and therefore expressly provided for the exceptions. It must be admitted that our clerk, (as the late governor Robinson, of Louisiana, one of the purest republicans I have ever known, used to call a secretary of the treasury,) tramples with very little ceremony upon the duties of the treasurer, and the acts of the congress of the United States, when they come in his way.

These contracts, therefore, between the secretary of the treasury and the local banks are mere nullities, and absolutely void, enforceable in no court of justice whatever, for two causes; first, because they are made in violation of the act of the first of May, 1820; and, secondly, because the treasurer, and not the secretary of the treasury, alone had, if any federal officer possessed the power to contract with the local banks. And here, again, we perceive the necessity there was for avoiding the precipitancy with which the executive acted, and for awaiting the meeting of congress. Congress could have deliberately reviewed the previous legislation, decided upon the expediency of a transfer of the public deposits, and, if deemed proper, could have passed the new laws adapted to the new condition of the treasury. It could have decided whether the local banks should pay any bonus, or pay any interest, or diffuse the public deposits throughout the United States, so as to secure among all their parts, equality of benefits as well as of burdens, and provided for ample guarantees for the safety of the public moneys in their new depositories.

But let us now inquire, whether the secretary of the treasury has exercised his usurped authority, in the formation of these contracts, with prudence and discretion. Having substituted himself to congress and to the treasurer of the United States, he ought at least to show that, in the stipulations of the contracts themselves, he has guarded the public moneys and provided for the public interests. I will examine the contract with the Girard bank of Philadelphia, which is presented as a specimen of the contracts with the Atlantic banks. The first stipulation limits the duty of the local banks to receive in deposit, on account of the United States, only the notes of banks convertible into coin, 'in its *immediate* vicinity,' or which it is, 'for the time being, in the habit of receiving.' Under this stipulation, the Girard bank, for example,

will not be bound to receive the notes of the Louisville bank, although that also be one of the deposit banks, nor the notes of any other bank, not in its immediate vicinity. As to the provision that it will receive the notes of banks which, for the time being, it is in the habit of receiving, it is absurd to put such a stipulation in a contract, because by the power retained to change the habit, for the time being, it is an absolute nullity. Now, sir, how does this compare with the charter and bank of the United States? The bank receives every where, and credits the government with the notes, whether issued by the branches or the principal bank. The amount of all these notes is every where available to the government. But the government may be overflowing in distant bank notes when they are not wanted, and a bankrupt, at the places of expenditure, under this singular arrangement.

With respect to the transfer of moneys from place to place, the local banks require in this contract, that it shall not take place but upon *reasonable* notice. And what reasonable is, has been left totally undefined, and of course open to future contest. When hereafter a transfer is ordered, and the bank is unable to make it, there is nothing to do but to allege the unreasonableness of the notice. The local bank agrees to render to the government all the services now performed by the bank of the United States, subject, however, to the restriction that they are required 'in the vicinity' of the local bank. But the bank of the United States is under no such restrictions; its services are coextensive with the United States and their territories.

The local banks agree to submit their books and accounts to the secretary of the treasury, or to any agent to be appointed by him, but to be paid by the local banks pro rata, as far as such examination *is admissible without a violation of their respective charters;* and how far that may be, the secretary cannot tell, because he has not yet seen all the charters. He is, however, to appoint the agents of examination, and to fix the salaries which the local banks are to pay. And where does the secretary find the authority to create officers and fix their salaries, without the authority of congress?

But the most improvident, unprecedented, and extraordinary provision in the contract, is that which relates to the security. When, and not until the deposits in the local bank shall exceed one half of the capital stock annually paid in, collateral security, satisfactory to the secretary of the treasury, is to be given for the safety of the deposits. Why, sir, a freshman, a schoolboy, would not have thus dealt with his father's guardian's money. Instead of the security *preceding*, it is to *follow* the deposit of the people's money! That is, the local bank gets an amount of their money, equal to one half its capital, and then it condescends to give security! Does not the secretary know, that when he goes for the

security, the money may be gone, and that he may be entirely unable to get the one or the other! We have a law, if I mistake not, which forbids the advance of any public money, even to a disbursing agent of the government, without previous security. Yet, in violation of the spirit of that law, or, at least, of all common sense and common prudence, the secretary disperses upwards of twenty-five millions of public revenue among a countless number of unknown banks, and stipulates that, when the amount of the deposit exceeds one half of their respective capitals, security is to be given!

The best stipulation in the whole contract, is the last, which reserves to the secretary of the treasury the power of discharging these local banks from the service of the United States whenever he pleases; and the sooner he exercises it, and restores the public deposits to the place of acknowledged safety, from which they have been rashly taken, the better for all parties concerned.

Let us look into the condition of one of these local banks, the nearest to us, and that with respect to which we have the best information. The banks of this district (and among them that of the Metropolis) are required to make annual reports of their condition on the first day of January. The latest official return from the Metropolis bank is of the first of January, 1832. Why it did not make one on the first of last January, along with the other banks, I know not. In point of fact, I am informed, it made none. Here is its account of January, 1832, and I think you will agree that it is a Flemish one. On the debit side stand capital paid in, five hundred thousand dollars. Due to the banks, twenty thousand nine hundred and eleven dollars and ten cents; individuals on deposit, seventy-four thousand nine hundred and seventy-seven dollars and forty-two cents; dividend and expenses, seventeen thousand five hundred and ninety-one dollars and seventy-seven cents; and surplus, eight thousand one hundred and thirty-one dollars and two cents; making an aggregate of six hundred and eighty-four thousand four hundred and ninety-six dollars and thirty-one cents. On the credit side, there are bills and notes discounted, and stock (what sort?) bearing interest, six hundred and twenty-six thousand and eleven dollars and ninety cents; real estate, eighteen thousand four hundred and four dollars and eighty-six cents; notes of other banks on hand, and checks on the same, twenty-three thousand two hundred and thirteen dollars and eighty cents; specie — now, Mr. President, how much do you imagine? Recollect, that this is the bank selected at the seat of government, where there is necessarily concentrated a vast amount of public money, employed in the expenditure of government. Recollect that, by another executive edict, all public officers, charged with the disbursement of the public money here, are required to make their deposits with this Metropolis; and how much specie do you suppose it had at the date of its last official return? ten thousand nine hundred

and seventy-four dollars and seventy-six cents; due from other banks, five thousand eight hundred and ninety dollars and ninety-nine cents; making in the aggregate on the credit side, six hundred and eighty-four thousand four hundred and ninety-six dollars and thirty-one cents. Upon looking into the items, and casting them up, you will find that this Metropolis bank, on the first day of January, 1832, was liable to an immediate call for one hundred and seventy-six thousand three hundred and thirty-five dollars and twenty-nine cents, and that the amount which it had on hand, ready to meet that call, was forty thousand and seventy-nine dollars and fifty-five cents. And *this* is one of the banks selected at the seat of the general government, for the deposit of the public moneys of the United States. A bank with a capital of thirty millions of dollars, and upwards of ten millions of specie on hand has been put aside, and a bank with a capital of half a million, and a little more than ten thousand dollars in specie on hand, has been substituted in its place! How that half million has been raised, whether in part or in the whole, by the neutralizing operation of giving stock notes in exchange for certificates of stock, does not appear.

The design of the whole scheme of this treasury arrangement seems to have been, to have united in one common league a number of local banks, dispersed throughout the union, and subject to one central will, with a right of scrutiny instituted by the agents of that will. It is a bad imitation of the New York project of a safety-fund. This confederation of banks will probably be combined in sympathy as well as interest, and will be always ready to fly to the succor of the source of their nourishment. As to their supplying a common currency, in place of that of the bank of the United States, the plan is totally destitute of the essential requisite. They are not required to credit each other's paper, unless it be issued in the '*immediate vicinity.*'

We have seen what *is* in this contract. Now let us see what is *not* there. It contains no stipulation for the preservation of the public morals; none for the freedom of elections; none for the purity of the press. All these great interests, after all that has been said against the bank of the United States, are left to shift and take care of themselves as they can. We have already seen the president of a bank in a neighboring city, rushing impetuously to the defence of the secretary of the treasury against an editorial article in a newspaper, although the 'venom of the shaft was quite equal to the vigor of the bow.' Was he rebuked by the secretary of the treasury? Was the bank *discharged* from the public service? Or, are morals, the press, and elections, in no danger of contamination, when a host of banks become literary champions on the side of power and the officers of government? Is the patriotism of the secretary only alarmed when the infallibility of high authority is questioned? Will the states silently acquiesce, and see the federal

authority insinuating itself into banks of their creation, and subject to their exclusive control?

We have, Mr. President, a most wonderful financier at the head of our treasury department. He sits quietly by in the cabinet, and witnesses the contest between his colleague and the president; sees the conflict in the mind of that colleague between his personal attachment to the president on the one hand, and his solemn duty to the public on the other; beholds the triumph of conscientious obligation; contemplates the noble spectacle of an honest man, preferring to surrender an exalted office with all its honors and emoluments, rather than betray the interests of the people; witnesses the contemptuous and insulting expulsion of that colleague from office; and then coolly enters the vacated place, without the slightest sympathy or the smallest emotion. He was installed on the twenty-third of September, and by the twenty-sixth, the brief period of three days, he discovers that the government of the United States had been wrong from its origin; that every one of his predecessors from Hamilton down, including Gallatin, (who, whatever I said of him on a former occasion, and that I do not mean to retract, possessed more practical knowledge of currency, banks, and finance, than any man I have ever met in the public councils,) Dallas, and Crawford, had been mistaken about both the expediency and constitutionality of the bank; that every chief magistrate, prior to him whose patronage he enjoyed, had been wrong; that the supreme court of the United States, and the people of the United States, during the thirty-seven years that they had acquiesced in or recognised the utter utility of a bank, were all wrong. And, opposing his single opinion to their united judgments, he dismisses the bank, scatters the public money, and undertakes to regulate and purify the public morals, the public press, and popular elections!

If we examine the operations of this modern Turgot, in their financial bearing, merely, we shall find still less for approbation.

First. He withdraws the public moneys, where, by his own deliberate admission, they were perfectly safe, with a bank of thirty-five millions of capital, and ten millions of specie, and places them at great hazard with banks of comparatively small capital, and but little specie, of which the Metropolis bank is an example.

Second. He withdraws them from a bank created by, and over which the federal government had ample control, and puts them in other banks, created by different governments, and over which it has no control.

Third. He withdraws them from a bank in which the American people, as a stockholder, were drawing their fair proportion of interest accruing on loans, of which those deposits formed the basis, and puts them where the people of the United States draw no interest.

Fourth. From a bank which has paid a bonus of a million and a half, which the people of the United States may be now liable to

refund, and puts them in banks which have paid to the American people no bonus.

Fifth. Depreciates the value of stock in a bank, where the general government holds seven millions, and advances that of banks in whose stock it does not hold a dollar; and whose aggregate capital does not probably much exceed that very seven millions. And, finally,

Sixth. He dismisses a bank whose paper circulates in the greatest credit throughout the union and in foreign countries, and engages in the public service banks whose paper has but a limited and local circulation in their 'immediate vicinities.'

These are immediate and inevitable results. How much that large and long-standing item of unavailable funds, annually reported to congress, will be swelled and extended, remains to be developed by time.

And now, Mr. President, what, under all these circumstances, is it our duty to do? Is there a senator, who can hesitate to affirm, in the language of the resolution, that the president has assumed a dangerous power over the treasury of the United States, not granted to him by the constitution and the laws; and that the reasons assigned for the act, by the secretary of the treasury, are insufficient and unsatisfactory?

The eyes and the hopes of the American people are anxiously turned to congress. They feel that they have been deceived and insulted; their confidence abused; their interests betrayed; and their liberties in danger. They see a rapid and alarming concentration of all power in one man's hands. They see that, by the exercise of the positive authority of the executive, and his negative power exerted over congress, the will of one man alone prevails, and governs the republic. The question is no longer what laws will congress pass, but what will the executive not veto? The president, and not congress, is addressed for legislative action. We have seen a corporation, charged with the execution of a great national work, dismiss an experienced, faithful, and zealous president, afterwards testify to his ability by a voluntary resolution, and reward his extraordinary services by a large gratuity, and appoint in his place an executive favorite, totally inexperienced and incompetent, to propitiate the president. We behold the usual incidents of approaching tyranny. The land is filled with spies and informers; and detraction and denunciation are the orders of the day. People, especially official incumbents in this place, no longer dare speak in the fearless tones of manly freedom, but in the cautious whispers of trembling slaves. The premonitory symptoms of despotism are upon us; and if congress do not apply an instantaneous and effective remedy, the fatal collapse will soon come on, and we shall die — ignobly die! base, mean, and abject slaves — the scorn and contempt of mankind — unpitied, unwept, unmourned!

ON THE PUBLIC DISTRESS CAUSED BY THE REMOVAL OF THE DEPOSITS.

IN THE SENATE OF THE UNITED STATES, MARCH 7, 1834.

[THE removal of the deposits from the bank of the United States, by order of president Jackson, in October, 1833, caused great pecuniary embarrassments and distress in the commercial cities and towns of the United States, from the pernicious effect of the measure on the banks and currency. Numerous memorials were presented to congress, by the people, praying for relief. On the presentation of a memorial from Philadelphia, Mr. Clay made the brief remarks which follow, consisting principally of an eloquent appeal to the vice-president, Mr. Van Buren, to use his influence with general Jackson, to restore peace and prosperity to the country.]

I HAVE been requested by the committee from Philadelphia, charged with presenting the memorial to congress, to say a few words on the subject; and although, after the ample and very satisfactory exposition which it has received from the senator from Massachusetts, further observations are entirely unnecessary, I cannot deny myself the gratification of complying with a request, proceeding from a source so highly worthy of respectful consideration.

And what is the remedy to be provided for this most unhappy state of the country? I have conversed freely with the members of the Philadelphia committee. They are real, practical, working men; intelligent, well acquainted with the general condition, and with the sufferings of their particular community. No one, who has not a heart of steel, can listen to them, without feeling the deepest sympathy for the privations and sufferings unnecessarily brought upon the laboring classes. Both the committee and the memorial declare that their reliance is, exclusively, on the legislative branch of the government. Mr. President, it is with subdued feelings of the profoundest humility and mortification, that I am compelled to say, that, constituted as congress now is, no relief will be afforded by it, unless its members shall be enlightened and instructed by the people themselves. A large portion of the body, whatever may be their private judgment upon the course of the president, believe it to be their duty, at all events safest for them-

selves, to sustain him, without regard to the consequences of his measures upon the public interests. And nothing but clear, decided, and unequivocal demonstrations of the popular disapprobation of what has been done, will divert them from their present purpose.

But there is another quarter which possesses sufficient power and influence to relieve the public distresses. In twenty-four hours the executive branch could adopt a measure which would afford an efficacious and substantial remedy, and reëstablish confidence. And those who, in this chamber, support the administration, could not render a better service than to repair to the executive mansion, and, placing before the chief magistrate the naked and undisguised truth, prevail upon him to retrace his steps and abandon his fatal experiment. No one, sir, can perform that duty with more propriety than yourself. You can, if you will, induce him to change his course. To you, then, sir, in no unfriendly spirit, but with feelings softened and subdued by the deep distress which pervades every class of our countrymen, I make the appeal. By your official and personal relations with the president, you maintain with him an intercourse which I neither enjoy nor covet. Go to him and tell him, without exaggeration, but in the language of truth and sincerity, the actual condition of his bleeding country. Tell him it is nearly ruined and undone, by the measures which he has been induced to put in operation. Tell him that *his* experiment is operating on the nation like the philosopher's experiment upon a convulsed animal, in an exhausted receiver, and that it must expire in agony, if he does not pause, give it free and sound circulation, and suffer the energies of the people to be revived and restored. Tell him that, in a single city, more than sixty bankruptcies, involving a loss of upwards of fifteen millions of dollars, have occurred. Tell him of the alarming decline in the value of all property, of the depreciation of all the products of industry, of the stagnation in every branch of business, and of the close of numerous manufacturing establishments, which, a few short months ago, were in active and flourishing operation. Depict to him, if you can find language to portray, the heart-rending wretchedness of thousands of the working classes cast out of employment. Tell him of the tears of helpless widows, no longer able to earn their bread; and of unclad and unfed orphans, who have been driven, by his policy, out of the busy pursuits in which but yesterday they were gaining an honest livelihood. Say to him, that if firmness be honorable, when guided by truth and justice, it is intimately allied to another quality, of the most pernicious tendency, in the prosecution of an erroneous system. Tell him how much more true glory is to be won by retracing false steps, than by blindly rushing on until his country is overwhelmed in bankruptcy and ruin. Tell him of the ardent attachment, the unbounded devotion, the enthusiastic gratitude towards him, so often signally manifested

by the American people, and that they deserve at his hands better treatment. Tell him to guard himself against the possibility of an odious comparison, with that worst of the Roman emperors, who, contemplating with indifference the conflagration of the mistress of the world, regaled himself during the terrific scene, in the throng of his dancing courtiers. If you desire to secure for yourself the reputation of a public benefactor, describe to him truly the universal distress already produced, and the certain ruin which must ensue from perseverance in his measures. Tell him that he has been abused, deceived, betrayed, by the wicked counsels of unprincipled men around him. Inform him that all efforts in congress, to alleviate or terminate the public distress, are paralysed, and likely to prove totally unavailing, from his influence upon a large portion of the members, who are unwilling to withdraw their support, or to take a course repugnant to his wishes and feelings. Tell him that, in his bosom alone, under actual circumstances, does the power abide to relieve the country; and that, unless he opens it to conviction, and corrects the errors of his administration, no human imagination can conceive, and no human tongue can express, the awful consequences which may follow. Entreat him to pause, and to reflect that there is a point beyond which human endurance cannot go; and let him not drive this brave, generous, and patriotic people, to madness and despair.

Mr. President, unaffectedly indisposed, and unwilling as I am to trespass upon the senate, I could not decline complying with a request addressed to me, by a respectable portion of my fellow-citizens, part of the bone and sinew of the American public. Like the senator from Massachusetts, who has been intrusted with the presentation of their petition to the senate, I found them plain, judicious, sensible men, clearly understanding their own interests, and, with the rest of the community, writhing under the operation of the measures of the executive. If I have deviated from the beaten track of debate in the senate, my apology must be found in the anxious solicitude which I feel for the condition of the country. And, sir, if I shall have been successful in touching your heart, and exciting in you a glow of patriotism, I shall be most happy. You *can* prevail upon the president to abandon his ruinous course; and, if you will exert the influence which you possess, you will command the thanks and the plaudits of a grateful people.

ON THE STATE OF THE COUNTRY FROM THE EFFECTS OF THE REMOVAL OF THE DEPOSITS.

IN THE SENATE OF THE UNITED STATES, MARCH 14, 1834.

[THE following is one of the most happy and eloquent of Mr. Clay's efforts in the senate, delivered *impromptu*. The pecuniary distress of the business community of the United States, brought upon them by the war of general Jackson upon the currency, particularly the removal of the deposits, induced the merchants and mechanics to pour into the halls of congress their memorials for relief. Mr. Clay, on presenting some of these petitions, denounces in indignant terms the tyrannical and obstinate course of the president and his partisans, and alludes to the election in the city of New York, favorable to the whigs, as evidence of a great change in public opinion.]

I AM charged with the pleasing duty of presenting to the senate the proceedings of a public meeting of the people, and two memorials, subscribed by large numbers of my fellow-citizens, in respect to the exciting state of public affairs.

The first I would offer are the resolutions of the young men of Troy, assembled upon a call of upwards of seven hundred of their number. I have recently visited that interesting city. It is one of the most beautiful of a succession of fine cities and villages, that decorate the borders of one of the noblest rivers of our country. In spite of the shade cast upon it by its ancient and venerable sister and neighbor, it has sprung up with astonishing rapidity. When I saw it last fall, I never beheld a more respectable, active, enterprising, and intelligent business community. Every branch of employment was flourishing. Every heart beat high in satisfaction with present enjoyment, and hopes from the prospect of future success. How sadly has the scene changed! How terribly have all their anticipations of continued and increasing prosperity been dashed and disappointed by the folly and wickedness of misguided rulers!

The young men advert to this change, in their resolutions, and to its true cause. They denounce all experiments upon their happiness. They call for the safer counsels which prevailed under the auspices of Washington and Madison, both of whom gave their approbation to charters of a bank of the United States.

But what gives to these resolutions peculiar interest, in my estimation, is, that they exhibit a tone of feeling which rises far above any loss of property, however great, any distress from the stagnation of business, however intense. They manifest a deep and patriotic sensibility to executive usurpations, and to the consequent danger to civil liberty. They solemnly protest against the union of the purse and the sword in the hands of one man. They would not have consented to such a union in the person of the father of his country, much less will they in that of any living man. They feel that, when liberty is safe, the loss of fortune and property is comparatively nothing; but that when liberty is sacrificed, existence has lost all its charms.

The next document which I have to offer is a memorial, signed by nearly nine hundred mechanics of the city of Troy. Several of them are personally known to me. And judging from what I know, see, and hear, I believe there is not any where a more skilful, industrious, and respectable body of mechanics, than in Troy. They bear testimony to the prevalence of distress, trace it to the illegal acts of the executive branch of the government in the removal of the public deposits; ask their restoration, and the recharter of the bank of the United States. And the committee, in their letter addressed to me, say, 'we are, what we profess to be, working men, dependent upon our labor for our daily bread, confine our attention to our several vocations, and trust in God and the continental congress for such protection as will enable us to operate successfully.'

The first-mentioned depository of their confidence will not deceive them. But I lament to say that the experience during this session, does not authorize us to anticipate that coöperation in another quarter, which is indispensable to the restoration of the constitution and laws, and the recovery of the public purse.

The last memorial I would present, has been transmitted to me by the secretaries to a meeting stated to be the largest ever held in the county of Schenectady, in New York. It is signed by about eight hundred persons. In a few instances, owing to the subscriptions having been obtained by different individuals, the same name occurs twice. The memorialists bring their testimony to the existence of distress, and the disorders of the currency, and invoke the application of the only known, tried, and certain remedy, the establishment of a national bank.

And now, Mr. President, I will avail myself of the occasion to say a few words on the subject matter of these proceedings and memorials, and on the state of the country as we found it at the commencement of the session, and its present state.

When we met, we found the executive in the full possession of the public treasury. All its barriers had been broken down, and in place of the control of the law was substituted the uncontrolled

will of the chief magistrate. I say uncontrolled; for it is idle to pretend, that the executive has not unrestrained access to the public treasury, when every officer connected with it is bound to obey his paramount will. It is not the form of keeping the account; it is not the place alone where the public money is kept; but it is the power, the authority, the responsibility of independent officers, checking and checked by each other, that constitute the public security for the safety of the public treasure. This no longer exists, is gone, is annihilated.

The secretary sent us in a report containing the reasons (if they can be dignified with that appellation) for the executive seizure of the public purse. Resolutions were promptly offered in this body, denouncing the procedure as unconstitutional and dangerous to liberty, and declaring the total insufficiency of the reasons. Nearly three months were consumed in the discussion of them. In the early part of this protracted debate, the supporters of distress, pronounced it a panic got up for dramatic effect, and affirmed that the country was enjoying great prosperity. Instances occurred of members asserting that the places of their own residence were in the full enjoyment of enviable and unexampled prosperity, who, in the progress of the debate, were compelled reluctantly to own their mistake, and to admit the existence of deep and intense distress. Memorial after memorial poured in, committee after committee repaired to the capitol to represent the sufferings of the people, until incredulity itself stood rebuked and abashed. Then it was the bank that had inflicted the calamity upon the country; that bank which was to be brought under the feet of the president, should proceed forthwith to wind up its affairs.

And, during the debate, it was again and again pronounced by the partisans of the executive, that the sole question involved in the resolutions was, bank or no bank. It was in vain that we protested, solemnly protested, that that was not the question; and that the true question was of immensely higher import; that it comprehended the inviolability of the constitution, the supremacy of the laws, and the union of the purse and the sword in the hands of one man. In vain did members repeatedly rise in their places, and proclaim their intention to vote for the restoration of the deposits, and their settled determination to vote against the recharter of the bank, and against the charter of any bank. Gentlemen persisted in asserting the identity of the bank question, and that contained in the resolutions; and thousands of the people of the country are, to this moment, deluded by the erroneous belief in that identity.

Mr. President, the arts of power and its minions are the same in all countries and in all ages. It marks a victim; denounces it; and excites the public odium and the public hatred, to conceal its own abuses and encroachments. It avails itself of the prejudice and

the passions of the people, silently and secretly to forge chains to enslave the people.

Well, sir, during the continuance of the debate, we have been told, over and over again, that, let the question of the deposits be settled, let congress pass upon the report of the secretary, and the activity of business and the prosperity of the country will again speedily revive. The senate has passed upon the resolutions, and has done its duty to the country, to the constitution, and to its conscience.

And the report of the secretary has been also passed upon in the other house; but *how* passed upon? The official relations which exist between the two houses, and the expediency of preserving good feelings and harmony between them, forbid my saying all that I feel on this momentous subject. But I must say, that the house, by the constitution, is deemed the especial guardian of the rights and interests of the people; and, above all, the guardian of the people's money in the public treasury. The house has given the question of the sufficiency of the secretary's reasons the go-by, evaded it, shunned it, or rather merged it in the previous question. The house of representatives have not ventured to approve the secretary's reasons. It cannot approve them; but, avoiding the true and original question, has gone off upon a subordinate and collateral point. It has indirectly sanctioned the executive usurpation. It has virtually abandoned its constitutional care and control over the public treasury. It has surrendered the keys, or rather permits the executive to retain their custody; and thus acquiesces in that conjunction of the sword and the purse of the nation, which all experience has evinced, and all patriots have believed, to be fatal to the continuance of public liberty.

Such has been the extraordinary disposition of this great question. Has the promised relief come? In one short week, after the house pronounced its singular decision, three banks in this District of Columbia have stopped payment and exploded. In one of them the government has, we understand, sustained a loss of thirty thousand dollars. And in another, almost within a stone's throw of the capitol, that navy pension fund, created for our infirm and disabled, but gallant tars, which ought to be held sacred, has experienced an abstraction of twenty thousand dollars! Such is the realization of the prediction of relief made by the supporters of the executive.

And what is the actual state of the public treasury? The president, not satisfied with the seizure of it, more than two months before the commencement of the session, appointed a second secretary of the treasury since the adjournment of the last congress. We are now in the fifth month of the session; and in defiance of the sense of the country, and in contempt of the participation of the senate in the appointing power, the president has not yet

deigned to submit the nomination of *his* secretary to the consideration of the senate. Sir, I have not looked into the record, but, from the habitual practice of every previous president, from the deference and respect which they all maintained towards a coördinate branch of the government, I venture to say, that a parallel case is not to be found.

Mr. President, it is a question of the highest importance, what is to be the issue, what the remedy, of the existing evils. We should deal with the people, openly, frankly, sincerely. The senate stands ready to do whatever is incumbent upon it; but unless the majority in the house will relent, unless it will take heed of and profit by recent events, there is no hope for the nation from the joint action of the two houses of congress at this session. Still, I would say to my countrymen, do not despair. You are a young, brave, intelligent, and as yet a free people. A complete remedy for all that you suffer, and all that you dread, is in your own hands. And the events, to which I have just alluded, demonstrate that those of us have not been deceived who have always relied upon the virtue, the capacity, and the intelligence of the people.

I congratulate you, Mr. President, and I hope *you* will receive the congratulation with the same heartfelt cordiality with which I tender it, upon the issue of the late election in the city of New York. I hope it will excite a patriotic glow in your bosom. I congratulate the senate, the country, the city of New York, the friends of liberty every where. It was a great victory. It must be so regarded in every aspect. From a majority of more than six thousand, which the dominant party boasted a few months ago, if it retain any, it is a meagre and spurious majority of less than two hundred. And the whigs contended with such odds against them — a triple alliance of state placemen, corporation placemen, and federal placemen, amounting to about thirty-five hundred, and deriving, in the form of salaries, compensations, and allowances, ordinary and extra, from the public chests, the enormous sum, annually, of nearly one million of dollars; marshalled, drilled, disciplined, commanded. The struggle was tremendous; but what can withstand the irresistible power of the votaries of truth, liberty, and their country? It was an immortal triumph — a triumph of the constitution and the laws over usurpation here, and over clubs and bludgeons and violence there.

Go on, noble city! Go on, patriotic whigs! follow up your glorious commencement; persevere, and pause not until you have regenerated and disenthralled your splendid city, and placed it at the head of American cities devoted to civil liberty, as it now stands preëminently the first as the commercial emporium of our common country. Merchants, mechanics, traders, laborers, never cease to recollect, that without freedom, you can have no sure commerce or business; and that without law you have no security for personal

liberty, property, or even existence! Countrymen of Tone, of Emmet, of Macneven, and of Sampson, if any of you have been deceived, and seduced into the support of a cause dangerous to American liberty, hasten to review and correct your course! Do not forget, that you abandoned the green fields of your native island to escape what you believed the tyranny of a British king! Do not, I adjure you, lend yourselves, in this land of your asylum, this last retreat of the freedom of man, to the establishment here, for you, and for us all, of that despotism which you had proudly hoped had been left behind you, in Europe, for ever! There is much, I would fain believe, in the constitutional forms of government. But at last it is its parental and beneficent operation that must fix its character. A government may in form be free, in practice tyrannical; as it may in form be despotic, and in practice liberal and free.

It was a brilliant and signal triumph of the whigs. And they have assumed for themselves, and bestowed on their opponents, a demonstration which, according to all the analogy of history, is strictly correct. It deserves to be extended throughout the whole country. What was the origin, among our British ancestors, of those appellations? The tories were the supporters of executive power, of royal prerogative, of the maxim that the king could do no wrong, of the detestable doctrines of passive obedience and non-resistance. The whigs were the champions of liberty, the friends of the people, and the defenders of the power of their representatives in the house of commons.

During our revolutionary war, the tories took sides with executive power and prerogative, and with the king, against liberty and independence. And the whigs, true to their principles, contended against royal executive power, and for freedom and independence.

And what is the present but the same contest in another form? The partisans of the present executive sustain his power in the most boundless extent. They claim for him *all* executive authority. They make his sole will the governing power. Every officer concerned in the administration, from the highest to the lowest, is to conform to his mandates. Even the public treasury, hitherto regarded as sacred, and beyond his reach, is placed by them under his entire direction and control. The whigs of the present day are opposing executive encroachment, and a most alarming extension of executive power and prerogative. They are ferreting out the abuses and corruptions of an administration, under a chief magistrate who is endeavoring to concentrate in his own person the whole powers of government. They are contending for the rights of the people, for civil liberty, for free institutions, for the supremacy of the constitution and the laws. The contest is an arduous one; but, although the struggle may be yet awhile prolonged, by the blessing of God, and the spirit of our ancestors, the issue cannot be doubtful.

The senate stands in the breach, ready to defend the constitution, and to relieve the distresses of the people. But, without the concurrence of another branch of congress, which ought to be the first to yield it, the senate alone can send forth no act of legislation. Unaided, it can do no positive good; but it has vast preventive power. It may avert and arrest evil, if it cannot rebuke usurpation. Senators, let us remain steadily by the constitution and the country, in this most portentous crisis; let us oppose, to all encroachments and to all corruption, a manly, resolute, and uncompromising resistance; let us adopt two rules, from which we will never deviate, in deliberating upon all nominations. In the first place, to preserve untarnished and unsuspected the purity of congress, let us negative the nominations of every member for any office, high or low, foreign or domestic, until the authority of the constitution and laws is fully restored. I know not that there is any member of either house capable of being influenced by the prospect of advancement or promotion; I would be the last to make such an insinuation; but suspicion is abroad, and it is best, in these times of trouble and revolution, to defend the integrity of the body against all possible imputations. For one, whatever others may do, I here deliberately avow my settled determination, whilst I retain a seat in this chamber, to act in conformity to that rule. In pursuing it, we but act in consonance with a principle proclaimed by the present chief magistrate himself, when out of power! But, alas! how little has he respected it in power! How little has he, in office, conformed to any of the principles which he announced when out of office!

And, in the next place, let us approve of the original nomination of no notorious brawling partisan and electioneerer; but, especially, of the reappointment of no officer presented to us, who shall have prostituted the influence of his office to partisan and electioneering purposes. Every incumbent has a clear right to exercise the elective franchise. I would be the last to controvert or deny it. But he has no right to employ the influence of his office, to exercise an agency which he holds in trust for the people, to promote his own selfish or party purposes. Here, also, we have the authority of the present chief magistrate for this rule; and the authority of Mr. Jefferson. The senator from Tennessee, (Mr. Grundy,) merits lasting praise for his open and manly condemnation of these practices of official incumbents. He was right, when he declared his suspicion and distrust of the purity of the motives of any officer whom he saw busily interfering in the elections of the people.

Senators! we have a highly responsible and arduous position; but the people are with us, and the path of duty lies clearly marked before us. Let us be firm, persevering, and unmoved. Let us perform our duty in a manner worthy of our ancestors; worthy of American senators; worthy of the dignity of the sovereign

states that we represent; above all, worthy of the name of American freemen! Let us 'pledge our lives, our fortunes, and our sacred honor,' to rescue our beloved country from all impending dangers. And, amidst the general gloom and darkness which prevail, let us continue to present one unextinguished light, steadily burning, in the cause of the people, of the constitution, and of civil liberty.

ON THE STATE OF THE COUNTRY.

IN THE SENATE OF THE UNITED STATES, MAY 21, 1834.

[The agitation of the public mind on the subject of the removal of the deposits from the bank of the United States, continued during the session of congress in 1834, and memorials were constantly presented to that body, asking for relief to the people from the pecuniary pressure occasioned by the arbitrary measures of president Jackson. On presenting one of these memorials, Mr. Clay made the following brief remarks.]

(From the National Intelligencer of May 22.)

Mr. Clay took occasion, yesterday, in presenting to the senate some memorials, and especially one from Doylestown, in Bucks county, Pennsylvania, to animadvert seriously for the most part, but in part playfully, to the present state of the country. Among the opinions expressed by the memorialists is one which Mr. Clay said he most decidedly entertained in common with them, that, after the vote by one branch of congress, that the removal of the deposits by the secretary of the treasury was unjustifiable and unconstitutional, it was the duty of the secretary of the treasury instantly to have restored the deposits to the place from which they had been illegally taken; and such, he said, would have been the course of any secretary of the treasury who entertained a proper sense of the fallibility of his own judgment, and of the respect which was due to the deliberate opinion of the senate, or of the house of representatives, on such a question as this, when it came in conflict with his own. Mr. Clay added, that if there was, in either house of congress, a single individual whose private judgment approved of the removal of the deposits as an original act, independently of party considerations or posterior circumstances, he had yet to meet with that man.

As to the question yesterday addressed by the senator from Massachusetts, to those who hold the power, whether they meant to adjourn without taking any measure to relieve the country from its present suffering, Mr. Clay said, he verily believed that they do not know what to do; they are afraid to stay, and afraid to return; they are between two fires — afraid of Jackson if they remain, and of their constituents if they go home. If, however, they mean to do *nothing* to recover possession of the public treasure; if they mean to do nothing to relieve the distress which pervades the

country, Mr. Clay said he was himself ready to concur with them in fixing the earliest practicable day for adjournment, after passing the bills necessary to carry on the government.

What would be the consequence of such contempt, by those in power, of the successive evidences of public opinion, presented from day to day, and from week to week, it was easy to foresee. Already, he said, the whole 'party' was crumbling away; sinking, like the banks of the Mississippi undermined by the torrent, whole acres at a time. Why, (said Mr. Clay,) I am told that the whole regency of New York, taking the alarm, has fled from Albany, and taken refuge in this city. Whether they would or would not be redemanded by governor Marcy, under the laws in such cases made and provided, he could not say; but if they remained, he hoped they would be allowed the benefit of all the rights of hospitality due to such distinguished strangers. For himself, he condoled with the gentlemen, in this the trying time of their misfortunes, and trusted that they would be able to *bear* them with manly fortitude and christian resignation.

If any one who heard this part of Mr. Clay's speech was able to look grave upon it, thank heaven, it was not we.

In the course of Wednesday's debate, Mr. Clay having denounced, as contrary to the spirit of the constitution, the omission of the president of the United States to nominate to the senate, for confirmation or rejection, the present secretary of the treasury and other officers, though the senate has been now nearly six months in session; Mr. Webster rose, for the purpose of showing the views of this subject entertained by the great first president of the United States, and practiced upon by every administration in this government, up to the beginning of the present. For this purpose, Mr. Webster quoted from the record the following:

Message from the president of the United States to the senate of the United States.

United States, February 9, 1790.

GENTLEMEN OF THE SENATE,

Among the persons appointed, during the last session, to offices under the national government, there were some who declined serving. Their names and offices are specified in the first column of the foregoing list. I supplied these vacancies, agreeably to the constitution, by temporary appointments, which you will find mentioned in the second column of the list. These appointments will expire with your present session, and indeed OUGHT NOT TO ENDURE LONGER THAN UNTIL OTHERS CAN BE REGULARLY MADE. For that purpose, I now nominate to you the persons named in the third column of the list, as being in my opinion qualified to fill the offices opposite to their names in the first.

G. WASHINGTON.

ON OUR RELATIONS WITH FRANCE.

IN THE SENATE OF THE UNITED STATES, JANUARY 14, 1835.

[In his annual message to congress, in December, 1834, president Jackson recommended that a law should be passed, authorizing reprisals upon French property, in case provision should not be made for the payment of the claims of the United States, for aggressions upon our commerce, by France, between the years 1800 and 1817. A treaty had been concluded between the two governments, at Paris, in 1831, by which the French had agreed to pay the United States twenty-five millions of francs, for spoliations on the commerce of the latter, but the French chambers had refused to vote the necessary appropriation to execute the treaty. The president, therefore, proposed extreme measures to congress, which, if they had been approved of, by that body, would, in all human probability, have involved the two nations in war. Mr. Clay, as chairman of the committee on foreign relations, it will be seen by the following, disapproved of such a course. The controversy was finally settled through the intervention of William the fourth, king of England.

Mr. Clay, from the committee on foreign relations, reported the following resolution:

Resolved, that it is inexpedient, at this time, to pass any law vesting in the president authority for making reprisals upon French property, in the contingency of provision not being made for paying to the United States the indemnity stipulated by the treaty of 1831, during the present session of the French chambers.

The question being on agreeing to this resolution, Mr. Clay said:]

It is not my purpose, at the present stage of consideration of this resolution, and I hope it will not be necessary at any stage, to say much with the view of enforcing the arguments in its favor, which are contained in the report of the committee. In the present posture of our relations with France, the course which has appeared to me and to the committee most expedient being to await the issue of those deliberations in the French chambers which may even at this moment be going on, it would not be proper to enter at large, at the present time, into all the particulars touched upon in the report. On all questions connected with the foreign affairs of the country, differences of opinion will arise, which will finally terminate in whatever way the opinion of the people of this country may so tend as to influence their representatives. But, whenever the course of things shall be such that a rupture shall unfortunately take place between this country and any foreign country, (whether France or any other,) I take this opportunity of saying, that, from that moment, whatever of energy or ability, whatever of influence I may possess in my country, shall be devoted to the carrying on of

that war with the utmost vigor which the arms and resources of the United States can give to it. I will not anticipate, however, such a state of things; nay, I feel very confident that such a rupture will not occur between the United States and France.

With respect to the justice of our claim upon France for payment of the indemnity stipulated by the treaty, the report of the committee is in entire concurrence with the executive. The opinion of the committee is, that the claims stipulated to be paid are founded in justice; that we must pursue them; that we must finally obtain satisfaction for them, and to do so, must, if necessary, employ such means as the law of nations justifies and the constitution has placed within our power. On these points there is no diversity of sentiment between the committee and the president; there *could* be no diversity between either the committee or the president and any American citizen.

In all that the president has said of the obligation of the French government to make the stipulated provision for the claims, the committee entirely concur. If the president, in his message, after making his statement of the case, had stopped there, and abstained from the recommendation of any specific measure, there could not have been possibly any diversity of opinion on the subject between him and any portion of the country. But, when he declares the confidence which he entertains in the French government; when he expresses his conviction that the executive branch of that government is honest and sincere in its professions, and recites the promise by it of a renewed effort to obtain the passage of a bill of appropriation by the French chambers, it did appear to the committee inconsistent with these professions of confidence, that they should be accompanied by the recommendation of a measure which could only be authorized by the conviction that no confidence, or, at least, not entire confidence, could be placed in the declaration and professions of the French government. Confidence and distrust are unnatural allies. If we profess confidence any where, especially if that confidence be but for a limited period, it should be unaccompanied with any indication whatever of distrust; a confidence full, free, frank. But to say, as the president, through our minister, has said, that he will await the issue of the deliberations of the chambers, confiding in the sincerity of the king, and this, too, after hearing of the rejection of the first bill of appropriation by the chambers, and now, at the very moment when the chambers are about deliberating on the subject, to throw out in a message to congress what the president himself considered might possibly be viewed as a menace, appeared to the committee, with all due deference to the executive, and to the high and patriotic purposes which may be supposed to have induced the recommendation, to be inconsistent to such a degree as not to be seconded by the action of congress. It also appeared to the committee, after

the distinct recommendation by the president on this subject, that there should be some expression of the sense of congress in regard to it. Such an expression is proposed by the resolution now under consideration.

In speculating upon probabilities in regard to the course of the French government, in reference to the treaty, four contingencies might be supposed to arise—first, that the French government may have made the appropriation to carry the treaty into effect *before* the reception of the president's message; second, the chambers may make the appropriation *after* the reception of the president's message, and notwithstanding the recommendation on this subject contained in it; third, the chambers may, in consequence of that recommendation, hearing of it before they shall have acted finally on the subject, refuse to make any appropriation until what they may consider a menace shall have been explained or withdrawn; or, fourth, they may, either on that ground, or on the ground of dissatisfaction with the provisions of the treaty, refuse to pass the bill of appropriation. Now, in any of these contingencies, after what has passed, an expression of the sense of congress on the subject appears to me indispensable, either to the passage of the bill, or the subsequent payment of the money, if passed.

Suppose the bill to have passed before the reception of the message, and the money to be in the French treasury, it would throw upon the king a high responsibility to pay the money, unless the recommendation of the message should be explained or done away, or at any rate unless a new motive to the execution of the treaty should be furnished in the fact that the two houses of congress, having considered the subject, had deemed it inexpedient to act until the French chambers should have had an opportunity to be heard from. In the second contingency, that of the passage of a bill of appropriation after receiving the message, a vote of congress, as proposed, would be soothing to the pride of France, and calculated to continue that good understanding which it must be the sincere desire of every citizen of the United States to cultivate with that country. If the chambers shall have passed the bill, they will see that though the president of the United States, in the prosecution of a just claim, and in the spirit of sustaining the rights of the United States, had been induced to recommend the measure of reprisals, yet that a confidence was entertained in both branches of congress that there would be a compliance, on the part of the French government, with the pledges it had given, and so forth. In that contingency, the expression of such a sentiment by congress could not but have a happy effect. In the other contingency supposed, also, it is indispensable that some such measure should be adopted. Suppose the bill of appropriation to be rejected, or its passage to be suspended, until the chambers ascertain whether the recommendation by the president is to be

carried out by the passage of a law by congress, a resolution like this will furnish the evidence desired of the disposition of congress.

If, indeed, upon the reception of the president's message the chambers shall have refused to make the appropriation, they will have put themselves in the wrong by not attending to the distribution of the powers of this government, and informing themselves whether those branches which alone can give effect to the president's recommendation, would respond to it. But, if they take the other course suggested, that of suspending action on the bill until they ascertain whether the legislative department of the government coincides with the executive in the contingent measure recommended, they will then find that the president's recommendation—the expression of the opinion of one high in authority, indeed, having a strong hold on the affections and confidence of the people, wielding the executive power of the nation, but still an inchoate act, having no effect whatever without the legislative action—had not been responded to by congress, and so forth. Thus under all contingencies happening on the other side of the water, and adapted to any one of those contingencies, the passage of this resolution can do no mischief in any event, but is eminently calculated to prevent mischief, and to secure the very object which the president doubtless proposed to accomplish by his recommendation.

I will not now consume any more time of the house by further remarks, but will resume my seat with the intimation of my willingness to modify the resolution in any manner, not changing its result, which may be calculated to secure, what on such an occasion would be so highly desirable, the unanimous vote of the senate in its favor. I believe it, however, all-essential that there should be a declaration that congress do not think it expedient, in the present state of the relations between the United States and France, to pass any law whatever concerning them.

[After brief remarks by several other members, the resolution was slightly modified and passed by a unanimous vote.]

ON OUR RELATIONS WITH THE CHEROKEE INDIANS.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 4, 1835.

[The situation of the Indian tribes within the boundaries of the state of Georgia was long a subject of controversy between that state and the United States; it having been contended that the general government were bound, by former contracts with the state, to extinguish the Indian title to the lands occupied by them, and to provide for their removal therefrom, which lands were then to belong to the state. In May, 1830, a bill, providing for the removal of the Cherokees from the limits of Georgia to territories of the United States west of the Mississippi river, was passed by congress; but such was the reluctance of these Indians to remove, that, during a period of five years thereafter, only about one fourth of their number had emigrated. The sufferings of those who remained, from the wrongs perpetrated upon them by the whites, excited a deep sympathy in their behalf among the people of the United States. The Cherokees frequently sent memorials to congress, asking for relief; in presenting one of which, Mr. Clay made the following remarks, in which will be found much valuable information on an interesting subject. His opinions and sentiments will accord with those of every philanthropist.]

Mr. Clay held in his hands, and begged leave to present to the senate, certain resolutions and a memorial, to the senate and house of representatives of the United States, of a council met at Running Waters, consisting of a portion of the Cherokee Indians. The Cherokees have a country — if indeed it can be any longer called their country — which is comprised within the limits of Georgia, Alabama, Tennessee, and North Carolina. They have a population which is variously estimated, but which, according to the best information which I possess, amounts to about fifteen thousand souls. Of this population a portion, believed to be much the greater part, amounting, as is estimated, to between nine and ten thousand souls, reside within the limits of the state of Georgia. The senate was well aware that for several years past it had been the policy of the general government to transfer the Indians to the west of the Mississippi river, and that a portion of the Cherokees have already availed themselves of this policy of the government, and emigrated beyond the Mississippi. Of those who remain, a portion — a respectable but also an inconsiderable portion — are desirous to emigrate to the west, and a much larger portion desire to remain on their lands, and lay their bones where rest those of their ancestors. The papers which I now present emanate from the minor portion of the Cherokees; from those who are in favor

of emigration. They present a case which appeals strongly to the sympathies of congress. They say that it is impossible for them to continue to live under laws which they do not understand, passed by authority in which they have no share, promulgated in language of which nothing is known to the greater portion of them, and establishing rules for their government entirely unadapted to their nature, education, and habits. They say that destruction is hanging over them if they remain; that, their right of self-government being destroyed, though they are sensible of all the privations, hardships, and sufferings of banishment from their native homes, they prefer exile, with liberty, to residence in their homes, with slavery. They implore, therefore, the intervention of the general government, to provide for their removal west of the Mississippi, and to establish guarantees, never hereafter to be violated, of the possession of the lands to be acquired by them west of the Mississippi, and of the perpetual right of self-government. This was the object of the resolutions and petition which he was about to offer to the senate.

But I have thought that this occasion was one which called upon me to express the opinions and sentiments which I hold in relation to this entire subject, as respects not only the emigrating Indians, but those also who are desirous to remain at home; in short, to express, in concise terms, my views of the relations between the Indian tribes and the people of the United States, the rights of both parties, and the duties of this government in regard to them.

The rights of the Indians were to be ascertained in the first place, by the solemn stipulations of numerous treaties made with them by the United States. It was not his purpose to call the attention of the senate to all the treaties which had been made with Indian tribes bearing on this particular topic; but he felt constrained to ask the attention of the senate to some portions of those treaties which have been made with the Cherokees, and to the memorable treaty of Greenville, which had terminated the war that previously thereto for many years raged between the United States and the northwestern Indian tribes. He found, upon consulting the collection of Indian treaties in his hand, that within the last half century, fourteen different treaties had been concluded with the Cherokees, the first of which bore date in the year 1775, and some one or more of which had been concluded under every administration of the general government, from the beginning of it to the present time, except the present administration, and that which immediately preceded it. The treaty of Hopewell, the first in the series, was concluded in 1775, in the third article of which 'the said Indians, for themselves and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, *and of no other sovereign whatsoever.*' The fifth article of the same treaty provides, that 'if any citizen of the United States, or other person, not being an Indian, shall attempt

to settle on any of the lands westward or southward of the said boundary, which are hereby allotted to the Indians for their hunting-grounds, or, having already settled, and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not, as they please; provided, nevertheless, that this article shall not extend to the people settled between the fork of French Broad and Holston rivers,' and so forth.

The next treaty in the series, which was concluded after the establishment of the government of the United States, under the auspices of the father of his country, was in the year 1791, on the bank of the Holston, and contains the following provision. 'Article 7. The United States solemnly guaranty to the Cherokee nation all their lands not hereby ceded.' This, Mr. Clay said, was not an ordinary assurance of protection, and so forth, but *a solemn guarantee* of the rights of the Cherokees to the land in question. The next treaty to which he would call the attention of the senate was concluded in 1794, also under the auspices of general Washington, and declares as follows. 'The undersigned, Henry Knox, secretary for the department of war, being authorized thereto by the president of the United States, in behalf of the said United States, and the undersigned chiefs and warriors, in their own names, and in behalf of the whole Cherokee nation, are desirous of reëstablishing peace and friendship between the said parties in a permanent manner, do hereby declare, that the said treaty of Holston is, to all intents and purposes, in full force, and binding upon the said parties, as well in respect to the boundaries therein mentioned as in all other respects whatever.' This treaty, it is seen, *renews* the solemn guarantee contained in the preceding treaty, and declares it to be binding and obligatory upon the parties in all respects whatever. Again, in another treaty, concluded in 1798, under the second chief magistrate of the United States, we find the following stipulations. 'Article 2. The treaties subsisting between the present contracting parties are acknowledged to be of full and operating force; together with the construction and usage under their respective articles, and so to continue.' 'Article 3. The limits and boundaries of the Cherokee nation, as stipulated and marked by the existing treaties between the parties, shall be and remain the same, where not altered by the present treaty.'

There were other provisions, in other treaties, to which, if he did not intend to take up as little time as possible of the senate, he might advantageously call their attention. He would, however, pass on to one of the last treaties with the Cherokees, which was concluded in the year 1817. That treaty recognised the difference existing between the two portions of the Cherokees, one of which was desirous to remain at home and prosecute the good work of civilization, in which they had made some progress, and the other

portion was desirous to go beyond the Mississippi. In that treaty, the fifth article, after several other stipulations, concludes as follows. 'And it is further stipulated, that the treaties heretofore between the Cherokee nation and the United States are to continue in full force with both parts of the nation, and both parts thereof entitled to all the privileges and immunities which the old nation enjoyed under the aforesaid treaties; the United States reserving the right of establishing factories, a military post, and roads, within the boundaries above defined.' And to this treaty, thus emphatically renewing the recognition of the rights of the Indians, is signed the name, as one of the commissioners of the United States who negotiated it, of the present chief magistrate of the United States.

These were the stipulations in treaties with the Cherokee nation, to which, Mr. Clay said, he thought proper to call the attention of the senate. He would now turn to the treaty of Greenville, concluded about forty years ago, recognising some general principles applicable to this subject. Mr. Clay then quoted the fifth article of that treaty, as follows. 'To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: the Indian tribes who have a right to those lands are quietly to enjoy them, hunting, planting, and dwelling thereon so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and no other power whatever.'

Such, sir, are the rights of the Indian tribes. And what are those rights? They are, that the Indians shall live under their own customs and laws; that they shall live upon their own lands, hunting, planting, and dwelling thereon so long as they please, without interruption or molestation of any sort from the white people of the United States, acknowledging themselves under the protection of the United States, and of no other power whatever; that when they no longer wish to keep the lands, they shall sell them only to the United States, whose government thus secures to itself the preëmptive right of purchase in them. These rights, so secured by successive treaties and guarantees, have also been recognised on several occasions, by the highest judicial tribunals. Mr. Clay here quoted, from an opinion of the supreme court, a passage, declaring that the Indians are acknowledged to have an unquestionable and heretofore unquestioned right to their land, until it shall be extinguished by voluntary cession to this government.

But it is not at home alone that the rights of the Indians within the limits of the United States have been recognised. Not only has the executive, the congress of the United States, and the supreme court, recognised these rights, but in one of the most important epochs of this government, and on one of the most solemn occasions in our intercourse with foreign powers, these rights of the Indian tribes have been acknowledged. You, sir, (addressing the president of the senate,) will understand me at once to refer to the negotiation between the government of Great Britain and that of the United States, which had for its object the termination of the late war between the two countries. Sir, it must be within your recollection, and that of every member of the senate, that the hinge upon which that negotiation turned, the ground upon which it was for a long time apprehended that the conference between the commissioners would terminate in a rupture of the negotiation between the two countries, was, the claim brought forward, on that memorable occasion, by Great Britain, in behalf of the Indians within the limits of the United States. It will be recollected that she advanced, as a principle from which she would not recede, as a *sine qua non*, again and again, during the progress of the negotiation, that the Indians, as her allies, should be included in the treaty of peace which the negotiators were about forming; that they should have a permanent boundary assigned them, and that neither Great Britain nor the United States should be at liberty to purchase their lands.

Such were the pretensions urged on that occasion, which the commissioners of the United States had felt it to be their imperative duty to resist. To establish as the boundary the line of the treaty of Greenville, as proposed, which would have excluded from the benefit of American laws and privileges a population of not less than a hundred thousand of the inhabitants of Ohio, American citizens, entitled to the protection of the government, was a proposition which the American negotiators could not for a moment entertain; they would not even refer it to their government, though assured that it would there meet with the same unanimous rejection that it did from them. But it became a matter of some importance that a satisfactory assurance should be given to Great Britain, that the war, which we were about to bring to a conclusion with her, should close also with her allies; and what was that assurance? Mr. Clay said he would not trouble the senate with tracing the whole account of that negotiation, but he begged leave to call their attention to one of the passages of it. You will find on examining the history of the negotiation, that the demand brought forward by the British government through their minister, on this occasion, was the subject of several argumentative papers. Towards the close of this correspondence, reviewing the course pursued towards the aborigines by the several European powers

which had planted colonies in America, comparing it with that of the United States, and contrasting the lenity, kindness, and forbearance of the United States, with the rigor and severity of other powers, the American negotiators expressed themselves as follows.

'From the rigor of this system, however, as practiced by Great Britain, and all the other European powers in America, the humane and liberal policy of the United States has voluntarily relaxed. A celebrated writer on the law of nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating, in the most explicit manner, the legitimacy of colonial settlements in America, to the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England, and of the founder of Pennsylvania, in having purchased of the Indians the lands they resolved to cultivate, notwithstanding their being furnished with a charter from their sovereign. It is this example which the United States, since they became by their independence the sovereigns of the territory, have adopted and organized *into a political system.* Under *that system* the Indians residing in the United States are so far independent, that *they live under their own customs, and not under the laws of the United States;* that their rights upon the lands where they inhabit or hunt *are secured to them by boundaries* defined in amicable treaties between the United States and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the lands ceded by them,' and so forth.

The correspondence was further continued; and, finally, the commissioners on the part of Great Britain proposed an article to which the American commissioners assented, the basis of which is, a declaration of what is the state of the law between the Indian tribes and the people of the United States. They then proposed a further article, which declared that the United States should endeavor to restore peace to the Indians who had acted on the side of Great Britain, together with all the rights, possessions, privileges, and immunities which they possessed prior to the year 1811, that is, antecedently to the war between England and the United States; in consideration that Great Britain would terminate the war, so far as respected the Indians who had been allies of the United States, and restore to them all the rights, privileges, possessions, and immunities which these also had enjoyed previously to the same period. Mr. President, I here state my solemn belief, that if the American commissioners had not declared the laws between the Indians and the people of this country, and the rights of the Indians, to be such as they are stated to be in the extracts I have read to the senate; if they had then stated that any one state of this union who happened to have Indians residing within its limits, possessed the right of extending over them the laws of such state, and of taking their

lands, when and how it pleased, that the effect would have been a prolongation of the war. I again declare my most solemn belief that Great Britain, who assented with great reluctance to this mutual stipulation with respect to the Indians, never would have done it at all, but under a conviction of the correspondence of those principles of Indian international law, (if I may use such a phrase,) with those which the United States government had respected ever since the period of our independence.

Sir, if I am right in this, let me ask whether in adopting the new code which now prevails, and by which the rights of the Indians have been trampled on, and the most solemn obligations of treaties have been disregarded, we are not chargeable with having induced that power to conclude a peace with us by suggestions utterly unfounded and erroneous?

Most of the treaties between the Cherokee nation of Indians and the United States have been submitted to the senate for ratification, and the senate have acted upon them in conformity with their constitutional power. Besides the action of the senate, as a legislative body, in the enactment of laws in conformity with their stipulations, regulating the intercourse of our citizens with that nation, it has acted in its separate character, and confirmed the treaties themselves by the constitutional majority of two thirds of its members. Thus have those treaties been sanctioned by the government of the United States, and by every branch of that government; by the senate, the executive, and the supreme court; both at home and abroad. But not only have the rights of the Cherokees received all these recognitions; they have been, by implication, recognised by the state of Georgia itself, in the act of 1802, in which she stipulated that the government of the United States, and not the state of Georgia, should extinguish the Indian title to land within her limits; and the general government has been, from time to time, urged by Georgia to comply with its engagement from that period until the adoption of the late new policy upon this subject.

Having thus, Mr. President, stated, as I hope with clearness, the RIGHTS of the Indian tribes, as recognised by the most solemn acts that can be entered into by any government, let me, in the next place, inquire into the nature of the INJURIES which have been inflicted upon them; in other words, into the present condition of these Cherokees, to whom protection had been assured as well by solemn treaties as by the laws and guarantees of the United States government.

And here let me be permitted to say, that I go into this subject with feelings which no language at my command will enable me adequately to express. I assure the senate, and in an especial manner do I assure the honorable senators from Georgia, that my wish and purpose is any other than to excite the slightest possible irritation on the part of any human being. Far from it. I am actu-

ated only by feelings of grief, feelings of sorrow, and of profound regret, irresistibly called forth by a contemplation of the miserable condition to which these unfortunate people have been reduced by acts of legislation proceeding from one of the states of this confederacy. I again assure the honorable senators from Georgia, that, if it has become my painful duty to comment upon some of these acts, I do it not with any desire to place them, or the state they represent, in an invidious position; but because Georgia was, I believe, the first in the career, the object of which seems to be the utter annihilation of every Indian right, and because she has certainly, in the promotion of it, far outstripped every other state in the union.

I have not before me the various acts of the state in reference to the Indians within her bounds; and it is possible I may be under some mistake in reference to them; and if I am, no one will correct the error more readily, or with greater pleasure.

If, however, I had all those laws in my hands, I should not now attempt to read them. Instead of this, it will be sufficient for me to state the effects which have been produced by them upon the condition of the Cherokee Indians residing in that state. And here follows a list of what has been done by her legislature. Her first act was to abolish the government of these Cherokees. No human community can exist without a government of some kind; and the Cherokees, imitating our example, and having learned from us something of the principles of a free constitution, established for themselves a government somewhat resembling our own. It is quite immaterial to us what its form was. They always had had some government among them; and we guarantied to them the right of living under their own laws and customs, unmolested by any one; insomuch that our own citizens were outlawed should they presume to interfere with them. What particular regulations they adopted, in the management of their humble and limited concerns, is a matter with which we have no concern. However; the very first act of the Georgia legislature was, to abolish all government of every sort among these people, and to extend the laws and government of the state of Georgia over them. The next step was to divide their territory into counties; the next, to survey the Cherokee lands; and the last, to distribute this land among the citizens of Georgia by lottery, giving to every head of a family one ticket, and the prize in land that should be drawn against it. To be sure there were many reservations for the heads of Indian families; and of how much did gentlemen suppose? of *one hundred and sixty acres only*, and this to include their improvements. But even to this limited possession the poor Indian was to have no fee simple title; he was to hold as a mere occupant, at the will of the state of Georgia, for just as long or as short a time as she might think proper. The laws at the same time gave him no

one political right, whatever. He could not become a member of the state legislature, nor could he hold any office under state authority, nor could he vote as an elector. He possessed not one single right of a freeman; no; not even the poor privilege of testifying to his wrongs in the character of a witness in the courts of Georgia, or in any matter of controversy, whatsoever.

These, Mr. President, are the acts of the legislature of the state of Georgia, in relation to the Indians. They were not all passed at one session; they were enacted, time after time, as the state advanced further and further in her steps to the acquisition of the Indian country, and the destruction and annihilation of all Indian rights; until, by a recent act of the same body, the courts of the state itself are occluded against the Indian sufferer, and he is actually denied an appeal even to foreign tribunals, in the erection and in the laws of which he had no voice, there to complain of his wrongs. If he enters the hall of Georgia's justice, it is upon a surrender at the threshold of all his rights. The history of this last law, to which I have alluded, is this; when the previous law of the state dividing the Indian lands by lottery was passed, some Indians made an appeal to one of the judges of the state, and applied for an injunction against the proceeding; and such was the undeniable justice of their plea, that the judge found himself unable to refuse it, and he granted the injunction sought. It was that injunction which led to the passage of this act; to some of the provisions of which I now invite the attention of the senate. And first to the *title* of the act; 'a bill to amend an act entitled an act more effectually to provide for the government and protection of the Cherokee Indians residing within the limits of Georgia, and to prescribe the bounds of their occupant claims; and also to authorize grants to issue for lots drawn in the late land and gold lotteries' — ah, sir, it was the pursuit of *gold* which led the Spanish invader to desolate the fair fields of Mexico and Peru — 'and to provide for the appointment of an agent to carry certain parts thereof into execution; and to fix the salary of such agent, and to punish those persons who may deter Indians from enrolling for emigration, passed the twentieth of December, 1833.' Well, sir, this bill goes on to provide, 'that it shall be the duty of the agent or agents appointed by his excellency the governor, under the authority of this or the act of which it is amendatory, to report to him the number, district, and section of all lots of land subject to be granted by the provisions of said act, which he may be required to do by the drawer, or his agent, or the person claiming the same; and it shall be the duty of his excellency the governor, upon the application of the drawer of any of the aforesaid lots, his or her special agents, or the person to whom the drawer may have *bonâ fide* conveyed the same, his agent or assigns, to issue a grant therefor; and it shall be the duty of the said agent or agents, upon the production of the grant so issued as aforesaid by the grantor,

his or her agent, or the person, or his or her agent to whom said land so granted as aforesaid may have been *bonâ fide* conveyed, to deliver possession of said granted lot to the said grantee, or person entitled to the possession of the same under the provisions of this act, or the act of which this is amendatory, and his excellency the governor is hereby authorized, upon satisfactory evidence that the said agent is impeded or resisted in delivering such possession, by a force which he cannot overcome, to order out a sufficient force to carry the power of said agent or agents fully into effect, and to pay the expenses of the same out of the contingent fund; *provided* nothing in this act shall be so construed as to require the interference of the said agent between two or more individuals claiming possession, by virtue of titles derived from a grant from the state to any lot.'

Thus, after the state of Georgia had distributed the lands of the Indians by lottery, and the drawers of prizes were authorized to receive grants of the land drawn, and with these grants in their hand were authorized to demand of the agent of the state, appointed for the purpose, to be put in possession of the soil thus obtained; and if any resistance to their entry should be made, and who was to make it but a poor Indian? the governor is empowered to turn out the military force of the state, and enable the agent to take possession by force, without trial, without judgment, and without investigation.

But, should there be two claimants of the prize, should two of the ticket-holders dispute their claim to the same lot, then no military force was to be used. It was only when the resistance was by an Indian — it was only when Indian rights should come into collision with the alleged rights of the state of Georgia — that the strong hand of military power was instantly to interpose.

The next section of the act is in these words: 'and be it further enacted by the authority aforesaid, that if any person dispossessed of a lot of land under this act, or the act of which it is amendatory, shall go before a justice of the peace or of the inferior court, and make affidavit that he or she was not liable to be dispossessed under or by any of the provisions of this or the aforesaid act, and file said affidavit in the clerk's office of the superior court of the county in which said land shall lie, such person upon giving bond and security in the clerk's office for the costs to accrue on the trial, shall be permitted within ten days from such dispossessing to enter an appeal to said superior court and at said court the judge shall cause an issue to be made up between the appellant and the person to whom possession of said land was delivered by either of said agents, which said issue shall be in the following form.'

[Mr. Cuthbert, of Georgia, here interposed; and having obtained Mr. Clay's consent to explain, stated that he had unfortunately not been in the senate when the honorable senator commenced his speech; but had learned that it was in support of a memorial

from certain Cherokee Indians in the state of Georgia, who desired to emigrate. He must be permitted to say, that the current of the honorable senator's remarks did not suit remarkably well the subject of such a memorial. A memorial of a different kind had been presented, and which the committee on Indian affairs had before it, to which the senator's remarks would better apply. The present discussion was wholly unexpected, and it seemed to him not in consistency with the object of the memorial he had presented.]

Mr. Clay replied, that he was truly sorry the honorable gentleman had been absent when he commenced speaking. He had delayed presenting the memorial, because he observed that neither of the senators from Georgia was in his seat, until the hour when they might be expected to be present, and when one of them, (Mr. King,) had actually taken his seat. If the honorable senator had been present he would have heard Mr. Clay say that he thought the presentation of the memorial a fit occasion to express his sentiments, not only touching the rights of these individual petitioners, but on the rights of all the Indian tribes, and their relations to this government. And if he would have but a little patience he would find that it was Mr. Clay's intention to present propositions which went to embrace both resolutions.

Mr. Clay now resumed the course of his speech. And here, Mr. President, let me pause, and invite the attention of the senate to the provision in the act of Georgia which I was reading, (the substance of which Mr. Clay here repeated,) that is, that he may have the privilege of an appeal to a tribunal of justice by forms and by a bond with the nature and force of which he is unacquainted; and that then he may have — what beside? I invoke the attention of the senate to this part of the law. What, I ask, does it secure to the Indian? His rights? the rights recognised by treaties? the rights guarantied to him by the most solemn acts which human governments can perform? No. It allows him to come into the courts of the state, and there to enjoy the benefit of the summary proceeding called in the act 'an appeal,' but which can never be continued beyond a second term; and when he comes there, what then? He shall be permitted to come into court and enter an appeal, which shall be in the following form.

'A. B., who was dispossessed of a lot of land by an agent of the state of Georgia, comes into court, and, admitting the right of the state of Georgia to pass the law under which agent acted, avers that he was not liable to be dispossessed of said land, by or under any one of the provisions of the act of the general assembly of Georgia, passed the twentieth of December, 1833, 'more effectually to provide for the protection of the Cherokee Indians residing within the limits of Georgia, and to prescribe the bounds of their occupant claims, and also to authorize grants to issue for lots drawn in the land and gold lotteries in certain cases, and to provide for the appointment of an agent to carry certain parts thereof into execution, and fix the salary of such agent, and to punish those persons who may deter Indians from enrolling for emigration,' or the act amendatory thereof, passed at the session of the legislature of 1834: 'in which issue the person to whom possession of said land was delivered shall join; and which issue shall constitute the entire pleadings between the parties; nor shall the court allow any matter other than is contained in said issue to be placed upon the record or files of said court; and said cause shall be tried at the first term of the court, unless

good cause shall be shown for a continuance, and the same party shall not be permitted to continue said cause more than once, except for unavoidable providential cause; nor shall said court at the instance of either party pass any order or grant any injunction to stay said cause, nor permit to be engrafted on said cause any other proceedings, whatever.''

At the same time, we find, by another enactment, the judges of the courts of Georgia are restrained from granting injunctions, so that the only form in which the Indian can come before them, is in the form of an appeal; and in this, the very first step is an absolute renunciation of the rights he holds by treaty, and the unqualified admission of the rights of his antagonist, as conferred by the laws of Georgia; and the court is expressly prohibited from putting any thing else upon the record. Why? do we not all know the reason? If the poor Indian was allowed to put in a plea stating his rights, and the court should then decide against him, the cause would go upon an appeal to the supreme court; the decision could be reëxamined, could be annulled, and the authority of treaties vindicated. But, to prevent this, to make it impossible, he is compelled, on entering the court, to renounce his Indian rights, and the court is forbidden to put any thing on record which can bring up a decision upon them.

Mr. President, I have already stated that, in the observations I have made, I am actuated by no other feelings than such as ought to be in the breast of every honest man, the feelings of common justice. I would say nothing, I would whisper nothing, I would insinuate nothing, I would think nothing, which can, in the remotest degree, cause irritation in the mind of any one, of any senator here, of any state in this union; I have too much respect for every member of the confederacy. I feel nothing but grief for the wretched condition of these most unfortunate people, and every emotion of my bosom dissuades me from the use of epithets that might raise emotions which should draw the attention of the senate from the justice of their claims. I forbear to apply to this law any epithet of any kind. Sir, no epithet is needed. The features of the law itself; its warrant for the interposition of military power, when no trial and no judgment has been allowed; its denial of any appeal, unless the unhappy Indian shall first renounce his own rights, and admit the rights of his opponent; features such as these are enough to show what the true character of the act is, and supersede the necessity of all epithets, were I even capable of applying any.

The senate will thus perceive that the whole power of the state of Georgia, military as well as civil, has been made to bear upon these Indians, without their having any voice in forming, judging upon, or executing the laws under which he is placed, and without even the poor privilege of establishing the injury he may have suffered, by Indian evidence; nay, worse still, not even by the evidence of a white man! Because the renunciation of his rights

precludes all evidence, white or black, civilized or savage. There then he lies, with his property, his rights, and every privilege which makes human existence desirable, at the mere mercy of the state of Georgia; a state, in whose government or laws he has no voice. Sir, it is impossible for the most active imagination to conceive a condition of human society more perfectly wretched. Shall I be told that the condition of the African slave is worse? No, sir; no, sir. It is not worse. The interest of the master makes it at once his duty and his inclination, to provide for the comfort and the health of his slave; for without these, he would be unprofitable. Both pride and interest render the master prompt in vindicating the rights of his slave, and protecting him from the oppression of others; and the laws secure to him the amplest means to do so. But who, what human being, stands in the relation of master or any other relation, which makes him interested in the preservation and protection of the poor Indian thus degraded and miserable? Thrust out from human society, without the sympathies of any, and placed without the pale of common justice, who is there to protect him, or to defend his rights?

Such, Mr. President, is the present condition of these Cherokee memorialists, whose case it is my duty to submit to the consideration of the senate. There remains but one more inquiry before I conclude. Is there any REMEDY within the scope of the powers of the federal government, as given by the constitution? If we are without power, if we have no constitutional authority, then we are also without responsibility. Our regrets may be excited, our sympathies may be moved, our humanity may be shocked, our hearts may be grieved, but if our hands are tied, we can only unite with all the good, the christian, the benevolent portion of the human family, in deploring what we cannot prevent.

But, sir, we are not thus powerless. I stated to the senate when I began, that there are two classes of the Cherokees; one of these classes desires to emigrate, and it was their petition I presented this morning; and with respect to these, our powers are ample to afford them the most liberal and effectual relief. They wish to go beyond the Mississippi, and to be guarantied in the possession of the country which may be there assigned to them. As the congress of the United States have full powers over the territories, we may give them all the guarantee which congress can express, for the undisturbed possession of their lands. With respect to their case, there can be no question as to our powers.

And, then, as to those who desire to remain on this side the river, I ask, again, are we powerless? Can we afford them no redress? Must we sit still, and see the injury they suffer, and extend no hand to relieve them? It were strange, indeed, were such the case. Why have we guarantied to them the enjoyment of their own laws? Why have we pledged to them protection?

Why have we assigned them limits of territory? Why have we declared that they shall enjoy their homes in peace, without molestation from any? If the United States government has contracted these serious obligations, it ought, before the Indians were reduced by our assurances to rely upon our engagement, to have explained to them its want of authority to make the contract. Before we pretend to Great Britain, to Europe, to the civilized world, that such were the rights we would secure to the Indians, we ought to have examined the extent and the grounds of our own rights to do so. But is such, indeed, our situation? No, sir. Georgia has shut her courts against these Indians. What is the remedy? *To open ours.* Have we not the right? What says the constitution? 'The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.'

But here was a case of conflict between the rights of the proprietors and the local laws; and here was the very case which the constitution contemplated, when it declared that the power of the federal judiciary should extend to all cases under the authority of the United States. Therefore, it was fully within the competence of congress, under the provisions of the constitution, to provide the manner in which the Cherokees might have their rights decided, because a grant of the means was included in the grant of jurisdiction. It was competent, then, for congress to decide, whether the Cherokee had a right to come into a court of justice and to make an appeal to the highest authority, to sustain the solemn treaties under which their rights had been guarantied, and in the sacred character of which they had reposed their confidence. And if congress possessed the power to extend relief to the Indians, were they not bound, by the most sacred of human considerations, the obligations of treaties, the protection assured them, by every christian tie, every benevolent feeling, every humane impulse of the human heart, to extend it? If they were to fail to do this, and there was, as reason and revelation declared there was, a tribunal of eternal justice, to which all human power was amenable, how could they, if they refused to perform their duties to this injured and oppressed, though civilized race, expect to escape the visitations of that divine vengeance which none would be permitted to avoid, who had committed wrong, or done injustice to others?

At this moment, when the United States were urging on the government of France the fulfilment of the obligations of the treaty concluded with that country, to the execution of which, it was contended that France had plighted her sacred faith, what strength, what an irresistible force would be given to our plea, if we could say to France, that, in all instances, we had completely fulfilled all our engagements, and that we had adhered faithfully to every obligation which we had contracted, no matter whether it

was entered into with a powerful or a weak people; if we could say to her, that we had complied with all our engagements to others, that we now came before her, always acting right as we had done, to induce her also to fulfil her obligations to us. How should we stand in the eyes of France, and of the civilized world, if we, in spite of the most solemn treaties, which had existed for half a century, and had been recognised in every form, and by every branch of the government; how would they be justified, if they, suffered these treaties to be trampled under foot, and the rights which they were given to secure, trodden into the dust? How would Great Britain, after the solemn understanding entered into with her at Ghent, feel, after such a breach of faith? And how could he, as a commissioner on the negotiation of that treaty, hold up his head before Great Britain, after having been thus made an instrument of fraud and deception, as he assuredly would have been, if the rights of the Indians are to be thus violated, and the treaties by which they were secured, violated? How could he hold up his head, after such a violation of rights, and say that he was proud of his country, of which they all must wish to be proud?

For himself, he rejoiced that he had been spared, and allowed a suitable opportunity to present his views and opinions, on this great national subject, so interesting to the national character of the country for justice and equity. He rejoiced that the voice which, without charge of presumption or arrogance, he might say, was ever raised in defence of the oppressed of the human species, had been heard in defence of this most oppressed of all. To him, in that awful hour of death, to which all must come, and which, with respect to himself, could not be very far distant, it would be a source of the highest consolation, that an opportunity had been found by him, on the floor of the senate, in the discharge of his official duty, to pronounce his views on a course of policy marked by such wrongs as were calculated to arrest the attention of every one, and that he had raised his humble voice, and pronounced his solemn protest, against such wrongs.

He would no longer detain the senate, but would submit the following propositions.

Resolved, that the committee on the judiciary be directed to inquire into the expediency of making further provision, by law, to enable Indian nations or tribes, to whose use and occupancy lands are secured by treaties concluded between them and the United States, to defend and maintain their rights to such lands, in the courts of the United States, in conformity with the constitution of the United States.

Resolved, that the committee on Indian affairs be directed to inquire into the expediency of making further provisions, by law, for setting apart a district of country west of the Mississippi river, for such of the Cherokee nation as may be disposed to emigrate and to occupy the same, and for securing, in perpetuity, the peaceful and undisturbed enjoyment thereof, to the emigrants and their descendants.

Mr. Clay moved that the memorial and resolutions adopted by the council of the Running Waters, be referred to the committee on Indian affairs, and printed.

As to his resolutions, he knew, that in the regular order of business, they could not be taken up until to-morrow, but, if it met with the approbation of the senate, he would be as well disposed to act on them to-day as to-morrow.

In reply to Mr. Cuthbert, of Georgia, and Mr. White, of Tennessee, Mr. Clay said he could assure the honorable senator from Georgia, that nothing was further from his purpose, than to make any display on this occasion. That he always left to others, and by the judgment of the senate he was willing to abide, whether the honorable senator himself had not been guilty of that which he imputed to others. For, after addressing the senate, himself, some time, he had said that he did not intend arguing the question, that Georgia would not appear before the senate or any other tribunal. Now, Georgia might be content to do that, but could congress, could honorable senators, reconcile it with their duty, with their responsibility, to coldly contemplate the violation of numerous treaties, to witness the destruction of a people under the protection of the United States, and to let that injustice which had been inflicted on these unfortunate Cherokees, be perpetuated without the slightest notice on their part?

The gentleman from Tennessee, (Mr. White,) had remarked, that they were all unconstitutional treaties; that they had no binding force as treaties; that general Washington was mistaken; that every succeeding administration was mistaken; that general Jackson himself was mistaken, in 1817, in regard to these treaties. Now, if they gave the argument of the honorable senator from Tennessee its full force, what was the consequence? What did he, (Mr. Clay,) offer? He said, merely to open the question to the court. If they had no validity, if the question which was sent to the judiciary did not rest upon treaties, they could vindicate no rights under them. Why had Georgia, if she believed there were no treaties, made provisions in her late act to which he had referred? Why shut out the rights of the Indians under the treaty? Why, if she was convinced of the unconstitutionality of the treaties, did she not allow them to be submitted to the federal judiciary, which was bound to declare that they were not obligatory and binding, if unconstitutional? Why has she studiously precluded the possibility of a review, in the supreme court, of the decisions of the local tribunals? But the gentleman had told the senate, that the treaty of '91 was the first that guarantied to the Cherokees their lands, and that president Washington doubted whether it was necessary to submit it to the senate. It might be true, at the commencement of the government, when every thing was new and unfixed, that there were doubts; but general Washington decided that it was a treaty, and laid it, with his doubts, before the senate, who decided them, and the treaty was ratified by and with the consent of the senate. And from that day those

doubts have remained dispelled. He was indebted to the honorable senator for the historical fact which he, (Mr. Clay,) had not before pressed, that this very guaranty which secured to the Indians the undisturbed possession of their lands in the treaty of '91, was inserted by the express direction of the father of his country. And the senate was called upon now, not merely to violate the solemn obligations which the whole nation had contracted, but to violate the provision which had been inserted at the instance of the venerated father of his country!

The honorable senator had told this body, that the treaty of '91 was the first in which there was any guarantee. If the gentleman meant to say it was the first in which there was any *express* guarantee, he, (Mr. Clay,) would admit it. But, in the treaty of '85, if it was not expressed, was it not implied? What was that clause, marking the boundaries of their territory? That, in the same treaty, which places the Indians under the protection of the United States, and excludes them from the authority of any other sovereign? And that, which outlaws citizens of the United States who intrude in their territory? What was the meaning of those clauses, if they did not, by implication at least, guaranty their rights, their property, and the peace of their country? But, the gentleman says, that in inserting the guaranty of '91, there was a mistake; it was supposed that it was without the limits of North Carolina, and other states; a mistake which ran through all the treaties from that time down to 1817, which renewed and enforced the preëxisting treaties. So that general Jackson himself had been acting under a mistake when he signed the treaty of 1817. Is it possible, that, if a mistake were committed as early as 1791, it would not have been corrected in some of the various treaties negotiated as late as 1817?

The senator had said also, that the states had a right to extend their laws over all the territories and people within their limits, as defined by the treaty of '83. Why, that was the very question under consideration, the identical question to be submitted to the judiciary. He, (Mr. Clay,) contended that the states had no right to extend their laws over that portion of the territory assigned to the Indians, or over the Indians dwelling upon it. And that is the exact question which his resolution proposes to be submitted to the determination of the judiciary, and which the late act of Georgia carefully shuns.

But the senator from Tennessee had asked, 'what will the poor Indian, with his six hundred and forty acres of land, do, contending for his rights in a court of justice?' Why, he, (Mr. Clay,) would admit that his condition would be miserable enough; but it was all they could do for him, and they were bound to do all they could, under the constitutional power they possessed, to maintain his rights. But, he would ask, what was to prevent these Indians,

in their corporate, or collective character, from bringing their grievances before the courts? Nothing. And, that they were competent to this, we had only to look at the state papers which had emanated from them, and which did them immortal credit, to be convinced. The senator from Tennessee asked, 'what the states would do? Would they array the federal power against the power of the state governments, and thus produce that condition of things which must result in the Indians' being stricken from the face of the earth?' Did not the honorable senator remember the period when a state of this union was actually arrayed and marshalled to defend its interpretation of the constitution? He was hearty in the support of the force bill; he did not stop to look at the possible consequences of a civil war. He, (Mr. Clay,) gave it his reluctant and most painful support. He would gladly have turned the bitter cup from his lips, but he felt it to be his duty to sustain the authority of the general government; and, after giving to the subject the most solemn and serious consideration, he felt himself constrained to sustain that measure. And he went along with the senator from Tennessee upon the principle, now denied by him, that the federal authority must maintain its dignity. He went upon the ground, now abandoned by the senator from Tennessee, that no state ought to array itself against the constitutional powers of this government.

How was the fact up to the period of 1829? The gentleman from Tennessee tells us the true policy of this government is to send these poor creatures beyond the Mississippi, and that there is no impediment in the obligations of subsisting treaties. Never, until the new light burst upon us, that hundreds of Indian treaties, made during a period of half a century, under almost every administration of the government, concluded and ratified with all the solemn forms of the constitution, and containing the most explicit guarantees and obligations of protection to the Indians, and of security to their possessions, were mere nullities, was it supposed competent to effect a compulsory removal of the Indians beyond the Mississippi. It is true, that the policy of removing them has been long entertained; was contemplated by Mr. Jefferson; but it was a free, voluntary, and unconstrained emigration. No one, until of late, ever dreamed of a forcible removal, against their consent, accomplished either by the direct application of military power, or by cruel and intolerable local legislation. He wished that they would voluntarily remove. He believed that absorption or extinction was the only alternative of their remaining in the bosom of the whites. But they were a part of the human race, as capable as we are of pleasure and pain, and invested with as indisputable a right as we have, to judge of and pursue their own happiness.

It is said, that annihilation is the destiny of the Indian race.

Perhaps it is, judging from the past. But shall we therefore hasten it? Death is the irreversible decree pronounced against the human race. Shall we accelerate its approach, because it is inevitable? No, sir. Let us treat with the utmost kindness, and the most perfect justice, the aborigines whom Providence has committed to our guardianship. Let us confer upon them, if we can, the inestimable blessings of christianity and civilization, and then, if they must sink beneath the progressive wave of civilized population, we are free from all reproach, and stand acquitted in the sight of God and man.

The senator from Tennessee has left the senate under the impression, no doubt unintentionally, that three other states had advanced as far as Georgia in the exercise of a jurisdiction over the Indians and their property. But if he, (Mr. Clay,) were rightly informed, this was far from correct. North Carolina had exercised no such jurisdiction. She had not touched a hair upon the head of any Indian. Tennessee had extended her laws to the Indian country, for the sole purpose of protecting the Indians, and punishing the white intruders. Her upright judges and tribunals concurred, unanimously, if he were rightly informed, in supporting the Indian rights. No state, he believed, but Georgia, had seized upon the Indian lands, and distributed them among the whites. From the commencement of our independence down to this time, there was not another instance of such seizure, and appropriation, by any other member of the confederacy.

Mr. Clay assured the senator from Georgia, that he had not sought for the position in which he was placed. It was sought of him. He was applied to by the unfortunate Cherokees, to present their case to the senate. And he should have been false and faithless to his own heart, and unworthy of human nature, if he had declined to be their organ, however inadequate he feared he had proved himself to be.

On the whole, then, said Mr. Clay, the resolutions proposed an inquiry into the suitableness of making further provision for the Cherokees who choose to emigrate beyond the Mississippi. And in regard to those of them who will not go, but who prefer to cling to the graves of their forefathers, and to the spot which gave them birth, in spite of any destiny impending over them, the resolution proposes, that, since Georgia has shut her courts against them, we should inquire whether we should not open those of the federal government to them, and ascertain whether, according to the constitution, treaties, and laws, we are capable of fulfilling the obligations which we have solemnly contracted.

The memorial of the Cherokees was then referred to the committee on Indian affairs, and Mr. Clay's resolutions laid on the table for one day.

ON THE CUMBERLAND ROAD BILL.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 11, 1835.

[THE Cumberland road is a national work, constructed under the authority of congress, commencing at Cumberland on the Potomac river in the state of Maryland, and extending west to the Ohio river at Wheeling; from whence it is to be continued, under the name of the national road, through Ohio, Indiana, Illinois, and Missouri, to Jefferson, the capital of the latter state. At the time when the compact with the state of Ohio was made by the United States, this road had become absolutely necessary for the purpose of securing an intercourse between the west and the east side of the Alleghany mountains. The first step to effect this, was taken in 1802, when Mr. Jefferson was president. Its completion to the Ohio river, was in a great measure owing to the exertions of Mr. Clay in the cause of internal improvement, at various pericds during his congressional career. After the road had been made to Columbus, in the state of Ohio, the Ohio section had been given to and accepted by that state. At the session of congress in 1834, an appropriation of three hundred thousand dollars had been made for repairing the road, and on the present occasion a further sum of three hundred and forty thousand dollars was proposed for the purpose of putting the work in good condition, previously to its being surrendered to the states through which it passes. The bill to effect this object passed the senate by a vote of thirty-two to nine, after considerable discussion; Mr. Clay giving his views as follows.]

MR. CLAY remarked, that he would not have said a word then, but for the introduction in this discussion of collateral matters, not immediately connected with it. He meant to vote for the appropriation contained in the bill, and he should do so with pleasure, because, under all the circumstances of the case, he felt himself called upon by a sense of imperative necessity to yield his assent to the appropriation. The road would be abandoned, and all the expenditures which had heretofore been made upon it would have been entirely thrown away, unless they now succeeded in obtaining an appropriation to put the road in a state of repair. Now, he did not concur with the gentleman, (Mr. Ewing,) that Ohio could, as a matter of strict right, demand of the government to keep this road in repair. And why so? Because, by the terms of the compact, under the operation of which the road was made, there was a restricted and defined fund, set apart in order to accomplish that object. And that fund measured the obligation of the government. It had been, however, long since exhausted. There

was no obligation, then, on the part of the government, to keep the road in repair. But he was free to admit, that considerations of policy would prompt it to adopt that course, in order that an opportunity should be presented to the states to take it into their own hands.

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

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

With regard to the general power of making internal improvements, as far as it existed in the opinions he had frequently expressed in both houses, his opinion was unaltered. But with respect to the expediency of exercising that power, at any period, it must depend upon the circumstances of the times. And, in his opinion, the power was to be found in the constitution. This belief he had always entertained, and it remained unshaken. He could not coincide in the opinion expressed by the honorable senator

from Pennsylvania and the honorable senator from Massachusetts, in regard to the disposition that was to be made of this road.

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

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

But, he said, he would vote for this appropriation; he was compelled to vote for it by the force of circumstances over which he had no control. He had seen, in reference to internal improvements, and other measures of a national character, not individuals, merely, but whole masses, entire communities, prostrating their own settled opinions, to which they had conformed for half a century, wheel to the right or the left, march this way or that, according as they saw high authority for it. And he saw that there was no way of preserving this great object, which afforded such vast facilities to the western states, no other mode of preserving it,

but by a reluctant acquiescence in a course of policy, which *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 THE SENATE OF THE UNITED STATES, FEBRUARY 18, 1835.

[In the course of a discussion on a bill relating to the power of appointing to and removal from office, as exercised by the president, Mr. Clay made the following speech, in which he denies the constitutionality of the unlimited power of removal from office, by the president, at his own will and pleasure, without the consent of the senate. Mr. Clay's views of the nature and consequences of this arbitrary power claimed and exercised by president Jackson, will be found interesting, as well as his allusions to the pecuniary troubles and distress, which he then predicted would follow from the acts of Jackson's administration — predictions painfully verified in the subsequent succession of disasters which have befallen the country.]

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

must, the banks, acting without concert and without guide, obeying the law of self-preservation, will all at the same time call in their issues; the vast number will exaggerate the alarm, and general distress, wide-spread ruin, and an explosion of the whole banking system, or the establishment of a new bank of the United States, will be the ultimate effects.

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

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

which is responsibility. Responsibility is the vital principle of civil liberty, as irresponsibility is the vital principle of despotism. Free government can no more exist without this principle than animal life can be sustained without the presence of the atmosphere. But is not the president absolutely irresponsible in the exercise of this power? How can he be reached? By impeachment? It is a mockery.

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

The senator from New York, (Mr. Wright,) in analyzing the list of one hundred thousand, who are reported by the committee of patronage to draw money from the public treasury, contends that a large portion of them consists of the army, the navy, and revolutionary pensioners; and, paying a just compliment to their gallantry and patriotism, asks, if they will allow themselves to be instrumental in the destruction of the liberties of their country? It is very remarkable, that hitherto the power of dismission has not been applied to the army and navy, to which, from the nature of the service, it would seem to be more necessary than to those in civil places. But accumulation and concentration are the nature of all power, and especially of executive power. And it cannot 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

moulded according to the pleasure of the executive, we are to recollect, that the individuals who compose them are not to live always, and may be succeeded by those who will be more pliant and yielding. But I would ask the senator what has been the effect of this tremendous power of dismission upon the classes of officers to which it has been applied? Upon the post-office, the land-office, and the custom-house? They constitute so many *corps d'armee*, ready to further on all occasions the executive views and wishes. They take the lead in primary assemblies, whenever it is deemed expedient to applaud or sound the praises of the administration, or to carry out its purposes in relation to the succession. We are assured, that a large majority of the recent convention at Columbus, in Ohio, to nominate the president's successor, were office-holders. And do you imagine that *they* would nominate any other than the president's known favorite?

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

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

mean, by inherent power, such power as is exercised by the monarchs or chief magistrates of other countries? If that be their meaning, they should avow it.

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

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

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

The president is enjoined by the constitution to take care that

the laws be faithfully executed. Under this injunction, the power of dismission is claimed for him; and it is contended, that if those charged with the execution of the laws attempt to execute them in a sense different from that entertained by the president, he may prevent it, or withhold his coöperation. It would follow that, if the judiciary give to the law an interpretation variant from that of the president, he would not be bound to afford means which might become necessary to execute their decision. If these pretensions are well founded, it is manifest that the president, by means of the veto, in arresting the passage of laws which he disapproves, and the power of expounding those which are passed, according to his own sense of them, will become possessed of all the practical authority of the whole government. If the judiciary decide a law contrary to the president's opinion of its meaning, he may command the marshal not to execute the decision, and urge his constitutional obligation to take care that the laws be faithfully executed. It will be recollected, perhaps, by the senate, that, during the discussions on the deposit question, I predicted that the day would arrive when a president, disposed to enlarge his powers, would appeal to his official oath as a source of power. In that oath he undertakes that he will, 'to the best of his ability, preserve, protect, and defend the constitution of the United States.' The fulfilment of the prediction quickly followed; and during the same session, in the protest of the president, we find him referring to this oath as a source of power and duty. Now, if the president, in virtue of his oath, may interpose and prevent any thing from being done, contrary to the constitution, as he understands it; and may, in virtue of the injunction to take care that the laws be faithfully executed, prevent the enforcement of any law contrary to the sense in which he understands it, I would ask, what powers remain to any other branch of the government? Are they not all substantially absorbed in the WILL of one man?

The president's oath obliges him to do no more than every member of congress is also bound by official oath to do; that is, to support the constitution of the United States, in their respective spheres of action. In the discharge of the duties specifically assigned to him by the constitution and laws, he is for ever to keep in view the constitution; and this every member of congress is equally bound to do, in the passage of laws. To step out of his sphere; to trench upon other departments of the government, under the notion that they are about to violate the constitution, would be to set a most pernicious and dangerous example of violation of the constitution. Suppose congress, by two thirds of each branch, pass a law contrary to the veto of the president, and to his opinion of the constitution, is he afterwards at liberty to prevent its execution? The injunction, to which I have adverted, common both to the federal and most of the state constitutions,

imposes only upon the chief magistrate the duty of executing those laws with the execution of which he is specially charged; of supplying, when necessary, the means with which he is intrusted to enable others to execute those laws, the enforcement of which is confided to them; and to communicate to congress infractions of the laws, that the guilty may be brought to punishment, or the defects of legislation remedied. The most important branch of the government to the rights of the people, as it regards the mere execution of the laws, is the judiciary; and yet they hold their offices by a tenure beyond the reach of the president. Far from impairing the efficacy of any powers with which he is invested, this permanent character in the judicial office is supposed to give stability and independence to the administration of justice.

The power of removal from office not being one of those powers which are expressly granted and enumerated in the constitution, and having I hope successfully shown that it is not essentially of an executive nature, the question arises, to what department of the government does it belong, in regard to all offices created by law, or whose tenure is not defined in the constitution? There is much force in the argument which attaches the power of dismission to the president and senate conjointly, as the appointing power. But I think we must look for it to a broader and higher source; the legislative department. The duty of appointment may be performed under a law which enacts the mode of dismission. This is the case in the post-office department, the postmaster-general being invested with both the power of appointment and of dismission. But they are not necessarily allied, and the law might separate them; and assign to one functionary the right to appoint, and to a different one the right to dismiss. Examples of such a separation may be found in the state governments.

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

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

Hitherto I have considered the question upon the ground of the constitution, unaffected by precedent. We have in vain called upon our opponents to meet us upon that ground; and to point out the clause of the constitution which by express grant, or necessary implication, subjects the will of the whole official corps to the pleasure of the president, to be dismissed whenever he thinks proper, without any cause, and without any reasons publicly assigned or avowed for the dismission, and which excludes congress from all authority to legislate against the tremendous consequences of such a vast power. No such clause has been shown; nor can it be, for the best of all reasons, because it does not exist. Instead of bringing forward any such satisfactory evidence, gentlemen entrench themselves behind the precedent which was established in 1789, when the first congress recognised the power of dismission in the president; that is, they rely upon the *opinion* of the first congress, as to what the constitution meant, as conclusive of what it is.

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

[Mr. Clay here proceeded to recite from a memorandum, the number of officers removed under the different presidents, from Washington down; but the reporter not having access to the memorandum, is unable to note the precise number under each, and can only state generally that it was inconsiderable, under all the administrations

prior to the present, but under that of general Jackson the number of removals amounted to more than two thousand; of which some five or six hundred were postmasters.]

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

The first inquiry which suggests itself upon such a precedent as this is, brought forward by the friends of the administration, is, what right have they to the benefit of any precedent? The course of this administration has been marked by an utter and contemptuous disregard of all that had been previously done. Disdaining to move on in the beaten road carefully constructed by preceding administrations, and trampling upon every thing, it has seemed resolved to trace out for itself a new line of march. Then, let us inquire how this administration and its partisans dispose of precedents drawn from the same source, the first congress under the present constitution. If a precedent of that congress be sufficient authority to sustain an executive power, other precedents established by it, in support of legislative powers, must possess a like force. But do they admit this principle of equality? No such thing. They reject the precedents of the congress of 1789, sustaining the power of congress, and cling to that only which expands the executive authority. They go for prerogative, and they go against the rights of the people.

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

No one can carefully examine the debate in the house of representatives in 1789, without being struck with the superiority of the argument on the side of the minority, and the unsatisfactory nature of that of the majority. How various are the sources whence the power is derived! Scarcely any two of the majority agree in their

deduction of it. Never have I seen, from the pen or tongue of Mr. Madison, one of the majority, any thing so little persuasive or convincing. He assumes that all executive power is vested in the president. He does not qualify it; he does not limit it to that executive power which the constitution grants. He does not discriminate between executive power assigned by the constitution, and executive power enacted by law. He asks, if the senate had not been associated with the president in the appointing power, whether the president, in virtue of his executive power, would not have had the right to make all appointments? I think not; clearly not. It would have been a most sweeping and far-fetched implication. In the silence of the constitution, it would have devolved upon congress to provide by law for the mode of appointing to office; and that in virtue of the clause, to which I have already adverted, giving to congress power to pass all laws necessary and proper to carry on the government. He says, 'the danger, then, merely consists in this; the president can displace from office a man whose merits require that he should be continued in it. What will be the motives which the president can feel for such abuse of his power?' What motives! The pure heart of a Washington could have had none; the virtuous head of Madison could conceive none; but let him ask general Jackson, and he will tell him of motives enough. He will tell him, that he wishes his administration to be a unit; that he desires only one will to prevail in the executive branch of government; that he cannot confide in men who opposed his election; that he wants places to reward those who supported it; that the spoils belong to the victor; and that he is anxious to create a great power in the state, animated by one spirit, governed by one will, and ever ready to second and sustain his administration in all its acts and measures; and to give its undivided force to the appointment of the successor whom he may prefer. And what, Mr. President, do you suppose are the securities against the abuse of this power, on which Mr. Madison relied? 'In the first place,' he says, 'he will be impeachable by this house before the senate, for such an act of 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, that would only leave the office still vacant, and would not reinstate the removed officer. The president would have no difficulty in nominating another, and another, until the patience of the senate, being completely exhausted, they would finally confirm the appointment. What I have supposed is not theory but actually matter of fact. How often within a few years past have the senate disapproved of removals from office, which they have been subsequently called upon to concur in filling? How often wearied in rejecting, have they approved of persons for office whom they never would have appointed? How often have members approved of bad appointments, fearing worse if they were rejected? If the powers of the senate were exercised by one man, he might oppose, in the matter of appointments, a more successful resistance to executive abuses. He might take the ground that, in cases of improper removal, he would persevere in the rejection of every person nominated, until the meritorious officer was reinstated. But the senate now consists of forty-eight members, nearly equally divided, one portion of which is ready to approve of all nominations; and of the other, some members conceive that they ought not to incur the responsibility of hazarding the continued vacancy of a necessary office, because the president may have abused his powers. There is then no security, not the slightest practical security, against abuses of the power of removal in the concurrence of the senate in appointment to office.

During the debate in 1789, Mr. Smith, of South Carolina, called for the clause of the constitution granting the power. He said, 'we are declaring a power in the president which may hereafter be greatly abused; for we are not always to expect a chief magistrate in whom such entire confidence can be placed, as the present. Perhaps gentlemen are so much dazzled with the splendor of the virtues of the present president, as not to be able to see into futurity. * * * * * We ought to contemplate

this power in the hands of an ambitious man, who might apply it to dangerous purposes. If we give this power to the president, he may from caprice remove the most worthy men from office; his will and pleasure will be the slight tenure by which the office is to be held, and of consequence you render the officer the mere state dependent, the abject slave of a person who may be disposed to abuse the confidence his fellow-citizens have placed in him.' Mr. Huntington said, 'if we have a vicious president who inclines to abuse this power, which God forbid, his responsibility will stand us in little stead.'

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

There were other members who saw clearly into the future, and predicted, with admirable forecast, what would be the practical operation of this power. But there was one eminently gifted in this particular. It seems to have been specially reserved for a Jackson to foretell what a Jackson might do. Speaking of some future president, Mr. Jackson — (I believe of Georgia — that was his name. What a coincidence!) 'If he wants to establish an arbitrary authority, and finds the secretary of finance, (Mr. Duane,) not inclined to second his endeavors, he has nothing more to do than to remove him, and get one appointed, (Mr. Taney,) of principles more congenial with his own. Then, says he, I have got the army; let me have but the money, and I will establish my throne upon the ruins of your visionary republic. Black, indeed, is the heart of that man who even suspects him, (WASHINGTON,) to be capable of abusing powers. But, alas! he cannot be with us for ever; he is but mortal,' and so forth. 'May not a man with a *Pandora's box* in his breast come into power, and give us sensible cause to lament our present confidence and want of foresight?'

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

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

It may be asked, why has this precedent of 1789 not been reviewed? Does not the long acquiescence in it prove its propriety? It has not been reëxamined for several reasons. In the first place, all feel and own the necessity of some more summary and less expensive and less dilatory mode of dismissing delinquents from subordinate offices, than that of impeachment, which, strictly speaking, was perhaps the only one in the contemplation of the framers of the constitution; certainly it is the only one for which it expressly provides. Then, under all the predecessors of the president, the power was mildly and beneficially exercised, having been always, or with very few exceptions, applied to actual delinquents. Notwithstanding all that has been said about the number of removals which were made during Mr. Jefferson's administration, they were, in fact, comparatively few. And yet he came into power as the head of a great party, which for years had

been systematically excluded from the executive patronage; a plea which cannot be urged in excuse for the present chief magistrate. It was reserved for him to act on the bold and daring principle of dismissing from office, those who had opposed his election; of dismissing from office for mere difference of opinion!

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

But, Mr. President, although the bill is, I think, right in principle, it does not seem to me to go far enough. It makes no provision for the insufficiency of the reasons of the president, by restoring or doing justice to the injured officer. It will be some but not sufficient restraint against abuses. I have, therefore, prepared an amendment which I beg leave to offer, but which I will not press against the decided wishes of those having the immediate care of the bill. By this amendment,* as to all offices created by law, with certain exceptions, the power at present exercised is made a suspensory power. The president may, in the vacation of the senate, suspend the officer and appoint a temporary successor. At the next session of the senate, he is to communicate his reasons; and if they are deemed sufficient, the suspension is confirmed, and the senate will pass upon the new officer. If insufficient, the displaced officer is to be restored. This amendment is substantially

* The amendment was in the following words:

Be it further enacted, that in all instances of appointment to office by the president, by and with the advice and consent of the senate, the power of removal shall be exercised only in concurrence with the senate; and when the senate is not in session, the president may suspend any such officer, communicating his reasons for the suspension duing the first month of its succeeding session, and if the senate concur with him, the officer shall be removed; but if it do not concur with him, the officer shall be restored to office.

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

the same proposition, as one which I submitted to the consideration of the senate at its last session. Under this suspensory power, the president will be able to discharge all defaulters or delinquents; and it cannot be doubted that the senate will concur in all such dismissions. On the other hand, it will insure the integrity and independence of the officer, since he will feel that if he honestly and faithfully discharges his official duties, he cannot be displaced arbitrarily, or from mere caprice, or because he has independently exercised the elective franchise.

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

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

It may be said, that there are certain great officers, heads of departments and foreign ministers, between whom and the president entire confidence should exist. That is admitted. But, surely, if the president remove any of them, the people ought to know the cause. The amendment, however, does not reach those classes of officers. And supposing, as I do, that the legislative authority is competent to regulate the exercise of the power of dismission, there can be no just cause to apprehend, that it will fail to make such modifications and exceptions as may be called for by the public interest; especially as whatever bill may be passed must obtain the approbation of the chief magistrate. And if it should attempt to impose improper restrictions upon the executive authority, that would furnish a legitimate occasion for the exercise of the veto. In conclusion, I shall most heartily vote for the bill, with or without the amendment which I have proposed.

ON THE PUBLIC LANDS BILL.

IN THE SENATE OF THE UNITED STATES, DECEMBER 29, 1835.

[NILES's Weekly Register of January second, 1836, makes the following appropriate remarks. 'We have the pleasure to present the able and beautiful speech of Mr Clay, on again presenting his bill to dispose of the proceeds of the public lands. What an immense good would grow out of the passage of that bill! His history of this bill is very *severe*, though stated in the mildest terms possible.' The bill offered by Mr. Clay at this session passed the senate, by a vote of twenty-five to twenty; but was laid on the table in the house, by one hundred and four to eighty-five.]

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

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

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

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

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

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

After such a message, the president's disapprobation of the bill could not have been anticipated. It was presented to him on the second of March, 1833. It was not returned as the constitution

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

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

States.	Federal population.	Share for each state.	fifteen per centum to new states.	Total to new states.
Maine	399,437	$617,269		
New Hampshire	269,326	416,202		
Massachusetts	610,408	943,293		
Rhode Island	97,194	150,198		
Connecticut	297,665	459,996		
Vermont	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.]

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

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

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

Mr. President, I have ever regarded, with feelings of the profoundest regret, the decision which the president of the United States felt himself induced to make on the bill of 1833. If it had

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

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

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

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

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

> 'Bid harbors open, public ways extend,
> Bid temples worthier of the God ascend.
> Bid the broad arch the dangerous flood contain,
> The 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 THE SENATE OF THE UNITED STATES, JANUARY 11, 1836.

[At this session, the situation of affairs between the United States and France having become serious and alarming, Mr. Clay offered resolutions, calling upon the president for information, which, although generally known to the public, he had not then communicated to congress.]

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

According to the theory of our constitution, our diplomatic concerns with foreign countries are intrusted to the president of the United States, until they reach a certain point involving the question of peace or war, and then congress is to determine on that momentous question. In other words, the president conducts our foreign intercourse; congress alone can change that intercourse from a peaceable to a belligerent one. This right, to decide the question of war, carries along with it the right to know whatever has passed between our own executive and the government of any foreign power. No matter what may be the nature of the correspondence, whether official or not, whether formal or informal, congress has the right to any and all information whatever, which may be in the possession of the other branch of the government. No senator here could have failed to have been acquainted with the fact, that the contents of a most important despatch or document has been discussed, and a most important overture canvassed in the different newspapers, in private and political circles, by individuals; every body, in fact, knows what has taken place, except the congress of the United States. The papers friendly to the administration — indeed, the whole circle of the American press — are in possession of the contents of a paper which this

body has not been yet allowed to see; and I have one journal, a southern administration journal, before me, which states a new and important fact in reference to it. I have said that our situation with France grows every day more embarrassing; the aspect of our relations with her more and more dark and threatening. I could not, therefore, longer delay in making the following motion. I should have done so before, but for a prevalent rumor that the president would soon make a communication to congress, which would do away the necessity of the resolutions which I now submit, by laying before congress the information, which is the object of my motion. He has not, however, done so, and probably will not, without a call from the senate.

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

Resolved, that the president be requested to communicate to the senate (if it be not, in his opinion, incompatible with the public interest,) whether, since the termination of the last congress, any overture, formal or informal, official or unofficial, has been made by the French government to the executive of the United States, to accommodate the difficulties between the two governments, respecting the execution of the convention of the fourth day of July, 1831; and, particularly, whether a despatch from the duc de Broglie, the French minister of foreign affairs, to the *chargé d'affaires* at Washington, was read, and a copy of it furnished by him to the secretary of state, for the purpose of indicating a mode in which these difficulties might be removed.

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

ADMISSION OF ARKANSAS INTO THE UNION.

IN THE SENATE OF THE UNITED STATES, APRIL 11, 1836.

[NOTWITHSTANDING the compromise of the slavery question, on the admission of Missouri into the union, many citizens of the northern states were opposed to the admission of Arkansas, agreeably to the terms of the compromise. Mr. Clay, however, adhered to his former opinions, as is shown in his remarks which follow.]

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

[Mr. King, of Alabama, expressed his regret that the senator from Kentucky had introduced these petitions, while a bill was pending in the other branch, in the progress of which it was probable that this question would be stirred. If the presentation of these petitions should bring up again the agitation which was produced by the discussion of the Missouri question, it would be difficult to predict the consequences which might ensue. When the Missouri question was under consideration, he acted with the senator from Kentucky, and agreed to give up certain rights of the

new states for the purpose of conciliation. But he would now say, that never again would he give up any thing for the purpose of conciliating another quarter of the country. He repeated his astonishment and concern, that the senator from Kentucky should have brought forward the petitions.]

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

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

[The petitions were then laid on the table.]

ON THE FORTIFICATION BILL.

IN THE SENATE OF THE UNITED STATES, JUNE 29, 1836.

[In consequence of the threatening appearance of our affairs with France, which at one time rendered a war with that nation probable, congress, at the session of 1836, passed a bill making large appropriations for building and repairing fortifications on the Atlantic coast. Mr. Clay opposed the bill on account of the extravagant amount proposed to be appropriated, as is shown in the following brief remarks on the subject.]

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

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

Why, sir, it is a greater amount than is appropriated to similar objects by the British parliament, since its reform, in one year. The whole revenue of Great Britain is about forty-two millions sterling, of which sum twenty-eight millions is applied to the public debt, six to the payment of pensions, annuities, and so forth,

and only about eight millions to the current annual expenses of the whole of their vast establishments, military and naval, and the civil government at home and abroad. Now, forty millions of dollars exceed eight millions sterling. Who would have supposed that an administration, which came in upon pledges and promises of retrenchment, reform, and economy, should, in the eighth year of its rule, have swelled the expenditure of the government to an amount exceeding that of Great Britain? And this surprise must be increased, when we reflect that the British parliament stands to the people of Great Britain in the double relation of the federal and state governments to the people of the United States.

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

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

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

country, to be held in the deposit banks, one of which, according to a statement going the rounds of the papers, has made fourteen and a half per centum dividend for six months?

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

ON RECOGNISING THE INDEPENDENCE OF TEXAS.

IN THE SENATE OF THE UNITED STATES, JULY 1, 1836.

[In March, 1836, a convention of forty-four delegates assembled at the town of Washington, in Texas, and made a formal declaration of independence and separation from the republic of Mexico. A previous declaration had been made by a few individuals in Texas, in December, 1835. On the twenty-first of April, 1836, a decisive battle was fought on the banks of the San Jacinto river, between the Texans and Mexicans, in which the latter were defeated, and president Santa Ana taken prisoner. An armistice was concluded in May, 1836, between Santa Ana and the president of Texas, Mr. Burnet, by which the former was released and sent home, and the Mexican troops evacuated the territory of Texas; Santa Ana agreeing not to take up arms, nor to exercise his influence against Texas during the war of independence. Under these circumstances, a proposition was brought before congress to acknowledge the independence of Texas, when Mr. Clay expressed his sentiments as follows.

Mr. Preston made some remarks, in the course of which he stated, that he had with difficulty restrained himself from offering an amendment to recognise the independence of Texas immediately. He gave a brief narrative of the events of the revolution in Texas, and stated that he had this morning received authentic information, in the form of a letter from Mr. Austin, which confirms the statement that general Filasola had carried into effect the armistice agreed on between the Texian government and Santa Ana. This treaty Mr. Preston regarded as amounting to a recognition, on the part of Mexico, of the independence of Texas. The vice-president of Texas was about to proceed to Vera Cruz, to enforce from the mouths of the Texian guns the conclusion of a definitive treaty of peace between the two countries.

Mr. Preston continued, at some length, to expatiate on the situation and achievements and claims of Texas, and adverted to certain treaty stipulations with Mexico concerning the Indians west of the Sabine, which stipulations it would only be in the power of Texas now to carry into effect. He concluded with offering to amend the resolution, by adding an expression of the gratification which the senate felt on hearing of the course taken by the president of the United States to obtain information of the situation of Texas.

The report of the committee concluded with the following resolution.

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

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

With respect to that amendment, I have no objection to it, and

wish it to be adopted. The committee on foreign relations had reported a resolution, delaring that Texas ought to be recognised as an independent power, as soon as satisfactory information is acquired, that it has an established government in successful operation. The president states, in a message received in the senate subsequent to the report, that he has adopted measures to obtain that information. There is, therefore, an entire consistency between the resolution of the committee, the message of the president, and the proposed amendment, and he hoped it would be agreed to.

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

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

We ought to discriminate between Santa Ana — the bloodthirsty, vain-boasting, military tyrant, who has met in his overthrow and captivity a merited fate — and the eight millions of Mexicans, over whom he was exercising military sway. We should not allow the feelings of just indignation, which his conduct has excited, to transport us against the perhaps unoffending people whom he has controlled. We ought to recollect, that Mexico is our neighbor, having conterminous territory; that as long as we both

remain independent powers, we shall stand in that relation to her; that we are carrying on, by sea and by land, a commerce highly beneficial to both parties; and that it is the interest of both to cultivate the most amicable and harmonious intercourse. If we proceed precipitately, and prematurely, how will our conduct be regarded by Mexico? May we not lay the foundations of a lasting and injurious misunderstanding? If, indeed, Mexico delays unreasonably the acknowledgment of the independence of Texas, and resolves on the prosecution of the war, I should be far from thinking that the United States ought to postpone, to any distant day, the recognition of Texas, after the desired information is obtained. The senator from South Carolina has supposed it to be necessary to recognise Texas, in order to insure the execution of existing treaties with Mexico. So far as they affect Texas, she is as much bound by them, as if they had been negotiated under her express authority. For I suppose it to be incontestable, that a nation remains bound by all the treaties it has formed, however often it may think proper to change the form of its government; and that all the parts of a common nation also continue so bound, notwithstanding and after they shall have formed themselves into separate and independent powers.

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

The senator from South Carolina refers to the policy which

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

The senate, without the coöperation of the executive in some way, is incompetent to recognise Texas. The president tells us, in his message, that he has adopted measures to acquire necessary information to guide his judgment. We also want it. He cannot be justly accused of having delayed unreasonably to act. There is ground to believe, not only that Texas is independent, but that it has a government in practical operation. I sincerely hope it has; and that it has laid, on deep foundations, perfect securities for liberty, law, and order. In the mean time, every prudential consideration seems to me to require, that we should stop with the resolution and proposed amendment. Such appears to be the deliberate judgment of the senator himself. I sincerely, I most anxiously hope, that the desired information will be soon obtained by the executive; and that the feelings and wishes for the acknowledgment of the independence of Texas, which so generally prevail among our constituents, may be speedily gratified.

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

ON THE EXPUNGING RESOLUTION.

IN THE SENATE OF THE UNITED STATES, JANUARY 16, 1837.

[On the twenty-eighth of March, 1834, the senate of the United States adopted, by a vote of twenty-six to twenty, the following resolution, which was offered by Mr. Clay, relative to the removal of the public deposits from the bank of the United States.

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

This resolution Mr. Benton, of Missouri, in February, 1835, brought forward a motion to expunge from the journals of the senate; but that body, on the third of March, by a vote of thirty-nine to seven, refused to sustain the motion. Mr. Benton, however, continued to agitate the subject, and, at the session of 1836–7, the majority of the senate having been changed in favor of president Jackson, an expunging resolution was offered by Mr Benton, and, after an exciting debate, carried. On this occasion Mr. Clay addressed the senate in the following speech, which may be numbered among his most powerful efforts in the cause of the constitution, and the rights of the legislative against executive power.]

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

I have not risen to repeat at full length the argument by which the friends of the resolution of March, 1834, sustained it. That argument is before the world, was unanswered at the time, and

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

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

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

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

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

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

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

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

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

In the session of congress of 1832–3, an inquiry had been instituted by the house of representatives into the condition of the bank of the United States. It resulted in a conviction of its entire safety, and a declaration by the house, made only a short time before the adjournment of congress on the fourth of March, 1833, that the public deposits were perfectly secure. This declaration

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

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

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

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

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

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

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

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

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

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

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

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

But the case has been supposed, of a necessity for the removal

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

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

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

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

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

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

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

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

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

Why should the judicial function limit and restrain the legislative function of the senate, more than the legislative should the judicial? If the degree of importance of the two should decide which ought to impose the restraint, in cases of conflict between them, none can doubt which it should be.

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

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

No senator believed in 1834, that, whether the president merited impeachment or not, he ever would be impeached. In point of fact he has not been, and we have every reason to suppose, that he

never will be impeached. Was the majority of the senate, in a case where it believed the constitution and laws to have been violated, and the liberties of the people to be endangered, to remain silent, and to refrain from proclaiming the truth, because, against all human probability, the president might be impeached by a majority of his political friends in the house of representatives?

If an impeachment had been actually voted by the house of representatives, there is nothing in the constitution which enjoins silence on the part of the senate. In such a case, it would have been a matter of propriety for the consideration of each senator to avoid the expression of any opinion on a matter upon which, as a sworn judge, he would be called to act.

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

But let me suppose that in all this I am mistaken; that the act of the president, to which exception was made, was in conformity with the spirit of our free institutions, and the language of our constitution and laws; and that, whether it was or not, the senate of 1834 had no authority to pass judgment upon it; what right has

the senate of 1837, a component part of another congress, to pronounce judgment upon its predecessor? How can you, who venture to impute to those who have gone before you an unconstitutional proceeding, escape a similar imputation? What part of the constitution communicates to you any authority to assign and try your predecessors? In what article is contained your power to expunge what they have done? And may not the precedent lead to a perpetual code of defacement and restoration of the transactions of the senate, as consigned to the public records?

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

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

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

register on which the arret de partage had been inscribed, and punished with suspension from their functions several of the members of the various courts composing the parliament of Paris.'

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

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

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

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

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

And that of Pennsylvania is,

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

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

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

The senate observes, that the question arose in a case where the yeas and nays had not been called. Even in such a case, there were but four members, out of eighty-two, who thought it was competent to the house to expunge. Had the yeas and nays been called and recorded, as they were on the resolution of March, 1834, there would not have been a solitary vote in the house of representatives of Pennsylvania in support of the power of expunging. And if you can expunge the resolution, why may you not expunge also the recorded yeas and nays attached to it?

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

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

Another fact, asserted in one of those recitals, is, that the resolution of 1834, in either of the forms in which it was originally presented, or subsequently modified prior to the final shape which it assumed when adopted, would have been rejected by a majority of the senate. What evidence is there in support of this assertion?

None. It is, I verily believe, directly contrary to the fact. In either of the modifications of the resolution, I have not a doubt, that it would have passed! They were all made in that spirit of accommodation by which the mover of the resolution has ever regulated his conduct as a member of a deliberative body. In not one single instance did he understand from any senator at whose request he made the modification, that, without it, he would vote against the resolution. How, then, can even the senators, who were of the minority of 1834, undertake to make the assertion in question? How can the new senators, who have come here since, pledge themselves to the fact asserted, in the recital of which they could not have had any connusance? But all the members of the majority; the veterans and the raw recruits — the six years men and six weeks men — are required to concur in this most unfounded assertion, as I believe it to be. I submit it to one of the latter, (looking toward Mr. Dana, from Maine, here by a temporary appointment from the executive,) whether, instead of inundating the senate with a torrent of fulsome and revolting adulation poured on the president, it would not be wiser and more patriotic to illustrate the brief period of his senatorial existence by some great measure, fraught with general benefit to the whole union? Or, if he will not or cannot elevate himself to a view of the interest of the entire country, whether he had not better dedicate his time to an investigation into the causes of an alien jurisdiction being still exercised over a large part of the territory of the state which he represents? And why the American carrying trade to the British colonies, in which his state was so deeply interested, has been lost by a most improvident and bungling arrangement?

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

How is it with the president? Is he powerless. He is felt from one extremity to the other of this vast republic. By means of

principles which he has introduced, and innovations which he has made in our institutions, alas! but too much countenanced by congress and a confiding people, he exercises uncontrolled the power of the state. In one hand he holds the purse, and in the other brandishes the sword of the country. Myriads of dependents and partisans, scattered over the land, are ever ready to sing hosannas to him, and to laud to the skies whatever he does. He has swept over the government, during the last eight years, like a tropical tornado. Every department exhibits traces of the ravages of the storm. Take, as one example, the bank of the United States. No institution could have been more popular with the people, with congress, and with state legislatures. None ever better fulfilled the great purposes of its establishment. But it unfortunately incurred the displeasure of the president; he spoke, and the bank lies prostrate. And those who were loudest in its praise are now loudest in its condemnation. What object of his ambition is unsatisfied? When disabled from age any longer to hold the sceptre of power, he designates his successor, and transmits it to his favorite. What more does he want? Must we blot, deface, and mutilate the records of the country to punish the presumptuousness of expressing an opinion contrary to his own?

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

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

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

What patriotic purpose is to be accomplished by this expunging? Is it to appease the wrath, and to heal the wounded pride, of the chief magistrate? If he be really the hero that his friends represent him, he must despise all mean condescension, all grovelling sycophancy, all self-degradation, and self-abasement. He would reject with scorn and contempt, as unworthy of his fame, your

black scratches, and your baby lines in the fair records of his country. Black lines! Black lines! Sir, I hope the secretary of the senate will preserve the pen with which he may inscribe them, and present it to that senator of the majority whom he may select, as a proud trophy, to be transmitted to his descendants. And hereafter, when we shall lose the forms of our free institutions, all that now remain to us, some future American monarch, in gratitude to those by whose means he has been enabled, upon the ruins of civil liberty, to erect a throne, and to commemorate especially this expunging resolution, may institute a new order of knighthood, and confer on it the appropriate name of the knight of the black lines.

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

ON THE SUB-TREASURY BILL.

IN THE SENATE OF THE UNITED STATES, SEPTEMBER 25, 1837.

[AFTER the removal of the public deposits from the bank of the United States, by order of president Jackson, in October, 1833, the revenues were collected and disbursed through certain state banks, selected by the secretary of the treasury. In the month of May, 1837, the pressure upon the banks was so great, from a variety of causes, that a general suspension of specie payments took place. In this state of things, Mr. Van Buren, who succeeded general Jackson as president, in March, 1837, issued a proclamation, calling an extra session of congress, to meet on the first Monday in September. In his message to that body, which contained a majority favorable to his administration, he recommended the adoption of a system of finance, in collecting and disbursing the revenue of the nation, in gold and silver, which was called by its supporters, 'the *Independent Treasury*,' and by its opponents, 'the *Sub-Treasury*.' The system had been before proposed in congress, by Mr. Gordon, of Virginia, and rejected, the friends of Mr. Van Buren at that time generally voting against it. On the present occasion, Mr. Clay delivered his sentiments on this novel project, in the following remarks; a bill having been introduced by Mr. Wright, chairman of the committee on finance, embodying the system referred to, which was not finally adopted, until near the close of Mr. Van Buren's administration.]

FEELING an anxious desire to see some effectual plan presented, to correct the disorders in the currency, and to restore the prosperity of the country, I have avoided precipitating myself into the debate now in progress, that I may attentively examine every remedy that may be proposed, and impartially weigh every consideration urged in its support. No period has ever existed in this country, in which the future was covered by a darker, denser, or more impenetrable gloom. None, in which the duty was more imperative to discard all passion and prejudice, all party ties, and previous bias, and look exclusively to the good of our afflicted country. In one respect, and I think it a fortunate one, our present difficulties are distinguishable from former domestic trouble, and that is their universality. They are felt, it is true, in different degrees, but they reach every section, every state, every interest, almost every man in the union. All feel, see, hear, know their existence. As they do not array, like our former divisions, one portion of the confederacy against another, it is to be hoped that common sufferings may lead to common sympathies and common counsels, and that we shall, at no distant day, be able to see a clear way of deliverance. If the present state of the country were produced by the fault of the

people; if it proceeded from their wasteful extravagance, and their indulgence of a reckless spirit of ruinous speculation; if public measures had no agency whatever in bringing it about; it would, nevertheless, be the duty of government to exert all its energies, and to employ all its legitimate powers, to devise an efficacious remedy. But if our present deplorable condition has sprung from our rulers; if it is to be clearly traced to their acts and operations, that duty becomes infinitely more obligatory; and government would be faithless to the highest and most solemn of human trusts should it neglect to perform it. And is it not too true, that the evils which surround us are to be ascribed to those who have had the conduct of our public affairs?

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

Prior to that series of unfortunate measures which had for its object the overthrow of the bank of the United States, and the discontinuance of its fiscal agency for the government, no people upon earth ever enjoyed a better currency, or had exchanges better regulated, than the people of the United States. Our monetary system appeared to have attained as great perfection as any thing human can possibly reach. The combination of United States and local banks presented a true image of our system of general and state governments, and worked quite as well. Not only within the country had we a local and general currency perfectly sound, but in whatever quarter of the globe American commerce had penetrated, there also did the bills of the United States bank command unbounded credit and confidence. Now we are in danger of having fixed upon us, indefinitely as to time, that medium, an irredeemable paper currency, which, by the universal consent of the commercial world, is regarded as the worst. How has this reverse come upon us? Can it be doubted that it is the result of those measures to which I have adverted? When, at the very moment of adopting them, the very consequences which have happened were foretold as inevitable, is it necessary to look elsewhere for their cause? Never was prediction more distinctly made; never was fulfilment more literal and exact.

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

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

What occurred in the state of Kentucky, in consequence of the veto of the recharter of the bank of the United States, illustrates its effects throughout the union. That state had suffered greatly by banks. It was generally opposed to the reëstablishment of them. It had found the notes of the bank of the United States answering all the purposes of a sound currency, at home and abroad, and it was perfectly contented with them. At the period of the veto, it had but a single bank, of limited capital and circulation. After it, the state, reluctant to engage in the banking system, and still cherishing hopes of the creation of a new bank of the United States, encouraged by the supporters of the late president, hesitated about the incorporation of new banks. But at length, despairing of the establishment of a bank of the United States, and finding itself exposed to a currency in bank notes from adjacent states, it proceeded to establish banks of its own; and since the veto, since 1833, has incorporated for that single state, bank capital to the amount of ten millions of dollars — a sum equal to the capital of the first bank of the United States, created for the whole union.

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

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

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

The very clear and able argument of the senator from Georgia, (Mr. King,) relieves me from the necessity of saying much upon

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

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

Great Britain has, in truth, experienced only those temporary embarrassments which are incident to commercial transactions, conducted upon the scale of vast magnitude on which hers are carried on. Prosperous and adverse times, action and reaction, are the lot of all commercial countries. But our distresses sink deeper; they reach the heart, which has ceased to perform its office of circulation in the great concerns of our body politic.

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

Since the intensity of suffering, and the disastrous state of things in this country, have far transcended any thing that has occurred in

Europe, we must look here for some peculiar and more potent causes than any which have been in operation there. They are to be found in that series of measures to which I have already adverted —

First, the veto of the bank;

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

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

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

Fifth, the treasury order of July, 1836.

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

The message imputes to the deposit law, an agency in producing the existing embarrassments. This is a charge frequently made by the friends of the administration against that law. It is true, that, the banks having increased their accommodations, in conformity with the orders of secretary Taney, it might not have been convenient to recall and pay them over for public use. It is true, also, that the manner in which the law was executed by the treasury department, transferring large sums from creditor to debtor portions of the country, without regard to the commerce or business of the country, might have aggravated the inconvenience. But what do those who object to the law think ought to have been done with the surpluses which had accumulated, and were daily augmenting to such an enormous amount in the hands of the deposit banks? Were they to be incorporated with their capital, and remain there for the benefit of the stockholders? Was it not proper and just, that they should be applied to the uses of the people from whom they were collected? And whenever and however taken from the deposit banks, would not inconvenience necessarily happen?

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

institutions? Was it not even under less obligation to do so than the deposit banks, selected and fostered by the general government?

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

A subordinate but not unimportant cause of the evils which at present encompass us, has been the course of the late administration towards the compromise act. The great principle of that act, in respect to our domestic industry, was its stability. It was intended and hoped that, by withdrawing the tariff from their annual discussions in congress, of which it had been the fruitful topic, our manufactures would have a certainty, for a long period, as to the measure of protection extended to them by its provisions, which would compensate any reduction in the amount contained in prior acts. For a year or two after it was adopted, the late administration manifested a disposition to respect it, as an arrangement which was to be inviolable. But for some time past it has been constantly threatened from that quarter, and a settled purpose has been displayed to disregard its conditions. Those who had an agency in bringing it forward, and carrying it through congress, have been held up to animadversion; it has been declared by members, high in the confidence of the administration in both houses, to possess no obligatory force beyond any ordinary act of legislation, and new adjustments of the tariff have been proposed in both houses, in direct contravention of the principles of the compromise; and, at the last session, one of them actually passed the senate, against the most earnest entreaty and remonstrance. A portion of the south has not united in these attacks upon the compromise; and I take pleasure in saying, that the two senators from South Carolina, especially, have uniformly exhibited a resolution to adhere to it with perfect honor and fidelity.

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

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

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

The act of 1828 was no measure of the friends of the manufacturers. Its passage was forced by a coalition between their secret and open opponents. But the system of protection of American industry did not cause the surplus. It proceeded from the extraordinary sales of the public lands. The receipts, from all sources other than that of the public lands, and expenditures of the years 1833–6, (during which the surplus was accumulating,) both amount to about eighty-seven millions of dollars; thus clearly showing, that the customs only supplied the necessary means of public disbursement, and that it was the public domain that produced the surplus.

If the land bill had been allowed to go into operation, it would have distributed generally and regularly among the several states the proceeds of the public lands, as they would have been received from time to time. They would have returned back in small streams, similar to those by which they have been collected, animating, and improving, and fructifying the whole country. There would have been no vast surplus to embarrass the government; no removal of deposits from the bank of the United States to the deposit banks, to disturb the business of the country; no accumulations in the deposit banks of immense sums of public

money, augmented by the circuit it was performing between the land offices and the banks, and the banks and the land offices; no occasion for the secretary of the treasury to lash the deposit banks into the grant of inordinate accommodations; and possibly there would have been no suspension of specie payments. But that bill was suppressed by a most extraordinary and dangerous exercise of executive power.

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

Our misfortune has not been the want of wisdom, but of firmness. The party in power would not have governed the country very ill, if it had been allowed its own way. Its fatal error has been to lend its sanction, and to bestow its subsequent applause and support upon executive acts, which, in their origin, it previously deprecated or condemned. We have been shocked and grieved to see whole legislative bodies and communities approving and lauding the rejection of the very measures which previously they had unanimously recommended! To see whole states abandoning their long-cherished policy, and best interests, in subserviency to the executive pleasure! And the numberless examples of individuals who have surrendered their independence, must inflict pain on every patriot bosom. A single case forces itself upon my recollection as an illustration, to which I do not advert from any unkind feelings towards the gentleman to whom I refer, between whom and myself civil and courteous relations have ever existed. The memorial of the late bank of the United States, praying for a recharter, was placed in his hands, and he presented it to the senate. He carried the recharter through the senate. The veto came; and, in two or three weeks afterwards, we behold the same senator at the head of an assembly of the people, in the state-house yard, in Philadelphia, applauding the veto, and condemning the bank — condemning his own act! Motives lie

beyond the reach of the human eye, and it does not belong to me to say what they were, which prompted this self-castigation, and this praise of the destruction of his own work; but it is impossible to overlook the fact that this same senator, in due time, received from the author of the veto the gift of a splendid foreign mission!

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

In this rapid, and I hope not fatiguing review of the causes which I think have brought upon us existing embarrassments, I repeat that it has been for no purpose of reproaching or 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 reëstablish a sound currency, and thereby to restore the exchanges, and revive the business of the country.

The first impression which the measures brought forward by the administration make, is, that they consist of temporary expedients, looking to the supply of the necessities of the treasury; or, so far as any of them possess a permanent character, its tendency is rather to aggravate than alleviate the sufferings of the people. None of them proposes to rectify the disorders in the actual currency of the country; but the people, the states, and their banks, are left to shift for themselves, as they may or can. The administration, after having intervened between the states and their banks, and taken *them* into their federal service, without the consent of the states; after having puffed and praised them; after having brought them, or contributed to bring them, into their present situation; now suddenly turns its back upon them, leaving them to their fate! It is not content with that; it must absolutely discredit their issues. And the very people, who were told by the administration that these banks would supply them with a better currency,

are now left to struggle as they can with the very currency which the government recommended to them, but which it now refuses itself to receive!

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

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

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

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

Fourth, and last, the bill to suspend the payment of the fourth instalment to the states, by the provisions of which the deposit banks indebted to the government are placed at the discretion of the secretary of the treasury.

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

And why this new experiment, or untried expedient? The people of this country are tired of experiments. Ought not the administration itself to cease with them? Ought it not to take warning from the events of recent elections? Above all, should not the senate, constituted as it now is, be the last body to lend itself to further experiments upon the business and happiness of this great people? According to the latest expression of public opinion in the several states, the senate is no longer a true exponent of the will of the states or of the people. If it were, there would be thirty-two or thirty-four whigs to eighteen or twenty friends of the administration.

Is it desirable to banish a convertible paper medium, and to substitute the precious metals as the sole currency to be used in

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

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

I have heard it urged by the senator from South Carolina, (Mr. Calhoun,) with no little surprise, in the course of this debate, that a convertible paper would not answer for a currency, but that the true standard of value was to be found in a paper medium not convertible into the precious metals. If there be, in regard to currency, one truth which the united experience of the whole commercial world has established, I had supposed it to be that emissions of paper money constituted the very worst of all conceivable species of currency. The objections to it are, first, that it is impracticable to ascertain, *a priori*, what amount can be issued without depreciation; and, second, that there is no adequate security, and, in the nature of things, none can exist, against

excessive issues. The paper money of North Carolina, to which the senator referred, according to the information which I have received, did depreciate. It was called proc., an abbreviation of the authority under which it was put forth, and it took one and a half, and sometimes two dollars of proc. to purchase one in specie. But if any one desires to understand perfectly the operation of a purely paper currency, let him study the history of the bank of the commonwealth of Kentucky. It was established about fifteen or sixteen years ago, with the consent of a majority of the people of that state. It is winding up and closing its career with the almost unanimous approbation of the whole people. It had an authority to issue, and did issue, notes to the amount of about two millions of dollars. These notes, upon their face, purported an obligation of the bank to pay the holder, on demand, the amount in specie; but it was well known that they would not be so paid. As a security for their ultimate payment, there were, first, the notes of individuals supposed to be well secured, every note put out by the bank being represented by an individual note discounted; secondly, the funds of the state in a prior state bank, amounting to about half a million of dollars; thirdly, the proceeds of a large body of waste lands belonging to the state; and, fourthly, the annual revenue of the state, and public dues, all of which were payable in the notes of the commonwealth bank.

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

Is it practicable for the federal government to put down the state banks, and to introduce an exclusive metallic currency? In the operations of this government, we should ever bear in mind that political power is distributed between it and the states, and that, while our duties are few and clearly defined, the great mass of legislative authority abides with the states. Their banks exist

without us, independent of us, and in spite of us. We have no constitutional power or right to put them down. Why, then, seek their destruction, openly or secretly, directly or indirectly, by discrediting their issues, and by bankrupt laws, and bills of pains and penalties. What are these banks, now so decried and denounced? Intruders, aliens, enemies, that have found their way into the bosom of our country against our will! Reduced to their elements, and the analysis shows that they consist, first, of 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 towards you, and imploring relief. Every blow that you inflict upon the banks, reaches them. Press the banks, and you press them.

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

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

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

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

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

But there are some more specific objections to this project of sub-treasuries, which deserve to be noticed. The first is its insecurity. The sub-treasurer and his bondsmen constitute the only guarantee for the safety of the immense sums of public money which pass through his hands. Is this to be compared with that which is possessed through the agency of banks? The collector, who is to be sub-treasurer, pays the money to the bank, and the bank to the disbursing officer. Here are three checks; you propose to destroy two of them; and that most important of all, the bank, with its machinery of president, directors, cashier, teller, and clerks, all of whom are so many sentinels. At the very moment, when the secretary of the treasury tells us how *his* sub-treasury system will work, he has communicated to congress a circular, signed by himself, exhibiting his distrust in it; for he directs in that circular that the public moneys, when they amount to a large sum, shall be specially deposited with these very banks which he would repudiate. In the state of Kentucky, (other gentlemen can speak of their respective states,) although it has existed but about forty-five years, three treasurers, selected by the legislature for their established characters of honor and probity, proved faithless. And the history of the delinquency

of one, is the history of all. It commenced in human weakness, yielding to earnest solicitations for temporary loans, with the most positive assurances of a punctual return. In no instance was there originally any intention to defraud the public. We should not expose poor human nature to such temptations. How easy will it be, as has been done, to indemnify the sureties out of the public money, and squander the residue?

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

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

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

Which of all these numerous powers and pretensions has the present chief magistrate disavowed? So far from disclaiming any one of them. has he not announced his intention to follow in the very footsteps of his predecessor? And has he not done it? Was it against the person of Andrew Jackson, that the senator from South Carolina, so ably coöperated with us? No, sir; no, sir; no. It was against his ursurpations, 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, undimin-

ished, reasserted, and overshadowing all the other departments of the government. Every trophy which the late president won from them, now decorates the executive mansion. Every power, which he tore from a bleeding constitution, is now in the executive armory, ready, as time and occasion may prompt the existing incumbent, wherever he may be, to be thundered against the liberties of the people.

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

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

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

Hitherto I have considered this scheme of sub-treasuries as if it was only what its friends represent it — a system solely for the purpose of collecting, keeping, and disbursing the public money, in specie exclusively, without any bank agency whatever. But it is manifest that it is destined to become, if it be not designed to be, a vast and ramified connection of government banks, of which the principal will be at Washington, and every sub-treasury will be a branch. The secretary is authorized to draw on the several sub-treasurers, in payment for all the disbursements of government. No law restricts him as to the amount or form of his drafts or checks. He may throw them into amounts suited to the purposes of circulation, and give them all the appearance and facilities of

bank notes. Of all the branches of this system, that at New York will be the most important, since about one half of the duties is collected there. Drafts on New York are at par, or command a premium from every point of the union. It is the great money centre of the country. Issued in convenient sums, they will circulate throughout the whole union as bank notes; and as long as confidence is reposed in them, will be preferred to the specie, which their holders have a right to demand. They will supply a general currency, fill many of the channels of circulation, 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 guarantee the redemption of all the drafts, checks, or notes, (whatever may be their denomination,) emitted upon the faith of the money in his custody, and, of course, will be subject to the hazard of the loss of the amount of specie in the hands of the sub-treasurer. If, in the commencement of this system, the holders of this government paper shall be required to present it for payment in coin, within a specified time, it will be found inconvenient or impracticable to enforce the restriction, and it will be ultimately abandoned.

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

It is said in the message, that government is not bound to supply the country with the exchanges which are necessary to the transaction of its business. But was that the language held during the progress of the contest with the late bank of the United States? Was not the expectation held out to the people, that they would be supplied with a better currency, and with better regulated exchange? And did not both the late president and the secretary of the treasury dwell, with particular satisfaction, in several messages and reports, upon the improvement of the currency, the greater amount in exchange, and the reduction of the rates, under the operation of the state bank system, than existed under the bank of the United States? Instead of fulfilling his promises then held out, the government now wraps itself up in its dignity; tells the people that they expect too much of it; that it is not its business

to furnish exchanges; and that they may look to Europe for the manner in which, through the agency of private bankers, the commerce and business of its countries are supplied with exchange. We are advised to give up our American mode of transacting business through the instrumentality of banking corporations, in which the interests of the rich and the poor are happily blended, and to establish bankers similar to the Hopes, the Barings, the Rothschilds, the Hotinguers, of Europe; houses which require years of ages to form and to put in successful operation, and whose vast overgrown capitals, possessed by the rich, exclusively of the poor, control the destiny of nations, and determine the fate of empires.

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

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

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

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

'Waiving the question of the constitutional authority of the legislature to establish an incorporated bank, as being precluded, in my judgment, by repeated recognitions, under varied circumstances, of the validity of such an institution, in acts of the legislative, executive, and judicial branches of the government, accompanied by indications, in different modes, of a correspondence of the general will of the nation; the proposed bank does not appear to be calculated to answer the purposes of reviving the public credit, of providing a national medium of circulation, and of aiding the treasury by facilitating the indispensable anticipations of revenue, and by affording to the public more durable loans.'

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

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

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

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

The opinion of the president which is relied upon, is that contained in his celebrated letter to S. Williams, and that which is expressed in the message before us. I must say, with all proper deference, that no man, prior to, or after his election to the chief

magistracy, has a right to say, in advance, that he would not approve of a particular bill, if it were passed by congress. An annunciation of such a purpose is premature, and contrary to the spirit, if not the express letter, of the constitution. According to that instrument, the participation of the president in the legislative power — his right to pass upon a bill — is subsequent, and not previous to, the deliberations of congress. The constitutional provision is, that, when a bill shall have passed both houses, it shall be presented to the president for his approval or rejection. His right to pass upon it results from the presentation of the bill, and is not acquired until it is presented. What would be thought of the judge who, before a cause is brought before the court, should announce his intention to decide in favor of a named party? Or of the senate, which shares the appointing power, if it should, before the nomination of a particular individual is made for an office, pass a resolution that it would not approve the nomination of that individual?

It is clear, that the president places his repugnance to a bank of the United States mainly upon the ground that the popular will has been twice 'solemnly and unequivocally expressed' against it. In this I think the president is mistaken. The two occasions to which he is understood to refer, are the election of general Andrew Jackson in 1832, and his own election in 1836. Now, as to the first, there was not, before it took place, any unequivocal expression of the opinion of the late president against a national bank. There was, in fact, a contrary expression. In the veto message, president Jackson admitted the public convenience of a bank; stated that he did not find in the renewed charter such modifications as could secure his approbation, and added, that if he had been applied to, he could have furnished the model of a bank that would answer the purposes of such an institution. In supporting his reëlection, 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 reëlection under the full expectation that a national bank would be established during his second term.

Nor, sir, can I think that the election of the present chief magistrate ought to be taken as evidence that the people are against a bank. The most that can be asserted is, that he was elected, the expression of his opinion in the letter to Mr. Williams notwithstanding. The question of the election of a chief magistrate is a complex question, and one of compensations and comparison. All his opinions, all his qualifications are taken into consideration, and compared with those of his competitors. And nothing more is decided by the people, than that the person elected is preferred among the several candidates. They take him as a man takes his

wife, for better or for worse, with all the good and bad opinions and qualities which he possesses. You might as well argue, that the election of a particular person to the chief magistracy implies that his figure, form, and appearance exhibit the standard of human perfection, as to contend that it sanctions and approves every opinion which he may have publicly expressed on public affairs It is somewhat ungrateful to the people to suppose that the particular opinion of Mr. Van Buren in regard to a United States bank, constituted any, much less the chief recommendation of him to their suffrages. It would be more honorable to him and to them, to suppose that it proceeded from his eminent abilities, and his distinguished services at home and abroad. If we are to look beyond them and beyond him, many believe that the most influential cause of his election was the indorsement of that illustrious predecessor, in whose footsteps he stands pledged to follow.

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

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

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

foreign debt would probably be remitted, retaining at home or drawing from abroad the equivalent in specie.

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

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

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

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

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

A general currency, of sound and uniform value, is necessary to the well being of all parts of the confederacy, but it is indispensable to the interior states. The seaboard states have each of them banks, whose paper freely circulates within their respective limits, and serves all the purposes of their business and commerce at their capitals, and throughout their whole extent. The variations in the value of this paper, in passing through those states, from one commercial metropolis to another, are not ordinarily very great. But how are we of the interior to come to the Atlantic cities to purchase our supplies of foreign and domestic commodities, without a general medium? The paper of our own banks will not be received but at an enormous discount. We want a general currency, which will serve at home and enable us to carry on our accustomed trade with our brethren of the Atlantic states. And such a currency we have a right to expect.

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

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

get out of the woods, into which they have been conducted, back to the plain, beaten, wide road, which they had before trod.

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

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

How, and when, will they resume specie payments? Never, as far as my information extends, have exertions been greater than those which the banks have generally made, to open again their vaults. It is wonderful that the community should have been able to bear, with so much composure and resignation, the prodigious curtailments which have been made. Confidence reëstablished, the foreign debt extinguished, and a national institution created, most of them could quickly resume specie payments, some of them, urged by a high sense of probity, and smarting under severe reproaches, will no doubt make the experiment of resuming and continuing specie payments. They may even go on a while; but without the coöperation of the state banks generally, and without the coöperation of a national bank, it is to be apprehended that they will be again seized with a paralysis. It is my deliberate conviction, that the preservation of the existence of the state banks themselves, depends upon the institution of a national bank. It is as necessary to them as the union is to the welfare of the states in our political system. Without it, no human being can foresee when we shall emerge from the difficulties which surround us. It has been my fortune, several times, to see the country involved in great danger, but never before have I beheld it encompassed with any more menacing and portentous.

Entertaining the views which I have presented, it may be asked, why I do not at once propose the establishment of a national bank. I have already adverted to the cause, constituted as congress now is, I know that such a proposition would be defeated; and that it would be, therefore, useless to make it. I do not desire to force upon the senate, or upon the country, against its will, if I could, my opinion, however sincerely or strongly entertained. If a national bank be established, its stability and its utility will depend upon the general conviction which is full of its necessity. And

until such a conviction is deeply impressed upon the people, and clearly manifested by them, it would, in my judgment, be unwise even to propose a bank.

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

The amendment of the senator, considered as a measure to bring about the resumption of specie payments, so much desired, I think must fail. The motive which it holds out of the receivability in all payments to the government of the paper of such banks as may resume at a given day, coupled with the conditions proposed, is wholly inadequate. It is an offer to eight hundred banks; and the revenue, payment of which in their notes is held out as the inducement, amounts to some twenty or twenty-five millions. To entitle them to the inconsiderable extension of their circulation, which would result from the credit given by government to the paper of all of them, they are required to submit to a suppression of all notes below five dollars, and at no very distant period, to all below twenty. The enlargement of their circulation, produced by making it receivable by government, would be much less than the contraction which would arise from the suppression of the prohibited notes. Besides, if the 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; whilst the other is fraught with mischiefs, as I believe, and tends, if it be not designed, to the utter destruction of those institutions. But preferring to either the postponement moved by the senator from Georgia, I shall, in the first instance, vote for that.

Such, Mr. President, are the views which I entertain on the present state of our public affairs. It is with the deepest regret that I can perceive no remedy, but such as is in the hands of the people themselves. Whenever they shall impress upon congress a conviction of that which they wish applied, they will obtain it, and not before. In the mean time, let us go home, and mix with and consult our constituents. And do not, I entreat you, let us carry with us the 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 PREËMPTION BILL

IN THE SENATE OF THE UNITED STATES, JANUARY 26, 1838.

[The system of granting preëmption rights to settlers on the public lands, or squatters, as they are called, being persons who locate themselves on those lands without first obtaining the right by purchase, Mr. Clay has always opposed. In taking this course he has shown his disregard of the effect calculated to be produced on his personal popularity in the newly settled states, by opposing a measure which he considered detrimental to the interests of the country, however desirable it might be to the pioneers in the new settlements. At the session of congress in 1838, a bill granting preëmption rights to settlers on the public lands was introduced and passed the senate by a large majority, but, while the measure was under consideration, Mr. Clay did not hesitate to oppose it in the following remarks.]

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

But he would not now enter into the consideration of granting the public property in the manner proposed by this bill. He had risen to notice a subject which seemed to have been lost sight of. It had been said, the government lost nothing by preëmption; 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 preëmption law. The preëmption law! As if the competition of a fair, open, public sale would not produce more; as if preëmptioners would not go to

the public sales, if preëmption 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 preëmption 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 preëmption 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 preëmption 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 nineteenth of June, 1834. Considering the great demand for land within the last two years, it remains to be shown that a greater number of acres has been disposed of in that period in consequence of the privilege it confers. It is quite impossible to estimate with satisfactory accuracy the effect that has been produced on this branch of the revenue by allowing (to those who have, and pretend to, a right of preference) the choice, at the lowest rate, of distinguished sites for towns, and their vicinities, the best mill seats, and the finest farming lands, including those so highly prized for the culture of cotton.

'The general land office has no certain data for a just calculation of the amount which the treasury has been prevented from receiving by the operation of this law, but considering the many tens of thousands of claims that have arisen under it, and the prevailing desire in the mean while to vest money in public land, the conclusion seems fair, that the selected spots would have been sold for a price proportioned to their excellence, if no such law, nor any improper conspiracy, had existed. The estimate of three millions of dollars, which I had the honor to submit to you on the twenty-eighth of January last, appears to me now to underrate much rather than magnify the difference between the receipts for preëmption 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 preëmptions alone; and I may be allowed to remark, in this place, that the information, on the subject of the last resolution referred to me, consists of what common fame represents as avowed and notorious, namely: that the public sales are attended by combinations of two kinds, interested in keeping bids down to the minimum; the one composed of those who have and those who pretend to a right of preference, and resort to intimidation by threats and actual violence, as exemplified most particularly at the public sales at Chicago, in June, 1835, when and where the controlling party is represented to have effectually prevented those from bidding who were not acceptable to themselves; the other description formed of persons associated to frustrate the views of individuals desirous of purchasing, who refuse to join their coalition, or submit to their dictation, by compelling the recusants to forego their intended purchases, or give more than the market value of the lands.'

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

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

'Sir: I present, herewith, a number of affidavits in relation to preëemptions obtained by Gabriel H. Tutt, to the southeast quarter, Richard Tutt, to the east half of the northeast quarter, and Benjamin Tutt, to the west half of the northeast quarter, of section number three west, in the land district of Dempolis, in the state of Alabama. These affidavits have been taken by some of the most respectable men in the state of Alabama, and have been sent on to me for the purpose of procuring the grant of the above preëmptions to be set aside, on the ground that they were obtained by fraud and imposition; and that this is the fact, I entertain no doubt whatever. Shortly before I left Alabama, I was in the immediate vicinity of the above lands, and heard a number of persons speaking of the manner in which they had been paid out; and the opinion was general, without exception, that a most shameful and scandalous imposition had been practiced upon the government. There is no doubt that all the lands mentioned were paid out at the instance and for the benefit of James B. Tutt, a man, to my knowledge, of notoriously bad character. Gabriel H. Tutt, as the affidavit shows, is a citizen of Greene county, (the county in which I reside myself, and I know him well,) and that he never did reside on the quarter section paid out in its name, or near it, his residence in Greene county being at least fifteen or twenty miles from the land paid out in his name. Richard Tutt and Benjamin Tutt are, I believe, both *public paupers*, and have been so for years; *I am confident* as to one, and am satisfied in my own mind as to the other. I have known them for several years; they have lived in Greene county, and have been supported at the charge and expense of the county. Neither of them, as the affidavits show, have resided on the lands since they were paid out, and Richard Tutt was not on the land paid out in his name until January, 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. Preëmption 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 preëmption 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 preëmption law. The preëmption 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 preëmption 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 preëmption act of the twenty-ninth of May, 1830, is the most unguarded, and in all respects the worst land law that has ever been passed in the United States. In districts where the public land could not be disposed of for many years, on account of private claims, there seemed to be some necessity for allowing preëmptions; 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 preëmption right only extended to the forfeited lands, or such as had been improved under the credit system, where the tracts paid for had cost the parties a high price, there would seem to be some reason in it; but that a general sweep should be made of the most valuable lands of the United States by intruders, at as low a price as that which the poorest person in the nation would have to pay for the poorest pine barren, is unreasonable in the extreme.'

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

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

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

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

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

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

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

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

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

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

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

The subject of the public lands had been forced upon him by the political party of the senator from Mississippi several years ago. The land bill for distributing the proceeds of them was the consequence; but was there any thing of grasping, even in that? It did not propose to touch the land system, to alter or affect the price or the mode of sale. The old, the tried system was admirable. Under the auspices of such men as Jeremiah Morrow, nothing human could have been more perfect or just. But what did that measure propose? To distribute the whole net proceeds of the lands among all the states, old and new, allowing to the new an extra bounty of fifteen per cent. What kind of grasping by the old states was this? And how was the equitable measure received by some of the new states? The senator was mistaken; it was not the old states to whom his imputation would apply; the hand that made the grip was thrust from some other quarter.

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

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

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

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

ON THE SUB-TREASURY SCHEME.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 19, 1838.

[THE independent or sub-treasury scheme being pressed upon the consideration of congress, by Mr. Van Buren, although public opinion was setting strongly against it, Mr. Clay delivered the following elaborate speech, in which he shows that a deliberate design had existed on the part of general Jackson, and his successor, Mr. Van Buren, to break down the whole banking system of the United States, and to create on their ruins a *government treasury bank*, under the exclusive control of the executive. This speech was partly in reply to Mr. Calhoun, of South Carolina, who had become a supporter of the administration.]

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

It is not my purpose, at this time, Mr. President, to go at large into a consideration of the causes which have led to the present most disastrous state of public affairs. That duty was performed by others, and myself, at the extra session of congress. It was then clearly shown, that it sprung from the ill-advised and unfor-

tunate measures of executive administration. I now will content myself with saying that, on the fourth day of March, 1829, Andrew Jackson, not by the blessing of God, was made president of these United States; that the country then was eminently prosperous; that its currency was as sound and safe as any that a people were ever blessed with; that, throughout the wide extent of this whole union, it possessed a uniform value; and that exchanges were conducted with such regularity and perfection, that funds could be transmitted from one extremity of the union to the other, with the least possible risk or loss. In this encouraging condition of the business of the country, it remained for several years, until after the war, wantonly waged against the late bank of the United States, was completely successful, by the overthrow of that invaluable institution. What our present situation is, is as needless to describe as it is painful to contemplate. First felt in our great commercial marts, distress and embarrassment have penetrated into the interior, and now pervade almost the entire union. It has been justly remarked by one of the soundest and most practical writers that I have had occasion to consult, that 'all convulsions in the circulation and commerce of every country must originate in the operations of the government, or in the mistaken views and erroneous measures of those possessing the power of influencing credit and circulation; for they are not otherwise susceptible of convulsion; and, if left to themselves, they will find their own level, and flow nearly in one uniform stream.'

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

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

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

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

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

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

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

I believe, solemnly believe, the truth of every one of these five propositions. In the support of them, I shall not rely upon any gratuitous surmises or vague conjectures, but upon proofs, clear, positive, undeniable, and demonstrative. To establish the first four, I shall adduce evidence of the highest possible authenticity, or facts admitted or undeniable, and fair reasoning founded on them. And as to the last, the measure under consideration, I think the testimony, intrinsic and extrinsic, on which I depend, stamps, beyond all doubt, its true character as a government bank, and ought to carry to the mind of the senate the conviction which I entertain, and in which I feel perfectly confident the whole country will share.

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

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

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

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

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

'The importance of the principles involved in the inquiry, whether it will be proper to recharter the bank of the United States, requires that I should again call the attention of congress to the subject. Nothing has occurred to lessen, in any degree, the dangers which many of our citizens apprehend from that institution, as at *present organized*. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire, *whether it be not possible to secure the advantages afforded by the present bank, through the agency of a bank of the United States, so modified in its principles* as to obviate constitutional and other objections.

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

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

may turn bankers and brokers, and sell bills of exchange to private individuals at a moderate premium!

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

At the session of 1831–2, the question of the recharter of the bank of the United States came up; and although the attention of congress and the country had been repeatedly and deliberately before invited to the consideration of it by president Jackson himself, the agitation of it was now declared by him and his partisans to be precipitate and premature. Nevertheless, the country and congress conscious of the value of a safe and sound uniform currency, conscious that such a currency had been eminently supplied by the bank of the United States, and unmoved by all the outcry raised against that admirable institution, the recharter commanded large majorities in both houses of congress. Fatally for the interests of this country, the stern self-will of general Jackson prompted him to risk every thing upon its overthrow. On the tenth of July, 1832, the bill was returned with his veto; from which the following extract is submitted to the attentive consideration of the senate.

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

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

President Jackson admits, in the citation which has just been made, that a bank of the United States is, in many respects, convenient for the government; and reminds congress that he had, at an early period of his administration, called its attention to the practicability of so organizing such an institution as to secure all its advantages, without the defects of the existing bank. It is perfectly manifest, that he alludes to his previous recommendations of a government, a treasury bank. In the same message he tells congress, that if he had been called upon to *furnish the project* of such an institution, the duty would have been cheerfully performed. Thus it appears, that he had not only settled in his mind the general principle, but had adjusted the details of a government bank, to be subjected to executive control; and congress is even chided for not calling upon him to present them. The bill now under consideration, beyond all controversy, is the very project which he had in view, and is to consummate the work which he began. I think, Mr. President, that you must now concur with me in considering the first proposition as fully maintained. I pass to the second and third, which, on account of their intimate connection, I will consider together.

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

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

We are not bound to inquire into the motives of president Jackson for desiring to subvert the established monetary and financial system, which he found in operation; and yet some examination into those which probably influenced his mind, is not without utility. These are to be found in his peculiar constitution and character. His egotism and vanity, prompted him to subject every thing to his will; to change, to remould, and retouch every thing. Hence the proscription which characterized his administration, the universal expulsion from office, at home and abroad, of all who were not devoted to him, and the attempt to render the executive department of government, to use a favorite expression of his own, a complete 'unit.' Hence his seizure of the public deposits, in the bank of the United States, and his desire to unite the purse with the sword. Hence his attack upon all the systems of policy which he found in practical operation, on that of internal improvements, and on that of the protection of national industry. He was animated by the same sort of ambition which induced the master mind of the age, Napoleon Bonaparte, to impress his name upon

every thing in France. When I was in Paris, the sculptors were busily engaged chiselling out the famous N., so odious to the Bourbon line, which had been conspicuously carved on the palace of the Tuilleries, and on other public edifices and monuments, in the proud capital of France. When, Mr. President, shall we see effaced, all traces of the ravages committed by the administration of Andrew Jackson! Society has been uprooted, virtue punished, vice rewarded, and talents and intellectual endowments despised; brutality, 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 late president's existence. War against the bank, war against France, and strife and contention with a countless number of individuals. The wars with Black Hawk and the Seminoles were scarcely a luncheon for his voracious appetite. And he made his exit from public life, denouncing war and vengeance against Mexico and the state banks.

My acquaintance with that extraordinary man commenced in this city, in the fall of 1815 or 1816. It was short, but highly respectful, and mutually cordial. I beheld in him the gallant and successful general, who, by the glorious victory of New Orleans, had honorably closed the second war of our independence, and I paid him the homage due to that eminent service. A few years after, it became my painful duty to animadvert, in the house of representatives, with the independence which belongs to the representative character, upon some of his proceedings, in the conduct of the Seminole war, which I thought illegal, and contrary to the constitution and the law of nations. A non-intercourse between us ensued, which continued until the fall of 1824, when, he being a member of the senate, it was sought to bring about an accommodation between us, by the principal part of the delegation

from his own state. For that purpose, we were invited to dine with them, at Claxton's boarding-house, on Capitol hill, where my venerable friend from Tennessee, (Mr. White,) and his colleague on the Spanish commission, were both present. I retired early from dinner, and was followed to the door by general Jackson and the present minister of the United States at the court of Madrid. They pressed me earnestly to take a seat with them in their carriage. My faithful servant and friend, Charles, was standing at the door, waiting for me, with my own. I yielded to their urgent politeness, directed Charles to follow with my carriage, and they sat me down at my own door. We afterwards frequently met, with mutual respect and cordiality; dined several times together, and reciprocated the hospitality of our respective quarters. This friendly intercourse continued, until the election, in the house of representatives, of a president of the United States, came on, in February, 1825. I gave the vote which, in the contingency that happened, I told my colleague, (Mr. Crittenden,) who sits before me, prior to my departure from Kentucky, in November, 1824, and told others, that I should give. All intercourse ceased between general Jackson and myself. We have never since, except once accidentally, exchanged salutations, nor met, except on occasions when we were performing the last offices towards deceased members of congress, or other officers of government. Immediately after my vote, a rancorous war was commenced against me, and all the barking dogs let loose upon me. I shall not trace it during its ten years' bitter continuance. But I thank my God that I stand here, firm and erect, unbent, unbroken, unsubdued, unawed, ready to denounce the mischievous measures of his administration, and ready to denounce this, its legitimate offspring, the most pernicious of them all.

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

Mr. President, this is no unnecessary digression. The personal character of such a chief as I have been describing, his passions, his propensities, the character of his mind, should be all thoroughly studied, to comprehend clearly his measures and his administration. But I will now proceed to more direct and strict proofs of my second and third propositions. That he was resolved to break down the bank of the United States, is proved by the same citations from his messages which I have made to exhibit his purpose to

establish a treasury bank, is proved by his veto message, and by the fact that he did destroy it. The war against all other banks was not originally announced, because he wished the state banks to be auxiliaries in overthrowing the bank of the United States, and because such an annunciation would have been too rash and shocking, upon the people of the United States, for even his tremendous influence. It was necessary to proceed in the work with caution, and to begin with that institution against which could be embodied the greatest amount of prejudice. The refusal to recharter the bank of the United States was followed by a determination to remove from its custody the public money of the United States. That determination was first whispered in this place, denied, again intimated, and, finally, in September, 1833, executed. The agitation of the American public which ensued, the warm and animated discussions, in the country and in congress, to which that unconstitutional measure gave rise, are all fresh in our recollection. It was necessary to quiet the public mind, and to reconcile the people to what had been done, before president Jackson seriously entered upon his new career of hostility to the state banks. At the commencement of the session of congress, in 1834, he imagined a sufficient calm had been produced, and, in his annual message of that year, the war upon the state banks was opened. In that message he says:

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

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

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

cession and generous patriotism, which was originally, and must ever continue to be, the vital element of our union.

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

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

* * * * 'It has been seen, that without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue *can be made* auxiliary to the reform which the legislatures of several of the states have already commenced, in regard to the suppression of small bills; and which has only to be fostered *by proper regulations on the part of congress*, to secure a practical return, to the extent required for the security of the currency, to the constitutional medium.'

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

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

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

'Variableness must ever be the characteristic of a currency of which the precious metals are not the chief ingredient, or which can be expanded or contracted, without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us, bank issues constitute such a currency, and must ever do so, until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary, not only in this, but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.'

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

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

'The safety of the public funds, and the interest of the people generally, required that these operations should be checked; and it became the duty of every branch of the general and state governments, to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty, I directed the issuing of the order, which will be laid before you by the secretary of the treasury, requiring payment of the public lands sold, to be made in specie, with an exception until the 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 towards restoring to the country, the sound currency *provided for in the constitution.* I will here say, in passing, that all this outcry about the precious metals, gold, and the constitutional currency, has been put forth to delude the people, and to use the precious metals as an instrument to break down the banking institutions of the states, and to thus pave the way for the ultimate establishment of a great government bank. In the present advanced state of civilization, in the present condition of the commerce of the world, and in the actual relations of trade and intercourse between the different nations of the world, it is perfectly chimerical to suppose that the currency of the United States should consist exclusively, or principally, of the precious metals.

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

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

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

uselessly exacted, was transferred from one set of banks, to the derangement of the commerce and business of the country, and placed in the vaults of another set of banks in the interior, forming only those bank credits to the government upon which president Jackson placed so slight a value.

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

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

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

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

The mask is now thrown off, and he boldly says that the constitution of the United States *unquestionably* intended to secure to the people a circulating medium of gold and silver. They have not enjoyed, he says, that benefit, because of the establishment of a national bank, *and the unfortunate course of legislation in the several states.* He does not limit his condemnation of the past policy of his country to the federal government, of which he had just ceased to be the chief, but he extends it to the states also, as if they were incompetent to judge of the interests of their respective citizens. He tells us that the mischief springs from the power which the moneyed interest derives from a paper currency, which they are able to control, and the multitude of corporations; and he stimulates the people to become more watchful in their several states, to check this spirit of monopoly. To invigorate their

fortitude, he tells the people that it will require steady and persevering exertions on their part, to rid themselves of the *iniquities* and mischiefs of the paper system, and to check the spirit of monopoly. They must not hope that the conflict will be a short one, nor success easy. His humble efforts have not been spared during his administration, to restore the constitutional currency of gold and silver; and although he has been able to do something towards the accomplishment of that object, *enough yet remains* to require all the energy and perseverance of the people.

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

I pass to the consideration of the fourth proposition.

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

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

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

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

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

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

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

aimed at the accomplishment of all those objects, and entertained all these sentiments, without Mr. Van Buren's participation?

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

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

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

Another conclusive evidence of the hostility to the state banks, on the part of Mr. Van Buren, is to be found in that extraordinary recommendation of a bankrupt law, contained in his message at the extra session. According to all the principles of any bankrupt system with which I am acquainted, the banks, by the stoppage of specie payment, had rendered themselves liable to its operation. If the recommended law had been passed, commissions of bankruptcy could have been immediately sued out against all the suspended banks, their assets seized, and the administration of them transferred from the several corporations to which it is now intrusted, to commissioners appointed by the president himself. Thus, by one blow, would the whole of the state banks have been completely prostrated, and the way cleared for the introduction of

the favorite treasury bank; and is it not in the same spirit of unfriendliness to those banks, and with the same view of removing all obstacles to the establishment of a government bank, that the bill was presented to the senate a few days ago by the senator from Tennessee, (Mr. Grundy,) against the circulation of the notes of the old bank of the United States? At a time when there is too much want of confidence, and when every thing that can be done, should be done, to revive and strengthen it, we are called upon to pass a law denouncing the heaviest penalty and ignominious punishment against all who shall reissue the notes of the old bank of the United States, of which we are told that about seven millions of dollars are in circulation; and they constitute the best portion of the paper medium of the country; the only portion of it which has a credit every where, and which serves the purpose of a general circulation; the only portion with which a man can travel from one end of the continent to the other; and I do not doubt that the senator who has fulminated these severe pains and penalties against that best part of our paper medium, provides himself with a sufficient amount of it, whenever he leaves Nashville, to take him to Washington.

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

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

But it is unnecessary to dwell longer on the innumerable proofs of the hostility against the state banks, and the deliberate purpose of those in power to overthrow them. We hear and see daily, throughout the country, among their partisans and presses, denunciations against banks, corporations, rag barons, the spirit of monopoly, and so forth; and the howl for gold, hard money, and the constitutional currency; and no one can listen to the speeches of honorable members, friends of the administration, in this house and the other, without being impressed with a perfect conviction that the destruction of the state banks is meditated.

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

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

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

and that was deemed all-sufficient by a majority. There is no limit upon the appropriation which is made to carry into effect the bill, contrary to all former usage, which invariably prescribed a sum not to be transcended.

A most remarkable feature in the bill is that to which I have already called the attention of the senate, and of which no satisfactory explanation has been given. It is that which proceeds upon the idea, that the treasury is a thing distinct from the treasure of the United States, and gives to the treasury a local habitation and a name, in the new building which is erecting for the treasury department in the city of Washington. In the treasury, so constituted, is to be placed that pittance of the public revenue which is gleaned from the District of Columbia. All else, that is to say, nine hundred and ninety-nine hundredths of the public revenue of the United States, is to be placed in the hands of the receivers-general, and the other depositaries beyond the District of Columbia. Now, the constitution of the United States provides that no money shall be drawn from the public treasury, but in virtue of a previous appropriation by law. That trifling portion of it, therefore, which is within the District of Columbia, will be under the safeguard of the constitution, and all else will be at the arbitrary disposal of the secretary of the treasury.

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

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

It will be seen, that it grants a power, perfectly undefined, to the secretary of the treasury, to shift and transfer the public money, from depositary to depositary, as he pleases. He is expressly authorized to transfer moneys in the hands of any one depositary, constituted by the act, to any other depositary constituted by it, *at his discretion*, and as the safety of the public moneys, *and the*

convenience of the public service, shall seem to him to require. There is no specification of any contingency or contingencies, on which he is to act. All is left to his discretion. He is to judge when the public service, (and more indefinite terms could not have been employed,) shall seem to him to require it. It has been said, that this is nothing more than the customary power of transfer, exercised by the treasury department, from the origin of the government. I deny it; utterly deny it. It is a totally different power from that which was exercised by the cautious Gallatin, and other secretaries of the treasury — a power, by-the-bye, which, on more than one occasion, has been controverted, and which is infinitely more questionable than the power to establish a bank of the United States. The transfer was made by them rarely, in large sums, and were left to the banks to remit. When payments were made, they were effected in the notes of banks with which the public money was deposited, or to which it was transferred. The rates of exchange were regulated by the state of the market, and under the responsibility of the banks. But here is a power given to transfer the public moneys without limit, as to sum, place, or time, leaving every thing to the discretion of the secretary of the treasury, the receivers-general, and other depositaries. What a scope is allowed in the fixation of the rates of exchange, whether of premium or discount, to regulate the whole domestic exchanges of the country, to exercise favoritism? These former transfers were not made for disbursement, but as preparatory to disbursement; and when disbursed, it was generally in bank notes. The transfers of this bill are immediate payments, and payments made not in bank notes, but specie.

The last paragraph in the section provides, that, for the purpose of payments on the public account, it shall be lawful for the secretary *to draw upon any of the said depositaries, as he may think most conducive to the public interest*, or to the convenience of the public creditors, or both. It will be seen, that no limit whatever is imposed upon the amount or form of the draft, or as to the depositary upon which it is drawn. He is made the exclusive judge of what is 'most conducive to the public interests.' Now, let us pause a moment, and trace the operation of the powers thus vested. The government has a revenue of from twenty to thirty millions. The secretary may draw it to any one or more points, as he pleases. More than a moiety of the revenue arising from customs is receivable at the port of New York, to which point the secretary may draw all portions of it, if he think it conducive to the public interest. A man has to receive, under an appropriation law, ten thousand dollars, and applies to Mr. Secretary for payment. Where will you receive it? he is asked. On New York. How? In drafts from five dollars to five hundred dollars. Mr. Secretary will give him these drafts accordingly, upon bank note paper, impressed like and

simulating bank notes, having all suitable emblazonry, signed by my friend the treasurer, (whose excellent practical sense, and solid and sound judgment, if he had been at the head of the treasury, instead of Mr. Levi Woodbury, when the suspension of specie payments took place, would have relieved or mitigated the pecuniary embarrassments of the government and the people,) countersigned by the comptroller, and filled up in the usual way of bank notes. Here is one of them, said Mr. Clay. (He here held up, to the gaze of the senate, a treasury note, having all the appearance of a bank note, colored, engraved, and executed, like any other bank note, for fifty dollars.) This, continued Mr. Clay, is a government *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. Any where to the south or west it will command a premium of from two to five per centum. Nowhere in the United States will it be under par. Do you suppose that the holder of these drafts would be fool enough to convert them into specie, to be carried and transported at his risk? Do you think that he would not prefer that his money should be in the responsible custody of the government, rather than in his own insecure keeping? Do you think he will deny to himself the opportunity of realizing the premium of which he may be perfectly sure? The greatest want of the country is a medium of general circulation, and of uniform value every where. That, especially, is our want in the western and interior states. Now, here is exactly such a medium; and, supposing the government bank to be honestly and faithfully administered, it will, during such an administration, be the best convertible paper money in the world, for two reasons. The first is, that every dollar of paper out will be the representative of a dollar of specie in the hands of the receivers-general, or other depositaries; and, secondly, if the receivers-general should embezzle the public money, the responsibility of the government to pay the drafts issued upon the basis of that money would remain unimpaired. The paper, therefore, would be as far superior to the paper of any private corporation as the ability and resources of the government of the United States are superior to those of such corporations.

The banking capacity may be divided into three faculties: deposits, discount of bills of exchange, and promissory notes, or either, and circulation. This government bank would combine them all, except that it will not discount private notes, or receive private deposits. In payments for the public lands, indeed, individuals are allowed to make deposits, and to receive certificates of their amount. To guard against their negotiability, a clause has

been introduced to render them unassignable. But how will it be possible to maintain such an inconvenient restriction, in a country where every description of paper importing an obligation to pay money or deliver property is assignable, at law or in equity, from the commercial nature and trading character of our people.

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

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

I am aware Mr. President, that by the twenty-fifth section of the bill, in order to disguise the purpose of the vast machinery which we are about constructing, it is provided that it shall be the duty of the secretary of the treasury, to issue and publish regulations to enforce the speedy presentation of all government drafts for payment at the place where payable, and so forth. Now, what a tremendous power is here vested in the secretary! He is to prescribe rules and regulations to enforce the *speedy* presentation

of all government drafts for payment at the place where payable. The speedy presentation! In the case I have supposed, a man has his ten thousand dollars, in drafts on the receiver-general at New York. The secretary is empowered to enact regulations requiring him speedily to present them, and if he do not, the secretary may order them to be paid at St. Louis. At New York they may be worth a premium of five per centum; on St. Louis, they may be liable to a discount of five per centum. Now, in a free government, who would ever think of subjecting the property or money of a citizen to the exercise of such a power by any secretary of the treasury? What opportunity does it not afford to reward a partisan, or punish an opponent? It will be impossible to maintain such an odious and useless restriction for any length of time. Why should the debtor, (as the government would be, in the case of such drafts as I have supposed,) require his creditor, (as the holder of the draft would be,) to apply within a prescribed time for his payment? No, sir; the system would control you; you could not so control the system. But if such a ridiculous restriction could be continued, the drafts would, nevertheless, whilst they were out, be the time long or short, perform the office of circulation and money.

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

All experience has demonstrated, that in banking operations, a much larger amount of paper can be kept out in circulation than the specie which it is necessary to retain in the vaults to meet it when presented for payment. The proportions which the same experience has ascertained to be entirely safe, are one of specie to three of paper. If, therefore, the executive government had sixty millions of dollars accumulated at the port of New York, in the

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

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

Assuming the downfall of the local banks — the inevitable consequence of the operations of this great government bank; assuming, as I have shown would be the case, that the government would monopolize the paper issues of the country, and obtain the possession of a great portion of the specie of the country, we should then behold a combined and concentrated moneyed power, equal to that of all the existing banks of the United States, with that of the late bank of the United States superadded. This tremendous power would be wielded by the secretary of the treasury,

acting under the immediate commands of the president of the United States. Here would be a perfect union of the sword and the purse; here would be no imaginary, but an actual, visible, tangible, consolidation of the moneyed power. Who or what could withstand it? The states themselves would become suppliants at the feet of the executive for a portion of those paper emissions, of the power to issue which they had been stripped, and which he now exclusively possessed.

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

Hitherto, I have considered this new project as it is, according to its true nature and character, and what it must inevitably become. I have not examined it as it is not, but as its friends would represent it to be. They hold out the idea that it is a simple contrivance to collect, to keep, and to disburse, the public revenue. In that view of it, every consideration of safety and security, recommends the agency of responsible corporations, rather than the employment of particular individuals. It has been shown, during the course of this debate, that the amount which has been lost by the defalcation of individuals has exceeded three or four times the amount of all that has been lost by the local banks, although the sums confided to the care of individuals have not been probably one tenth part of the amount that has been in the custody of the local banks. And we all know, that, during the forty years of existence of the two banks of the United States, not one cent was lost of the public revenue.

I have been curious, Mr. President, to know whence this idea of receivers-general was derived. It has been supposed to have been borrowed from France. It required all the power of that most extraordinary man that ever lived, Napoleon Bonaparte, when he was

in his meridian greatness, to displace the farmers-general, and to substitute in their place the receivers-general. The new system requires, I think I have heard it stated, something like one hundred thousand employees to have it executed. And, notwithstanding the modesty of the infant promises of this new project, I have no doubt that ultimately we shall have to employ a number of persons approximating to that which is retained in France. That will undoubtedly be the case whenever we shall revive the system of internal taxation. In France, what reconciled them to the system was, that Napoleon first, and the Bourbons afterwards, were pleased with the immense patronage which it gave them. They liked to have one hundred thousand dependents to add strength to the throne, which had been recently constructed or reascended. I thought, however, that the learned chairman of the committee of finance must have had some other besides the French model for his receivers-general; and, accordingly, upon looking into Smith's history of his own state, I found, that, when it was yet a colony, some century and a half ago, and when its present noble capital still retained the name of New Amsterdam, the historian says; 'among the principal laws enacted at this session, we may mention that for establishing the revenue, which was drawn into precedent. The sums raised by it were made payable into the hands of receivers-general, and issued by the governor's warrant. By this means the governor became, for a season, independent of the people, and hence we find frequent instances of the assemblies contending with him for the discharge of debts to private persons, contracted on the faith of the government.' The then governor of the colony was a man of great violence of temper, and arbitrary in his conduct. How the sub-treasury system of that day operated the same historian informs us in a subsequent part of his work. 'The revenue,' he says, 'established the last year, was at this session continued five years longer than was originally intended. This was rendering the governor independent of the people. For, at that day, the assembly had no treasure, but the amount of all taxes went, of course, into the hands of the receiver-general, who was appointed by the crown. Out of this fund, moneys were only issuable by the governor's warrant, so that every officer in the government, from Mr. Blaithwait, who drew annually five per centum out of the revenue, as auditor-general, down to the meanest servant of the public, became dependent, solely, of the governor. And hence we find the house, at the close of every session, humbly addressing his excellency, for the trifling wages of their own clerk.' And, Mr. President, if this measure should unhappily pass, the day may come, when the senate of the United States will have humbly to implore some future president of the United States to grant it money to pay the wages of its own 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 endorser is the distinguished senator from South Carolina, here present. What the drawer thinks of the endorser, his cautious reserve and stifled enmity prevent us from knowing. But the frankness of the endorser has not left us in the same ignorance with respect to his opinion of the drawer. He has often expressed it upon the floor of the senate. On an occasion not very distant, denying to him any of the nobler qualities of the royal beast of the forest, he attributed to him those which belong to the most crafty, most skulking, and one of the meanest of the quadruped tribe. Mr. President, it is due to myself to say, that I do not altogether share with the senator from South Carolina in this opinion of the president of the United States. I have always found him, in his manners and deportment, civil, courteous, and gentlemanly; and he dispenses, in the noble mansion which he now occupies, one worthy the residence of the chief magistrate of a great people, a generous and liberal hospitality. An acquaintance with him, of more than twenty years' duration, has inspired me with a respect for the man, although, I regret to be compelled to say, I detest the magistrate.

The eloquent senator from South Carolina has intimated that the course of my friends and myself, in opposing this bill, was unpatriotic, and that we ought to have followed in his lead; and, in a late letter of his, he has spoken of his alliance with us, and of his motives for quitting it. I cannot admit the justice of his reproach. We united, if, indeed, there were any alliance in the case, to restrain the enormous expansion of executive power; to arrest the progress of corruption; to rebuke usurpation; and to drive the Goths and Vandals from the capital; to expel Brennus and his horde from Rome, who, when he threw his sword into the scale, to augment the ransom demanded from the mistress of the world, showed his preference for gold; that he was a hard-money chieftain. It was by the much more valuable metal of iron that he was driven from her gates. And how often have we witnessed the senator from South Carolina, with woful countenance, and in doleful strains, pouring forth touching and mournful eloquence on the degeneracy of the times, and the downward tendency of the republic? Day after day, in the senate, have we seen the displays of his lofty and impassioned eloquence. Although I shared largely with the senator, in his apprehension for the purity of our institutions, and the permanency of civil liberty, disposed always to look at the brighter side of human affairs, I was sometimes inclined to hope that the vivid imagination of the senator had depicted the dangers by which we were encompassed in somewhat stronger colors than they justified. The arduous contest in which

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

The speech of the senator from South Carolina was plausible, ingenious, abstract, metaphysical, and generalizing. It did not appear to me to be adapted to the bosoms and business of human life. It was aërial, and not very high up in the air, Mr. President, either, not quite as high as Mr. Clayton was in his last ascension in his balloon. The senator announced that there was a single alternative, and no escape from one or the other branch of it. He stated that we must take the bill under consideration, or the substi-

tute proposed by the senator from Virginia. I do not concur in that statement of the case. There is another course embraced in neither branch of the senator's alternative; and that course is, to do nothing; always the wisest, when you are not certain what you ought to do. Let us suppose that neither branch of the alternative is accepted, and that nothing is done. What, then, would be the consequence? There would be a restoration of the law of 1789, with all its cautious provisions and securities, provided by the wisdom of our ancestors, which has been so trampled upon by the late and present administrations. By that law, establishing the treasury department, the treasure of the United States is to be received, kept, and disbursed, by the treasurer, under a bond with ample security, under a large penalty fixed by law, and not left, as this bill leaves it, to the uncertain discretion of a secretary of the treasury. If, therefore, we were to do nothing, that law would be revived; the treasurer would have the custody, as he ought to have, of the public money, and doubtless he would make special deposits of it, in all instances, with safe and sound state banks, as in some cases the secretary of the treasury is now obliged to do. Thus, we should have in operation that very special deposit system, so much desired by some gentlemen, by which the public money would remain separate and unmixed with the money of banks. There is yet another course, unembraced by either branch of the alternative presented by the senator from South Carolina; and that is, to establish a bank of the United States, constituted according to the old and approved method of forming such an institution, tested and sanctioned by experience; a bank of the United States, which should blend public and private interests, and be subject to public and private control, united together in such manner as to present safe and salutary checks against all abuses. The senator mistakes his own abandonment of that institution as ours. I know that the party in power has barricaded itself against the establishment of such a bank. It adopted, at the last extra session, the extraordinary and unprecedented resolution, that the people of the United States should not have such a bank, although it might be manifest that there was a clear majority of them demanding it. But the day may come, and I trust is not distant, when the will of the people must prevail in the councils of their own government; and, when it does arrive, a bank will be established.

The senator from South Carolina reminds us that we denounced the pet bank system; and so we did, and so we do. But does it therefore follow, that, bad as that system was, we must be driven into the acceptance of a system infinitely worse? He tells us that the bill under consideration takes the public funds out of the hands of the executive, and places them in the hands of the law. It does no such thing. They are now without law, it is true, in the custody of the executive; and the bill proposes by law to confirm them in

that custody, and to convey new and enormous powers of control to the executive over them. Every custodary of the public funds, provided by the bill, is a creature of the executive, dependent upon his breath, and subject to the same breath for removal, whenever the executive, from caprice, from tyranny, or from party motives, shall choose to order it. What safety is there for the public money, if there were a hundred subordinate executive officers charged with its care, whilst the doctrine of the absolute unity of the whole executive power, promulgated by the last administration, and persisted in by this, remains unrevoked and unrebuked.

Whilst the senator from South Carolina professes to be the friend of state banks, he has attacked the whole banking system of the United States. He is their friend; he only thinks they are all unconstitutional! Why? Because the coining power is possessed by the general government, and that coining power, he argues, was intended to supply a currency of the precious metals; but the state banks absorb the precious metals, and withdraw them from circulation, and, therefore, are in conflict with the coining power. That power, according to my view of it, is nothing but a naked authority to stamp certain pieces of the precious metals, in fixed proportions of alloy and pure metal, prescribed by law, so that their exact value may be known. When that office is performed, the power is *functus officio;* the money passes out of the mint, and becomes the lawful property of those who legally acquire it. They may do with it as they please, throw it into the ocean, bury it in the earth, or melt it in a crucible, without violating any law. When it has once left the vaults of the mint, the law-maker has nothing to do with it, but to protect it against those who attempt to debase or counterfeit, and, subsequently, to pass it as lawful money. In the sense in which the senator supposes banks to conflict with the coining power, foreign commerce, and especially our commerce with China, conflict with it much more extensively. That is the great absorbent of the precious metals, and is, therefore, much more unconstitutional than the state banks. Foreign commerce sends them out of the country; banks retain them within it. The distinguished senator is no enemy to the banks; he merely thinks them injurious to the morals and industry of the country. He likes them very well, but he nevertheless believes that they levy a tax of twenty-five millions annually on the industry of the country! Let us examine, Mr. President, how this enormous and iniquitous assessment is made, according to the argument of the senator from South Carolina. He states that there is a mass of debt due from the community to the banks, amounting to four hundred and seventy-five millions of dollars, the interest upon which, constituting about that sum of twenty-five millions of dollars, forms the exceptionable tax. Now, this sum is not paid by the whole community, but only by those individuals who obtain discounts from

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

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

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

gishness, slothfulness, and inactivity. England, in modern times, illustrates the great advantages of banks, of credit, and of stimulated industry. Contrast her with Spain, destitute of all those advantages. In ancient times, Athens would present an image of full and active employment of all the energies of man, carried to the highest point of civilization, whilst her neighbor, Sparta, with her iron money, affords another of the boasted benefits of metallic circulation.

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

Of all the interests and branches of industry in this country, none has profited more by the use and employment of credit and capital derived from banks and other sources, than the planting interest. It habitually employs credit in all countries where planting agriculture prevails. The states of Alabama, Mississippi, Arkansas, and Louisiana, have almost sprung into existence, as it were, by magic, or, at least, have been vastly improved and extended, under the influence of the credit system. Lands, slaves, utensils, beasts of burden, and other supplies, have been constantly bought, and still continue to be purchased, upon credit; and bank agency is all essential to give the most beneficial operation to these credits. But the argument of the senator from South Carolina,

which I am combating, would not be correct, if it were true that we have inflated prices on this side of the Atlantic, without a corresponding inflation of price on the other side; because the planter generally selling at home, and buying at home, the proceeds of his sale, whatever they may be, constitute the means by which he effects his purchases, and consequently neutralize each other. In what do we of the west receive payment for the immense quantity of live stock and other produce of our industry, which we annually sell to the south and southwest, but that paper medium now so much decried and denounced? The senator from South Carolina is very fond of the state banks; but he thinks there is no legitimate currency except that of the constitution. He contends that the power which the government possesses to impose taxes, restricts it, in their payment, to the receipt of the precious metals. But the constitution does not say so. The power is given in broad and unrestricted terms; and the government is left at liberty to collect the taxes in whatever medium or commodity, from the exigencies of the case, it can collect them. It is, doubtless, much the most convenient to collect them in money, because that represents, or can command, every thing, the want of which is implied by the power of taxation. But suppose there was no money in the country; none, whatever, to be extorted by the tax-gatherer from an impoverished people? Is the power of government to cease, and the people to be thrown back into a state of nature? The senator asks, if taxes could be levied and collected in tobacco, in cotton, and other commodities? Undoubtedly they could, if the necessity existed for such an inconvenient imposition. Such a case of necessity did exist in the colony of Virginia, and other colonies, prior to the revolution, and taxes were accordingly levied in tobacco or other commodities, as wolf-scalps, even at this day, compose a part of the revenue of more than one state.

The argument, then, of the senator, against the right of the government to receive bank notes in payment of public dues, a practice coeval with the existence of the government, does not seem to me to be sound. It is not accurate, for another reason. Bank notes, when convertible at the will of the holder into specie, are so much counted or told specie, like the specie which is counted and put in marked kegs, denoting the quantity of their contents. The senator tells us, that it has been only within a few days that he has discovered that it is illegal to receive bank notes in payment of public dues. Does he think that the usage of the government, under all its administrations, and with every party in power, which has prevailed for nigh fifty years, ought to be set aside by a novel theory of his, just dreamed into existence, even if it possess the merit of ingenuity? The bill under consideration, which has been eulogized by the senator as perfect in its structure and details, contains a provision that bank notes shall be 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 cannot be made with banks, and be thus confounded with the general mass of the funds on which they transact business. The argument supposes that the money collected for taxes must be preserved in identity; but that is impossible, often, to do. May not a collector give the small change which he has received from one tax-payer, to another tax-payer, to enable him to effect his payment? May he not change gold for silver, or *vice versa*, or both, if he be a distant collector, to obtain an undoubted remittance to the public treasury? What, Mr. President, is the process of making deposits with banks? The deposit is made, and a credit is entered for its amount to the government. That credit is supposed to be the exact equivalent of the amount deposited, ready and forthcoming to the government whenever it is wanted for the purposes of disbursement. It is immaterial to the government whether it receives back again the identical money put in, or other money of equal value. All that it wants is, what it put in the bank, or its equivalent; and that, in ordinary times, with such prudent banks as alone ought to be selected, it is sure of getting. Again: the treasury has frequently to make remittances to foreign countries, to meet the expenditure necessary there for our naval squadrons, and other purposes. They are made to the bankers, to the Barings or the Rothschilds, in the form of bills of exchange, purchased in the market by the agents of the government here, with money drawn out of the treasury. Here is one conversion of the money received from the tax-gatherer into the treasury. The bills are transmitted to the bankers, honored, paid, and the amount credited by them to the United States. Are the bankers bound to retain the proceeds of the bills in identity? Are they bound to do more than credit the government for an equal amount, for which they stand responsible, whenever it is wanted? If they should happen to use any portion of 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 capital, court-houses, prisons, and penitentiaries, in the several states. Do they, therefore, cease to appertain to the states? It is to be borne in mind, that although the state banks may occasionally be used by the federal authority, their legal responsibility to the several states remains unimpaired. They continue to be accountable to them, and their existence can only be terminated or prolonged by the state authority. And being governed, as they are, by corporate authority, emanating from, and amenable to, state jurisdiction, and not under the control of the executive of the United States, constitutes at once a greater security for the public money, and more safety to the public liberty. It has been argued that a separation of the government from the banks will diminish the executive power. It must be admitted that the custody of the public money in various banks, subject to the control of state authority, furnishes some check upon the possible abuses of the executive government. But the argument maintains, that the executive has least power when it has most complete possession of the public treasury! The senator from South Carolina contends that the separation in question being once effected, the relation of the federal government and the state banks will be antagonistical. I believe so, Mr. President. That is the very thing I wish to prevent. I want them to live in peace, harmony, and friendship. If they are antagonists, how is it possible that the state banks can maintain their existence against the tremendous influence of this government? Especially, if this government should be backed by such a vast treasury bank, as I verily believe this bill is intended to create! And what becomes of the argument urged by the senator from South Carolina, and the abolition resolutions offered by him at an early period of the session, asserting that the general government is bound to protect the domestic institutions of the several states?

The substitute is not, I think, what the welfare of the country requires. It may serve the purpose of a good half-way house. Its accommodations appear fair; and, with the feelings of a wearied traveller, one may be tempted to stop awhile, and refresh himself there. I shall vote for it as an amendment to the bill, because I believe it the least of two evils, if it should, indeed, inflict any evil; or rather, because I feel myself in the position of a patient, to whom the physician presents, in one hand, a cup of arsenic, and, in the other, a cup of ptisan: I reject the first, because of the instant

death with which it is charged; I take the latter, as being, at the most, harmless, and depend upon the *vis medicatrix natura.* It would have been a great improvement, in my opinion, if the mode of bringing about the resumption of specie payments, contained in the substitute, were reversed: that is to say, if instead of fixing on the first of July for resumption, it had provided that the notes of a certain number of safe, sound, and unquestionable banks to be selected, should be forthwith received, by the general government, in payment of all public dues; and that, if the selected banks did not resume, by a future designated day, their notes should cease to be taken. Several immediate effects would follow: first, the government would withdraw from the market as a competitor with the banks for specie, and they would be left undisturbed to strengthen themselves. And, secondly, confidence would be restored, by taking off the discredit, and discountenance thrown upon all banks by the government. And why should these notes not be so received? They are as good as treasury notes, if not better. They answer all the purposes of the state governments and the people. They now would buy as much as specie could have commanded at the period of suspension. They could be disbursed by the government. And, finally, the measure would be temporary.

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

existed in harmony together, both conducing to the prosperity of that great country; and they have so existed, and so contributed, because each has avoided cherishing towards the other that wanton and unnecessary spirit of hostility which was unfortunately engendered in the bosom of the late president of the United States.

I am admonished, sir, by my exhausted strength, and by, I fear, your more exhausted patience, to hasten to a close. Mr. President, a great, novel, and untried measure, is perseveringly urged upon the acceptance of congress. That it is pregnant with tremendous consequences, for good or evil, is undeniable, and admitted by all. We firmly believe that it will be fatal to the best interests of this country, and ultimately subversive of its liberties. You, who have been greatly disappointed in other measures of equal promise, can only hope, in the doubtful and uncertain future, that its operation may prove salutary. Since it was first proposed at the extra session, the whole people have not had an opportunity of passing in judgment upon it at their elections. As far as they have, they have expressed their unqualified disapprobation. From Maine to the state of Mississippi, its condemnation has been loudly thundered forth. In every intervening election, the administration has been defeated, or its former majorities neutralized. Maine has spoken; New York, Pennsylvania, Maryland, Ohio, Rhode Island, Mississippi, and Michigan, all these states, in tones and terms not to be misunderstood, have denounced the measure. The key-stone state (God bless her) has twice proclaimed her rejection of it; once at the polls, and once through her legislature. Friends and foes of the administration have united in condemning it. And, at the very moment when I am addressing you, a large meeting of the late supporters of the administration, headed by the distinguished gentleman who presided in the electoral college which gave the vote of that patriotic state to president Van Buren, are assembling in Philadelphia, to protest solemnly against the passage of this bill. Is it right that, under such circumstances, it should be forced upon a reluctant but free and intelligent people? Is it right that this senate, constituted as it now is, should give its sanction to the measure? I say it in no disrespectful or taunting sense, but we are entitled, according to the latest expressions of the popular will, and in virtue of manifestations of opinion, deliberately expressed by state legislatures, to a vote of thirty-five against the bill; and I am ready to enter, with any senator friendly to the administration, into details to prove the assertion. Will the senate, then, bring upon itself the odium of passing this bill? I implore it to forbear, forbear, forbear! I appeal to the instructed senators. Is this government made for us, or for the people and the states whose agents we are? Are we not bound so to administer it as to advance their welfare, promote their prosperity, and give general satisfaction? Will that sacred trust be fulfilled, if the known sentiments of large

and respectable communities are despised and contemned by those whom they have sent here? I call upon the honorable senator from Alabama, (Mr. King,) with whom I have so long stood in the public councils, shoulder to shoulder, bearing up the honor and the glory of this great people, to come now to their rescue. I call upon all the senators; let us bury deep and for ever the character of the partisan, rise up patriots and statesmen, break the vile chains of party, throw the fragments to the winds, and feel the proud satisfaction that we have made but a small sacrifice to the paramount obligations which we owe our common country.

ON THE DOCTRINE OF INSTRUCTION.

IN THE SENATE OF THE UNITED STATES, JANUARY 14, 1839.

[THE legislature of North Carolina, elected in 1838, contained a majority of whig members, and that state being at the time represented in the senate of the United States by Messrs. Brown and Strange, both of whom were supporters of Van Buren's administration, the legislature passed sundry resolutions, disapproving of the policy of the administration, and condemning the action of the senate in expunging the resolution against general Jackson at the close of his administration. In reply to the North Carolina senators, who gave their reasons for not obeying these instructions, Mr. Clay made the following remarks, giving his views of the doctrine of instruction, and of the peculiar case under consideration.]

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

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

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

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

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

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

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

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

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

But the senators from North Carolina have both declared, that they would have obeyed these resolutions, if they had been mandatory in their language, instead of their being a simple expression of the will of their legislature. But let us examine the nature and extent of this apology. What is the basis, and what the principle of the doctrine of instruction? Sir, to a certain extent, I have always believed in this doctrine, and have been ever ready to conform to it. But I hold to the doctrine as it stood in 1798; that in general, on questions of expediency, the representative should conform to his instructions, and so gratify the wishes, and obey the will, of his constituents, though on questions of constitutionality his course might be different; and, therefore, when the senator last up, (Mr. Strange,) declared that he would rather submit to a certain operation, than to give his vote declaring that there had been a violation of the constitution, I felt some alarm, lest the true doctrine of instruction should itself be subverted. And it did not appear to occur to him at the time, that there was another alternative besides obeying — that is, to resign.

And what is the doctrine of instructions, as it is held by all?

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

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

these resolutions by the legislature of North Carolina were not here, that we might have had the benefit of the knowledge of their wishes, during the last week, when the debate on the subject was in progress. But I am glad they have come in before the passage of the bill, and I hope, at least, on the subject of the public lands, we shall have the vote of the senators from North Carolina, in opposition to the wild schemes which have been denounced by the resolutions of the legislature laid before us.

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

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

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

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

Mr. Clay said it was far from his purpose to assume jurisdiction in this case, or any authority over the senator, or his colleague; and he could not more protest against it, than Mr. Clay was unwilling to exercise it. But what was the state of the case? The senators, on presenting the resolutions of their legislature, had both made speeches addressed to this body, and had spoken of the nature of their instructions, and of the degree of authority and of duty which belonged to them; all this they had done to a body of which Mr. Clay was a member. If they had confined their thoughts on the subject to themselves, or had contented themselves with simply presenting the resolutions, Mr. Clay would have seen no occasion for any remarks on his part. But when they expressed their views of the extent of the obligations due to their instructions, on subjects in which the whole country was interested, Mr. Clay would ask if it was not proper for him to speak in reply? Mr. Clay had spoken with reluctance, and would have been glad if another gentleman had taken it upon him; but as the question was about to be put, and as North Carolina was unrepresented, he had ventured to make a few remarks, and in doing so, had called forth a most violent philippic against him personally. Mr. Clay had not felt the slightest emotion while this was going on; but as the senator had protested against Mr. Clay's jurisdiction in the case, he should have recollected that he was assuming just such a jurisdiction over Mr. Clay; and that it was quite as exceptionable for the senator to arraign Mr. Clay's course, as for him to arraign that of the senator's. But Mr. Clay would say nothing in regard to himself, since his colleague, (Mr. Crittenden, on the land bill,) had

disclosed the impossibility of making any adequate defence for Mr. Clay on this floor; and he therefore thought it vain for him to attempt to defend himself. But on this point the people of the country must judge; and if they condemned the course of policy, in regard to the public lands, which Mr. Clay advocated, and which had placed this country fifty years in advance of what it would otherwise have been, Mr. Clay could only submit; and if, as the senior senator from North Carolina had stated, this question had shaken the pillars of this union, it would be right to give some credit to Mr. Clay, that he had endeavored to compose that controversy, by the bill which he had introduced several years ago.

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

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

PETITIONS FOR THE ABOLITION OF SLAVERY.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 7, 1839.

[THE subject of the following speech is one of momentous interest and importance to the American people, and, indeed, has for a long time attracted the attention of philanthropists throughout a large portion of the civilized world. The situation of the African portion of the population of the United States engaged the attention of Mr. Clay at an early period of his political career, as may be seen by reference to our biographical sketch. Believing, as he did, after due reflection on the subject, that the condition of the African race could be best improved by colonization in Africa, we have seen that he lent his aid and influence in establishing and promoting the American colonization society. His views on that subject are given in his speech before the society, January twentieth, 1827.

The abolition societies in the United States have in various ways manifested their opposition to colonization in Africa, and many of their members have assailed the motives and conduct of the friends of the colonization society. Insisting upon immediate abolition as the only proper course to be pursued on the subject of slavery, they have poured in their petitions to congress, session after session, asking for the abolition of slavery in the District of Columbia. Mr. Clay, it will be seen in this speech, thinks that their petitions ought to have been received by congress and reported upon by a committee, instead of being laid upon the table, without further notice, as has been the practice in one or both houses of congress. Residing, as Mr. Clay does, in a slave-holding state, and from his long experience and knowledge of the subject on which he has bestowed much reflection, this speech must ever be read with interest, and regarded as the views of a philanthropist and statesman, even by those who may not accord with him in his opinions on this very exciting topic.]

I HAVE received, Mr. President, a petition to the senate and house of representatives of the United States, which I wish to present to the senate. It is signed by several hundred inhabitants of the District of Columbia, and chiefly of the city of Washington. Among them I recognize the name of the highly esteemed mayor of the city, and other respectable names, some of which are personally and well known to me. They express their regret that the subject of the abolition of slavery within the District of Columbia continues to be pressed upon the consideration of congress by inconsiderate and misguided individuals in other parts of the United States. They state, that they do not desire the abolition of slavery within the district, even if congress possess the very questionable power of abolishing it, without the consent of the people whose interests would be immediately and directly affected by the measure; that it is a question solely between the people of

the district and their only constitutional legislature, purely municipal, and one in which no exterior influence or interest can justly interfere; that if, at any future period, the people of this district should desire the abolition of slavery within it, they will doubtless make their wishes known, when it will be time enough to take the matter into consideration; that they do not, on this occasion, present themselves to congress because they are slaveholders; many of them are not; some of them are conscientiously opposed to slavery; but they appear because they justly respect the rights of those who own that description of property, and because they entertain a deep conviction that the continued agitation of the question by those who have no right to interfere with it, has an injurious influence on the peace and tranquillity of the community, and upon the well-being and happiness of those who are held in subjection; they finally protest as well against the unauthorized intervention of which they complain, as against any legislation on the part of congress in compliance therewith. But as I wish these respectable petitioners to be themselves heard, I request that their petition may be read. [It was read accordingly, and Mr. Clay proceeded.] I am informed by the committee which requested me to offer this petition, and believe, that it expresses the almost unanimous sentiments of the people of the District of Columbia.

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

It is well known to the senate, that I have thought that the most judicious course with abolition petitions has not been of late pursued by congress. I have believed that it would have been wisest to receive and refer them, without opposition, and report against their object in a calm, and dispassionate, and argumentative appeal to the good sense of the whole community. It has been supposed, however, by a majority of congress, that it was most expedient either not to receive the petitions at all, or, if formally received, not to act definitively upon them. There is no substantial difference between these opposite opinions, since both look to an absolute rejection of the prayer of the petitioners. But there is a great difference in the form of proceeding; and, Mr. President, some experience in the conduct of human affairs has taught me to believe, that a neglect to observe established forms is often attended with more mischievous consequences than the infliction of a positive injury. We all know that, even in private life, a violation of the existing usages and ceremonies of society cannot take place without serious prejudice. I fear, sir, that the abolitionists have acquired a considerable apparent force by blend-

ing with the object which they have in view a collateral and totally different question, arising out of an alleged violation of the right of petition. I know full well, and take great pleasure in testifying, that nothing was remoter from the intention of the majority of the senate, from which I differed, than to violate the right of petition in any case in which, according to its judgment, that right could be constitutionally exercised, or where the object of the petition could be safely or properly granted. Still it must be owned that the abolitionists have seized hold of the fact of the treatment which their petitions have received in congress, and made injurious impressions upon the minds of a large portion of the community. This, I think, might have been avoided by the course which I should have been glad to see pursued.

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

There are three classes of persons opposed, or apparently opposed, to the continued existence of slavery in the United States. The first are those, who, from sentiments of philanthropy and humanity, are conscientiously opposed to the existence of slavery, but who are no less opposed, at the same time, to any disturbance of the peace and tranquillity of the union, or the infringement of the powers of the states composing the confederacy. In this class may be comprehended that peaceful and exemplary society of 'Friends,' one of whose established maxims is, an abhorrence of war in all its forms, and the cultivation of peace and good-will amongst mankind. The next class consists of apparent abolitionists; that is, those who, having been persuaded that the right of petition has been violated by congress, coöperate with the abolitionists for the sole purpose of asserting and vindicating that right. And the third class are the real ultra abolitionists, who are resolved to persevere in the pursuit of their object at all hazards, and without regard to any consequences, however calamitous they may be. With them the rights of property are nothing; the deficiency of the powers of the general government is nothing; the acknowledged and incontestable powers of the states are nothing; civil war, a dissolution of the union, and the overthrow of a

government in which are concentrated the fondest hopes of the civilized world, are nothing. A single idea has taken possession of their minds, and onward they pursue it, overlooking all barriers, reckless and regardless of all consequences. With this class, the immediate abolition of slavery in the District of Columbia, and in the territory of Florida, the prohibition of the removal of slaves from state to state, and the refusal to admit any new state, comprising within its limits the institution of domestic slavery, are but so many means conducing to the accomplishment of the ultimate but perilous end at which they avowedly and boldly aim; are but so many short stages in the long and bloody road to the distant goal at which they would finally arrive. Their purpose is abolition, universal abolition; peaceably if it can, forcibly if it must be. Their object is no longer concealed by the thinnest veil; it is avowed and proclaimed. Utterly destitute of constitutional or other rightful power, living in totally distinct communities, as alien to the communities in which the subject on which they would operate resides, so far as concerns political power over that subject, as if they lived in Africa or Asia, they nevertheless promulgate to the world their purpose to be, to manumit forthwith, and without compensation, and without moral preparation, three millions of negro slaves, under jurisdictions altogether separated from those under which they live. I have said, that immediate abolition of slavery in the District of Columbia and the territory of Florida, and the exclusion of new states, were only means towards the attainment of a much more important end. Unfortunately they are not the only means. Another, and much more lamentable one is that which this class is endeavoring to employ, of arraying one portion against another portion of the union. With that view, in all their leading prints and publications, the alleged horrors of slavery are depicted in the most glowing and exaggerated colors, to excite the imaginations and stimulate the rage of the people in the free states, against the people in the slave states. The slaveholder is held up and represented as the most atrocious of human beings. Advertisements of fugitive slaves and of slaves to be sold, are carefully collected and blazoned forth, to infuse a spirit of detestation and hatred against one entire and the largest section of the union. And, like a notorious agitator upon another theatre, they would hunt down and proscribe from the pale of civilized society, the inhabitants of that entire section. Allow me, Mr. President, to say, that whilst I recognise in the justly wounded feelings of the minister of the United States at the court of St. James, much to excuse the notice which he was provoked to take of that agitator, in my humble opinion, he would better have consulted the dignity of his station and of his country in treating him with contemptuous silence. He would exclude us from European society — he who himself can only obtain a contraband

admission, and is received with scornful repugnance into it! If he be no more desirous of our society than we are of his, he may rest assured that a state of eternal non-intercourse will exist between us. Yes, sir, I think the American minister would have best pursued the dictates of true dignity by regarding the language of the member of the British house of commons as the malignant ravings of the plunderer of his own country, and the libeller of a foreign and kindred people.

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

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

There have been three epochs in the history of our country, at which the spirit of abolition displayed itself. The first was immediately after the formation of the present federal government. When the constitution was about going into operation, its powers were not well understood by the community at large, and remained to be accurately interpreted and defined. At that period numerous abolition societies were formed, comprising not merely the society of Friends, but many other good men. Petitions were presented to congress, praying for the abolition of slavery. They were received without serious opposition, referred, and reported upon by a committee. The report stated, that the general government had no power to abolish slavery, as it existed in the several states, and that these states themselves had exclusive jurisdiction over the subject.

The report was generally acquiesced in, and satisfaction and tranquillity ensued; the abolition societies thereafter limiting their exertions, in respect to the black population, to offices of humanity within the scope of existing laws.

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

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

would have been expedient or practicable to have emancipated them, leaving them to remain, with all their embittered feelings, in the united kingdom, boundless as the powers of the British parliament are?

Other causes have conspired with the British example to produce the existing excitement from abolition. I say it with profound regret, but with no intention to occasion irritation here or elsewhere, that there are persons in both parts of the union who have sought to mingle abolition with politics, and to array one portion of the union against the other. It is the misfortune in free countries, that, in high party times, a disposition too often prevails to seize hold of every thing which can strengthen the one side or weaken the other. Charges of fostering abolition designs have been heedlessly and unjustly made by one party against the other. Prior to the late election of the present president of the United States, he was charged with being an abolitionist, and abolition designs were imputed to many of his supporters. Much as I was opposed to his election, and am to his administration, I neither shared in making nor believing the truth of the charge. He was scarcely installed in office before the same charge was directed against those who opposed his election.

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

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

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

This provision preceded, in point of time, the actual cessions which were made by the states of Maryland and Virginia. The object of the cession was, to establish *a seat of government of the United*

States; and the grant in the constitution, of exclusive legislation, must be understood, and should be always interpreted, as having relation to the object of the cession. It was with a full knowledge of this clause in the constitution, that those two states ceded to the general government the ten miles square, constituting the District of Columbia. In making the cession, they supposed that it was to be applied, and applied solely, to the purposes of a seat of government, for which it was asked. When it was made, slavery existed in both those commonwealths, and in the ceded territory, as it now continues to exist in all of them. Neither Maryland nor Virginia could have anticipated, that, whilst the institution remained within their respective limits, its abolition would be attempted by congress without their consent. Neither of them would probably have made an unconditional cession, if they could have anticipated such a result.

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

To abolish slavery within the District of Columbia, whilst it

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

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

Now, this gives him power to make any other use of my note which he pleases. But if, instead of applying it to the intended purpose, he goes to a broker and sells it, thereby doubling my responsibility for him, he commits a breach of trust, and a violation of the good faith implied in the whole transaction.

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

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

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

The next instance in which the exercise of the power of congress is solicited, is that of prohibiting what is denominated by the petitioners the slave-trade between the states, or, as it is described in

abolition petitions, the traffic in human beings between the states. This exercise of the power of congress is claimed under that clause of the constitution which invests it with authority to regulate commerce with foreign nations, and among the several states, and with the Indian tribes. The power to regulate commerce among the several states, like other powers in the constitution, has hitherto remained dormant in respect to the interior trade by land between the states. It was a power granted, like all the other powers of the general government, to secure peace and harmony among the states. Hitherto it has not been necessary to exercise it. All the cases in which, during the progress of time, it may become expedient to exert the general authority to regulate commerce between the states, cannot be conceived. We may easily imagine, however, contingencies which, if they were to happen, might require the interposition of the common authority. If, for example, the state of Ohio were, by law, to prohibit any vessel entering the port of Cincinnati, from the port of Louisville, in Kentucky, if that case be not already provided for by the laws which regulate our coasting trade, it would be competent to the general government to annul the prohibition emanating from state authority. Or if the state of Kentucky were to prohibit the introduction, within its limits, of any articles of trade, the production of the industry of the inhabitants of the state of Ohio, the general government might, by its authority, supersede the state enactment. But I deny that the general government has any authority, whatever, from the constitution, to abolish what is called the slave trade, or, in other words, to prohibit the removal of slaves from one slave state to another slave state.

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

But, Mr. President, I will not detain the senate longer on the subject of slavery within the district and in Florida, and of the right of congress to prohibit the removal of slaves from one state to another. These, as I have already intimated, with ultra-abolitionists, are but so many masked batteries, concealing the real and

ultimate point of attack. That point of attack is the institution of domestic slavery, as it exists in these states. It is to liberate three millions of slaves held in bondage within them. And now allow me, sir, to glance at the insurmountable obstacles which lie in the way of the accomplishment of this end, and at some of the consequences which would ensue if it were possible to attain it.

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

But it may be contended by these ultra-abolitionists, that their object is, not to stimulate the action of the general government, but to operate upon the states themselves, in which the institution of domestic slavery exists. If that be their object, why are these abolition societies and movements all confined to the free states? Why are the slave states wantonly and cruelly assailed? Why do the abolition presses teem with publications tending to excite hatred and animosity, on the part of the inhabitants of the free states, against those of the slave states? Why is congress petitioned? The free states have no more power or right to interfere with institutions in the slave states, confided to the exclusive jurisdiction of those states, than they would have to interfere with institutions existing in any foreign country. What would be thought of the formation of societies in Great Britain, the issue of numerous inflammatory publications, and the sending out of lecturers throughout the kingdom, denouncing and aiming at the destruction of any of the institutions of France? Would they be regarded as proceedings warranted by good neighborhood? Or what would be thought of the formation of societies in the slave states, the issuing of violent and inflammatory tracts, and the deputation of missionaries, pouring out impassioned denunciations

against institutions under the exclusive control of the free states? Is their purpose to appeal to our understandings, and to actuate our humanity? And do they expect to accomplish that purpose by holding us up to the scorn, and contempt, and detestation of the people of the free states and the whole civilized world? The slavery which exists amongst us is our affair, not theirs; and they have no more just concern with it than they have with slavery as it exists throughout the world. Why not leave it to us, as the common constitution of our country has left it, to be dealt with, under the guidance of Providence, as best we may or can?

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

which, in my opinion, forms our justification in the eyes of all christendom.

A third impediment to immediate abolition is to be found in the immense amount of capital which is invested in slave property. The total number of slaves in the United States, according to the last enumeration of the population, was a little upwards of two millions. Assuming their increase at a ratio, which it probably is, of five per centum per annum, their present number would be three millions. The average value of slaves at this time, is stated by persons well informed, to be as high as five hundred dollars each. To be certainly within the mark, let us suppose that it is only four hundred dollars. The total value, then, by that estimate, of the slave property in the United States, is twelve hundred millions of dollars. This property is diffused throughout all classes and conditions of society. It is owned by widows and orphans, by the aged and infirm, as well as the sound and vigorous. It is the subject of mortgages, deeds of trust, and family settlements. It has been made the basis of numerous debts contracted upon its faith, and is the sole reliance, in many instances, of creditors, within and without the slave states, for the payment of the debts due to them. And now it is rashly proposed, by a single fiat of legislation, to annihilate this immense amount of property! To annihilate it without indemnity and without compensation to its owners! Does any considerate man believe it to be possible to effect such an object, without convulsion, revolution, and bloodshed?

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

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

If the considerations to which I have already adverted, are not sufficient to dissuade the abolitionists from further perseverance in their designs, the interest of the very cause which they profess to espouse, ought to check their career. Instead of advancing, by their efforts, that cause, they have thrown back for half a century, the prospect of any species of emancipation of the African race, gradual or immediate in any of the states. They have done more; they have increased the rigors of legislation against slaves in most, if not all, of the slave states. Forty years ago, the question was agitated in the state of Kentucky, of a gradual emancipation of the slaves within its limits. By gradual emancipation, I mean that slow but safe and cautious liberation of slaves, which was first adopted in Pennsylvania, at the instance of Dr. Franklin,* in the year 1780, and, according to which, the generation in being were to remain in slavery, but all their offspring born after a specified day, were to be free at the age of twenty-eight, and, in the mean time, were to receive preparatory instruction to qualify them for the enjoyment of freedom. That was the species of emancipation which, at the epoch to which I allude, was discussed in Kentucky. No one was rash enough to propose or think of immediate abolition. No one was rash enough to think of throwing loose upon the community, ignorant and unprepared, the untutored slaves of the state. Many thought, and I amongst them, that as each of the slave states had a right exclusively to judge for itself, in respect to the institution of domestic slavery, the proportion of slaves, compared with the white population in that state, at that time, was so inconsiderable that a system of gradual emancipation might have been safely adopted, without any hazard to the security and interests

* MESSRS. GALES & SEATON:

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

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

Yours, respectfully,

H. CLAY.

Washington, March 2, 1839.

of the commonwealth. And I still think that the question of such emancipation in the farming states is one whose solution depends upon the relative numbers of the two races in any given state. If I had been a citizen of the state of Pennsylvania, when Franklin's plan was adopted, I should have voted for it, because by no possibility could the black race ever acquire the ascendency in that state. But if I had been then, or were now, a citizen of any of the planting states — the southern or southwestern states — I should have opposed, and would continue to oppose, any scheme whatever of emancipation, gradual or immediate, because of the danger of an ultimate ascendency of the black race, or of a civil contest which might terminate in the extinction of one race or the other.

The proposition in Kentucky for a gradual emancipation, did not prevail, but it was sustained by a large and respectable minority. That minority had increased, and was increasing, until the abolitionists commenced their operations. The effect has been to dissipate all prospects whatever, for the present, of any scheme of gradual or other emancipation. The people of that state have become shocked and alarmed by these abolition movements, and the number who would now favor a system even of gradual emancipation is probably less than it was in the years 1798–9. At the session of the legislature held in 1837–8, the question of calling a convention was submitted to the consideration of the people by a law passed in conformity with the constitution of the state. Many motives existed for the passage of the law, and among them that of emancipation had its influence. When the question was passed upon by the people at their last annual election, only about one fourth of the whole voters of the state supported a call of a convention. The apprehension of the danger of abolition was the leading consideration amongst the people for opposing the call. But for that, but for the agitation of the question of abolition in states whose population had no right, in the opinion of the people of Kentucky, to interfere in the matter, the vote for a convention would have been much larger, if it had not been carried. I felt myself constrained to take immediate, bold, and decided ground against it.

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

And now, Mr. President, if it were possible to overcome the insurmountable obstacles which lie in the way of immediate aboli-

tion, let us briefly contemplate some of the consequences which would inevitably ensue. One of these has been occasionally alluded to in the progress of these remarks. It is the struggle which would instantaneously arise between the two races in most of the southern and southwestern states. And what a dreadful struggle would it not be! Embittered by all the recollections of the past, by the unconquerable prejudices which would prevail between the two races, and stimulated by all the hopes and fears of the future, it would be a contest in which the extermination of the blacks, or their ascendency over the whites, would be the sole alternative. Prior to the conclusion, or during the progress of such a contest, vast numbers, probably, of the black race would migrate into the free states; and what effect would such a migration have upon the laboring classes in those states!

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

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

They put themselves in direct opposition to any separation whatever between the two races. They would keep them for ever pent up together within the same limits, perpetuating their animosities and constantly endangering the peace of the community.

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

But if the dangers of the civil contest which I have supposed could be avoided, separation or amalgamation is the only peaceful alternative, if it were possible to effectuate the project of abolition. The abolitionists oppose all colonization, and it irresistibly follows, whatever they may protest or declare, that they are in favor of amalgamation. And who are to bring about this amalgamation? I have heard of none of these ultra-abolitionists furnishing in their own families or persons examples of intermarriage. Who is to begin it? Is it their purpose not only to create a pinching competition between black labor and white labor, but do they intend also to contaminate the industrious and laborious classes of society at the north by a revolting admixture of the black element?

It is frequently asked, what is to become of the African race among us? Are they for ever to remain in bondage? That question was asked more than a half a century ago. It has been answered by fifty years of prosperity but little checkered from this cause. It will be repeated fifty or a hundred years hence. The true answer is, that the same Providence who has hitherto guided and governed us, and averted all serious evils from the existing relation between the two races, will guide and govern our posterity. Sufficient to the day is the evil thereof. We have hitherto, with that blessing, taken care of ourselves. Posterity will find the means of its own preservation and prosperity. It is only in the most direful event which can befall this people, that this great interest, and all other of our greatest interests, would be put in jeopardy. Although in particular districts, the black population is gaining upon the white, it only constitutes one fifth of the whole population of the United States. And taking the aggregate of the two races, the European is constantly, though slowly, gaining

upon the African portion. This fact is demonstrated by the periodical returns of our population. Let us cease, then, to indulge in gloomy forebodings about the impenetrable future. But, if we may attempt to lift the veil, and contemplate what lies beyond it, I too, have ventured on a speculative theory, with which I will now trouble you, but which has been published to the world. According to that, in the progress of time, some one hundred and fifty or two hundred years hence, but few vestiges of the black race will remain among our posterity.

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

The other cause, domestic slavery, happily the sole remaining cause which is likely to disturb our harmony, continues to exist. It was this, which created the greatest obstacle, and the most anxious solicitude in the deliberations of the convention that adopted the general constitution. And it is this subject that has ever been regarded with the deepest anxiety by all who are sincerely desirous of the permanency of our union. The father of his country, in his last affecting and solemn appeal to his fellow-citizens, deprecated, as a most calamitous event, the geographical divisions which it might produce. The convention wisely left to the several states the power over the institution of slavery, as a power not necessary to the plan of union which it devised, and as one with which the general government could not be invested without planting the seeds of certain destruction. There let it remain undisturbed by any unhallowed hand.

Sir, I am not in the habit of speaking lightly of the possibility of dissolving this happy union. The senate knows that I have deprecated allusions, on ordinary occasions, to that direful event. The country will testify, that, if there be any thing in the history of my public career worthy of recollection, it is the truth and sincerity of my ardent devotion to its lasting preservation. But we should be false in our allegiance to it, if we did not discriminate between the imaginary and real dangers by which it may be assailed. Abolition should no longer be regarded as an imaginary danger. The abolitionists, let me suppose, succeed in their present aim of uniting the inhabitants of the free states, as one man, against the inhabitants of the slave states. Union on the one side will beget union on the other. And this process of reciprocal consolidation will

be attended with all the violent prejudices, embittered passions, and implacable animosities, which ever degraded or deformed human nature. A virtual dissolution of the union will have taken place, whilst the forms of its existence remain. The most valuable element of union, mutual kindness, the feelings of sympathy, the fraternal bonds, which now happily unite us, will have been extinguished for ever. One section will stand in menacing and hostile array against the other. The collision of opinion will be quickly followed by the clash of arms. I will not attempt to describe scenes which now happily lie concealed from our view. Abolitionists themselves would shrink back in dismay and horror at the contemplation of desolated fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man. Nor should these abolitionists flatter themselves that, if they can succeed in their object of uniting the people of the free states, they will enter the contest with a numerical superiority that must insure victory. All history and experience proves the hazard and uncertainty of war. And we are admonished by holy writ, that the race is not to the swift, nor the battle to the strong. But if they were to conquer, whom would they conquer? A foreign foe; one who had insulted our flag, invaded our shores, and laid our country waste? No, sir; no, sir. It would be a conquest without laurels, without glory; a self, a suicidal conquest; a conquest of brothers over brothers, achieved by one over another portion of the descendants of common ancestors, who, nobly pledging their lives, their fortunes, and their sacred honor, had fought and bled, side by side, in many a hard battle on land and ocean, severed our country from the British crown, and established our national independence.

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

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

But if one dark spot exists on our political horizon, is it not obscured by the bright and effulgent and cheering light that beams all around us? Was ever a people before so blessed as we are, if true to ourselves? Did ever any other nation contain within its bosom so many elements of prosperity, of greatness, and of glory? Our only real danger lies ahead, conspicuous, elevated, and visible. It was clearly discerned at the commencement, and distinctly seen throughout our whole career. Shall we wantonly run upon it, and destroy all the glorious anticipations of the high destiny that awaits us? I beseech the abolitionists themselves, solemnly to pause in their mad and fatal course. Amidst the infinite variety of objects of humanity and benevolence which invite the employment of their energies, let them select some one more harmless, that does not threaten to deluge our country in blood. I call upon that small portion of the clergy, which has lent itself to these wild and ruinous schemes, not to forget the holy nature of the divine mission of the founder of our religion, and to profit by his peaceful examples. I entreat that portion of my country women who have given their countenance to abolition, to remember, that they are ever most loved and honored when moving in their own appropriate and delightful sphere; and to reflect that the ink which they shed in subscribing with their fair hands abolition petitions, may prove but the prelude to the shedding of the blood of their brethren. I adjure all the inhabitants of the free states to rebuke and discountenance, by their opinion and their example, measures which must inevitably lead to the most calamitous consequences. And let us all, as countrymen, as friends, and as brothers, cherish, in unfading memory, the motto which bore our ancestors triumphantly through all the trials of the revolution, as, if adhered to, it will conduct their posterity through all that may, in the dispensations of Providence, be reserved for them.

SPEECH AT BUFFALO, NEW YORK.

JULY 17, 1839.

[In the summer of 1839, Mr. Clay made a visit to the country on the Lakes, Canada, and the state of New York. At the city of Buffalo, he yielded to the request of his friends, to address the people on the state of public affairs, and in the following remarks, he alludes to the course of the administration of Mr. Van Buren, and shows the importance of the adoption of wise measures to promote the prosperity of the country, without regard to local prejudices, or party considerations.]

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

I am happy to learn that the public measures, to which, in the national councils, I have rendered my humble support, here have commanded your approbation. The first of these, in time and importance, was the last war with Great Britain. Upon its causes, and upon its results, we may look back with entire satisfaction. In surveying this theatre of gallant deeds, upon the lakes, and upon their shores, I have felt my bosom swell with patriotic pride. Nor can any one fail to recollect the names of Brown, and Scott, and Porter, and Harrison, and Shelby, and Perry, and their brave comrades, who so nobly sustained the honor, and added to the glory of our country. And it is most gratifying to behold the immense augmentation, on this frontier, of its military strength and security, since the last war. The satisfaction which is derived from witnessing the tranquillity which now prevails on our border,

would be complete, if we were not forced to recollect that the violation of our territorial jurisdiction, in the case of the Caroline, remains to be satisfactorily atoned for.

During the progress of that war, as in the war of the revolution, cut off from the usual supplies of European fabrics, our armies, and our population generally, were subjected to extreme privations and sufferings. It appeared to me, upon its termination, that the wisdom of government was called upon to guard against the recurrence of the evil, and to place the security and prosperity of the country upon a sure basis. Hence, I concurred most heartily in the policy of protecting American manufactures, for a limited time, against foreign competition. Whatever diversity of opinion may have existed as to the propriety of that policy originally, I think that all candid men must now admit, that it has placed this country at least half a century in advance of the position in which it would have been, without its adoption. The value of a home, as well as of a foreign market, is incalculable. It may be illustrated by a single example. Suppose the three hundred thousand bales of cotton now manufactured in the United States, were thrown into the glutted markets of Europe, who can estimate the reduction in the price of that great staple, which would be the inevitable consequence? The compromise of the tariff was proposed to preserve our manufactures from impending ruin, menaced by the administration of general Jackson, and which would have been inflicted at the succeeding session, and to avert from the union the threatened danger of civil war. If the compromise be inviolably maintained, as I think it ought to be, I trust that the rate of duty for which it provides, in conjunction with the stipulations for cash duties, home valuation, and the long list of free articles, inserted for the benefit of the manufacturing interest, will insure it reasonable and adequate protection.

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

feared that the expenditure of public money had been often wasteful and unnecessary, upon works on the lake shores. There are, probably, a few instances in which it might have been properly avoided; but I am now fully persuaded that, in the general, the expenditure has been necessary, wise, and salutary.

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

But if it be most proper and expedient to leave the case to the several states, those internal improvements within their respective limits, which the wants of society require, there is one great and lasting resource to which I think them fairly entitled. The public domain has accomplished the object to which it was dedicated by our revolutionary fathers, in satisfying the land bounties which were granted to the officers and soldiers of the war of independence, and contributing to the extinction of the national debt. It is in danger of being totally lost, by loose and improvident legislation; and, under the plausible pretext of benefiting the poor, of laying, in the hands of speculators, the foundations of principalities. I have thought that the net products of the public domain should be equitably divided among all the states. In their hands, the fund would assist in the execution of those great and costly works which many of them have undertaken, and some find it difficult to complete. The withdrawal of the fund from the danger to which it is exposed, and the corrupting influences which it exerts, fluctuating as the fund does from year to year, would scarcely be felt by the general government in its legitimate operations. and would serve to impress upon it the performance of the necessary duty of economy, and strict accountability.

This is not a suitable occasion, and, perhaps, I am not a fit person, to expatiate here, on the condition of our public affairs; but I trust that I shall be excused for saying a few words to those who concur in opinion with me, without intending the slightest offence to any present, if there be any present, from whom it is my misfortune to differ. We believe that there is a radical 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 sys-

tem is rapidly tending towards an elective monarchy. These are our convictions, honestly and sincerely entertained. They prescribe to us the duties which we have to perform towards our country. To correct past evils, and to avert impending dangers, we see no effectual remedy, but in a change of our rulers. The opposition constitutes the majority — unquestionably the majority — of the nation. A great responsibility, therefore, attaches to it. If defeated, it will be defeated by its own divisions, and not by the merits of the principles of its opponents. These divisions are at the same time our weakness and his strength.

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

If my name creates any obstacle to cordial union and harmony, away with it, and concentrate upon some individual more acceptable to all branches of the opposition. What is a public man worth, who is not ever ready to sacrifice himself for the good of his country? I have unaffectedly desired retirement; I yet desire it, when, consistently with the duties and obligations which I owe, I can honorably retire. No veteran soldier, covered with scars and wounds, inflicted in many severe battles, and hard campaigns, ever received his discharge with more pleasure, than I should mine. But I think that like him, without presumption, I am entitled to an honorable discharge.

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

LAND BILL PROPOSED BY MR. CALHOUN.

IN THE SENATE OF THE UNITED STATES, JANUARY 3, 1840.

[Mr. Calhoun, of South Carolina, having been opposed to the measure introduced by Mr. Clay, to distribute the proceeds of the sales of public lands among the several states, brought into the senate a bill of his own, by which he proposed to cede all of the public lands belonging to the United States, to the states in which they were situated, on certain conditions. A similar project had been recommended by general Jackson. On this occasion a debate of some warmth took place between Mr. Clay and Mr. Calhoun, the substance of which is given below.]

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

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

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

Mr. Clay went on to observe, that as the committee was constituted, four of its five members were from new states. He meant to offer no disrespect to them; but he must say, that this was a measure which, disguised as it may be, and colorable as its provisions were, was, in effect, a donation of upwards of one hundred millions of acres of the common property of all the states of this union to particular states. He did not think it right that such a measure should be committed in the hands of senators exclusively representing the donees. He thought that a committee ought to be constituted, in which the old states should have a fuller and fairer representation. We should preserve, whatever we may do, the decorum of legislation, and not violate the decencies of justice. Whilst up, Mr.

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

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

Also, to the allusion which the senator from South Carolina had made, in regard to Mr. Clay's support of the head of another administration, (Mr. Adams,) it occasioned Mr. Clay no pain whatever. It was an old story, which had long been sunk in oblivion, except when the senator and a few others thought proper to bring it up. But what were the facts of that case. Mr. Clay was then a member of the house of representatives, to whom three persons had been returned, from whom, it was the duty of the house to make a selection for the presidency. As to one of those three candidates, he was known to be in an unfortunate condition, in which no one sympathized with him more than did Mr. Clay. Certainly the senator from South Carolina did not. That gentleman was, therefore, out of the question as a candidate for the chief magistracy; and Mr. Clay had, consequently, the only alternative of the illustrious individual at the hermitage, or of the man who was now distinguished in the house of representatives, and who had held so many public places with honor to himself and

benefit to the country; and, if there was any truth in history, the choice which Mr. Clay then made, was precisely the choice which the senator from South Carolina had urged upon his friends. The senator himself had declared his preference of Adams to Jackson. Mr. Clay made the same choice, and experience had approved it from that day to this, and would to eternity. History would ratify and approve it. Let the senator from South Carolina make any thing out of that part of Mr. Clay's public career if he could. Mr. Clay defied him.

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

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

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

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

Sir, what was the case? I introduced the compromise in spite of the opposition of the gentleman who is said to have robbed me of the manufacturers. It met his uncompromising opposition. That measure had, on my part, nothing personal in it. But I saw the condition of the senator from South Carolina and his friends. They had reduced South Carolina by that unwise measure, (of

nullification,) to a state of war; and I, therefore, wished to save the effusion of human blood, and especially the blood of our fellow-citizens. That was one motive with me; and another was a regard for that very interest which the senator says I helped to destroy. I saw that this great interest had so got in the power of the chief magistrate, that it was evident that, at the next session of congress, the whole protective system would be swept by the board. I therefore desired to give it, at least, a lease of years; and for that purpose, I, in concert with others, brought forward that measure, which was necessary to save that interest from total annihilation.

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

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

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

ON THE SUB-TREASURY BILL.

IN THE SENATE OF THE UNITED STATES, JANUARY 20, 1840.

[THE independent, or sub-treasury scheme, (or a plan for the collection of the revenue in specie,) being again pressed upon congress at this session by the president, (Van Buren,) Mr. Clay, notwithstanding his previous participation in the discussion of the subject when it was before congress, in the following lucid and elaborate speech sets forth the pernicious effects of the proposed measure to be produced upon the currency, commerce, and industry of the nation. The bill, however, passed the senate by a vote of twenty-four to eighteen, and after a long contest, also in the house of representatives, in July, 1840, by a vote of one hundred and twenty-four to one hundred and seven. It was repealed in August, 1841.]

I HAVE been desirous, Mr. President, before the passage of this bill, not to make a speech, but to say a few words about it. I have come to the senate to-day unaffectedly indisposed, from a serious cold, and in no condition to address this body; but I regard this bill as so pregnant with injurious, and dangerous, and direful consequences, that I cannot reconcile it to a sense of duty to allow it finally to pass without one last, although unavailing effort against it. I am aware that the decree for its passage has gone forth; a decree of urgency, too; so urgent that a short postponement of the consideration of the measure, to admit of the filling of vacant seats in the senate by legislative bodies now in session — seats which have remained vacant, not by the fault of the people, but from the inability of those bodies to agree in the choice of senators — has been refused by the vote of the senate; refused, scornfully refused, although, whether the bill be transmitted two or three weeks sooner or later to the house of representatives, owing to its unorganized condition, and its known habits of business, will not expedite its passage a single hour! Refused by the concurrence of senators who, not representing on this subject the present sentiments and opinions of their respective states, seem unwilling to allow the arrival of those who would fully and fairly represent them!

It is remarkable, sir, that, judging from the vote on the engrossment of the bill for a third reading, it is to be hurried through the senate by less than a majority of the body. And if the two

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

Mr. President, it is no less the duty of the statesman than of the physician to ascertain the exact state of the body to which he is to minister before he ventures to prescribe any healing remedy. It is with no pleasure, but with profound regret, that I survey the present condition of our country. I have rarely, I think never, known a period of such universal and intense interest. The general government is in debt, and its existing revenue is inadequate to meet its ordinary expenditure. The states are in debt, some of them largely in debt, insomuch that they have been compelled to resort to the ruinous expedient of contracting new loans to meet the interest on prior loans; and the people are surrounded with difficulties, greatly embarrassed, and involved in debt. Whilst this is, unfortunately, the general state of the country, the means of extinguishing this vast mass of debt are in constant diminution. Property is falling in value; all the great staples of the country are declining in price, and destined, I fear, to further decline. The certain tendency of this very measure is to reduce prices. The banks are rapidly decreasing the amount of their circulation. About one half of them, extending from New Jersey to the extreme southwest, have suspended specie payments, presenting an image of a paralytic, one moiety of whose body is stricken with palsy. The banks are without a head; and instead of union, concert, and coöperation between them, we behold jealousy, distrust, and enmity. We have no currency whatever possessing uniform value throughout the whole country. That which we have, consisting almost entirely of the issues of banks, is in a state of the utmost disorder, insomuch that it varies, in comparison with the specie standard, from par to fifty per centum discount. Exchanges, too, are in the greatest possible confusion; not merely between distant parts of the union, but between cities and places in the same neighborhood; that between our great commercial marts of New York and Philadelphia, within five or six hours of each other, vacillating between seven and ten per centum. The products of our agricultural industry are unable to find their way

to market from the want of means in the hands of traders to purchase them, or from the want of confidence in the stability of things; many of our manufactories stopped or stopping, especially in the important branch of woollens; and a vast accumulation of their fabrics on hand, owing to the destruction of confidence, and the wretched state of exchange between different sections of the union.

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

What, Mr. President, is needed, at the present crisis, to restore the prosperity of the people? A sound local currency, mixed with a currency possessing uniform value throughout the whole country, a reëstablishment of regular exchanges between different parts of the union, and a revival of general confidence. The people want, in short, good government at Washington, the abandonment of rash and ruinous experiments, the practice here of economy, and the pursuit of the safe lights of experience. Give us these, and the growth of our population, the enterprise of our people, and the abundance, variety, and richness of the products of our soil, and of our industry, with the blessing of Providence, will carry us triumphantly through all our complicated embarrassments. Deny these, persevere in a mal-administration of govern-

ment, and it is in vain that the bounties of heaven are profusely scattered around us.

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

And now allow me to examine, and carefully and candidly consider the remedy which this bill offers to a suffering people, for the unparalleled distresses under which they are writhing. I will first analyse and investigate it, as its friends and advocates represent it. What is it? What is this measure which has so long and so deeply agitated this country, under the various denominations of sub-treasury, independent treasury, and 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 disbursement of specie by the government in the payment of all salaries, and of all the creditors of the government. This is its simple and entire principle. Divest the bill under consideration of all its drapery and paraphernalia, this is its naked, unvarnished, and unexaggerated principle, according to its own friends. This exclusive use of specie, in all receipts and payments of the government, it is true, is not to be instantaneously enforced; but that is the direct and avowed aim and object of the measure, to be accomplished gradually, but in the short space of a little more than three years. The twenty-eight sections of the bill, with all its safes, and vaults, and bars, and bolts, and receivers-general, and examiners, have nothing *more nor less* in view than the exaction of specie from the people, and the subsequent distribution of that specie among the officers of the government, and he creditors of the government. It does not touch, nor profess to

touch, the actual currency of the country. It leaves the local banks where it found them, unreformed, uncontrolled, unchecked in all their operations. It is a narrow, selfish, heartless measure. It turns away from the people, and abandons them to their hard and inexorable fate; leaving them exposed to all the pernicious consequences of an unsound currency, utterly irregular and disordered exchanges, and the greatest derangement in all business. It is worse; it aggravates and perpetuates the very evils which the government will not redress: for, by going into the market and creating a new and additional demand for specie, it cripples and disables the state banks, and renders them incapable of furnishing that relief to the people which a parental government is bound to exert all its energies and powers to afford. The divorce of the state from banks, of which its friends boast, is not the only separation which it makes; it is a separation of the government from the constituency; a disunion of the interests of the servants of the people, from the interests of the people.

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

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

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

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

markets. Of all conditions of society, that is most adverse in which there is a constant and rapid diminution of the amount of the circulating medium. Debtors become unable to pay their debts, property falls, the market is glutted, business declines, and labor is thrown out of employment. In such a state of things, the imagination goes ahead of the reality. Sellers become numerous, from the apprehension that their property, now falling, will fall still lower; and purchasers scarce, from an unwillingness to make investments with the hazard of almost certain loss.

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

But if the effect of this hard-money policy upon the debtor class be injurious, it is still more disastrous, if possible, on the laboring classes. Enterprise will be checked or stopped, employment will become difficult, and the poorer classes will be subject to the greatest privations and distresses. Heretofore it has been one of the pretensions and boasts of the dominant party, that they sought to elevate the poor by depriving the rich of undue advantages. Now their policy is, to reduce the wages of labor, and this is openly

avowed; and it is argued by them, that it is necessary to reduce the wages of American labor to the low standard of European labor, in order to enable the American manufacturer to enter into a successful competition with the European manufacturer in the sale of their respective fabrics. Thus is this dominant party perpetually changing, one day cajoling the poor, and fulminating against the rich; and the next, cajoling the rich, and fulminating against the poor. It was but yesterday that we heard that all who were trading on borrowed capital, ought to break. It was but yesterday we heard denounced the long established policy of the country, by which, it was alleged, the poor were made poorer, and the rich were made richer.

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

Wages of labor will be low where there is no business, and of course, but little or no demand for labor; or where, from a density of population, the competition for employment is great, and the demand for labor is not equal to the supply. Similar causes will tend to the reduction of the rate of interest. Our vast unpeopled regions in the west, protect us against the evils of a too crowded population. In our country, such is the variety of profitable business and pursuits, that there is scarcely any in which one can engage with diligence, integrity, and ordinary skill, in regular and ordinary times, that he is not sure of being amply rewarded. Surveying our happy condition in this respect, it was, during the last war, remarked by the present lord Jeffries, that America was

the heaven of the poor man, and the hell of the rich. There was extravagance in the observation, mixed with some truth. It would have been more accurate to have said, that, with good government, it was an earthly heaven, both of the rich and poor.

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

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

I cannot admit that the laborer, with his low wages, would be in as eligible a situation as he now is; the argument excludes all consideration of his condition, during the transition from the paper, to the specie medium. In the descending process, from an abundant to a scarce circulation, there would be nothing before him but distress and wretchedness; and he would be in the greatest danger of starvation, before the El Dorado of gentlemen was reached. The adjustment of prices to the state of the currency, is not so sudden a work as is imagined. Long after the specie standard should be established, the old prices of many articles would remain; and all foreign productions, which enter into the consumption of the poor man, would continue unaffected by our domestic currency. If it be true, that there would be no alteration in the condition of the laborer, if he would really get as much, in *value*, in the new state of things as in the old, how is that of the capitalist, engaged in manufactures, to be improved? Would not his situation also remain unaltered? The assumption, that an exclusive hard money circulation is best for the laborer, best for the manufacturer, best for the country, is against all the experience of the world. Beyond

all doubt, England is the most prosperous of all the nations of the old world, and England is the greatest paper money country that exists. Her manufactures find a market in every portion of the globe; her operatives and laborers are paid better, and fed better, than any in Europe. Have the manufactures of the hard money countries of the continent, prevailed over those of England, and driven them out of the markets, in fair competition? Far from it. Their policy is to exclude, by prohibitions and heavy duties, the entry of British goods into their ports. England has sought to make treaties with them all, and especially with France, upon the basis of free trade, and France has replied, that her manufactures are too much behind those of England to admit of their being placed upon a footing of equality. Paper money, inflated England, manufactures about two thirds of all the cotton exported from the United States; and her cotton manufacture alone, is probably greater than that of all the rest of Europe.

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

Banks, bank notes, a convertible paper money, are, therefore, inevitable. There is no escape from them. You may deliver as many homilies as you please, send forth from this capitol as many essays and disquisitions as you think proper, circulate president's messages denouncing them as widely as you choose, and thunder forth from a party press, as loud and as long as you can, against banks, and they will continue to exist in spite of you. What, then, is it the duty of a wise, practical, federal statesman to do? Since he finds a state of things which is unalterable, to which he must submit, however convinced he may be of the utility of a change, his duty is to *accommodate* his measures to this immutable state of public affairs. And, if he cannot trust the eight or nine hundred local banks which are dispersed through the country, create a federal bank, amenable to the general government, subject to its inspection and authority, and capable of supplying a general currency worthy of its confidence; make, in short, the government of the whole partake of the genius, and conform to the fixed character, of the party.

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

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

Mr. President, can the distinguished senator be serious in his description of these attributes of the Pennsylvania bank? Surely he must have intended that part of his speech for some other

theatre. In the first place, Pennsylvania, besides sundry other onerous conditions of loans and subscriptions to objects of internal improvements, levied upon the present bank, in the form of bonus, some four or five millions of dollars. Then the general government has withdrawn from it the seven millions of stock which it held in the old bank — a circumstance which I have no doubt has tended to cripple its operations. And it is wholly without the deposits of the government, which the former bank possessed. Instead of being an ally, the general government has been in the relation of an enemy to it. And it has had to encounter all the enmity of a powerful party, within the bosom of the commonwealth. So far from assuming the office of a regulator of the local banks, its late distinguished president, upon whose authority the senator relies for proof of the extent and liberality of its new charter, expressly declared that it had ceased to be a general agent, and had retired within the circle of its state duties. So far from having derived any strength from its connection with the late bank of the United States, there cannot be a doubt that that connection rendered it far less efficient than it would have been, if it had gone into operation with an unencumbered capital, freshly subscribed, of thirty-five millions of dollars.

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

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

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

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

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

And this unfavorable balance of our foreign trade is wholly independent of, and unconnected with, the nature of the character of the currency of the country, whether it be exclusively metallic, or mixed with paper and the precious metals. England, in a great measure, by means of that credit or paper system, now so much denounced, has become the centre of the commerce, the exchanges, and the moneyed operations of the world. By the extent, variety, and perfection of her manufactures, she lays most nations that

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

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

The principal cause, therefore, of the influence of the moneyed power of London over this country, is to be found in the vast extent of our dealings with her. The true remedy is, to increase our manufactures and purchase less of hers, and to augment our exports by all the means in our power, and to diminish our imports as much as possible. We must increase our productions, or economise much more than we have done. New Jersey, before the revolution, being much pressed for one hundred thousand pounds sterling, Doctor Franklin proposed a plan, by which she could in one year make up that sum. The plan was this; she was in the habit of importing annually from England merchandise to the amount of two hundred thousand pounds. He recommended that

the ladies should buy only half the amount of silks, calicoes, teas, and so forth, during the year, which they had been in the habit of consuming; and in this way by saving, the colony would make the required sum of one hundred thousand pounds. If we would, for a few years, import only half the amount from England that we have been in the habit of doing, we should no longer feel the influence of the London money power.

Mr. President, gentlemen, in my humble opinion, utterly deceive themselves, in supposing that this measure is demanded by a majority of the people of the United States, and in alleging that this is proved by the result of elections of the past year. That there were a vast majority of them opposed to it was demonstrated incontestably by previous elections. The elections of last year did not in many, perhaps most instances, turn at all upon the merits of this measure. In several states the people were deceived by assurances that the sub-treasury was at an end, and would be no longer agitated. In others, the people had reason to be dissatisfied with the conduct of their banks; and they were artfully led to believe this bill would supply a corrective of the errors of the banking system. And where they have apparently yielded their assent to the bill, it has been that sort of assent which the patient yields, whose constitution has been exhausted and destroyed by the experiments of empiricism, and who finally consents to take the last quack medicine offered to him in the hope of saving his life. I know the people of the United States well. They are ever ready cheerfully to submit to any burden demanded by the interest, the honor, or the glory of their country. But what people ever consented to increase their own burdens unnecessarily? The effect of this measure is, by exacting specie exclusively from the people, and paying it out to the official corps and the public creditor, to augment the burdens of the people, and to swell the emoluments of office. It is an insult to the understanding and judgment of the enlightened people of the United States, to assert that they can approve such a measure.

No true patriot can contemplate the course of the party in power without the most painful and mortified feelings. They began some years ago their war on the bank of the United States. It was dangerous to liberty; it had failed to fulfil the purposes of its institution; it did not furnish a sound currency, although the sun, in all its course, never shone upon a better. In short, it was a monster, which was condemned to death, and it was executed accordingly. During the progress of that war, the state banks were the constant theme of praise, in speech and song, of the dominant party. They were the best institutions in the world, free from all danger to public liberty, capable of carrying on the exchanges of the country, and of performing the financial duties to government, and of supplying a far better currency for the people than the bank of the United States. We told you that the state banks would not do,

without the coöperation of a bank of the United States. We told you that you would find them a weak league; a mere fleet of open boats tied together by a hickory withe, and which the first storm would disperse and upset. But you scorned all our warnings, and continued, year after year, to puff and praise the operations of these banks. You had the boldness, in the face of this abused nation, to aver that the country had been supplied by them with a better currency, and better exchanges, than it had been by the bank of the United States. Well, by your own measures, by your treasury circular, distribution of the surplus, and so forth, you accelerated the catastrophe of the suspension of the banks. You began with promises to the people of a better currency, better times, more security to civil liberty; and you end with no currency at all, the worst possible times, an increase of executive power, and a consequent increase of danger to civil liberty. You began with promises to fill the pockets of the people, and you end by emptying theirs and filling your own.

I now proceed, sir, to the object which constituted the main purpose of my rising at this time. I have hitherto considered the bill, as its friends in the senate represent it, as a measure simply for exacting specie, keeping it in the custody of officers of the government, and disbursing it in a course of administration. I mean now to show that, whatever its friends here may profess or believe, the bill lays the foundations, deep and broad, of a government bank — a treasury bank, under the sole management of the president. Let us first define a bank. It may have three faculties, separately, or combined; the faculty of issues, entering into and forming a part of the circulating medium of the country; that of receiving deposits, and that of making discounts. Any one of these three faculties makes it a bank; and by far the most important of the three, is that of the power of issues. That this bill creates a bank of issues, I most sincerely believe, and shall now attempt to prove; and the proof will be first extraneous, and secondly intrinsic.

As to the extraneous proof, I rely upon the repeated declarations of the late president of the United States, in his annual messages. On more than one occasion, he stated the practicability of establishing a bank on the revenue of the government, and to be under the superintendence of the secretary of the treasury. And when he vetoed the charter of the late bank of the United States, he expressly declared, that, if congress had applied to him, he could have furnished the scheme of a bank, free from all constitutional objections; doubtless meaning a treasury bank. The present chief magistrate and the present secretary of the treasury have also, repeatedly, in language, in their messages and reports, characteristically ambiguous, it is true, but sufficiently intelligible, intimated the facilities which the commerce and business of the country would derive from the drafts issued by the treasury in virtue of this

bill. The party, its press, and its leaders, have constantly put this sub-treasury scheme in competition with a bank of the United States, and contended that the issue was sub-treasury or bank of the United States. But how can they be compared, or come in competition with each other, if the most important function of a bank of the United States — that of supplying a medium of general circulation and uniform value — is not to be performed under this bill?

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

'That it shall be lawful for the secretary of the treasury to transfer the moneys in the hands of any depositary hereby constituted, to the treasury of the United States; to the mint at Philadelphia; to the branch mint at New Orleans; or to the offices of either of the receivers-general of public moneys, by this act directed to be appointed; to be there safely kept, according to the provisions of this act; and also to transfer moneys in the hands of any one depositary constituted by this act, to any other depositary constituted by the same, at his discretion, and as the safety of the public moneys, and the convenience of the public service, shall seem to him to require; which authority to transfer the moneys belonging to the post-office department is also hereby conferred upon the postmaster-general, so far as its exercise by him may be consistent with the provisions of existing laws; and every depositary constituted by this act, shall keep his account of the moneys paid to or deposited with him, belonging to the post-office department, separate and distinct from the account kept by him of other public moneys so paid or deposited. And for the purpose of payments on the public account, it shall be lawful for the treasurer of the United States to draw upon any of the said depositaries, as he may think most conducive to the public interests, or to the convenience of the public creditors, or both.'

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

I presume that no one will contest these principles. Let us apply

them to the provisions of this bill. The last clause of the tenth section, already cited, declares:

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

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

Now, sir, let me suppose that a citizen has a demand upon the government for five thousand dollars, and applies to the treasurer for payment. On what receiver-general will you, he will be asked, have the amount? On the receiver-general at New York? In what sum? One half of the sum in drafts of one hundred dollars, and the other in drafts of fifty dollars. The treasurer cannot lawfully decline furnishing the required drafts. He is bound by law to consult the *convenience* of the public creditor. The drafts are given to him. What will he do with them? There is not a spot in the whole circumference of the United States, in which these drafts will not command a premium, or be at par. Every where to the south and west of New York they will command a premium of from one fourth to two and a half per centum. Every where east and north, they will be at par. What, I again ask, will the holder do with them? Will he commit the indiscretion or folly of cashing these drafts, and expose himself to the hazard and inconvenience of losing or carrying the specie about him? No such thing. Being every where better than or equal to specie, he will retain the drafts, and carry them with him to his home, and use them in his business. What I have supposed likely to be done by one, will be done by every creditor of the government. These drafts, to a considerable extent, will remain out, enter the general circulation, and compose a part of the common currency of the country, commanding, at particular places, as notes of the bank of the United States have done, and now do, a premium, but any where being certainly good for the amount on their face. All this is perfectly plain and inevitable; and the amount of this element of government drafts, in the general currency of the country, will be somewhat governed by the amount of the annual disbursements of the government. In the early administration of this treasury bank, its paper will command general and implicit confidence. It will be as much better than the paper of the bank of the United States or the bank of England, as the resources of the United States are superior to those of any mere private corporation. Sub-treasurers and receivers-general may fly

with the public money committed to their charge; may peculate or speculate as they please, and, unlike the condition of banks, whose fraudulent officers squander the means of those institutions, the nation remains bound for the redemption of all paper issued under its authority. But the paper of the late bank of the United States acquired a confidence every where, more or less, in and out of the United States. It was received in Canada, in Europe, and at Canton. The government drafts upon receivers-general will have a much more sure and extensive circulation. Who will doubt their payment? Who will question the honor and good faith of the United States in their redemption? The bankers of Europe, the Rothschilds and the Barings, will receive them without hesitation, and prefer them to the specie they represent, whenever the rate of exchange is not decidedly against this country, because they can be more safely and conveniently kept than specie itself. And with respect to our state banks, the treasury drafts will form the basis of their operations. They will be preferred to specie, because they will be more convenient, and free from the hazards incident to the possession of specie. The banks will require no more specie than the wants of the community for change make necessary.

Thus, sir, will these government drafts, or bank notes, as they may be called, remain out in circulation. The issues of the first year, under appropriations of the public revenue, will be followed by the issues of succeeding years. More and more will it be perceived to be needless and indiscreet to cash them; and more and more will the specie of the country accumulate in the custody of the receivers-general, until, after a few years, the greater part of the specie of the country will be found in the vaults of the depositaries, represented by an equal amount of government paper in circulation. I can conceive of no 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 receivers-general, than is likely to be called for by the paper representing it in circulation, in the common transactions of the business and commerce of the country; and what has been done before, will be done again. Government in a time of necessity, will be tempted to increase its paper issues upon the credit of this dormant specie capital. It will be tempted again and again to resort to this expedient, since it is easier to make emissions of paper, than to lay the burden of taxation on the people. The history of American paper money, during the revolution, of French assignats, and of government banks, throughout the world, tells the whole tale, and gives you the denouement.

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

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

But, sir, I look at the matter of this restriction in a higher point of view. You cannot maintain it; why should you? You have provided all the means, as you profess to believe, of perfect security for the custody of the public money in these public depositories. Why should you require the holder of a government draft, often ignorant of the legislation of the secretary of the treasury, to present it for payment by a given day, under a severe penalty depending upon his *discretion?* Will not the inconvenience to the community, of a precise day and a short day, for the presentation of the draft, be vastly greater than that of the public in retaining the money for an indefinite day, until it suits the holder's convenience to demand payment? And will you not be tempted to keep possession of the specie for the incidental advantages which it affords? Ah! sir; are we to overlook the possible uses to which, in corrupt days of the republic, this dormant specie may be applied in the crisis of a political election, or the crisis of the existence of a party in power? Congress will be called upon, imperatively called upon, by the people, to abolish all restrictions which the secretary of the treasury may promulgate for the *speedy* presentation for payment of government drafts. The wants of the people, and the necessity of the country for a paper medium, possessing a uniform value, and capable of general circulation, will demand it

at your hands, and you will be most ready to grant the required boon. We should regard the system according to its true and inherent character, and not be deceived by provisions, inevitably temporary in their nature, which the policy or the prudence of its authors may throw around it. The greatest want of this country, at the present period, in its circulating medium, is some convertible paper, which, at every extremity of the union, will command the confidence of the public, and circulate without depreciation. Such a paper will be supplied in the form of these government drafts.

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

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

But heretofore these drafts were issued upon banks, and the holders of them passed to their credit with the banks or received payment in bank notes. The habit of the country — and habit was a great thing — was to use bank notes. Moreover, there were bank notes of every kind in use; those which were local and those which were general in their credit and circulation. Now, having no bank of the United States in existence, there are no bank notes which maintain the same value, and command the public confidence, throughout the union. You create, therefore, an inexorable necessity for the use of government drafts as a medium of general circulation, and argue from a state of things when no such necessity existed!

The protestation of the friends of the bill in this chamber, the denunciations of its opponents, and the just horror which the people entertain of a government bank, may prompt the secretary of the treasury, slowly and slyly, to lift the veil which masks its true features. A government bank may not suddenly burst upon us, but *there* it is, embodied in *this* bill; and it is not the least objection to the measure that it depends upon the discretion of a secretary of the treasury to retard or accelerate the commencement of its operation at his pleasure. Let the reëlection of the present chief magistrate be secured, and you will soon see the bank disclosing its genuine character. But, thanks be to God, there is a

day of reckoning at hand. All the signs of the times clearly indicate its approach; and on the fourth day of March, in the year of our Lord 1841, I trust that the long account of the abuses and corruptions of this administration, in which this measure will be a conspicuous item, will be finally and for ever adjusted.

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

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

The next consequence is, that as all the officers of government, who hold their offices by the tenure to which I allude, hold them at the president's mercy, and without the possibility of finding any

redress, if they are dismissed without cause, they become his pliant creatures, and feel that they are bound implicitly to obey his will.

Now, sir, put this government bank into operation, and who are to be charged with the administration of its operations? The secretary of the treasury, the treasurer of the United States, the register and comptroller of the treasury, and the receivers-general, and so forth; every one of them holding his office at the pleasure and mercy of the president; every one of them, perhaps, depending for his bread upon the will of the president; every one of them taught, by sad experience, to know that his safest course is to mould his opinions, and shape his conduct, so as to please the president; every one of them knowing perfectly, that, if dismissed, he is without the possibility of any remedy or redress whatever. In such a deplorable state of things, this government bank will be the mere bank of the president of the United States. He will be the *president, cashier, and teller.* Yes, sir, this complete subjection of all the subordinate officers of the government to the will of the president, will make him sole director, president, cashier, and teller of this government bank. The so much dreaded union of the purse and the sword will at last be consummated, and the usurpation, by which the public deposits, in 1837, were removed by the advancement of the one, and the removal of another secretary of the treasury, will not only be finally legalized and sanctioned, but the enormity of the danger of that precedent will be transcended by a deliberate act of the congress of the United States!

Mr. President, for ten long years we have been warring against the alarming growth of executive power; but, although we have been occasionally 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 coördinate departments of this government, and upon the states. There scarcely remains any power in this government but that of the president. He suggests, originates, controls, checks every thing. The insatiable spirit of the Stuarts, for power and prerogative, was brought upon our American throne on the fourth of March, 1829. It came under all the usual false and hypocritical pretences and disguises, of love of the people, desire of reform, and diffidence of power. The Scotch dynasty still continues. We have had Charles the first, and now we have Charles the second. But I again thank God, that our deliverance is not distant; and that, on the fourth of March, 1841, a great and glorious revolution, without blood and without convulsion, will be achieved.

AT THE WHIG NATIONAL CONVENTION OF YOUNG MEN.

AT BALTIMORE, MAY 4, 1840.

[A NATIONAL convention of whig young men assembled at Baltimore in May, 1840, to take measures to promote the election of general Harrison, as president of the United States. On this occasion, an immense assemblage of delegates from the different states of the union attended, and the convention was addressed by various distinguished citizens, particularly by members of congress, which body was then in session, at Washington. Mr. Clay being present, was called upon to address the multitude, to which he responded briefly as follows.]

MR. CLAY commenced by a reference to the northwest wind, which blew almost a gale, and compared it happily to the popular voice of the immense multitude who were present. Difficult as it was to be heard by such a throng, he said he could not refrain from obeying the general summons, and responding to the call. He was truly grateful for the honor conferred upon him. This, said he, is no time to argue; the time for discussion has passed, the nation has already pronounced its sentence. I behold here the advanced guard. A revolution, by the grace of God and the will of the people, will be achieved. William Henry Harrison will be elected president of the United States.

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

This, said Mr. Clay, is a proud day for the patriot. It animated his own bosom with hope, and I, he added, am here to mingle my

hopes with yours, my heart with yours, and my exertions with your exertions. Our enemies hope to conquer us, but they are deluded, and doomed to disappointment.

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

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

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

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

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

ON THE STATE OF THE COUNTRY UNDER MR. VAN BUREN'S ADMINISTRATION.

AT HANOVER COUNTY, VIRGINIA, JUNE 27, 1840.

[MR. CLAY, having accepted an invitation to visit his friends in his native county of Hanover, Virginia, met them at a public entertainment given him at Taylorsville, in that county, on the above day, and, in accordance with their wishes and expectations, he addressed them in the following elaborate remarks on topics of great interest, which then particularly engaged the public mind. Reviewing the measures of Mr. Van Buren's administration, preceded by those of general Jackson's, he gives his views of the measures necessary to be adopted to restore public prosperity, and concludes with an exhortation to his whig friends to do their duty in the then forthcoming election, which resulted in the success of their candidate, general Harrison.]

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

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

But the occasion forms an exception from the rule which I have prescribed to myself. I have come here to the county of my nativity in the spirit of a pilgrim, to meet, perhaps for the last time, the companions, and the descendants of the companions, of my youth. Wherever we roam, in whatever climate or land we are

cast by the accidents of human life, beyond the mountains or beyond the ocean, in the legislative halls of the capitol, or in the retreats and shades of private life, our hearts turn with an irresistible instinct to the cherished spot which ushered us into existence. And we dwell with delightful associations on the recollection of the streams in which, during our boyish days, we bathed, the fountains at which we drank, the piny fields, the hills and the valleys where we sported, and the friends who shared these enjoyments with us. Alas! too many of these friends of mine have gone whither we must all shortly go, and the presence here of the small remnant left behind, attests both our loss and our early attachment. I would greatly prefer, my friends, to employ the time which this visit affords in friendly and familiar conversation on the virtues of our departed companions, and on the scenes and adventures of our younger days; but the expectation which prevails, the awful state of our beloved country, and the opportunities which I have enjoyed in its public councils, impose on me the obligation of touching on topics less congenial with the feelings of my heart, but possessing higher public interest. I assure you, fellow-citizens, however, that I present myself before you for no purpose of exciting prejudices or inflaming passions, but to speak to you in all soberness and truth, and to testify to the things which I know, or the convictions which I entertain, as an ancient friend, who has lived long, and whose career is rapidly drawing to a close. Throughout an arduous life, I have endeavored to make truth and the good of our country the guides of my public conduct; but in Hanover county, for which I cherish sentiments of respect, gratitude, and veneration, above all other places, would I avoid saying any thing that I did not sincerely and truly believe.

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

It has been truly said, in the most memorable document that ever issued from the pen of man, that 'all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.' The recent history of our people furnishes confirmation of that truth. They are active, enterprising, and intelligent; but are

not prone to make groundless complaints against public servants. If we now every where behold them in motion, it is because they feel that the grievances under which they are writhing can be no longer tolerated. They feel the absolute necessity of a change, that no change can render their condition worse, and that any change must better it. This is the judgment to which they have come; this the brief and compendious logic which we daily hear. They know that, in all the dispensations of Providence, they have reason to be thankful and grateful; and if they had not, they would be borne with fortitude and resignation. But there is a prevailing conviction and persuasion, that, in the administration of government, there has been something wrong, radically wrong, and that the vessel of state has been in the hands of selfish, faithless, and unskilful pilots, who have conducted it amidst the breakers.

In my deliberate opinion, the present distressed and distracted state of the country may be traced to the single cause of the action, the encroachments, and the usurpations of the executive branch of the government. I have not time here to exhibit and to dwell upon all the instances of these, as they have occurred in succession, during the last twelve years. They have been again and again exposed, on other more fit occasions. But I have thought this a proper opportunity to point out the enormity of the pretensions, principles, and practices of that department, as they have been, from time to time, disclosed, in these late years, and to show the rapid progress which has been made in the fulfilment of the remarkable language of our illustrious countryman, that the federal executive had an awful squinting towards monarchy. Here, in the county of his birth, surrounded by sons, some of whose sires with him were the first to raise their arms in defence of American liberty against a foreign monarch, is an appropriate place to expose the impending danger of creating a domestic monarch. And may I not, without presumption, indulge the hope, that the warning voice of another, although far humbler, son of Hanover, may not pass unheeded?

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

impeachment, and to the tribunals of justice, for injuries inflicted on private citizens.

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

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

The development of this new character to the power of dismission, would have fallen short of the aims in view, without the exercise of it were held to be a prerogative, for which the president was to be wholly irresponsible. If he were compelled to expose the grounds and reasons upon which he acted, in dismissals from office, the apprehension of public censure would temper the arbitrary nature of the power, and throw some protection around the subordinate officer. Hence the new and monstrous pretension has been advanced, that, although the concurrence of the senate is necessary by the constitution, to the confirmation of an appointment, the president may subsequently dismiss the person appointed, not only without communicating the grounds on which he has acted to the senate, but without any such communication to the people themselves, for whose benefit all offices are created! And so bold and daring has the executive branch of the government become, that one of its cabinet ministers, himself a subordinate officer, has contemptuously refused, to members of the house of representatives, to disclose the grounds on which he has undertaken to dismiss from office persons acting as deputy postmasters in his department!

As to the gratuitous assumption, by president Jackson, of responsibility for all the subordinate executive officers, it is the merest mockery that was ever put forth. They will escape punishment by pleading his orders, and he, by alleging the hardship of being punished, not for his own acts, but for theirs. We have a practical exposition of this principle in the case of the two hundred thousand militia. The secretary of war comes out to screen the president, by testifying that he never saw what he strongly recommended;

and the president reciprocates that favor by retaining the secretary in place, notwithstanding he has proposed a plan for organizing the militia, which is acknowledged to be unconstitutional. If the president is not to be held responsible for a cabinet minister, in daily intercourse with him, how is he to be rendered so for a receiver, in Wisconsin or Iowa? To concentrate all responsibility in the president, is to annihilate all responsibility. For who ever expects to see the day arrive when a president of the United States will be impeached; or, if impeached, when he cannot command more than one third of the senate to defeat the impeachment?

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

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

To complete this executive usurpation, one further object remained. By the constitution, the command of the army and the navy is conferred on the president. If he could unite the purse with the sword, nothing would be left to gratify the insatiable thirst for power. In 1838 the president seized the treasury of the United States, and from that day to this, it has continued substantially under his control. The seizure was effected by the removal of one secretary of the treasury, understood to be opposed to the measure, and by the dismissal of another, who refused to violate the law of the land upon the orders of the president.

It is, indeed, said, that not a dollar in the treasury can be touched, without a previous appropriation by law, nor drawn out of the

treasury, without the concurrence and signature of the secretary, the treasurer, the register, and the comptroller. But are not all these pretended securities idle and unavailing forms? We have seen, that by the operation of the irresponsible power of 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 treasure of the United States, whether an act of appropriation existed or not? Do not mock us with the vain assurance of the honor and probity of a president, nor remind us of the confidence which we ought to repose in his imagined virtues. The pervading principles of our system of governments — of all free government — is not merely the possibility, but the absolute certainty of infidelity and treachery, with even the highest functionary of the state; and hence all the restrictions, securities, and guarantees, which the wisdom of our ancestors or the sad experience of history had inculcated, have been devised and thrown around the chief magistrate.

Here, friends and fellow-citizens, let us pause and contemplate this stupendous structure of executive machinery and despotism, which has been reared in our young republic. The executive branch of the government is a unit; throughout all its arteries and veins, there is to be but one heart, one head, one will. The number of the subordinate executive officers and dependents in the United States has been estimated, in an official report, founded on public documents, made by a senator from South Carolina, (Mr. Calhoun,) at one hundred thousand. Whatever it may be, all of them, wherever they are situated, are bound implicitly to obey the orders of the president. And absolute obedience to his will is secured and enforced, by the power of dismissing them, at his pleasure, from their respective places. To make this terrible power of 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 his new denomination, would continue undiminished; and if the president of the United States were to receive the title of autocrat of the United States, the amount of his authority would not be increased, without an alteration of the constitution.

General Jackson was a bold and fearless reaper, carrying a wide row, but he did not gather the whole harvest; he left some gleanings to his faithful successor, and he seems resolved to sweep clean the field of power. The duty of inculcating on the official corps the active exertion of their personal and official influence, was left by him to be enforced by Mr. Van Buren, in all popular elections. It was not sufficient that the official corps was bound implicitly to obey the will of the president. It was not sufficient that this obedience was coerced by the tremendous power of

dismission. It soon became apparent, that this corps might be beneficially employed, to promote, in other matters than the business of their offices, the views and interest of the president and his party. They are far more efficient than any standing army of equal numbers. A standing army would be separated, and stand out from the people, would be an object of jealousy and suspicion; and, being always in corps, or in detachments, could exert no influence on popular elections. But the official corps is dispersed throughout the country, in every town, village, and city, mixing with the people, attending their meetings and conventions, becoming chairmen and members of committees, and urging and stimulating partisans to active and vigorous exertion. Acting in concert, and, throughout the whole union, obeying orders issued from the centre, their influence, aided by executive patronage, by the post-office department, and all the vast other means of the executive, is almost irresistible.

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

Hitherto, the army and the navy have remained unaffected by the power of 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 partisan offices of the president. Accordingly, the process of converting them into executive instruments has commenced in a court-martial assembled at Baltimore. Two officers of the army of the United States have been there put upon their solemn trial, on the charge of prejudicing the democratic party, by making purchases for the supply of the army, from members of the whig party! It is not pretended that the United States were

prejudiced by those purchases; on the contrary, it was, I believe, established that they were cheaper than could have been made from the supporters of the administration. But the charge was, that the purchase at all from the opponents, instead of the friends, of the administration, was an injury to the democratic party, which required that the offenders should be put upon their trial, before a court-martial! And this trial was commenced at the instance of a committee of a democratic convention, and conducted and prosecuted by them! The scandalous spectacle is presented to an enlightened world, of the chief magistrate of a great people executing the orders of a self-created power, organized within the bosom of the state; and, upon such an accusation, arraigning before a military tribunal, gallant men, who are charged with the defence of the honor and the interest of their country, and with bearing its eagles in the presence of an enemy!

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

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

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

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

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

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

And yet the partisans of this tremendous executive power arrogate to themselves the name of democrats, and bestow upon us, who are opposed to it, the denomination of federalists! In the senate of the United States, there are five gentlemen who were members of the federal party, and four of them have been suddenly transformed into democrats, and are now warm supporters of this administration, whilst I, who had exerted the utmost of my humble

abilities to arouse the nation to a vindication of its insulted honor, and its violated rights, and to the vigorous prosecution of the war against Great Britain, to which they were violently opposed, find myself, by a sort of magical influence, converted into a federalist! The only American citizen that I ever met with, who was an avowed monarchist, was a supporter of the administration of general Jackson; and he acknowledged to me, that his motive was to bring about the system of monarchy, which his judgment preferred.

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

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

president says it is wise and salutary. The democracy say it is wise and salutary.

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

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

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

If this state of things were to remain — if the progress of executive usurpation were to continue unchecked, hopeless despair would seize the public mind, or the people would be goaded to acts of open and violent resistance. But, thank God, the power

of the president, fearful and rapid as its strides have been, is not *yet* too great for the power of the elective franchise; and a bright and glorious prospect, in the election of William Henry Harrison, has opened upon the country. The necessity of a change of rulers has deeply penetrated the hearts of the people; and we every where behold cheering manifestations of that happy event. The fact of his election alone, without reference to the measures of his administration, will powerfully contribute to the security and happiness of the people. It will bring assurance of the cessation of that long series of disastrous experiments which have so greatly afflicted the people. Confidence will immediately revive, credit be restored, active business will return, prices of products will rise; and the people will feel and know that, instead of their servants being occupied in devising measures for their ruin and destruction, they will be assiduously employed in promoting their welfare and prosperity.

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

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

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

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 reëlection. The public business, consequently, suffers; and measures are proposed or executed with less regard to the general prosperity than to their influence upon the approaching election. If the limitation to one term existed, the president would be exclusively devoted to the discharge of his public duties; and he would endeavor to signalize his administration by the beneficence and wisdom of its measures.

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

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

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

The constitutional concurrence of the senate is necessary to the confirmation of all important appointments; but, without consult-

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

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

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

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

This is a hackneyed theme, but it is not less deserving of serious consideration. The constitution now interdicts the appointment of a member of congress to any office created, or the emoluments of which had been increased whilst he was in office. In the purer days of the republic, that restriction might have been suffi-

cient, but in these more degenerate times, it is necessary, by an amendment of the constitution, to give the principle greater extent.

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

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

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

Second, that the public lands, in conformity with the trusts created expressly, or by just implication, on their acquisition, be

administered in a spirit of liberality towards the new states and territories, and in a spirit of justice towards all the states.

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

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

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

what it rightfully possesses, both the power to ascertain the true value of the thing which it taxes, as well as the amount of that tax.

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

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

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

And, sixth, that the right to slave property, being guarantied by the constitution, and recognised as one of the compromise incorporated in that instrument by our ancestors, should be left where the constitution has placed it, undisturbed and unagitated by congress.

These, fellow-citizens, are views both of the structure of the government and of its administration, which appear to me worthy of commanding the grave attention of the public and its new servants. Although, I repeat, I have neither authority nor purpose to commit any body else, I believe most, if not all, of them, are entertained by the political friends with whom I have acted. Whether the salutary reforms which they include will be effected or considered, depends upon the issue of that great struggle which is now going on throughout all this country. This contest has had no parallel since the period of the revolution. In both instances, there is a similarity of object. That was to achieve, this is to preserve the liberties of the country. Let us catch the spirit which animated, and imitate the virtues which adorned our noble ancestors. Their devotion, their constancy, their untiring activity, their perseverance, their indomitable resolution, their sacrifices, their valor! If they fought for liberty or death, in the memorable language of one of the most illustrious of them, let us never forget that the prize now at hazard, is liberty or slavery. We should be

encouraged by the fact, that the contest, to the success of which they solemnly pledged their fortunes, their lives, and their sacred honor, was far more unequal than that in which we are engaged. But, on the other hand, let us cautiously guard against too much confidence. History and experience prove that more has been lost by self-confidence and contempt of enemies, than won by skill and courage. Our opponents are powerful in numbers, and in organization, active, insidious, possessed of ample means, and wholly unscrupulous in the use of them. They count upon success by the use of two words, democracy and federalism; democracy, which, in violation of all truth, they appropriate to themselves, and federalism, which, in violation of all justice, they apply to us. And allow me to conjure you not to suffer yourselves to be diverted, deceived, or discouraged by the false rumors which will be industriously circulated, between the present time and the period of the election, by our opponents. They will put them forth in every variety, and without number, in the most imposing forms, certified and sworn to by conspicuous names. They will brag, they will boast, they will threaten. Regardless of all their arts, let us keep steadily and faithfully and fearlessly at work.

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

Friends, and fellow-citizens, I have detained you too long. Accept my cordial thanks, and my profound acknowledgments for the honors of this day, and for all your feelings of attachment and confidence towards me; and allow me, in conclusion, to propose a sentiment:

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

AT THE HARRISON CONVENTION,

AT NASHVILLE, TENNESSEE, AUGUST 17, 1840.

[On this occasion, a short time previous to the presidential election, an immense assemblage of whigs, called 'the southwestern convention,' met at Nashville, Tennessee, to take measures to promote the election of General Harrison. Mr. Clay accepted an urgent invitation to be present, and address the convention, the substance of which address is subjoined, relating to the political topics of the day, and some reminiscences of the past; alluding, also, to his political differences with general Jackson, whose residence was near Nashville.]

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

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

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

Had he visited Tennessee during the campaign to which he had alluded, he would have disabused the public mind in relation to the charges which were made against him. In giving his vote, in 1825, for Mr. John Quincy Adams, he obeyed the wishes of his constituents. It had been charged that he did not do this, but the charge was unfounded. It was true that the legislature of Kentucky at the time, made a request that he should give a different vote; but that body, in making the request, went beyond its province; it

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

It was true, that he had some reluctance, some misgivings, about making this visit at this time, which grew out of a supposition that his motives might be misconstrued. The relations which had for a long time existed between himself and the illustrious captain in this neighborhood, were well understood. He feared, if he accepted the invitation to make the visit now, that it might be thought by some that his motives were less patriotic than sinister or selfish. But he assured that great assemblage, that towards that illustrious individual, their fellow-citizen and friend, he cherished, he possessed no unkind feelings. He was a great chieftain; he had fought well and bravely for his country; he hoped he would live long, and enjoy much happiness, and, when he departed from this fleeting vale of tears, that he would enter into the abode of the just, made perfect.

Mr. Clay said, that, in addressing an assembly of so many thousands as he now saw around him, when so many topics were crowding into the mind, he was at a loss to select a theme. Shall I, he asked, dwell upon a ruined currency, upon the prostration of business, the stagnation of trade, and the destruction of commerce? Or shall I speak of the wasteful extravagance of the present powers that be?

A paper had just been put into his hands, which he had never seen before, that represented, in the form of a pyramid, the expenditures of the last three administrations. He held it up to view, and explained its meaning. He read some of the items of expenditure, under the present administration, which is so characteristically economical, and contrasted them with expenditures, under the same heads, made by the administration of John Quincy Adams, an administration whose extravagance so shocked the sensibilities of the whole nation!

But Mr. Clay said, this was not one of the themes he had

selected to address the audience upon. He had thought to refer to, among other things, some of the very extraordinary doctrines now advanced, by those who profess to entertain the greatest veneration and regard for the state rights doctrines. In this connection, he brought up the ridiculous manœuvre, in the United States senate, at the late session, on the subject of the debts of the several states. A long report was made, that the general government would not 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 defence of criminals. He is now defending great criminals of state, not before a carefully packed jury, but before the free, enlightened, virtuous, and patriotic people; and, therefore, we may well hope that his present defence will not be attended with his hitherto usual success!

Mr. Clay referred to Mr. Van Buren's recommendation, in 1837, of a bankrupt law, bearing exclusively upon state banks, as an evidence of his regard for state rights, and mirrored forth the evils of such a law.

He reverted to the progress of the sub-treasury bill, through its several stages, and descanted upon the manner in which it was finally got first through the senate, and then the house, with great ability and eloquence; in which connection he gave a clear and succinct account of the manner, and for what cause, New Jersey was so disgracefully disfranchised

Mr. Clay said, the party in power profess to be democrats *par excellence!* Among all their usurpations, he knew of none more absurd than the usurpation of this name. He professed himself to be a true democrat. He learned his democracy in the school of '98 and '99. It was very different, he confessed, from the democracy taught now-a-days, in high places. It did not say, in the language of the motto upon the Bedford county banner, which he just read, 'the people expect too much from the government;' 'let the government take care of itself, and the people of themselves.' No! the democracy that he had learned was the reverse of this language of the present democratic president. But the new

democracy does not stop here. It asks for allegiance to the 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 different questions. It asks, how many votes can you bring to the polls? What's your influence? Are you boisterous partisans? It also holds out inducements or bribes, which Jefferson's democracy did not. It says, if you labor in 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 postmaster general, who, not four months ago, was rejected by the people by four thousand five hundred votes. To be thus beaten, was a sure passport to an executive office. By the bye, he said, the office conferred upon Mr. Niles was not a very enviable one, for he had to take a seat previously occupied by a creature, than whom a more despicable creeping reptile could not be named. His fellow-citizens, he presumed, would know to whom he alluded.

Mr. Clay here dwelt for some minutes upon the immoral tendency to which such a course of administration as he had been alluding to would lead. But he trusted it would be checked — that the great physician, the ballot-box, was near at hand, and that by November, the disease would be met by an effective and most salutary remedy. When before had such a state of things as now exists been known? When before such a disregard of obligations? When before have sixty-four out of sixty-seven land officers proved defaulters? When before have defaulters not only been retained in office after their defalcations were known, but absolutely reappointed? He referred to the appointment of Mr. Livingston, as secretary of state, at a time when he was a defaulter, but said, he presumed the president did not reflect sufficiently upon the tendency such an appointment would have. He referred to the Moore and Letcher case, and to the appointment of Hocker, to the best office in the country, for his services in that dark transaction. He had heard that Hocker had since proved a defaulter.

Mr. Clay said, he would like to address himself directly to the democrats within the sound of his voice. He wished to address them, not as enemies, but as brothers, as men equally patriotic, and equally devoted with the whigs, to the best interests of the country. We differ, said he, but upon what subject do men not differ? Have all your hopes been realized, in regard to the administration of the government? Have the pledges that were made you been fulfilled? Take, for example, the one term for the presidency. Did not the great captain promise you that one term was enough for a president to serve? Was it carried out? How was the promise, not to appoint members of congress to office, carried out? How was the promise, to reduce the extravagant expenditures

fulfilled? What principle was carried out? what promise kept? what pledge redeemed? Is there an administration man in this vast assemblage that will answer, shouted the Kentucky orator, in the loudest tones of his musical voice?

Mr. Clay said, he had called the present a vast assemblage, and he would take that occasion to declare, that there were more people, and more banners there, than there were at the great Baltimore convention. And why are there so many people here, coming together from almost every state in the union?

Mr. Clay said, he claimed to be a democrat, in the true sense of the word — a democrat ready to stand by or die for his country. He referred to the great contest now going on, and asked that nothing should be done to the injury of our opponents. All, he said, were interested alike; all were on board the great ship of state; all were alike interested in the success of the voyage. But there were exceptions to the general rule; there were beings in the lead of the party who could not be hung too high — beings who set all the baser passions of men at work, and labor constantly and solely for no good. There was another class; the boisterous office-holders, the prætorian band, the palace slaves, he was about to say, of Martin Van Buren! But then, to call such a man a king over such a people as this great concourse! oh, he would not so insult them!

Mr. Clay, in conclusion, addressed the Tennesseans particularly. He reverted to the position of Tennessee and Kentucky. They stood side by side; their sons fought side by side at New Orleans. Kentuckians and Tennesseans now fight another and a different kind of battle. But they are fighting now, as then, a band of mercenaries, the cohorts of power. They are fighting a band of office-holders, who call general Harrison a coward, an imbecile, an old woman!

Yes, general Harrison is a coward! but he fought more battles than any other general during the last war, and never sustained a defeat! He is no statesman! and yet he has filled more civil offices of trust and importance than almost any other man in the union!

[A man in the crowd here cried out, 'tell us of Van Buren's battles!']

Ah! said Mr. Clay, I will have to use my colleague's language, and tell you of Mr. Van Buren's *three* great battles! He says that he fought general commerce, and conquered him; that he fought general currency, and conquered him; and that, with his Cuba allies, he fought the Seminoles, and got conquered!

Mr. Clay referred, with great good humor, to the seventeen thousand whig majority of Kentucky, and asked, if generous, chivalric Tennessee would not enter the lists of competition with her? He doubted not she would make a gallant effort to not only run up alongside, but to come out ahead of her!

THE REPEAL OF THE SUB-TREASURY LAW.

IN THE SENATE OF THE UNITED STATES, DECEMBER 15, 1840.

[At the session of congress after the election of general Harrison as president, his opponents being in a majority in both houses, Mr. Clay submitted the following resolution, to test the disposition of the Van Buren party to conform to the expression of public opinion, namely, by repealing the sub-treasury law.

Resolved, that the act entitled 'an act to provide for the collection, safe-keeping, transfer, and disbursement of the public revenues,' ought to be forthwith repealed, and that the committee on finance be instructed to report a bill accordingly In support of this resolution he addressed the senate as follows.]

Mr. Clay said it had never been his purpose, in offering this resolution, to invite or partake in an argument on the great measure to which the resolution related, nor was it his purpose now. He would as lief argue to the convicted criminal, when the rope was round his neck, and the cart was about to remove from under his body, to persuade him to escape from the gallows, as to argue now to prove that this measure of the sub-treasury ought to be abandoned. But Mr. Clay had offered the proposition which he wished to submit as a resolution, and it was now due to the senate that he should say why he had presented it in that shape.

It was the ordinary course in repealing laws, either to move a resolution for an inquiry by a committee on the subject of repeal, or else ask leave to bring in a bill to repeal the measure which they wished to be rid of. But there were occasions when these ordinary forms might be and ought to be dispensed with. And if they should look for examples to the only period which bore any analogy to this, that was the time when Mr. Jefferson came into power, but under circumstances far different from those attending the accession of the resident of North Bend. If at that time the alien law had not been limited in time, but had been made permanent as to its duration, would it not have been supposed ridiculous to have moved a resolution of inquiry as to the expediency of repealing that most odious measure? Besides, the sub-treasury had now been three years and three months the subject of incessant and reiterated arguments; a term longer than that of the duration of the last war. Under these circumstances, a discussion of the measure would be both unnecessary and misapplied. It was sufficient that the nation now willed and commanded the repeal of the measure, and that the senators of nineteen states had been

instructed to repeal it. It might, indeed, be contended that the presidential election had decided this or that measure, when there might well be a dispute about it. Gentlemen on the other side had said, that such and such an election had decided this or that measure, one instance of which related to a bank of the United States, and about them all there might well have been controversy. But on one point there could not be a diversity of opinion; and that was, that this nation, by a tremendous majority, had decided against the sub-treasury measure. And, when the nation speaks, and wills, and commands, what was to be done? There was no necessity of the forms of sending to a committee for a slow process of inquiry; but there was a necessity of doing what the country required, and to reform what senators had been instructed to reform. The only question now was, who would act against the will of the nineteen states; and Mr. Clay thought gentlemen who professed to be guided by the popular sentiment could have no hesitation to comply with it now.

Sir, (said Mr. Clay,) I had hoped, for one, that the president of the United States, when he communicated his late message to congress, would announce the fact which I have stated, and would have conformed to it in his suggestions to congress. I would not, indeed, have asked the president to present himself before congress, and say to the nation and to congress, 'I have been wrong all this time, and I now retract my error.' Sir, it would have been unmanly to urge him to such a step, and I would not have required it of him. But we had a right to expect that the president would have said what was the fact on this subject, that the nation had decided against this measure, and he ought to have recommended that the will of the country should be obeyed. But least of all could we expect that he would recommend, as he did, certain improvements of this measure, and that senators should concur in amending a measure against which the nation had decided. And, even if they should persevere in such a course till March next, they know perfectly well that this measure cannot be continued after the new president shall commence his administration.

One word as to the effect of the repeal. What has been said of this measure? It is said to have been very successful, by the report of the secretary of the treasury. Sir, I would have been much better pleased if that document had gone into detail, and had told us what effects had been produced, and what changes had really taken place, arising out of this measure. All this he has omitted, and he has only told us that the measure has so far satisfied all their expectations, and that it has been most favorable in its operation. But what is its operation? Sir, I am far from the receivers-general, and wish I was much further; but what is its operation. Perhaps the honorable senator from New Hampshire, (Mr. Hubbard,) can tell, who, on all occasions, has stood

forth the ready protector and advocate of the secretary of the treasury, though I must say it was a most ungrateful return for the secretary of the treasury to beat him in the late senatorial election. Or, I should be glad to learn from the honorable chairman of the committee on finance, (Mr. Wright,) who is one of the instructed against the measure, and let him give it in detail, how the sub-treasury has acted, and how it is now working, how it is varying the financial and commercial concerns of this country. Sir, I can tell myself, though I am remote from its operations, and I understand there is not the slightest difference now from what was going on before the fourth of July last, in the operation of this system. Now, as then, the notes of all the specie-paying banks are received, and these notes pass into the hands of the receiver-general. The process is this: a merchant in New York who has to pay say four hundred dollars, gives two checks, of two hundred dollars each, but no specie. One of these checks is endorsed 'specie,' but the other has no such endorsement; and both these checks are carried to the bank and credited, not to the government, but to the receiver-general, on his own private account. That is the action of the sub-treasury. Both checks are cashed paper, convertible at the will of the holder into specie, and the one with the indorsement of specie is no more specie than the one without the indorsement. And such was, in fact, the usage before the fourth of July last. Prior to that, the paper of no bank not paying specie was received, and it is so now; and that is the amount of the whole operation of this measure. Prior to the fourth of July last, in New York, for example, the money was received and placed in the banks on private account, and the government had no control over it. And so it is now. Jesse Hoyt passes it over to Saul or Paul Allen, and government has no control over it. The result is, that the whole revenue passes under the care and custody of a private individual, into some bank. If I am right in this, it is very clear that the operation of this system is extremely limited, and very inconsiderable, and must so continue. But I trust, if the account is to be kept with the banks, that, instead of individuals, it will be opened, as it formerly always was, with the treasurer of the United States.

I think, then, Mr. President, that no sort of inconvenience can possibly result from the repeal of this measure. But even if it could, that is now no consideration for us; but when we have our instructions, I, at least, shall obey the will of nineteen states.

Forbearing, then, from a general discussion, which has been continued three years and three months, I am now ready for the vote on the resolution, though I shall not urge it. If gentlemen want further time to consider, or for any other purpose, I will be the last to deny them a request so reasonable as that.

Mr. Clay said, in reply to Mr. Wright, of New York, Mr. Pres-

ident, it is always pleasant to me when I have the honor to submit a proposition in a form so acceptable to the honorable senator from New York; and I am disposed to allow the largest possible accommodation, even on the point desired by the senator, of postponing this measure till the senate shall be more full. And, as I am a christian, or endeavor to be so, I will not return evil for good. Though I recollect, when this measure was on the verge of passing here, how the senator from New York would not allow a single day to the senator from Delaware, (Mr. Clayton,) though he would not then, though earnestly entreated to do so, delay the question even over night; though all this was denied with the concurrence of that senator, still I am for returning good for evil, and I am very happy that better days and more liberal sentiments are coming. I will concur in any reasonable postponement which the senator may desire.

But while up, I will notice a few remarks of the senator from New York. He says, this is a very convenient party now coming into power, because it is without avowed principles; a coon-skin, log-cabin party. And before I proceed further on this subject, let me ask, what sort of a party those must be, who have been driven out of power by a party whose residence is a log cabin, and whose covering is coon skins? Sir, there must be something wrong about it, or the defeated party would have never met so hard a fate from a party which they hold so much in contempt, and which is so contemptible, if the senator is correct. But does he in fact want to know my principles, or the principles of my friends, with respect to this sub-treasury measure? Have not we been battling with the whole country on our side against this identical measure? The senator tells us, that the popular voice was in favor of this measure, and that it was consequently carried in the popular branch. Sir, I hope he will relieve me of the necessity of looking into that New Jersey affair, and of discussing the manner in which that gallant state was stripped of her sacred rights, and her authority trampled under foot, in a manner degrading to a deliberative assembly, and disgraceful to the age in which we live. But I will not go into it. In the progress of the war gentlemen did gain a little, and we were subject to reverses prior to 1840. But who that regards the truth, and has been attentive to the progress of events, can rise in his place and deny that the elections of 1840 repealed the sub-treasury measure? They were avowedly against it; the object was to put it down, and to dispense with a measure which had disturbed the community, and deranged the affairs of the country for more than three long years. It is not at all like the cases alluded to by the senator under former elections. The election of 1832, for instance, was construed into an expression of public opinion against the bank of the United States. But we all know that general Jackson was then in favor of a bank of the

United States. He so said in his message, and he was then supported on the ground that he was friendly to the establishment of a bank of the United States. And I then denied, as I do now, that the inference of gentlemen from those elections was justly drawn. But now, whether the late election is favorable to a bank of the United States or to a league of banks, on one point, and that is as respects this measure, it is utterly impossible there can be two opinions here.

The honorable senator calls on us to say what other measure is to be resorted to after that is destroyed; a bank of the United States, or local banks? Sir, 'sufficient to the day is the evil thereof.' We have nothing now but the sub-treasury to handle. That is an obstacle in the way of any measure. Let us first remove that, and it will then be time for the senator from New York to be heard in his inquiries.

But he says the party coming into power are without principle. But does he not know that they are against the sub-treasury, and in favor of some sound and safe regulation of the currency? That they are for economy? That they are against the extravagance of the down-fallen administration? That retrenchment is their aim? And that they are opposed to the late fearful usurpations and abuses of executive power? Sir, the gentleman forgets that the election is over. I assure him, that it terminated November second, 1840. He seems to think that he is addressing an assembly in New York, at Poughkeepsie, or elsewhere. Because general Harrison did not choose to reply to impertinence, the gentleman charges him and the whole party with want of principles. But, on all subjects, he was manly and open, and it was on principle that the people brought him into power. But do gentlemen really mean to assert that they are without principle? No, sir, no. They know the principles of the new administration well enough. They know that it will not denounce bank paper and then give us treasury notes; that it is against all expedients of this kind; that the administration will be openly and fairly conducted; that it will not have debts to a large amount surrounding the government in all its departments — to the Indians, for state stocks made for political purposes, and reduced to two thirds of their original value; for the Florida war—literally covered over with debts, and all the time preaching against debts, and all the time using treasury notes; and they know, if they do not tell us how much of debts they have to pay, we, when we have the means of investigating, will cast up the aggregate to a great amount — an enormous and mystified amount.

Sir, if it is the will and pleasure of the majority to vote down the resolution, let them do it manfully, and say that their will, and not the will of the people shall prevail. But if the will of the people is to be carried out, there is no reason for delay; the sub-treasury should be repealed, and forthwith.

DISTRIBUTION OF PROCEEDS OF THE PUBLIC LANDS.

IN THE SENATE OF THE UNITED STATES, JANUARY 28, 1841.

[The presidential election of 1840 having terminated in the complete and triumphant success of the whigs, and the overthrow of the administration of Mr. Van Buren; the party of the latter, retaining a majority, from former elections, in both houses of congress, endeavored to use their power for the benefit of their party, before surrendering their authority to the whigs on the coming fourth of March. They therefore introduced a new preëmption bill, by which the interests of the United States in the sales of public lands were to be sacrificed for the benefit of that class of settlers called *squatters*. It being proposed by Mr. Crittenden to amend the bill by providing for the distribution of the proceeds of the sales of the lands, Mr. Clay embraced the opportunity to deliver his sentiments on the subject which had before engaged his deliberations.]

With the measure of the distribution of the proceeds of the sales of the public lands among the states of the union, I have been so associated for the last eight or ten years, that, although it had not been my original purpose to say one word in respect to that measure at the present session of congress, the debate on my colleague's motion has taken such a wide range, that my silence might be construed into indifference, or an abandonment, on my part, of what I conscientiously believe to be one of the most important and beneficial measures ever submitted to the consideration of an American congress. I did not intend to move in the matter at this session, because of the extraordinary state of parties and of public affairs. The party against which the people of the United States had recently pronounced decisive judgment, was still in power, and had majorities in both houses of congress. It had been always opposed to the distribution bill. The new administration, to which a majority of the people of the United States had given its confidence, had not yet the possession of power, and, prior to the fourth of March next, can do nothing to fulfil the just expectations of the country. The treasury is exhausted, and in a wretched condition. I was aware, that its state would be urged as a plausible plea against present distribution; urged even by a party, prominent members of which had heretofore protested against any reliance whatever on the public lands as a source of revenue. Now, although I do not admit the right of congress to apply the proceeds of all the

public lands, consistently with the terms of the deeds of cession from Virginia and the other ceding states, to the purposes of ordinary revenue of government, yet congress being in the habit of making such an application, I was willing to acquiesce in the continuation of the habit until, I hope at some early day, a suitable provision can be made for the exchequer out of some more appropriate and legitimate source than the public lands.

The distribution proposed by my colleague can be made, and, if no other senator does, I will propose to make it, to commence on the first day of January next, leaving the proceeds of the lands of the current year applicable to the uses of the treasury. This will avoid the financial objection, as I hoped, prior to that day, that some permanent and adequate provision will be made to supply government with the necessary revenue. I shall, therefore, vote for the proposition with that qualification, since it has been introduced, although I had not intended to move it myself at this session.

I came to the present session of congress under the hope, that it would dedicate itself earnestly to the urgent and necessary work of such a repair of the shattered vessel of state as would put it in a condition to perform the glorious voyage which it will begin on the fourth of March next. I supposed, indeed, that all new and doubtful measures of policy would be avoided; but persuaded myself that a spirit of manliness, of honor, and of patriotism, would prompt those who yet linger in power and authority at least to provide the necessary ways and means to defray the expenses of government in the hands of their successors, during the present year, if not permanently. But I confess with pain, that my worst fears are about to be realized. The administration not only perseveres in the errors which have lost it the public confidence, but refuses to allow its opponents to minister, in any way, to the sufferings of the community, or the necessities of the government. Our constitution is defective, in allowing those to remain in authority three or four months after the people have pronounced judgment against them; or rather the convention did not foresee the possibility of the existence of an administration, which would deliberately treat with neglect and contempt the manifest sentiments of their constituents. It did not imagine that an administration could be so formed, as that, although smarting under a terrible but merited defeat, it would, in the spirit of the ancient fable, doggedly hold on to power, refusing to use it, or to permit others to use it, for the benefit of the people.

We have just had read to us a lecture from the honorable and highly respectable senator from New Hampshire, (Mr. Pierce,) which ought to have been exclusively addressed to his own friends. He tells us that we are wasting our time in party debate, and that a measure is always got up at the commencement of every session, on which a general political battle is fought, to the exclusion of all

important public business. There is some truth in the charge; and, if it be wrong, who ought to be held responsible for it? Clearly, those to whom the administration of the government has been intrusted, and who have majorities in both houses of congress. What has been the engrossing subject of this session? The permanent preëmption bill. Who introduced it, and why was it introduced? Not my friends, but the senator's. And it has been brought up when there is an operating preëmption law in existence, which has a long time to run. After the debate had been greatly protracted, and after one administration senator had notified the officers of the chamber, that they might get their lamps in order, and another had declared that they were ready to encamp on the ground until the bill was passed, why has the debate been permitted to continue weeks longer, without explanation, and to the surprise of every one on this side of the senate? Why has more than half the session been consumed with this single and unnecessary subject? I would ask that senator, who assumes the right to lecture us all, why he concurred in pressing on the senate this uncalled-for measure? Yes, sir, my worst fears are about to be realized. Nothing will be done for the country during this session. I did hope that, if the party in power would not, in some degree, atone for past misdeeds during the remnant of their power, they would at least give the new administration a fair trial, and forbear all denunciation or condemnation of it in advance. But has this been their equitable course? Before the new president had entered upon the duties of his office, gentlemen who have themselves contributed to bring the country to the brink of ruin, (they will pardon me for saying it, but the truth must be spoken,) these very gentlemen are decrying beforehand those measures of the coming administration which are indispensable, and which they must know to be indispensable, to restore the public happiness and prosperity! The honorable senator in my eye, (Mr. Wright,) said, in so many words, that he meant to condemn this measure of distribution *in advance.* (Mr. Wright shook his head.)

I have taken down the senator's words, and have them here on my notes.

[*Mr. Wright.* If the honorable senator will permit me, I will tell him what I said. I said that the course of his friends had forced the consideration of this measure on us *in advance.*]

Forced it on *them* in advance! How? Projects to squander the public domain are brought forward by friends of the administration, in the form of a graduation bill, by which fifty millions in value of a portion of it would have been suddenly annihilated; preëmption bills; cessions to a few of the states of the whole within their limits. Under these circumstances, my colleague presents a conservative measure, and proposes, in lieu of one of these wasteful

projects, by way of amendment, an equitable distribution among all the states of the avails of the public lands. With what propriety, then, can it be said, that we, who are acting solely on the defensive, have *forced* the measure upon our opponents? Let them withdraw their bill, and I will answer for it that my colleague will withdraw his amendment, and will not, at this session, press any measure of distribution. No, sir, no. The policy of gentlemen on the other side, the clearly defined and distinctly marked policy is, to condemn in advance those measures which their own sagacity enables them to perceive that the new administration, faithful to their own principles and to the best interests of the country, must bring forward to build up once more the public prosperity. How, otherwise, are we to account for opposition, from leading friends of the administration, to the imposition of duties on the merest luxuries in the world? It is absolutely necessary to increase the public revenue. That is incontestable. It can only be done by the imposition of duties on the protected articles, or on the free articles, including those of luxury; for no one, I believe, in the senate, dreams of laying a direct tax. Well; if duties were proposed on the protected articles, the proposition would instantly be denounced as reviving a high tariff. And when they are proposed on silks and wines, senators on the other side raise their voices in opposition to duties, on these articles of incontestable luxury. These, moreover, are objects of consumption chiefly with the rich, and they, of course, would pay the principal part of the duty. But the exemption of the poor from the burden does not commend the measure to the acceptance of the friends of this expiring administration. And yet they, sometimes, assume to be guardians of the interests of the poor. Guardians of the poor! Their friendship was demonstrated at a former session by espousing a measure which was to have the tendency of reducing wages, and now they put themselves in opposition to a tax which would benefit the poor, and fall almost exclusively on the rich.

I will not detain the senate now by dwelling on the ruinous state of the trade with France, in silks and wines, especially, as it is now carried on. But I cannot forbear observing, that we import from France and her dependencies thirty-three millions of dollars annually, whilst we export in return only about nineteen millions, leaving a balance against us, in the whole trade, of fourteen millions of dollars; and, excluding the French dependencies, the balance against us in the direct trade, with France, is seventeen millions. Yet, gentlemen say we must not touch this trade! We must not touch a trade with such a heavy and ruinous balance against us; a balance, a large part, if not the whole, of which is paid in specie. I have been informed, and believe, that the greater part of the gold which was obtained from France under the treaty of indemnity, and which, during general Jackson's administration, was with 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 reëxported to France in the very boxes in which it was brought, to liquidate our commercial debt. Yet we must not supply the indispensable wants of the treasury by taxing any of the articles of this disadvantageous commerce! And some gentlemen, assuming not merely the guardianship of the poor, but of the south also, (with about as much fidelity in the one case as in the other,) object to the imposition of duties upon these luxuries, because they might affect somewhat the trade with France in a southern staple. But duties upon any foreign imports may affect, in some small degree, our exports. If the objection, therefore, be sustained, we must forbear to lay any imposts, and rely, as some gentlemen are understood to desire, on direct taxes. But to this neither the country nor congress will ever consent. We have hitherto resorted mainly, and I have no doubt always will resort, to our foreign imports for revenue. And can any objects be selected, with more propriety, than those which enter so largely into the consumption of the opulent? It is of more consequence to the community, in the consideration of duties, who consumes the articles charged with them, and consequently, who pays them, than how the dutied articles are purchased abroad. The south is the last place from which an objection should come on the score of disproportionate consumption. I venture to assert that there is more champagne wine consumed in the Astor House, in the city of New York, in one year, than in any state south of the Potomac. [A laugh.] Our total amount of imports last year was one hundred and four millions of dollars. Deducting the free articles, the amount of goods subject to duty was probably not more than between fifty and sixty millions. Now, if we are to adhere to the compromise of the tariff, which it is my wish to be able to do, but concerning which I have remarked lately a portentous silence on the part of some of its professing friends on the other side, it will be recollected, that the maximum of any duty to be imposed is twenty per centum, after June, 1842. It would not be safe to assume our imports in future of articles that would remain for consumption, and not be reëxported, higher than one hundred millions, twenty per centum on which would yield a gross revenue annually of twenty millions. But I think that we ought not to estimate our imports at more than ninety millions; for, besides other causes that must tend to diminish them, some ten or twelve millions of our exports will be applied annually to the payment of interest or principal of our state debts held abroad, and will not return in the form of imports. Twenty per centum upon ninety millions would yield a gross revenue of eighteen millions only. Thus it is manifest, that there must be additional duties. And I think it quite certain, that the amount of necessary revenue cannot be raised without going up to the limit

of the compromise upon all articles whatever, which, by its terms, are liable to duty. And these additional duties ought to be laid now, forthwith, clearly before the close of the session. The revenue is now deficient, compelling the administration to resort to the questionable and dangerous use of treasury notes. Of this deficient revenue, there will go off five millions during the next session of congress, according to the estimate of the secretary of the treasury, two and a half millions on the thirty-first of December, 1841, and two and a half millions more on the thirtieth June, 1842. This reduction takes place under that provision of the compromise act, by which one half the excess of all duties beyond twenty per centum is repealed on the last day of this year, and the other moiety of that excess on the last day of June, 1842. Now, if congress does not provide for this great deficiency in the revenue prior to the close of the present session, how is it possible to provide for it in season at the session which begins on the first Monday in December next? No great change in the customs ought to be made without reasonable notice to the merchant, to enable him to adapt his operations to the change. How is it possible to give this notice, if nothing is done until the next regular meeting of congress? Waiving all notice to the merchant, and adverting merely to the habits of congress, is it not manifest, that no revenue bill can be passed by the last day of December, at a session commencing on the first Monday of that month? How, then, can gentlemen who have, at least, the temporary possession of the government, reconcile it to duty and to patriotism, to go home and leave it in this condition? I heard the senator from Pennsylvania, (Mr. Buchanan,) at the last session, express himself in favor of a duty on wines and silks. Why is he now silent? Has he, too, changed his opinion?

[*Mr. Buchanan.* I have changed none of my opinions on the subject.]

I am glad, most happy, to hear it. Then the senator ought to unite with us in the imposition of duties sufficient to produce an adequate revenue. Yet his friends denounce, in advance, the idea of imposing duties on articles of luxury! They denounce distribution! They denounce an extra session, after creating an absolute necessity for it! They denounce all measures to give us a sound currency, but the sub-treasury, denounced by the people! They denounce the administration of president Harrison before it has commenced! Parting from the power, of which the people have stripped them, with regret and reluctance, and looking all around them with sullenness, they refuse to his administration that fair trial, which the laws allow to every arraigned culprit. I hope that gentlemen will reconsider this course, and that, out of deference to the choice of the people, if not from feelings of justice and propriety, they will forbear to condemn before they have heard president

Harrison's administration. If gentlemen are for peace and harmony, we are prepared to meet them in a spirit of peace and harmony, to unite with them in healing the wounds and building up the prosperity of the country. But if they are for war, as it seems they are, I say, 'lay on, Macduff.' (Sensation, and a general murmuring sound throughout the chamber and galleries.)

One argument of the honorable senator, who has just taken his seat, (Mr. Wright,) I wish to detach from the residue of his speech, that I may, at once, put it to sleep for ever. With all his well known ability, and without meaning to be disrespectful, I may add, with all his characteristic ingenuity and subtlety, he has urged, that if you distribute the proceeds of the public lands, you arrogate to yourselves the power of taxing the people to raise money for distribution among the states; that there is no difference between revenue proceeding from the public lands and revenue from the customs; and that there is nothing in the constitution which allows you to lay duties on imports for the purpose of making up a deficiency produced by distributing the proceeds of the public lands.

I deny the position, utterly deny it, and I will refute it from the express language of the constitution. From the first, I have been of those who protested against the existence of any power in this government to tax the people for the purpose of a subsequent distribution of the money among the states. I still protest against it. There exists no such power. We invoke the aid of no such power in maintenance of the principle of distribution, as applied to the proceeds of the sales of the public domain. But if such a power clearly existed, there would not be the slightest ground for the apprehension of its exercise. The imposition of taxes is always an unpleasant, sometimes a painful duty. What government will ever voluntarily incur the odium and consent to lay taxes, and become a tax-gatherer, not to have the satisfaction of expending the money itself, but to distribute it among other governments, to be expended by them? But to the constitution. Let us see whether the taxing power and the land power are, as the argument of the senator assumes, identical and the same. What is the language of the constitution? 'The congress shall have power to lay and collect taxes, duties, imposts, and excises, *to pay the debts and provide for the common defence and general welfare of the United States;* but all duties, imposts, and excises shall be uniform throughout the United States.' Here is ample power to impose taxes; but the *object* for which the money is to be raised is specified. There is no authority whatever conveyed to raise money by taxation, for the purpose of subsequent distribution among the states, unless the phrase 'general welfare' includes such a power. The doctrine, once held by a party upon whose principles the senator and his friends now act, in relation to the executive department, that those phrases included a grant of power, has been long since exploded

and abandoned. They are now, by common consent, understood to indicate a purpose, and not to vest a power. The clause of the constitution, fairly construed and understood, means that the taxing power is to be exerted to raise money to enable congress to pay the debts and provide for the common defence and general welfare. And it is to provide for the general welfare, in any exigency, by a fair exercise of the powers granted in the constitution. The republican party of 1798, in whose school I was brought up, and to whose rules of interpreting the constitution I have ever adhered, maintained that this was a limited government; that it had no powers but granted powers, or powers necessary and proper to carry into effect the granted powers; and that, in any given instance of the exercise of power, it was necessary to show the specific grant of it, or that the proposed measure was necessary and proper to carry into effect a specifically granted power or powers.

There is, then, I repeat, no power or authority in the general government to lay and collect taxes in order to distribute the proceeds among the states. Such a financial project, if any administration were mad enough to adopt it, would be a flagrant usurpation. But how stands the case as to the land power? There is not, in the whole constitution, a single line or word that indicates an intention that the proceeds of the public lands should come into the public treasury, to be used as a portion of the revenue of the government. On the contrary, the unlimited grant of power to raise revenue in all the forms of taxation, would seem to manifest that that was to be the source of supply, and not the public lands. But the grant of power to congress over the public lands in the constitution is ample and comprehensive. 'The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.' This is a broad, unlimited, and plenary power, subject to no restriction other than a sound, practical, and statesmanlike discretion, to be exercised by congress. It applies to all the territory and property of the United States, whether acquired by treaty with foreign powers, or by cessions of particular states, or however obtained. It cannot be denied, that the right to dispose of the territory and property of the United States, includes a right to dispose of the proceeds of their territory and property, and consequently a right to distribute those proceeds among the states. If the general clause in the constitution allows and authorizes, as I think it clearly does, distribution among the several states, I will hereafter show that the conditions on which the states ceded to the United States can only now receive their just and equitable fulfilment by distribution.

The senator from New York argued, that if the power contended for, to dispose of the territory and property of the United States, or their proceeds, existed, it would embrace the national ships, public

buildings, magazines, dock-yards, and whatever else belonged to the government. And so it would. There is not a doubt of it; but when will congress ever perpetrate such a folly as to distribute this national property. It annually distributes arms, according to a fixed rule, among the states, with great propriety. Are they not property belonging to the United States? To whose authority is the use of them assigned? To that of the states. And we may safely conclude, that when it is expedient to distribute, congress will make distribution, and when it is best to retain any national property, under the common authority, it will remain subject to it. I challenge the senator, or any other person, to show any limitation on the power of congress to dispose of the territory or property of the United States or their proceeds, but that which may be found in the terms of the deeds of cession, or in a sound and just discretion. Come on; who can show it? Has it not been shown, that the taxing power, by a specification of the objects for which it is to be exercised, excludes all idea of raising money for the purpose of distribution? And that the land power places distribution on a totally different footing? That no part of the proceeds of the public domain compose necessarily, or perhaps properly, a portion of the public revenue? What is the language of the constitution? That to pay the debts, provide for the common defence and general welfare of the United States, you may take the proceeds of the public lands? No, no. It says, for these ends, in other words, for the conduct of the government of the union, you shall have power, unlimited as to amount and objects, to lay taxes. That is what it says; and if you go to the constitution, this is its answer. You have no right to go for power any where else.

Hereafter, I shall endeavor further to show, that, by adopting the distribution principle, you do not exercise or affect the taxing power; that you will be setting no dangerous precedent, as is alleged; and that you will, in fact, only pay an honest debt to the states, too long withheld from them, and of which some of them now stand in the greatest need.

In the opposition to distribution, we find associated together the friends of preëmption, the friends of graduation, and the friends of a cession of the whole of the public lands to a few of the states. Instead of reproaching us with a want of constitutional power to make an equitable and just distribution of the proceeds of the sales of the public lands among all the states, they would do well to point to the constitutional authority, or to the page in the code of justice, by which their projects are to be maintained. But it is not my purpose now to dwell on these matters. My present object is with the argument of the senator from New York, and his friends, founded on financial considerations.

All at once these gentlemen seem to be deeply interested in the revenue derivable from the public lands. Listen to them now, and

you would suppose that heretofore they had always been, and hereafter would continue to be, decidedly and warmly in favor of carefully husbanding the public domain, and obtaining from it the greatest practicable amount of revenue, for the exclusive use of the general government. You would imagine that none of them had ever espoused or sanctioned any scheme for wasting or squandering the public lands; that they regarded them as a sacred and inviolable fund, to be preserved for the benefit of posterity, as well as this generation.

It is my intention now to unmask these gentlemen, and to show that their real system for the administration of the public lands embraces no object of revenue, either in the general government, or the states; that their purpose is otherwise to dispose of them; that the fever for revenue is an intermittent, which appears only when a bill to distribute the proceeds equally among all the states is pending; and that, as soon as that bill is got rid of, gentlemen relapse into their old projects of throwing away the public lands, and denouncing all objects of revenue from the public lands as unwise, illiberal, and unjust towards the new states. I will make all this good by the most incontrovertible testimony. I will go to the very highest authority in the dominant party, during the last twelve years, and from that I will come down to the honorable senator from New York, and other members of the party. (I should not say come down; it is certainly not descending from the late president of the United States, to approach the senator from New York. If intellect is the standard by which to measure elevation, he would certainly stand far above the measure of the hermitage.) I will show, by the most authentic documents, that the opponents of distribution, upon the principle now so urgently pressed, of revenue, are no *bonâ fide* friends of revenue from the public lands. I am afraid I shall weary the senate, but I entreat it to bear patiently with me, whilst I retrace the history of this measure of distribution.

You will recollect, sir, that some nine or ten years ago, the subject of the public lands, by one of the most singular associations that was ever witnessed, was referred to the committee on manufactures, by one of the strangest parliamentary manœuvres that was ever practiced, for no other purpose than to embarrass the individual who now has the honor to address you, and who happened at that time to be a member of that committee. It was in vain that I protested against the reference, showed the total incongruity between the manufactures of the country and the public lands, and entreated gentlemen to spare us, and to spare themselves the reproaches which such a forced and unnatural connection would bring upon them. It was all to no purpose; the subject was thrown upon the committee on manufactures, in other words, it was thrown upon me; for it was well known, that

although among my colleagues of the committee, there might be those who were my superiors in other respects, owing to my local position, it was supposed that I possessed a more familiar knowledge with the public lands than any of them, when, in truth, mine was not considerable. There was another more weighty motive with the majority of the senate, for devolving the business on me. The zeal, and, perhaps, too great partiality of my friends, had, about that time, presented my name for a high office. And it was supposed that no measure, for permanently settling the question of the public lands, could emanate from me, that would not affect injuriously my popularity, either with the new or the old states, or with both. I felt the embarrassment of the position in which I was placed; but I resolved not to sink under it. I pulled off my coat, and went hard to work. I manufactured the measure for distributing equitably, in just proportions, the proceeds of the public lands among the several states. When reported from the committee, its reception in the senate, in congress, and in the country, was triumphant. I had every reason to be satisfied with the result of my labors, and my political opponents had abundant cause for bitter regrets at their indiscretion, in wantonly throwing the subject on me. The bill passed the senate, but was not acted upon in the house at that session. At the succeeding session, it passed both houses. In spite of all those party connections, which are, perhaps, the strongest ties that bind the human race, Jackson men, breaking loose from party thraldom, united with anti-Jackson men, and voted the bill by overwhelming majorities, in both houses. If it had been returned by the president, it would have passed both houses by constitutional majorities, his veto notwithstanding. But it was a measure suggested, although not voluntarily, by an individual who shared no part in the president's counsels, or his affections; and although he had himself, in his annual message, recommended a similar measure, he did not hesitate to change his ground, in order to thwart my views. He knew, as I have always believed and have understood, that if he returned the bill, as by the constitution he was bound to do, it would become a law, by the sanction of the requisite majorities in the two houses. He resolved, therefore, upon an arbitrary course, and to defeat, by an irregular and unprecedented proceeding, what he could not prevent by reason, and the legitimate action of the constitution. He resolved not to return the bill, and did not return it to congress, but pocketed it!

I proceed now to the documentary proof which I promised. In his annual message of December fourth, 1832, president Jackson says:

'Previously to the formation of our present constitution, it was recommended by congress that a portion of the waste lands owned by the states, should be ceded to the United States, for the purposes of general harmony, and as a fund to meet the

expenses of the war. The recommendation was adopted, and, at different periods of time, the states of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people,' and so forth. 'It seems to me to be our true policy, that the public lands shall cease, as soon as practicable, to be a source of revenue,' and so forth.

Thus, in December, 1832, president Jackson was of opinion, first, that the public lands were released from the pledge of them to the expenses of the revolutionary war; secondly, that it was in the power of congress to dispose of them according to its discretion, in such way as best to conduce to the quiet, harmony, and general interest of the American people; and, thirdly, that the public lands should cease, as soon as practicable, to be a source of revenue.

So far from concurring in the argument now insisted upon by his friends, for the sole purpose of defeating distribution, that the public lands should be regarded and cherished as a source of revenue, he was clearly of opinion that they should altogether cease to be considered as a source of revenue.

The measure of distribution was reported by me from the committee on manufactures, in April, 1832, and what was done with it? The same majority of the senate which had so strangely discovered a congeniality between American manufactures and the public lands, instead of acting on the report, resolved to refer it to the committee on public lands, of which the senator from Alabama, (Mr. King,) was chairman; thus exhibiting the curious parliamentary anomaly of referring the report of one standing committee to another standing committee.

The chairman, on the eighteenth of May, made a report from which many pertinent extracts might be made, but I shall content myself with one.

'This committee turn with confidence from the land-offices to the custom-houses, and say, here are the true sources of federal revenue! Give lands to the cultivator! And tell him to keep his money, and lay it out in their cultivation!'

Now, Mr. President, bear in mind, that this report, made by the senator from Alabama, embodies the sentiments of his party; that the measure of distribution which came from the committee on manufactures, exhibited one system for the administration of the public lands, and that it was referred to the committee on public lands, to enable that committee to make an argumentative report against it, and to present their system — a counter or antagonist system. Well, this counter-system is exhibited, and what is it? Does it propose to retain and husband the public lands as a source of revenue? Do we hear any thing from that committee about the wants of the exchequer, and the expediency of economizing

and preserving the public lands to supply them? No such thing. No such recommendation. On the contrary, we are deliberately told to avert our eyes from the land-offices, and to fix them exclusively on the custom-houses, as the true sources of federal revenue! Give away the public lands, was the doctrine of that report. Give it to the cultivator, and tell him to keep his money! And the party of the senator from New York, from that day to this, have adhered to that doctrine, except at occasional short periods, when the revenue fit has come upon them, and they have found it convenient, in order to defeat distribution, to profess great solicitude for the interests of the revenue.

Some of them, indeed, are too frank to make any such profession. I should be glad to know from the senator from Alabama if he adheres to the sentiments of his report of 1832, and still thinks that the custom-houses, and not the land-offices, are the true sources of federal revenue. (Mr. King here nodded assent.)

I expected it. This reavowal is honorable to the candor and independence of the senator. He does not go, then, with the revenue arguers. He does not go with the senator from New York, who speaks strongly in favor of the revenue from the public lands, and votes for every proposition to throw away the public lands.

During the whole progress of the bill of distribution through the senate, as far as their sentiments were to be inferred from their votes, or were to be known by the positive declarations of some of them, the party dominant then and now acted in conformity with the doctrines contained in the report of their organ, (Mr. King.) Nevertheless, the bill passed both houses of congress by decisive majorities.

Smothered, as already stated, by president Jackson, he did not return it to the senate, until the fourth of December, 1833. With it came his memorable veto message — one of the most singular omnibusses that was ever beheld — a strange vehicle, that seemed to challenge wonder and admiration, on account of the multitude of hands evidently employed in its construction, the impress of some of them smeared and soiled, as if they were fresh from the kitchen. Hear how president Jackson lays down the law in this message.

'On the whole, I adhere to the opinion expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey, and sale.' 'I do not doubt that it is the real interest of each and all the states in the union, and particularly of the new states, that the price of these lands shall be reduced and graduated; and that, after they have been offered for a certain number of years, the refuse, remaining unsold, shall be abandoned to the states, and the machinery of our land system entirely withdrawn.'

These are the conclusions of the head of that party which has been dominant in this country for twelve years past. I say twelve,

for the last four have been but as a codicil to the will, evincing a mere continuation of the same policy, purposes, and designs, with that which preceded it. During that long and dismal period, we all know too well, that the commands of no major-general were ever executed with more implicit obedience, than were the orders of president Jackson, or, if you please, the public policy as indicated by him. Now, in this message, he repeats, that the public lands should cease to be a source of revenue, with a slight limitation as to the reimbursement of the charges of their administration; and adds, that their price should be reduced and graduated, and what he terms the refuse land, should be ceded to the states within which it is situated. By the bye, these refuse lands, according to statements which I have recently seen from the land office, have been the source of nearly one half — upwards of forty millions of dollars — of all the receipts from the public lands, and that, too, principally since the date of that veto message!

It is perfectly manifest, that the consideration of revenue, now so earnestly pressed upon us by the friends of general Jackson, was no object with him in the administration of the public lands, and that it was his policy, by reduction of the price, by graduation, by preëmptions, and by ultimate cessions, to get rid of them as soon as practicable. We have seen that the committee on the public lands and his party coincided with him. Of this, further testimony is furnished in the debates, in the early part of the year 1833, which took place on the distribution bill.

Mr. Kane, of Illinois, (a prominent administration senator,) in that debate, said:

'Should any further excuse be demanded for renewing again this discussion, I refer to the message of the president of the United States, at the commencement of the present session, which, upon a comprehensive view of the general substantial interests of the confederacy, has, for the first time on the part of any executive magistrate of this country, declared: 'it seems to me, (says the president,) *to be our true policy, that the public lands shall cease, as soon as practicable, to be a source of revenue*, and that they should be sold to settlers in limited parcels, at a price barely sufficient to reimburse the United States the expense of the present system, and the cost arising under our Indian treaties,'' and so forth.

Mr. Buckner, (an administration senator from Missouri,) also refers to the same message of president Jackson, with approbation and commendation.

His colleague, (Mr. Benton,) in alluding, on that occasion, to the same message, says:

'The president was right. His views were wise, patriotic, and statesmanlike.' 'He had made it clear, as he hoped and believed, that the president's plan was right; that all idea of profit from the lands ought to be given up,' and so forth.

I might multiply these proofs, but there is no necessity for it. Why go back eight or nine years? We need only trust to our own ears, and rely upon what we almost now daily hear. Senators

from the new states frequently express their determination to wrest from this government the whole of the public lands, denounce its alleged illiberality, and point exultingly to the strength which the next census is to bring to their policy. It was but the other day we heard the senator from Arkansas, (Mr. Sevier,) express some of these sentiments. What were we told by that senator? 'We will have the public lands. We must have them, and we will *take* them in a few years.'

[*Mr. Sevier.* So we will.]

Hear him! Hear him! He repeats it. Utters it in the ears of the revenue-pleading senator, (Mr. Wright,) on my left. And yet he will vote against distribution.

I will come now to a document of more recent origin. Here it is — the work, nominally, of the senator from Michigan, (Mr. Norvell,) but I take it, from the internal evidence it bears, to be the production of the senator from South Carolina, over the way, (Mr. Calhoun.) This report, in favor of cession, proposes to cede, to the states within which the public lands are situated, one third, retaining, nominally, two thirds to the union. Now, if this precedent of cession be once established, it is manifest that it will be applied to all new states, as they are hereafter successively admitted into the union. We begin with ceding one third; we shall end in granting the whole.

[Mr. Calhoun asked Mr. Clay to read the portions of the report to which he alluded.]

I should be very glad to accommodate the senator, but I should have to read the whole of *his* report, and I am too much indisposed and exhausted for that. But I will read one or two paragraphs.

'It belongs to the nature of things, that the old and new states should take different views, have different feelings, and favor a different course of policy, in reference to the lands within their limits. It is natural for the one to regard them chiefly as a source of revenue, and to estimate them according to the amount of income annually derived from them; while the other as naturally regards them, almost exclusively, as a portion of their domain, and as the foundation of their population, wealth, power, and importance. They have more emphatically the feelings of ownership, accompanied by the impression that they ought to have the principal control, and the greater share of benefits derived from them.' 'To sum up the whole in a few words: of all subjects of legislation, land is that which more emphatically requires a local superintendence and administration; and, therefore, ought preëminently to belong, under our system, to state legislation, to which this bill proposes to subject it exclusively, in the new states, as it has always been in the old.'

It must be acknowledged, that the new states will find some good reading in this report. What is the reasoning? That it is natural for the old states to regard the public lands as a source of revenue, and as natural for the new states to take a different view of the matter; ergo, let us give the lands to the new states, making them, of course, cease any longer to be a source of revenue. It is

discovered, too, that land is a subject which emphatically requires a local superintendence and administration. It therefore proposes to subject it exclusively to the new states, as (according to the assertion of the report,) it always has been in the old. The public lands of the United States, theoretically, have been subject to the joint authority of the two classes of states, in congress assembled, but, practically, have been more under the control of the members from the new states, than those from the old. I do not think that the history of the administration of public domain in this country, sustains the assertion that the states have exhibited more competency and wisdom for the management of it, than the general government.

I stated that I would come down, (I should have said, go up,) from the late president of the United States, to the senator from New York. Let us see what sort of notions he had on this matter of revenue from the public lands, when acting in his character of chairman of the committee of finance, during this very session, on another bill. There has been, as you are aware, sir, before the senate, at times, during the last twelve or fifteen years, a proposition for the reduction of the price of the public lands, under the imposing guise of 'graduation.' A bill, according to custom, has been introduced during the present session, for that object. To give it eclat, and as a matter of form and dignity, it was referred to the committee of finance, of which the honorable senator from New York is the distinguished chairman; the same gentleman who, for these two days, has been defending these lands from waste and spoliation, according to the scheme of distributing their proceeds, in order to preserve them as a fruitful source of revenue for the general government. Here was a fine occasion for the display of the financial abilities of the senator. He and his friends had exhausted the most ample treasures that any administration ever succeeded to. They were about retiring from office, leaving the public coffers perfectly empty. Gentlemanly conduct towards their successors, to say nothing of the duties of office or of patriotism, required of them to do all in their power — to pick up and gather together, whenever they could, any means, however scattered or little the bits might be — to supply the urgent wants of the treasury. At all events, if the financial skill of the honorable senator was incompetent to suggest any plan for augmenting the public revenue, he was, under actual circumstances, bound, by every consideration of honor and of duty, to refrain from espousing or sanctioning any measure that would diminish the national income.

Well; what did the honorable senator do with the graduation bill? — a bill which, I assert, with a single stroke of the pen by a short process consummated in April, 1842, annihilates fifty millions of dollars of the avails of the public lands! What did the senator

do with this bill, which takes off fifty cents from the very moderate price of one dollar and a quarter per acre, at which the public lands are now sold? The bill was in the hands of the able chairman of the committee of finance some time. He examined it, no doubt, carefully, deliberated upon it attentively and anxiously. What report did he make upon it? If uninformed upon the subject, Mr. President, after witnessing, during these two days, the patriotic solicitude of the senator in respect to the revenue derivable from the public lands, you would surely conclude that he had made a decisive, if not indignant report, against the wanton waste of the public lands by the graduation bill. I am sorry to say that he made no such report. Neither did he make an elaborate report to prove that, by taking off fifty cents per acre on one hundred millions of acres, reducing two fifths of their entire value, the revenue would be increased. Oh, no; that was a work he was not prepared to commit, even to his logic. He did not attempt to prove that. But what did he do? Why, simply presented a verbal compendious report, recommending that the bill do pass! [A general laugh.] And yet that senator can rise here, in the light of day, in the face of this senate, in the face of his country, and in the presence of his God, and argue for retaining and husbanding the public lands, to raise revenue from them!

But let us follow these revenue gentlemen a little further. By one of the strangest phenomena in legislation and logic that was ever witnessed, these very senators, who are so utterly opposed to the distribution of the proceeds of the public lands among all the states, because it is distribution, are themselves for all other sorts of distribution — for cessions, for preëmptions, for grants to the new states to aid them in education and improvement, and even for distribution of the proceeds of the public lands among particular states. They are for distribution in all conceivable forms and shapes, so long as the lands are to be gotten rid of, to particular persons or particular states. But when an equal, general, broad, and just distribution is proposed, embracing *all* the states, they are electrified and horror-struck. You may distribute, and distribute among states, too, as long as you please, and as much as you please, but not among *all* the states.

And here, sir, allow me to examine more minutely, the project of cession, brought forward as the rival of the plan of distribution.

There are upwards of one billion of acres of public land belonging to the United States, situated within and without the limits of the states and territories, stretching from the Atlantic ocean and the Gulf of Mexico to the Pacific; they have been ceded by seven of the old thirteen states to the United States, or acquired by treaties with foreign powers. The senator from South Carolina, (Mr. Calhoun,) proposes by his bill to cede one hundred and sixty million of acres of this land to the nine states wherein they

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 in one,) and so to every new state, as it shall be organized and received? How could you refuse? When other states to the north and to the west of Missouri, Arkansas, Iowa, and Wisconsin, to the very shores of the Pacific, shall be admitted into the confederacy, will you not be bound, by all the principles of equality and justice, to make them respectively similar cessions of the public land, situated within their limits, to those which you will have made to the nine states? Thus your present grant, although extending nominally to but one hundred and sixty million of acres, virtually, and by inevitable consequence, embraces the whole of the public domain. And you bestow a gratuity of thirty-five per centum of the proceeds of this vast national property upon a portion of the states, to the exclusion and to the prejudice of the revolutionary states, by whose valor a large part of it was achieved.

Will the senator state whence he derives the power to do this? Will he pretend that it is to cover the expenses and charges of managing and administering the public lands? On much the greater part, nearly the whole of the one hundred and sixty millions of acres, the Indian title has been extinguished, and they have been surveyed. Nothing but a trifling expense is to be incurred on either of those objects; and nothing remains but to sell the land. I understand, that the total expense of sale and collection is only about two per centum. Why, what are the charges? There is one per centum allowed by law to the receivers, and the salaries of the registers and receivers in each land district, with some other inconsiderable incidental charges. Put all together, and they will not amount to three per centum on the aggregate of sales. Thus the senator is prepared to part from the title and control of the whole public domain upon these terms! To give thirty-five per centum to cover an expenditure not exceeding three! Where does he get a power to make this cession to particular states, which would not authorize distribution among all the states? And when he has found the power, will he tell me why, in virtue of it, and in the same spirit of wasteful extravagance or boundless generosity, he may not give to the new states, instead of thirty-five per centum, fifty, eighty, or a hundred? Surrender at once the whole public domain to the new states? The per centage, proposed to be allowed, seems to be founded on no just basis, the result of no

official data or calculation, but fixed by mere arbitrary discretion. I should be exceedingly amused to see the senator from South Carolina rising in his place, and maintaining before the senate an authority in congress to cede the public lands to particular states, on the terms proposed, and at the same time denying its power to distribute the proceeds equally and equitably among all the states.

Now, in the second place, although there is a nominal reservation of sixty-five per centum of the proceeds to the United States, in the sequel, I venture to predict, we should part with the whole. You vest in the nine states the title. They are to sell the land and grant titles to the purchasers. Now what security have you for the faithful collection and payment into the common treasury of the reserved sixty-five per centum? In what medium would the payment be made? Can there be a doubt that there would be delinquency, collisions, ultimate surrender of the whole debt? It is proposed, indeed, to retain a sort of mortgage upon the lands, in the possession of purchasers from the state, to secure the payment to the United States of their sixty-five per centum. But how could you enforce such a mortgage? Could you expel from their homes some, perhaps one hundred thousand settlers, under state authority, because the state, possibly without any fault of theirs, had neglected to pay over to the United States the sixty-five per centum? The remedy of expulsion would be far worse than the relinquishment of the debt, and you would relinquish it.

There is no novelty in this idea of cession to the new states. The form of it is somewhat varied, by the proposal of the senator to divide the proceeds between the new states and the United States, but it is still substantially the same thing; a present cession of thirty-five per centum, and an ultimate cession of the whole! When the subject of the public lands was before the committee on manufactures, it considered the scheme of cession among the other various projects then afloat. The report made in April, 1832, presents the views entertained by the committee on that topic; and, although I am not in the habit of quoting from my own productions, I trust the senate will excuse me on this occasion for availing myself of what was then said, as it will at least enable me to economize my breath and strength. I ask some friend to read the following passages: [which were accordingly read by another senator.]

'Whether the question of a transfer of the public lands be considered in a limited or more extensive view of it which has been stated, it is one of the highest importance, and demanding the most deliberate consideration. From the statements founded on official reports, made in the preceding part of this report, it has been seen, that the quantity of unsold and unappropriated lands lying within the limits of the new states and territories, is three hundred and forty million eight hundred and seventy-one thousand seven hundred and fifty-three acres, and the quantity beyond those limits, is seven hundred and fifty millions, presenting an aggregate of one billion ninety million eight hundred and seventy-one thousand seven hundred and fifty-three acres. It is difficult to conceive a question of greater magnitude than that of relin-

quishing this immense amount of national property. Estimating its value according to the minimum price, it presents the enormous sum of one billion three hundred and sixty-three million five hundred and eighty-nine thousand six hundred and ninety-one dollars. If it be said, that a large portion of it will never command that price, it is to be observed, on the other hand, that, as fresh lands are brought into market and exposed to sale at public auction, many of them sell at prices exceeding one dollar and a quarter per acre. Supposing the public lands to be worth, on the average, one half of the minimum price, they would still present the immense sum of six hundred and eighty-one million seven hundred and ninety-four thousand eight hundred and forty-five dollars. The least favorable view which can be taken of them is, that of considering them a capital, yielding, at present, an income of three millions of dollars annually. Assuming the ordinary rate of six per centum interest per annum as the standard, to ascertain the amount of that capital, it would be fifty millions of dollars. But this income has been progressively increasing. The average increase during the six last years has been at the rate of twenty-three per centum per annum. Supposing it to continue in the same ratio, at the end of a little more than four years the income would be double, and make the capital one hundred millions of dollars. Whilst the population of the United States increases only three per centum per annum, the increase of the demand for the public lands is at the rate of twenty-three per centum, furnishing another evidence that the progress of emigration and the activity of sales have not been checked by the price demanded by government.

'In whatever light, therefore, this great subject is viewed, the transfer of the public lands from the whole people of the United States, for whose benefit they are now held, to the people inhabiting the new states, must be regarded as the most momentous measure ever presented to the consideration of congress. If such a measure could find any justification, it must arise out of some radical and incurable defect in the construction of the general government properly to administer the public domain. But the existence of any such defect is contradicted by the most successful experience. No branch of the public service has evinced more system, uniformity, and wisdom, or given more general satisfaction, than that of the administration of the public lands.

'If the proposed cession to the new states were to be made at a fair price, such as the general government could obtain from individual purchasers under the present system, there would be no motive for it, unless the new states are more competent to dispose of the public lands than the common government. They are now sold under one uniform plan, regulated and controlled by a single legislative authority, and the practical operation is perfectly understood. If they were transferred to the new states, the subsequent disposition would be according to laws emanating from various legislative sources. Competition would probably arise between the new states, in the terms which they would offer to purchasers. Each state would be desirous of inviting the greatest number of emigrants, not only for the laudable purpose of populating rapidly its own territories, but with the view to the acquisition of funds to enable it to fulfil its engagements with the general government. Collisions between the states would probably arise, and their injurious consequences may be imagined. A spirit of hazardous speculation would be engendered. Various schemes in the new states would be put afloat to sell or divide the public lands. Companies and combinations would be formed in this country, if not in foreign countries, presenting gigantic and tempting but delusive projects; and the history of legislation, in some of the states of the union, admonishes us that a too ready ear is sometimes given by a majority, in a legislative assembly, to such projects.

'A decisive objection to such a transfer, for a fair equivalent, is, that it would establish a new and dangerous relation between the general government and the new states. In abolishing the credit which had been allowed to purchasers of the public lands prior to the year 1820, congress was principally governed by the consideration of the expediency and hazard of accumulating a large amount of debt in the new states, all bordering on each other. Such an accumulation was deemed unwise and unsafe. It presented a new bond of interest, of sympathy, and of union, partially operating to the possible prejudice of the common bond of the whole union. But that debt was a debt due from individuals, and it was attended with this encouraging security, that purchasers, as they successively completed the payments for their lands, would naturally be disposed to aid the government in enforcing payment from delinquents. The project which the committee are now considering, is, to sell to the states, in their sovereign character, and consequently, to render them public debtors to the general government to an immense amount. This would inevitably create

between the debtor states a common feeling and a common interest, distinct from the rest of the union. These states are all in the western and southwestern quarter of the union, remotest from the centre of federal power. The debt would be felt as a load from which they would constantly be desirous to relieve themselves; and it would operate as a strong temptation, weakening, if not dangerous, to the existing confederacy. The committee have the most animating hopes and the greatest confidence in the strength, and power, and durability of our happy union; and the attachment and warm affection of every member of the confederacy cannot be doubted; but we have authority, higher than human, for the instruction, that it is wise to avoid all temptation.

'In the state of Illinois, with a population at the last census of one hundred and fifty-seven thousand four hundred and forty-five, there are thirty-one million three hundred and ninety-five thousand six hundred and sixty-nine acres of public land, including that part on which the Indian title remains to be extinguished. If we suppose it to be worth only half the minimum price, it would amount to nineteen million six hundred and twenty-two thousand four hundred and eighty dollars. How would that state be able to pay such an enormous debt? How could it pay even the annual interest upon it?

'Supposing the debtor states to fail to comply with their engagements, in what mode could they be enforced by the general government? In treaties between independent nations, the ultimate remedy is well known. The apprehension of an appeal to that remedy, seconding the sense of justice and the regard for character, which prevail among christian and civilized nations, constitutes, generally, adequate security for the performance of national compacts. But this last remedy would be totally inadmissible in case of a delinquency on the part of the debtor states. The relations between the general government and the members of the confederacy are happily those of peace, friendship, and fraternity, and exclude all idea of force and war. Could the judiciary coerce the debtor states? On what could their process operate? Could the property of innocent citizens, residing within the limits of those states, be justly seized by the general government, and held responsible for debts contracted by the states themselves in their sovereign character? If a mortgage upon the lands ceded, were retained, that mortgage would prevent or retard subsequent sales by the states; and if individuals bought, subject to the incumbrance, a parental government could never resort to the painful measure of disturbing them in their possessions.

'Delinquency, on the part of the debtor states, would be inevitable, and there would be no effectual remedy for the delinquency. They would come again and again to congress, soliciting time and indulgence, until, finding the weight of the debt intolerable, congress, wearied by reiterated applications for relief, would finally resolve to spunge the debt; or, if congress attempted to enforce its payment, another and a worse alternative would be embraced.

'If the proposed cession be made for a price merely nominal, it would be contrary to the express conditions of the original cessions from primitive states to congress, and contrary to the obligations which the general government stands under to the whole people of these United States, arising out of the fact, that the acquisitions of Louisiana and Florida, and from Georgia, were obtained at a great expense, borne from the common treasure, and incurred for the common benefit. Such a gratuitous cession could not be made without a positive violation of a solemn trust, and without manifest injustice to the old states. And its inequality among the new states would be as marked as its injustice to the old would be indefensible. Thus Missouri, with a population of one hundred and forty thousand four hundred and fifty-five, would acquire thirty-eight million two hundred and ninety-two thousand one hundred and fifty-one acres; and the state of Ohio, with a population of nine hundred and thirty-five thousand eight hundred and eighty-four, would obtain only five million five hundred and eighty-six thousand eight hundred and thirty-four acres. Supposing a division of the land among the citizens of those two states respectively; the citizen of Ohio would obtain less than six acres for his share, and the citizen of Missouri upwards of two hundred and seventy-two acres as his proportion.

'Upon full and thorough consideration, the committee have come to the conclusion, that it is inexpedient either to reduce the price of the public lands, or to cede them to the new states. They believe, on the contrary, that sound policy coincides with the duty which has devolved on the general government to the whole of the states, and the whole of the people of the union, and enjoins the preservation of the existing system, as having been tried and approved, after a long and triumphant experience. But, in consequence of the extraordinary financial prosperity which the United

States enjoys, the question merits examination, whether, whilst the general government steadily retains the control of this great national resource in its own hands, after the payment of the public debt, the proceeds of the sales of the public lands, no longer needed to meet the ordinary expenses of government, may not be beneficially appropriated to some other objects for a limited time.'

The senator from New York has adverted, for another purpose, to the twenty-eight millions of surplus divided a few years ago among the states. He has said, truly, that it arose from the public lands. Was not that, in effect, distribution? Was it not so understood at the time? Was it not voted for, by senators, as practical distribution? The senator from North Carolina, (Mr. Mangum,) has stated that he did. I did. Other senators did; and no one, not the boldest, will have the temerity to rise here and propose to require or compel the states to refund that money. If, in form, it was a deposit with the states, in fact, and in truth, it was distribution. So it was then regarded. So it will ever remain.

Let us now see, Mr. President, how this plan of cession will operate among the new states themselves. And I appeal more especially to the senators from Ohio. That state has about a million and a half of inhabitants. The United States have (as will probably be shown when the returns are published of the late census*) a population of about fifteen millions. Ohio, then, has within her limits one tenth part of the population of the United States. Now, let us see what sort of a bargain the proposed cession makes for Ohio.

[Mr. Allen here interposed, to explain, that the vote he gave for Mr. Calhoun's plan of cession to the new states, was on the ground of substituting that in preference to the plan of distribution among all the states.]

Oh! ho!—ah! is that the ground of the senator's vote?

[Mr. Allen said, he had had a choice between two evils; the amendment of the senator from South Carolina, and the amendment of the senator from Kentucky; and it was well known on this side of the house, that he took the first only as a less evil than the last.]

Well; all I will say is, that the side of the house kept the secret remarkably well. [Loud laughter.] And no one better than the senator himself. There were seventeen votes given in favor of the plan of the senator from South Carolina, to my utter astonishment at the time. I had not expected any other vote for it but that of the senator from South Carolina himself, and the senator from Michigan, (Mr. Norvell.) No other did, or I suppose would rise and vote to cede away, without any just or certain equivalent, more than a billion of acres of public land of the people of the United States. If the vote of the other fifteen senators was also misun-

* The result of the returns has since been announced, and it shows a population of rising seventeen millions. Still Ohio has the proportion supposed, of about one tenth of the population, according to *federal numbers*, which furnish the rate proposed for distribution.

lerstood, in the same way as the senator's from Ohio, I shall be very glad of it.

But I was going to show what sort of a bargain for Ohio her two senators, by their votes, appeared to be assenting to. There are eight hundred thousand acres of public land remaining in Ohio, after being culled for near half a century, thirty-five per centum of the proceeds of which are to be assigned to that state, by the plan of cession. For this trifling consideration, she is to surrender her interest in one hundred and sixty millions of acres; in other words, she is to give sixteen millions, (that being her tenth,) for the small interest secured to her in the eight hundred thousand acres. If, as I believe and have contended, the principle of cession, being once established, would be finally extended to the whole public domain, then Ohio would give one hundred millions of acres of land, (that being her tenth part of the whole of the public lands,) for the comparatively contemptible consideration that she would acquire in the eight hundred thousand acres. A capital bargain this, to which I supposed the two senators had assented, by which, in behalf of their state, they exchanged one hundred millions of acres of land against eight hundred thousand! [A laugh.]

I do not think that the senator's explanation mends the matter much. According to that, he did not vote for cession because he liked cession. No! that is very bad; but, bad as it may be, it is not so great an evil as distribution, and he preferred it to distribution. Let us see what Ohio would get by distribution. Assuming that the public lands will yield only five millions of dollars annually, her proportion, being one tenth, would be half a million of dollars. But I entertain no doubt that, under proper management, in a few years the public lands will produce a much larger sum, perhaps ten or fifteen millions of dollars; so that the honorable senator prefers giving away for a song the interests of his state, presently, in one hundred and sixty millions of acres, and eventually in a billion, to receiving annually, in perpetuity, half a million of dollars, with an encouraging prospect of a large augmentation of that sum. That is the notion which the two senators from Ohio entertain of her interest! Go home, Messieurs Senators from Ohio, and tell your constituents of your votes. Tell them of your preference of a cession of all their interest in the public lands, with the exception of that inconsiderable portion remaining in Ohio, to the reception of Ohio's fair distributive share of the proceeds of all the public lands of the United States, now and hereafter. I do not seek to interfere in the delicate relation between senators and their constituents; but I think I know something of the feelings and views of my neighbors, the people of Ohio. I have recently read an exposition of her true interests and views, in the message of her enlightened governor, directly contrary to those which appear to be

entertained by her two senators; and I am greatly deceived if a large majority of the people of that state do not coincide with their governor.

The unequal operation of the plan of cession among the nine new states, has been, perhaps, sufficiently exposed by others. The states with the smallest population get the most land. Thus Arkansas, with only about one fifteenth part of the population of Ohio, will receive upwards of twenty-eight times as much land as Ohio. The scheme proceeds upon the idea of reversing the maxim of the greatest good to the greatest number, and of substituting the greatest good to the smallest number.

There can be every species of partial distribution of public land or its proceeds, but an honest, impartial, straight-forward distribution among all the states. Can the senator from New York, with his profound knowledge of the constitution, tell me on what constitutional authority it is that lands are granted to the Indians beyond the Mississippi?

[Mr. Wright said, that there was no property acquired, and therefore no constitutional obligation applied.]

And that is the amount of the senator's information of our Indian relations! Why, sir, we send them across the Mississippi, and put them upon our lands, from which all Indian title had been removed. We promise them even the fee simple; but, if we did not, they are at least to retain the possession and enjoy the use of the lands, until they choose to sell them; and the whole amount of our right would be a preëmption privilege of purchase, to the exclusion of all private persons or public authorities, foreign or domestic. This is the doctrine coeval with the colonization of this continent, proclaimed by the king of Great Britain, in his proclamation of 1763, asserted in the conferences at Ghent, and sustained by the supreme court of the United States. Now, such an allotment of public lands to the Indians, whether they acquire the fee or a right of possession, indefinite as to time, is equivalent to any distribution.

Thus, sir, we perceive, that all kinds of distribution of the public lands or their proceeds may be made — to particular states, to preëmptioners, to charities, to objects of education or internal improvement, to foreigners, to Indians, to black, red, white, and gray, to every body, but among all the states of the union. There is an old adage, according to which, charity should begin at home; but, according to the doctrines of the opponents of distribution, it neither begins nor ends at home.

[Here Mr. Clay gave way to an adjournment.]

It is not my intention to inflict upon the senate even a recapitulation of the heads of argument which I had the honor to address

to it yesterday. On one collateral point I desire to supply an omission, as to the trade between this country and France. I stated the fact that, according to the returns of imports and exports, there existed an unfavorable balance against the United States, amounting, exclusively of what is reëxported, to seventeen millions of dollars; but I omitted another important fact, namely, that, by the laws of France, there is imposed on the raw material imported into that kingdom a duty of twenty francs on every hundred kilogrammes, equal to about two cents per pound on American cotton, at the present market price. Now what is the fact as to the comparative rate of duties in the two countries? France imposes on the raw product, (which is the mere commencement of value in articles which, when wrought and finally touched. will be worth two or three hundred fold,) a duty of nearly twenty-five per centum; while we admit, free of duty, or with nominal duties, costly luxuries, the product of French industry and taste, wholly unsusceptible of any additional value by any exertion of American skill or industry. In any thing I have said on this occasion, nothing is further from my intention than to utter one word unfriendly to France. On the contrary, it has been always my desire to see our trade with France increased and extended upon terms of reciprocal benefit. With that view, I was in favor of an arrangement in the tariff of 1832, by which silks imported into the United States from beyond the cape of Good Hope, were charged with a duty of ten per centum higher than those brought from France, and countries this side the cape, especially to encourage the commerce with France.

While speaking of France, allow me to make an observation, although it has no immediate or legitimate connexion with any thing before the senate. It is to embrace the opportunity of expressing my deep regret at a sentiment attributed by the public journals, to a highly distinguished and estimable countryman of ours, in another part of the capitol, which implied a doubt as to the validity of the title of Louis Philippe to the throne of France, inasmuch as it was neither acquired by conquest nor descent, and raising a question as to his being the lawful monarch of the French people. It appears to me, that, after the memorable revolution of July, in which our illustrious and lamented friend, Lafayette, bore a part so eminent and effectual, and the subsequent hearty acquiescence of all France, in the establishment of the Orleans branch of the house of Bourbon upon the throne, the present king has as good a title to his crown as any of the other sovereigns of Europe have to theirs, and quite as good as any which force, or the mere circumstance of birth, could confer. And if an individual so humble and at such a distance as I am, might be allowed to express an opinion on the public concerns of another country and another hemisphere, I would add, that no chief magistrate of any nation, amidst difficulties, public and personal, the most complicated and appalling,

could have governed with more ability, wisdom, and firmness, than have been displayed by Louis Philippe. All christendom owes him an acknowledgment for his recent successful efforts to prevent a war which would have been disgraceful to christian Europe — a war arising from the inordinate pretensions of an upstart Mahometan pacha, a rebel against his lawful sovereign, and a usurper of his rights — a war which, if once lighted up, must have involved all Europe, and have led to consequences which it is impossible to foresee.

I return to the subject immediately before us.

In tracing the history of that portion of our public domain which was acquired by the war of the revolution, we should always recollect the danger to the peace and harmony among the members of the confederacy with which it was pregnant. It prevented for a long time, the ratification of the articles of confederation, by all the states, some of them refusing their assent until a just and equitable settlement was made of the question of the crown lands. The argument they urged as to these lands, in a waste and unappropriated state, was, that they had been conquered by the common valor, the common exertions, and the common sacrifices of all the states; that they ought therefore to be the common property of all the states, and that it would be manifestly wrong and unjust that the states within whose limits these crown lands happened to lie, should exclusively enjoy the benefit of them. Virginia, within whose boundaries by far the greater part of these crown lands were situated, and by whose separate and unaided exertions on the bloody theatre of Kentucky, and beyond the Ohio, under the direction of the renowned George Rogers Clarke, the conquest of most of them was achieved, was, to her immortal honor, among the first to yield to these just and patriotic views, and, by her magnificent grant to the union, powerfully contributed to restore harmony, and quiet all apprehensions among the several states.

Among the objects to be attained by the cession from the states to the confederation of these crown lands, a very important one was to provide a fund to pay the debts of the revolution. The senator from New York, (Mr. Wright,) made it the object of a large part of the argument which he addressed to the senate, to show the contrary; and so far as the mere terms of the deeds of cession are concerned, I admit the argument was sustained. No such purpose appears on the face of the deeds, as far as I have examined them.

[Mr. Wright here interposed, and said, that he had not undertaken to argue that the cessions made by the states to the union, were not for the purpose of extinguishing the public debt, but that they were not exclusively for that purpose.]

It is not material whether they were made for the sole purpose of extinguishing the revolutionary debt or not. I think I shall be

able to show, in the progress of my argument, that, from the moment of the adoption of the federal constitution, the proceeds of the public lands ought to have been divided among the states.

But that the payment of the revolutionary debt was one of the objects of the cession, is a matter of incontestable history. We should have an imperfect idea of the intentions of the parties, if we confined our attention to the mere language of the deeds. In order to ascertain their views, we must examine contemporaneous acts, resolutions, and proceedings. One of these resolutions, clearly manifesting the purpose I have stated, has probably escaped the notice of the senator from New York. It was a resolution of the old congress, adopted in April, 1783, preceding the final cession from Virginia, which was in March, 1784. There had been an attempt to make the cession as early as 1781, but, owing to the conditions with which it was embarrassed, and other difficulties, the cession was not consummated until March, 1784. The resolution I refer to, bears a date prior to that of the cession, and must be taken with it, as indicative of the motives which probably operated on Virginia to make, and the confederation to accept, that memorable grant. I will read it.

'Resolved, that as a further mean, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States, it be recommended to the states which have passed no acts towards complying with the resolutions of congress of the sixth of September and tenth of October, 1780, relative to the cession of territorial claims, to make the liberal cessions therein recommended, and to the states which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance.'

That was one of the great objects of the cession. Seven of the old thirteen states had waste crown lands within their limits; the other six had none. These complained that what ought to be regarded as property common to them all, would accrue exclusively to the seven states, by the operation of the articles of confederation; and, therefore, for the double purpose of extinguishing the revolutionary debt, and of establishing harmony among the states of the union, the cession of those lands to the United States was recommended by congress.

And here let us pause for a moment, and contemplate the proposition of the senator from South Carolina, and its possible consequences. We have seen that the possession by seven states of these public lands, won by the valor of the whole thirteen, was cause of so much dissatisfaction to the other six as to have occasioned a serious impediment to the formation of the confederacy; and we have seen that, to remove all jealousy and disquietude on that account, in conformity with the recommendation of congress, the seven states, Virginia taking the lead, animated by a noble spirit of justice and patriotism, ceded the waste lands to the United States, for the benefit of all the states. Now what is the measure

of the senator from South Carolina? It is in effect to restore the discordant and menacing state of things, which existed in 1783, prior to any cession from the states. It is worse than that. For it proposes that seventeen states shall give up immediately or eventually all their interest in the public lands, lying in nine states, to those nine states. Now if the seven states had refused to cede at all, they could at least have asserted that they fought Great Britain for these lands, as hard as the six. They would have had, therefore, the apparent right of conquest, although it was a common conquest. But the senator's proposition is, to cede these public lands from the states which fought for them in the revolutionary war, to states that neither fought for them nor had existence during that war. If the apprehension of an appropriation of these lands, to the exclusive advantage of the seven states, was nigh preventing the establishment of the union, can it be supposed that its security and harmony will be unaffected by a transfer of them from seventeen to nine states? But the senator's proposition goes yet further. It has been shown that it will establish a precedent, which must lead to a cession from the United States of all the public domain, whether won by the sword or acquired by treaties with foreign powers, to new states, as they shall be admitted into the union.

In the second volume of the laws of the United States, will be found the act, known as the funding act, which passed in the year 1790. By the last section of that act, the public lands are pledged, and pledged exclusively, to the payment of the revolutionary debt, until it should be satisfied. Thus, we find, prior to the cession, an invitation from congress, to the states, to cede the waste lands, among other objects, for the purpose of paying the public debt; and, after the cessions were made, one of the earliest acts of congress pledged them to that object. So the matter stood whilst that debt hung over us. During all that time, there was a general acquiescence in the dedication of the public lands to that just object. No one thought of disturbing the arrangement. But when the debt was discharged, or rather when, from the rapidity of the process of its extinction, it was evident that it would soon be discharged, attention was directed to a proper disposition of the public lands. No one doubted the power of congress to dispose of them according to its sound discretion. Such was the view of president Jackson, distinctly communicated to congress, in the message which I have already cited.

'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 bona fide disposed of for that purpose, and for no other use or purpose whatsoever.'

The territory conveyed was to be regarded as an inviolable fund, for the use and benefit of such states as were admitted, or might be admitted into the union, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure. It was to be faithfully and bona fide administered for that sole purpose, and for no other purpose whatever.

Where, then, is the authority for all those wild, extravagant, and unjust projects, by which, instead of administration of the ceded

territory for all the states, and all the people of the union, it is to be granted to particular states, wasted in schemes of graduation and preëmption, for the benefit of the trespasser, the alien, and the speculator?

The senator from New York, pressed by the argument as to the application of the fund to the separate use of the states, deducible from the phrases in the deed, 'Virginia inclusive,' said, that they were necessary, because, without them, Virginia would have been entitled to no part of the ceded lands. No? Were they not ceded to the United States? was she not one of those states? and did not the grant to them include her? Why, then, were the words inserted? Can any other purpose be imagined, than that of securing to Virginia her separate or 'respective' proportion? The whole paragraph, cautiously and carefully composed, clearly demonstrates, that, although the fund was to be common, the title common, the administration common, the use and benefit were to be separate among the several states, in the defined proportions.

The grant was for the benefit of the states, 'according to their usual respective proportions in the common charge and expenditure.' Bear in mind the date of the deed; it was in 1784 — before the adoption of the present constitution, and whilst the articles of confederation were in force. What, according to them, was the mode of assessing the quotas of the different states towards the common charge and expenditure? It was made upon the basis of the value of all the surveyed land, and the improvements in each state. Each state was assessed according to the aggregate value of surveyed land, and improvements within its limits. After that was ascertained, the process of assessment was this; suppose there were five millions of dollars required to be raised, for the use of the general government, and one million of that five were the proportion of Virginia; there would be an account stated on the books of the general government with the state of Virginia, in which she would be charged with that million. Then there would be an account kept for the proceeds of the sales of the public lands; and, if these amounted to five millions of dollars also, Virginia would be credited with one million, being her fair proportion; and thus the account would be balanced. It is unnecessary to pursue the process with all the other states; this is enough to show that, according to the original contemplation of the grant, the common fund was for the separate benefit of the states; and that, if there had been no change in the form of government, each would have been credited with its share of the proceeds of the public lands in its account with the general government. Is not this indisputable? But let me suppose that Virginia, or any other state, had said to the general government, 'I choose to receive my share of the proceeds of the public lands into my separate treasury; pay it to me, and I will provide in some other mode more agreeable to me,

for the payment of my assessed quota of the expenses of the general government;' can it be doubted that such a demand would have been legitimate, and perfectly compatible with the deed of cession? Even under our present system, you will recollect, sir, that, during the last war, any state was allowed to assume the payment of its share of the direct tax, and raise it, according to its own pleasure or convenience, from its own people, instead of the general government's collecting of it.

From the period of the adoption of the present constitution of the United States, the mode of raising revenue, for the expenses of the general government, has been changed. Instead of acting upon the states, and through them upon the people of the several states, in the form of assessed quotas or contributions, the general government now acts directly upon the people themselves, in the form of taxes, duties, or excises. Now, as the chief source of revenue raised by this government is from foreign imports, and as the consumer pays the duty, it is entirely impracticable to ascertain how much of the common charge and general expenditure is contributed by any one state to the union.

By the deed of cession, a great and a sacred trust was created. The general government was the trustee, and the states were the *cestui que* trust. According to the trust, the measure of benefit accruing to each state from the ceded lands, was to be the measure of burden which it bore in the general charge and expenditure. But, by the substitution of a new rule of raising revenue to that which was in contemplation at the time of the execution of the deed of cession, it has become impossible to adjust the exact proportion of burden and benefit with each other. The measure of burden is lost, although the subject remains, which was to be apportioned according to that measure. Who can now ascertain, whether any one of the states has received, or is receiving a benefit from the ceded lands, proportionate to its burden in the general government? Who can know that we are not daily violating the rule of apportionment prescribed by the deed of cession? To me, it appears clear, that, either from the epoch of the establishment of the present constitution, or certainly from that of the payment of the revolutionary debt, the proceeds of the public lands being no longer applied by the general government, according to that rule, they ought to have been transferred to the states, upon some equitable principle of division, conforming as nearly as possible to the spirit of the cessions. The trustee not being able, by the change of government, to execute the trust agreeably to the terms of the trust, ought to have done, and ought yet to do, that which a chancellor would decree, if he had jurisdiction of the case — make a division of the proceeds among the states, upon some rule, approximating as nearly as practicable to that of the trust. And what rule can so well fulfil this condition, as that which was introduced in the bill which I

presented to the senate, and which is contained in my colleague's amendment? That rule is founded on federal numbers, which are made up of all the inhabitants of the United States other than the slaves, and three fifths of them. The south, surely, should be the last section to object to a distribution founded on that rule. And yet, if I rightly understood one of the dark allusions of the senator from South Carolina, (Mr. Calhoun,) he has attempted to excite the jealousy of the north on that very ground. Be that as it may, I can conceive of no rule more equitable than that compound one, and I think that will be the judgment of all parts of the country, the objection of that senator notwithstanding. Although slaves are, in a limited proportion, one of the elements that enter into the rule, it will be recollected that they are both consumers and the objects of taxation.

It has been argued that since the fund was to be a common one, and its administration was to be by the general government, the fund ought to be used also by that government to the exclusion of the states separately. But that is a *non sequitur*. It may be a common fund, a common title, and a common or single administration; but is there any thing, in all that, incompatible with a periodical distribution of the profits of the fund among the parties for whose benefit the trust was created? What is the ordinary case of tenants in common? There the estate is common, the title is common, the defence against all attacks is common; but the profits of the estate go to the separate use of, and are enjoyed by, each tenant. Does it therefore cease to be an estate in common?

Again. There is another view. It has been argued, from the fact that the ceded lands in the hands of the trustee were for the common benefit, that that object could be no otherwise accomplished, than to use them in the disbursements of the general government; that the general government only must expend them. Now, I do not admit that. In point of fact, the general government would continue to collect and receive the fund, and as a trustee, would pay over to each state its distributive share.

The public domain would still remain in common. Then, as to the expenditure, there may be different modes of expenditure. One is, for the general government itself to disperse it, in payments to the civil list, the army, the navy, and so forth. Another is, by distributing it among the states, to constitute them so many agencies, through which the expenditure is effected. If the general government and the state governments were in two different countries, if they had entirely distinct and distant theatres of action, and operated upon different races of men, it would be another case; but here the two systems of government, although for different purposes, are among the same people, and the constituency of both of them is the same. The expenditure, whether made by the one govern-

ment directly, or through the state governments as agencies, is all for the happiness and prosperity, the honor and the glory, of one and the same people.

The subject is susceptible of other illustrations, of which I will add one or two. Here is a fountain of water held in common by several neighbors living around it. It is a perennial fountain; deep, pure, copious, and salubrious. Does it cease to be common because some equal division is made by which the members of each adjacent family dip their vessels into it, and take out as much as they want? A tract of land is held in common by the inhabitants of a neighboring village. Does it cease to be a common property because each villager uses it for his particular beasts? A river is the common highroad of navigation to conterminous powers or states. Does it cease to be common because on its bosom are borne vessels bearing the stripes and the stars, or the British cross? These, and other examples which might be given, prove that the argument, on which so much reliance has been placed, is not well founded, that, because the public domain is held for the common benefit of the states, there can be no other just application of its proceeds than through the direct expenditures of the general government.

I might have avoided most of this consumption of time by following the bad example of quoting from my own productions; and I ask the senate to excuse one or two citations from the report I made in 1834, in answer to the veto message of president Jackson, as they present a condensed view of the argument which I have been urging. Speaking of the cession from Virginia, the report says:

'This deed created a trust in the United States which they are not at liberty to violate. But the deed does not require that the fund should be disbursed in the payment of the expenses of the general government. It makes no such provision in express terms, nor is such a duty on the part of the trustee fairly deducible from the language of the deed. On the contrary, the language of the deed seems to contemplate a separate use and enjoyment of the fund by the states individually, rather than a preservation of it for common expenditure. The fund itself is to be a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation or federal alliance, Virginia inclusive. The grant is not for the benefit of the confederation, but for that of the several states which compose the confederation. The fund is to be under the management of the confederation collectively, and is so far a common fund; but it is to be managed for the use and benefit of the states individually, and is so far a separate fund under a joint management. Whilst there was a heavy debt existing, created by the war of the revolution, and by a subsequent war, there was a fitness in applying the proceeds of a common fund to the discharge of a common debt, which reconciled all; but the debt being now discharged, and the general government no longer standing in need of the fund, there is evident propriety in a division of it among those for whose use and benefit it was originally designed, and whose wants require it. And the committee cannot conceive how this appropriation of it, upon principles of equality and justice among the several states, can be regarded as contrary to either the letter or spirit of the deed.'

The senator from New York, assuming that the whole debt of the revolution has not yet been paid by the proceeds of the public

lands, insists that we should continue to retain the avails of them until a reimbursement shall have been effected of all that has been applied to that object. But the public lands were never set apart or relied upon as the exclusive resource for the payment of the revolutionary debt. To give confidence to public creditors, and credit to the government, they were pledged to that object, along with other means applicable to its discharge. The debt is paid, and the pledge of the public lands has performed its office. And who paid what the lands did not? Was it not the people of the United States? — those very people to whose use, under the guardianship of their states, it is now proposed to dedicate the proceeds of the public lands? If the money had been paid by a foreign government, the proceeds of the public lands, in honor and good faith, would have been bound to reimburse it. But our revolutionary debt, if not wholly paid by the public lands, was otherwise paid out of the pockets of the people who own the lands; and if money has been drawn from their pockets for a purpose to which these lands were destined, it creates an additional obligation upon congress to replace the amount so abstracted, by distributing the proceeds among the states for the benefit and the reimbursement of the people.

But the senator from New York has exhibited a most formidable account against the public domain, tending to show, if it be correct, that what has been heretofore regarded, at home and abroad, as a source of great national wealth, has been a constant charge upon the treasury, and a great loss to the country. The credit side, according to his statement, was, I believe, one hundred and twenty millions, but the debit side was much larger.

It is scarcely necessary to remark, that it is easy to state an account presenting a balance on the one side or the other, as may suit the taste or views of the person making it up. This may be done by making charges that have no foundation, or omitting credits that ought to be allowed, or by both. The most certain operation is the latter, and the senator, who is a pretty thorough-going gentleman, has adopted it.

The first item that I shall notice, with which, I think, he improperly debits the public lands, is a charge of eighty odd millions of dollars for the expense of conducting our Indian relations. Now, if this single item can be satisfactorily expunged, no more need be done to turn a large balance in favor of the public lands. I ask, then, with what color of propriety can the public lands be charged with the entire expense incident to our Indian relations? If the government did not own an acre of public lands, this expense would have been incurred. The aborigines are here; our fathers found them in possession of this land, these woods, and these waters. The preservation of peace with them; the fulfilment of the duties of humanity towards them; their civilization, education,

conversion to christianity, friendly and commercial intercourse; these are the causes of the chief expenditure on their account, and they are quite distinct from the fact of our possessing the public domain. When every acre of that domain has gone from you, the Indian tribes, if not in the mean time extinct, may yet remain, imploring you, for charity's sake, to assist them, and to share with them those blessings, of which, by the weakness of their nature, or the cruelty of your policy, they have been stripped. Why, especially, should the public lands be chargeable with that large portion of the eighty odd millions of dollars, arising from the removal of the Indians from the east to the west side of the Mississippi? They protested against it. They entreated you to allow them to remain at the homes and by the sides of the graves of their ancestors; but your stern and rigorous policy would not allow you to listen to their supplication. The public domain, instead of being justly chargeable with the expense of their removal, is entitled to a large credit for the vast territorial districts beyond the Mississippi, which it furnished for the settlement of the emigrant Indians.

I feel that I have not strength to go through all the items of the senator's account, nor need I. The deduction of this single item will leave a net balance in favor of the public lands of between sixty and seventy millions of dollars.

What, after all, is the senator's mode of stating the account with the public lands? Has he taken any other than a mere counting-house view of them? Has he exhibited any thing more than any sub-accountant or clerk might make out in any of the departments, as probably it was prepared, cut and dry, to the senator's hands? Are there no higher or more statesman-like views to be taken of the public lands, and of the acquisitions of Louisiana and Florida, than the account of dollars and cents which the senator has presented? I have said that the senator, by the double process of erroneous insertion, and unjust suppression of items, has shaped an account to suit his argument, which presents any thing but a full and fair statement of the case. And is it not so? Louisiana cost fifteen millions of dollars. And if you had the power of selling, how many hundred millions of dollars would you now ask for the states of Louisiana, Missouri, and Arkansas — people, land, and all? Is the sovereignty which you acquired of the two provinces of Louisiana and Florida nothing? Are the public buildings, and works, the fortifications, cannon, and other arms, independent of the public lands, nothing? Is the navigation of the great father of waters, which you secured from the head to the mouth, on both sides of the river, by the purchase of Louisiana, to the total exclusion of all foreign powers, not worthy of being taken into the senator's estimate of the advantages of the acquisition? Who, at all acquainted with the history and geography of this

continent, does not know that the Mississippi could not have remained in the hands, and its navigation continued subject to the control, of a foreign power, without imminent danger to the stability of the union? Is the cost of the public domain undeserving of any credit on account of the vast sums which, during the greater part of this century, you have been receiving into the public treasury from the custom-houses of New Orleans and Mobile? Or on account of the augmentation of the revenue of the government, from the consumption of dutiable articles by the population within the boundaries of the two former provinces? The national benefits and advantages accruing from their possession have been so various and immense, that it would be impossible to make any mere pecuniary estimate of them. In any aspect of the subject, the senator's petty items of Indian annuities must appear contemptible in comparison with these splendid national acquisitions.

But the public lands are redeemed. They have long been redeemed. President Jackson announced, more than eight years ago, an incontestable truth, when he stated, that they might be considered as relieved from the pledge which had been made of them, the object having been accomplished for which they were ceded, and that it was in the discretion of congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people. That which congress has the power to do, by an express grant of authority in the constitution, it is, in my humble opinion, imperatively bound to do by the terms of the deed of cession. Distribution, and only distribution, of the proceeds of the public lands, among the states, upon the principles proposed, will conform to the spirit, and execute the trust, created in the deeds of cession. Each state, upon grounds of strict justice, as well as equity, has a right to demand its distributive share of those proceeds. It is a debt which this government owes to every state — a debt, payment of which might be enforced by process of law, if there were any forum, before which the United States could be brought.

And are there not, sir, existing at this moment the most urgent and powerful motives for this dispensation of justice to the states at the hands of the general government? A stranger listening to the argument of the senator from New York, would conclude that we were not one united people, but that there were two separate and distinct nations; one acted upon by the general government, and the other by the state governments. But is that a fair representation of the case? Are we not one and the same people, acted upon, it is true, by two systems of government, two sets of public agents; the one established for general, and the other for local purposes? The constituency is identical, although it is doubly governed. It is the bounden duty of those who are charged with the administration of each system, so to administer it as

to do as much good and as little harm as possible, within the scope of their respective powers. They should also each take into view the defects in the powers, or defects in the administration of the powers, of the other, and endeavor to supply them, as far as its legitimate authority extends, and the wants or necessities of the people require. For, if distress, adversity, and ruin come upon our constituents from any quarter, should they not have our active exertions to relieve them, as well as all our sympathies and our deepest regrets? It would be but a poor consolation to the general government, if such were the fact, that this unhappy state of things was produced by the measures and operation of the state governments, and not by its own. And if the general government, by a seasonable and legitimate exercise of its authority, could relieve the people, and would not relieve them, the reproaches due to it would be quite as great as if that government itself, and not the state governments, had brought these distresses upon the people.

The powers of taxation possessed by the general government are unlimited. The most fruitful and the least burdensome modes of taxation are confided to this government exclusive of the states. The power of laying duties on foreign imports is entirely monopolized by the federal government. The states have only the power of direct or internal taxation. They have none to impose duties on imports, not even luxuries; we have. And what is their condition at this moment? Some of them are greatly in debt, at a loss even to raise means to pay the interest upon their bonds. These debts were contracted under the joint encouragement of the recommendation of this government and prosperous times, in the prosecution of the laudable object of internal improvements. They may have pushed, in some instances, their schemes too far; but it was in a good cause, and it is easy to make reproaches when things turn out ill.

And here let me say, that, looking to the patriotic object of these state debts, and the circumstances under which they were contracted, I saw with astonished and indignant feelings a resolution submitted o the senate, at the last session, declaring that the general governnent would not assume the payment of them. A more wicked, malignant, Danton-like proposition was never offered to the consideration of any deliberative assembly. It was a *negative* proposition, not a negative of any affirmative resolution presented to the senate; for no such affirmative resolution was offered by any one, nor do I believe was ever thought or dreamed of by any one. When, where, by whom, was the extravagant idea ever entertained, of an assumption of the state debts by the general government? There was not a solitary voice raised in favor of such a measure in this senate. Would it not have been time enough to have denounced assumption when it was seriously proposed? Yet, at

a moment when the states were greatly embarrassed, when their credit was sinking, at this critical moment, was a measure brought forward, unnecessarily, wantonly, and gratuitously, made the subject of an elaborate report, and exciting a protracted debate, the inevitable effect of all which must have been to create abroad distrust in the ability and good faith of the debtor states. Can it be doubted, that a serious injury was inflicted upon them by this unprecedented proceeding? Nothing is more delicate than credit or character. Their credit cannot fail to have suffered in the only place where capital could be obtained, and where at that very time some of the agents of the states were negotiating with foreign bankers. About that period, one of the senators of this body had in person gone abroad for the purpose of obtaining advances of money on Illinois stock.

The senator from New York said, that the European capitalists had fixed the value of the state bonds of this country at fifty per centum; and therefore it was a matter of no consequence what might be said about the credit of the states here. But the senator is mistaken, or I have been entirely misinformed. I understand that some bankers have limited their advances upon the amount of state bonds, prior to their actual sale, to fifty per centum, in like manner as commission merchants will advance on the goods consigned to them, prior to their sale. But in such an operation it is manifestly for the interest of the states, as well as the bankers, that the bonds should command in the market as much as possible above the fifty per centum; and any proceeding which impairs the value of the bonds must be injurious to both. In any event, the loss would fall upon the states; and that this loss was aggravated by what occurred here, on the resolution to which I have referred, no one, at all acquainted with the sensitiveness of credit and of capitalists, can hesitate to believe. My friends and I made the most strenuous opposition to the resolution, but it was all unavailing, and a majority of the senate adopted the report of the committee, to which the resolution had been referred. We urged the impolicy and injustice of the proceeding; that no man in his senses would ever propose the assumption of the state debts; that no such proposal had, in fact, been made; that the debts of the states were unequal in amount, contracted by states of unequal population, and that some states were not in debt at all. How, then, was it possible to think of a general assumption of state debts? Who could conceive of such a proposal? But there is a vast difference between our paying *their* debts *for* them, and paying *our own* debts *to* them, in conformity with the trusts arising out of the public domain, which the general government is bound to execute.

Language has been held in this chamber, which would lead any one who heard it to believe, that some gentlemen would take delight in seeing states dishonored, and unable to pay their bonds.

If such a feeling does really exist, I trust it will find no sympathy with the people of this country, as it can have none in the breast of any honest man. When the honorable senator from Massachusetts, (Mr. Webster,) the other day uttered, in such thrilling language, the sentiment, that honor and probity bound the states to the faithful payment of all their debts, and that they would do it, I felt my bosom swelling with patriotic pride; pride, on account of the just and manly sentiment itself; and pride, on account of the beautiful and eloquent language, in which that noble sentiment was clothed. Dishonor American credit! Dishonor the American name! Dishonor the whole country! Why, sir, what is national character, national credit, national honor, national glory, but the aggregate of the character, the credit, the honor, the glory, of the parts of the nation? Can the parts be dishonored, and the whole remain unsullied? Or can the whole be blemished, and the parts stand pure and untainted? Can a younger sister be disgraced, without bringing blushes and shame upon the whole family? Can our young sister, Illinois, (I mention her only for illustration, but with all feelings and sentiments of fraternal regard,) can she degrade her character as a state, without bringing reproach and obloquy upon all of us? What has made England, our country's glorious parent — although she has taught us the duty of eternal watchfulness, to repel aggression, and maintain our rights against even her — what has made England the wonder of the world? What has raised her to such preëminence in wealth, power, empire, and greatness, at once the awe and the admiration of nations? Undoubtedly, among the prominent causes, have been the preservation of her credit, the maintenance of her honor, and the scrupulous fidelity with which she has fulfilled her pecuniary engagements, foreign as well as domestic. An opposite example of a disregard of national faith and character presents itself in the pages of ancient history. Every schoolboy is familiar with the phrase, 'Punic faith,' which at Rome became a by-word and a reproach against Carthage, in consequence of her notorious violations of her public engagements. The stigma has been transmitted down to the present time, and will remain for ever uneffaced. Who would not lament that a similar stigma should be affixed to any member of our confederacy? If there be any one so thoroughly imbued with party spirit, so destitute of honor and morality, so regardless of just feelings of national dignity and character, as to desire to see any of the states of this glorious union dishonored, by violating their engagements to foreigners, and refusing to pay their just debts, I repel and repudiate him and his sentiments as unworthy of the American name, as sentiments dishonest in themselves, and neither entertained nor approved by the people of the United States.

Let us not be misunderstood, or our feelings and opinions be perverted. What is it that we ask? That this government shall

assume the debts of the states? Oh! no, no. The debts of Pennsylvania, for example? (which is, I believe, the most indebted of all the states.) No, no; far from it. But, seeing that this government has the power, and, as I think, is under a duty, to distribute the proceeds of the public lands; and that it has the power, which the states have not, to lay duties on foreign luxuries; we propose to make that distribution, pay *our* debt to the states, and save the states, to that extent at least, from the necessity of resorting to direct taxation, the most onerous of all modes of levying money upon the people. We propose to supply the deficiency produced from the withdrawal of the land fund by duties on luxuries, which the wealthy only will pay, and so far save the states from the necessity of burdening the poor. We propose, that, by a just exercise of incontestable powers possessed by this government, we shall go to the succor of all the states, and, by a fair distribution of the proceeds of the public lands among them, avert, as far as that may avert, the ruin and dishonor with which some of them are menaced. We propose, in short, such an administration of the powers of this government as shall protect and relieve our common constituents from the embarrassments to which they may be exposed from the defects in the powers or in the administration of the state governments.

Let us look a little more minutely at consequences. The distributive share of the state of Illinois in the land proceeds would be, according to the present receipts from the public lands, about one hundred thousand dollars. We make distribution, and she receives it. To that extent it would, then, relieve her from direct taxation, to meet the debt which she has contracted, or it would form the basis of new loans to an amount equal to about two millions. We refuse to make distribution. She must levy the hundred thousand dollars upon her population, in the form of direct taxation. And, if I am rightly informed, her chief source of revenue is a land tax, the most burdensome of all taxes. If I am misinformed, the senators from Illinois can correct me.

[Here Messrs. Robinson and Young explained, stating that there was an additional source in a tax on the stock in the state bank.]

Still the land tax is, as I had understood, the principal source of the revenue of Illinois.

We make distribution, and, if necessary, we supply the deficiency which it produces by an imposition of duties on luxuries, which Illinois cannot tax. We refuse it, and, having no power herself to lay a duty on any foreign imports, she is compelled to resort to the most inconvenient and oppressive of all the modes of taxation. Every vote, therefore, which is given against distribution, is a vote, in effect, given to lay a land tax on the people of Illinois. Worse than that, it is a vote, in effect, refusing to tax the luxuries of the

rich, and rendering inevitable the taxation of the poor — that poor in whose behalf we hear, from the other side of the chamber, professions of such deep sympathy, interest, and devotion! In what attitude do gentlemen place themselves who oppose this measure — gentlemen who taunt us as the aristocracy, as the friends of the banks, and so forth — gentlemen who claim to be the peculiar guardians of the democracy? How do they treat the poor? We have seen, at former sessions, a measure warmly espoused, and finally carried by them, which they represented would reduce the wages of labor. At this session, a tax, which would be borne exclusively by the rich, encounters their opposition. And now we have proposed another mode of benefiting the poor, by distribution of the land proceeds, to prevent their being borne down and oppressed by direct taxation; and this, too, is opposed from the same quarter! These gentlemen will not consent to lay a tax on the luxuries of the affluent, and, by their votes, insist upon leaving the states under the necessity of imposing direct taxes on the farmer, the laboring man, the poor, and all the while set up to be the exclusive friends of the poor! [A general laugh.] Really, sir, the best friends appear to be the worst enemies of the poor, and their greatest enemies their best friends.

The gentlemen opposed to us have frightened themselves, and have sought to alarm others, by imaginary dangers to spring from this measure of distribution. Corruption, it seems, is to be the order of the day! If I did not misunderstand the senator from South Carolina, he apprised us of the precise sum — one million of dollars — which was adequate to the corruption of his own state. He knows best about that; but I should be sorry to think that fifty millions of dollars could corrupt my state. What may be the condition of South Carolina at this time I know not; there is so much fog enveloping the dominant party, that it is difficult to discern her present latitude and longitude. What she was in her better days — in the days of her Rutledges, Pinckneys, Sumpters, Lowndeses, Cheveses — we all well know, and I will not inflict pain on the senator by dwelling on it. It is not for me to vindicate her from a charge so degrading and humiliating. She has another senator here, far more able and eloquent than I am to defend her. Certainly I do not believe, and should be most unwilling to think, that her senator had made a correct estimate of her moral power.

It has been, indeed, said, that our whole country is corrupt; that the results of recent elections were brought about by fraudulent means; and that a foreign influence has produced the great political revolution which has just taken place. I pronounce that charge a gross, atrocious, treasonable libel on the people of this country, on the institutions of this country, and on liberty itself. I do not attribute this calumny to any member of this body. I hope there

is none who would give it the slightest countenance. But I do charge it upon some of the newspapers in the support of the other party. And it is remarkable, that the very press which originates and propagates this foul calumny of foreign influence has indicated the right of unnaturalized foreigners to mingle, at the polls, in our elections; and maintained the expediency of their owning portions of the soil of our country, before they have renounced their allegiance to foreign sovereigns.

I will not consume the time of the senate in dwelling long upon the idle and ridiculous story about the correspondence between the London bankers and some Missouri bankers — a correspondence which was kept safely until after the presidential election, in the custody of the directors of what is vaunted as a genuine locofoco bank in that state, when it was dragged out by a resolution of the legislature, authorizing the sending for persons and papers. It was then blazed forth as conclusive and damning evidence of the existence of a foreign influence in our presidential election. And what did it all amount to? These British bankers are really strange fellows. They are foolish enough to look to the safety of their money advanced to foreigners! If they see a man going to ruin, they will not lend him; and if they see a nation pursuing the same road, they are so unreasonable as to decline vesting their funds in its bonds. If they find war threatened, they will speculate on the consequences; and they will indulge in conjectures about the future condition of a country in given contingencies! Very strange! They have seen — all the world is too familiar with — these embarrassments and distresses brought upon the people of the United States, by the measures of Mr. Van Buren and his illustrious predecessor. They conclude, that, if he be reëlected, 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 reëlected; but that, if his competitor should succeed, they will rise in value, and sell more readily in the market. And these opinions and speculations of the English bankers, carefully concealed from the vulgar gaze of the people, and locked up in the vaults of a locofoco bank, (what wonders they may have wrought there, have not been disclosed,) are dragged out and paraded, as full proof of the corrupt exercise of a foreign influence in the election of general Harrison, as president of the United States. Why, sir, the amount of the whole of it is, that the gentlemen, calling themselves, most erroneously, the democratic party, have administered the government so badly, that they have lost all credit and confidence at home and abroad, and because the people of the United States have

refused to trust them any longer, and foreign bankers will not trust them either, they utter a whining cry that their recent signal defeat has been the work of foreign influence! [Loud laughter in the galleries.]

Democratic party! They have not the slightest pretension to this denomination. In the school of 1798, in which I was taught, and to which I have ever faithfully adhered, we were instructed to be watchful and jealous of executive power, enjoined to practice economy in the public disbursements, and urged to rally around the people, and not attach ourselves to the presidential car. This was Jefferson's democracy. But the modern democrats, who have assumed the name, have reversed all these wholesome maxims, and have given to democracy a totally different version. They have run it down, as they have run down, or at least endangered, state rights, the right of instruction — admirable in their proper sphere — and all other rights, by perversion and extravagance. But, thank God, true democracy and true democrats have not been run down. Thousands of those who have been deceived and deluded by false colors, will now eagerly return to their ancient faith, and unite, under Harrison's banner, with their old and genuine friends and principles, as they were held at the epoch of 1798. We shall, I trust, be all once more united as a fraternal band, ready to defend liberty against all dangers that may threaten it at home, and the country against all that shall menace it from abroad.

But to return from this digression to the patriotic apprehension, entertained by senators, of corruption, if the proceeds of the public lands should be distributed among the states. If, in the hands of the general government, the land fund does not lead to corruption, why should it in the hands of the state governments? Is there less danger from the fund if it remain undivided and concentrated, than if it be distributed? Are the state governments more prone to corruption than the federal government? Are they more wasteful and extravagant in the expenditure of the money of the people? I think that if we are to consult purity and economy, we shall find fresh motives for distribution.

Mr. President, two plans of disposing of the vast public domain belonging to the United States, have been, from time to time, submitted to the consideration of congress and the public. According to one of them, it should not be regarded as a source of revenue, either to the general or to the state government. That, I have, I think, clearly demonstrated, although the supporters of that plan do press the argument of revenue whenever the rival plan is brought forward. They contend that the general government, being unfit, or less competent than the state governments, to manage the public lands, it ought to hasten to get rid of them, either by reduction of the price, by donation, by preëmptions, or by cessions to certain states, or by all these methods together.

Now, sir, it is manifest that the public lands cannot be all settled in a century or centuries to come. The progress of their settlement is indicated by the growth of the population of the United States. There have not been, on an average, five millions of acres per annum sold, during the last half century. Larger quantities will be probably hereafter, although not immediately, annually sold. Now, when we recollect that we have at least a billion of acres to dispose of, some idea may be entertained, judging from the past, of the probable length of time before the whole is sold. Prior to their sale and settlement, the unoccupied portion of the public domain must remain either in the hands of the general government, or in the hands of the state governments, or pass into the hands of speculators. In the hands of the general government, if that government shall perform its duty, we know that the public lands will be distributed on liberal, equal, and moderate terms. The worst fate that can befall them, would be for them to be acquired by speculators. The emigrant and settler would always prefer purchasing from government, at fixed and known rates, rather than from the speculator, at unknown rates, fixed by his cupidity or caprice. But, if they are transferred from the general government, the best of them will be engrossed by speculators. That is the inevitable tendency of reduction of the price by graduation, and of cession to the states within which they lie.

The rival plan is, for the general government to retain the public domain, and make distribution of the proceeds, in time of peace, among the several states, upon equal and just principles, according to the rule of federal numbers, and, in time of war, to resume the proceeds for its vigorous prosecution. We think that the administration of the public lands had better remain with the common government, to be regulated by uniform principles, than confided to the states, to be administered according to various, and, perhaps, conflicting views. As to that important part of them which was ceded by certain states to the United States, for the common benefit of all the states, a trust was thereby created, which has been voluntarily accepted by the United States, and which they are not at liberty now to decline or transfer. The history of public lands held in the United States, demonstrates that they have been wasted or thrown away by most of the states that owned any, and that the general government has displayed more judgment and wisdom in the administration of them than any of the states. Whilst it is readily admitted that revenue should not be regarded as the sole or exclusive object, the pecuniary advantages which may be derived from this great national property, to both the states and the union, ought not to be altogether overlooked.

The measure which I have had the honor to propose, settles this great and agitating question for ever. It is founded upon no partial and unequal basis, aggrandizing a few of the states to the prejudice

of the rest. It stands on a just, broad, and liberal foundation. It is a measure applicable not only to the states now in being, but to the territories, as states shall hereafter be formed out of them, and to all new states, as they shall rise, tier behind tier, to the Pacific ocean. It is a system operating upon a space almost boundless, and adapted to all future time. It was a noble spirit of harmony and union that prompted the revolutionary states originally to cede to the United States. How admirably does this measure conform to that spirit, and tend to the perpetuity of our glorious union! The imagination can hardly conceive one fraught with more harmony and union among the states. If to the other ties that bind us together as one people be superadded the powerful interest springing out of a just administration of our exhaustless public domain, by which, for a long succession of ages, in seasons of peace, the states will enjoy the benefit of the great and growing revenue which it produces, and in periods of war that revenue will be applied to the prosecution of the war, we shall be for ever linked together with the strength of adamantine chains. No section, no state, would ever be mad enough to break off from the union, and deprive itself of the inestimable advantages which it secures. Although thirty or forty more new states should be admitted into this union, this measure would cement them all fast together. The honorable senator from Missouri, near me, (Mr. Linn,) is very anxious to have a settlement formed at the mouth of the Oregon, and he will probably be gratified at no very distant day. Then will be seen members of congress from the Pacific states scaling the Rocky mountains, passing through the country of the grizzly bear, descending the turbid Missouri, entering the father of rivers, ascending the beautiful Ohio, and coming to this capitol, to take their seats in its spacious and magnificent halls. Proud of the commission they bear, and happy to find themselves here in council with friends, and brothers, and countrymen, enjoying the incalculable benefits of this great confederacy, and, among them, their annual distributive share of the issues of a nation's inheritance, would even they, the remote people of the Pacific, ever desire to separate themselves from such a high and glorious destiny? The fund which is to be dedicated to these great and salutary purposes, does not proceed from a few thousand acres of land, soon to be disposed of; but of more than ten hundred millions of acres; and age after age may roll away, state after state arise, generation succeed generation, and still the fund will remain not only unexhausted, but improved and increasing, for the benefit of our children's children, to the remotest posterity. The measure is not one pregnant with jealousy, discord, or division, but it is a far-reaching, comprehensive, healing measure of compromise and composure, having for its patriotic object the harmony, the stability, and the prosperity of the states and of the union.

IN DEFENCE OF MR. WEBSTER.

IN THE SENATE OF THE UNITED STATES, MARCH 1, 1841.

[At the session of congress, the term of which expired with the administration of Mr. Van Buren, the honorable Daniel Webster resigned his seat in the senate, preparatory to taking office under president Harrison, as secretary of state, which had been offered to him by the president elect. Mr. Bates, of Massachusetts, having presented to the senate the credentials of the honorable Rufus Choate, who had been elected senator in the place of Mr. Webster, the latter took his seat this day, (first of March,) when Mr. Cuthbert, of Georgia, made some remarks reflecting on the political character of Mr. Webster, in connection with Mr. Clay, as his associate in the senate, which called out Mr. Clay in reply, and occasioned the following debate.]

Mr. Cuthbert said, that on the resignation of the late senator from Massachusetts, (Mr. Webster,) he had charged upon that senator certain opinions on the subject of southern institutions. This had led to a discussion, in the course of which he, (Mr. Cuthbert,) had pledged himself to prove certain points. The most important point was, that Mr. Webster had avowed the doctrine, that congress had full power to prohibit the slave-trade between the states. The next point was, that the legislature of Massachusetts had maintained the same doctrines, and quoted the opinions of that senator, (Mr. Webster,) to sustain them. He had pledged himself to produce the document to support and justify the charge.

After some discussion as to the point of order, and Mr. Cuthbert being permitted to proceed, he then desired the clerk to read an extract from a paper which he sent to the desk. It purported to be a memorial drawn up by a committee, of which Mr. Webster was a member, expressing the opinion, that congress had the power to prohibit the slave-trade between the states.

Mr. Cuthbert then animadverted upon the remark made by Mr. Clay, on the twenty-second of February, complimentary to Mr. Webster, and spoke of three great crises in the history of the two gentlemen when they differed in opinion — namely, on the late war with Great Britain; on the compromise tariff; and on the subject of abolition petitions.

Mr. Clay regretted extremely that he had been called out in this way. The discussion of the other day had, he ventured to

say, satisfied every member of that body, with the exception of the senator from Georgia. He agreed with the senator from Vermont, (Mr. Phelps,) that it was all out of order. There was no necessity to create an occasion for the discussion. The distinguished gentleman from Massachusetts was soon to be nominated to that body, and then would be the proper time to bring out all the opposition to him. But the senator from Georgia had appealed to the courtesy of gentlemen, and he, (Mr. Clay,) was not willing to refuse the request.

No error could be greater than to judge of human character by a single act, a single sentiment or opinion. We were not to expect perfect coincidence in every thing abstract and practical.

[Mr. Cuthbert here addressed the chair.]

Mr. Clay said, I cannot be interrupted, Mr. President. I will not permit an interruption. The practice is much too common, and especially at the other end of the capitol. The senator from Georgia will have ample opportunity to reply when I have concluded. What was the question; what the subject of difference in the discussion? The senator from Georgia alleges that the distinguished gentleman from Massachusetts has expressed an opinion, in Faneuil hall, it was believed, that congress had the power to regulate the trade in slaves between the states. On this subject great diversity of opinion exists. The power to regulate did not imply the power to prohibit. Congress possesses the power to regulate foreign commerce, but it has no right to prohibit it.

But the senator from Georgia has adverted to the fact, that I and my distinguished friend (Mr. Webster) have agreed on some questions, and disagreed on others. Is there any thing unusual or singular in this? The senator from South Carolina, (Mr. Calhoun,) and the senator from Georgia, are now on the same side; have they always agreed? Was the gentleman from Georgia ever a nullifier? [Mr. Cuthbert said, no.] No. I presume there are many points of policy on which those gentlemen differ. The only correct method of judging, is, to take human nature in the *tout ensemble*, and not undertake to determine by a single instance.

The senator from Georgia has referred to three subjects in which I have differed with the gentleman from Massachusetts. The first was, the late war with Great Britain. Mr. Webster had regarded that war as unnecessary, and in that I think he was wrong. But there was another war; a domestic war; a war waged by general Jackson against the prosperity of the country; and where stood the senator from Georgia in that war? The gallant Webster contended for the people through this long war, with persevering ability, but the senator from Georgia was on the other side.

In regard to the compromise act, the gentleman from Massachusetts had been opposed to that healing measure. But how was it with other senators, with whom the gentleman from Georgia was now coöperating? The senator from Missouri, (Mr. Benton,) and the senator from New York, (Mr. Wright,) both voted against the compromise; but the gentleman finds no difficulty in acting with those gentlemen because they disagreed with him on that measure.

As it regards abolition, so far as I know the opinions of Mr. Webster, he is just as much averse to it as the senator from Georgia himself. That there is danger impending, no one will deny. The danger is in ultraism. The ultraism of a portion of the south on the one hand, and from abolition on the other. It is to be averted by a moderate but firm course; not being led off into extremes on the one side, or frightened on the other. Mr. Webster and myself have differed on some subjects, have coincided on others; and the senator from Georgia might have referred to an instance in which he himself had voted with Mr. Webster, and in opposition to me. I allude to the tariff of 1824. The substance of the charge is, that Mr. Webster and myself have agreed on certain matters, and disagreed on others; and if the senator from Georgia should undertake to compute the several agreements and disagreements, he would have to work out a more difficult problem than a friend of mine in the other house, who had tried to ascertain whether Vermont or Kentucky was the banner state.

ON THE VETO OF THE FISCAL BANK BILL BY PRESIDENT TYLER.

IN THE SENATE OF THE UNITED STATES, AUGUST 19, 1841.

[A few days after the inauguration of general Harrison as president of the United States — on the seventeenth of March, 1841 — he issued a proclamation convening an extra session of congress on the thirty-first of May, on which day both houses assembled, and formed a quorum. President Harrison having died on the fourth of April, was succeeded by the vice-president Tyler, who, in his message to congress, recommended, among other matters, the adoption of measures to create a fiscal agent for the convenience of government, and the regulation of the currency. A bill to establish a fiscal bank of the United States was reported, and, after discussion, passed the senate by a vote of twenty-six to twenty-three, and the house, by one hundred and twenty-eight to ninety-one. On the sixteenth of August, president Tyler, much to the surprise and regret of those to whom he owed his election, returned the bill to the senate, with his objections, and on the nineteenth, the executive message being under consideration, Mr. Clay addressed the senate as follows; to which Mr. Rives replied, and the same day Mr. Clay made his rejoinder to Mr. Rives, in the remarks following this speech.]

Mr. President, the bill which forms the present subject of our deliberations, had passed both houses of congress by decisive majorities, and, in conformity with the requirement of the constitution, was presented to the president of the United States for his consideration. He has returned it to the senate, in which it originated, according to the direction of the constitution, with a message announcing his veto of the bill, and containing his objections to its passage. And the question now to be decided is, shall the bill pass, by the required constitutional majority of two thirds, the president's objections notwithstanding?

Knowing, sir, but too well that no such majority can be obtained, and that the bill must fall, I would have been rejoiced to have found myself at liberty to abstain from saying one word on this painful occasion. But the president has not allowed me to give a silent vote. I think, with all respect and deference to him, he has not reciprocated the friendly spirit of concession and compromise which animated congress in the provisions of this bill, and especially in the modification of the sixteenth fundamental condition of the bank. He has commented, I think, with undeserved severity, on that part of the bill; he has used, I am sure unintentionally,

harsh if not reproachful language; and he has made the very concession, which was prompted as a peace-offering, and from friendly considerations, the cause of stronger and more decided disapprobation of the bill. Standing in the relation to that bill which I do, and especially to the exceptionable clause, the duty which I owe to the senate and to the country, and self-respect, impose upon me the obligation of at least attempting the vindication of a measure which has met with a fate so unmerited, and so unexpected.

On the fourth of April last, the lamented Harrison, the president of the United States, paid the debt of nature. President Tyler, who, as vice-president, succeeded to the duties of that office, arrived in the city of Washington, on the sixth of that month. He found the whole metropolis wrapped in gloom, every heart filled with sorrow and sadness, every eye streaming with tears, and the surrounding hills yet flinging back the echo of the bells which were tolled on that melancholy occasion. On entering the presidential mansion, he contemplated the pale body of his predecessor stretched before him, and clothed in the black habiliments of death. At that solemn moment, I have no doubt that the heart of president Tyler was overflowing with mingled emotions of grief, of patriotism, and of gratitude — above all, of gratitude to that country, by a majority of whose suffrages, bestowed at the preceding November, he then stood the most distinguished, the most elevated, the most honored of all living whigs of the United States.

It was under these circumstances, and in this probable state of mind, that president Tyler, on the tenth day of the same month of April, voluntarily promulgated an address to the people of the United States. That address was in the nature of a coronation oath, which the chief of the state in other countries, and under other forms, takes, upon ascending the throne. It referred to the solemn obligations, and the profound sense of duty, under which the new president entered upon the high trust which had devolved upon him, by the joint acts of the people and of Providence, and it stated the principles, and delineated the policy, by which he would be governed in his exalted station. It was emphatically a whig address, from beginning to end — every inch of it was whig, and was patriotic.

In that address the president, in respect to the subject matter embraced in the present bill, held the following conclusive and emphatic language.

'I shall *promptly* give my sanction to any constitutional measure, which, *originating in congress*, shall have for its object the restoration of a sound circulating medium, *so essentially necessary* to give confidence in all the transactions of life, to secure *to industry its just and adequate rewards, and to reëstablish the public prosperity.* In deciding upon the adaptation of any such measure to the end proposed, *as well as its conformity to the constitution*, I shall resort to the *fathers of the great republican school* for advice and instruction, to be drawn from their sage views of our system of government, and the light of their ever *glorious example.*'

To this clause in the address of the president, I believe but one interpretation was given throughout this whole country, by friend and foe, by whig and democrat, and by the presses of both parties. It was, by every man with whom I conversed on the subject at the time of its appearance, or of whom I have since inquired, construed to mean that the president intended to occupy the Madison ground, and to regard the question of the power to establish a national bank as immovably settled. And I think I may confidently appeal to the senate and to the country, to sustain the fact, that this was the contemporaneous and unanimous judgment of the public. Reverting back to the period of the promulgation of the address, could any other construction have been given to its language? What is it? 'I shall *promptly* give my sanction to any constitutional measure, which, *originating in congress*,' shall have certain defined objects in view. He concedes the vital importance of a sound circulating medium to industry, and to the public prosperity. He concedes that its origin must be in congress. And to prevent any inference from the qualification, which he prefixes to the measure, being interpreted to mean that a United States bank was unconstitutional, he declares, that in deciding on the adaptation of the measure to the end proposed, and its *conformity* to the constitution, he will resort to the fathers of the great republican school. And who were they? If the father of his country is to be excluded, are Madison, (the father of the constitution,) Jefferson, Monroe, Gerry, Gallatin, and the long list of republicans who acted with them, not to be regarded as among those fathers? But president Tyler declares, not only that he should appeal to them for advice and instruction, but to the light of their ever glorious EXAMPLE. What example? What other meaning could have been possibly applied to the phrase, than that he intended to refer to what had been done during the administration of Jefferson, Madison, and Monroe?

Entertaining this opinion of the address, I came to Washington at the commencement of the session, with the most confident and buoyant hopes that the whigs would be able to carry all their prominent measures, and especially a bank of the United States, by far that one of the greatest immediate importance. I anticipated nothing but cordial coöperation between the two departments of government; and I reflected with pleasure, that I should find, at the head of the executive branch, a personal and political friend, whom I had long and intimately known, and highly esteemed. It will not be my fault, if our amicable relations should unhappily cease, in consequence of any difference of opinion between us on this occasion. The president has been always perfectly familiar with my opinion on this bank question.

Upon the opening of the session, but especially on the receipt of a plan of a national bank, as proposed by the secretary of the

treasury, fears were excited that the president had been misunderstood in his address, and that he had not waived but adhered to his constitutional scruples. Under these circumstances, it was hoped, that, by the indulgence of a mutual spirit of compromise and concession, a bank, competent to fulfil the expectations and satisfy the wants of the people, might be established.

Under the influence of that spirit, the senate and the house agreed, first, as to the name of the proposed bank. I confess, sir, that there was something exceedingly *outré* and revolting to my ears, in the term 'fiscal bank;' but I thought, 'what is there in a name? A rose by any other name would smell as sweet.' Looking, therefore, rather to the utility of the substantial faculties, than to the name of the contemplated institution, we consented to that which was proposed.

Secondly, as to the place of location of the bank. Although Washington had passed through my mind as among the cities in which it might be expedient to place the bank, it was believed to be the least eligible of some four or five other cities. Nevertheless, we consented to fix it here.

And, lastly, in respect to the branching power, there was not, probably, a solitary vote given in either house of congress for the bill, that did not greatly prefer the unqualified branching power, as asserted in the charters of the two former banks of the United States, to the sixteenth fundamental condition, as finally incorporated in this bill. It is perfectly manifest, therefore, that it was not in conformity with the opinion and wish of majorities in congress, but in a friendly spirit of concession towards the president and his particular friends, that the clause assumed that form. So repugnant was it to some of the best friends of a national bank in the other house, that they finally voted against the bill, because it contained that compromise of the branching power.

It is true, that in presenting the compromise to the senate, I stated, as was the fact, that I did not know whether it would be acceptable to the president or not; that, according to my opinion, each department of the government should act upon its own responsibility, independently of the other; and that I presented the modification of the branching power because it was necessary to insure the passage of the bill in the senate, having ascertained that the vote would stand twenty-six against it to twenty-five, if the form of that power which had been reported by the committee were persisted in. But I nevertheless did entertain the most confident hopes and expectations, that the bill would receive the sanction of the president; and this motive, although not the immediate one, had great weight in the introduction and adoption of the compromise clause. I knew that our friends who would not vote for the bill as reported, were actuated, as they avowed, by considerations of union and harmony, growing out of supposed views of

the president, and I presumed that he would not fail to feel and appreciate their sacrifices. But I deeply regret that we were mistaken. Notwithstanding all our concessions, made in a genuine and sincere spirit of conciliation, the sanction of the president could not be obtained, and the bill has been returned by him with his objections.

And I shall now proceed to consider those objections, with as much brevity as possible, but with the most perfect respect, official and personal, towards the chief magistrate.

After stating that the power of congress to establish a national bank, to operate *per se*, has been a controverted question from the origin of the government, the president remarks:

'Men most justly and deservedly esteemed for their high intellectual endowments, their virtue and their patriotism, have, in regard to it, entertained different and conflicting opinions. Congress have differed. The approval of one president has been followed by the disapproval of another.'

From this statement of the case it may be inferred, that the president considers the weight of authority, pro and con, to be equal and balanced. But if he intended to make such an array of it, if he intended to say that it was an equilibrium, I must respectfully, but most decidedly, dissent from him. I think the conjoint testimony of history, tradition, and the knowledge of living witnesses proves the contrary. How stands the question as to the opinion of congresses? The congress of 1791, the congress of 1813–14, the congress of 1815–16, the congress of 1831–32, and, finally, the present congress, have all respectively and unequivocally, affirmed the existence of a power in congress to establish a national bank to operate *per se*. We behold, then, the concurrent opinion of five different congresses on one side. And what congress is there on the opposite side? The congress of 1811? I was a member of the senate in that year, when it decided, by the casting vote of the vice-president, against the renewal of the charter of the old bank of the United States. And I now here, in my place, add to the testimony already before the public, by declaring that it is within my certain knowledge, that that decision of the senate did not proceed from a disbelief of a majority of the senate in the power of congress to establish a national bank, but from combined considerations of expediency and constitutionality. A majority of the senate, on the contrary, as I know, entertained no doubt as to the power of congress. Thus the account, as to congresses, stands five for and not one, or, at most, not more than one, against the power.

Let us now look into the state of authority derivable from the opinions of presidents of the United States. President Washington believed in the power of congress, and approved a bank bill. President Jefferson approved acts to extend branches into other

parts of the United States, and to punish counterfeiters of the notes of the bank — acts which were devoid of all justification, whatever, upon the assumption of the unconstitutionality of the bank. For how could branches be extended, or punishment be lawfully inflicted, upon the counterfeiters of the paper of a corporation which came into existence without any authority, and in violation of the constitution of the land? James Madison, notwithstanding those early scruples which he had entertained, and which he probably still cherished, sanctioned and signed a bill to charter the late bank of the United States. It is perfectly well known that Mr. Monroe never did entertain any scruples or doubts in regard to the power of congress. Here, then, are four presidents of the United States who have directly or collaterally borne official testimony to the existence of the bank power in congress. And what president is there, that ever bore unequivocally opposite testimony — that disapproved a bank charter, in the sense intended by president Tyler? General Jackson, although he did apply the veto power to the bill for rechartering the late bank of the United States in 1832, it is within the perfect recollection of us all, not only testified to the utility of a bank of the United States, but declared, that, if he had been applied to by congress, he could have furnished the plan of such a bank.

Thus, Mr. President, we perceive, that, in reviewing the action of the legislative and executive departments of the government, there is a vast preponderance of the weight of authority maintaining the existence of the power in congress. But president Tyler has, I presume unintentionally, wholly omitted to notice the judgment and decisions of the third coördinate department of the government upon this controverted question — that department, whose interpretations of the constitution, within its proper jurisdiction and sphere of action, are binding upon all; and which, therefore, may be considered as exercising a controlling power over both the other departments. The supreme court of the United States, with its late chief justice, the illustrious Marshall, at its head, unanimously decided that congress possessed this bank power; and this adjudication was sustained and reaffirmed whenever afterwards the question arose before the court.

After recounting the occasions, during his public career, on which he had expressed an opinion against the power of congress to charter a bank of the United States, the president proceeds to say:

'Entertaining the opinions alluded to, and having taken this oath, the senate and the country will see that I could not give my sanction to a measure of the character described, without surrendering all claim to the respect of honorable men — all confidence on the part of the people, all self-respect, all regard for moral and religious obligations; without an observance of which no government can be prosperous, and no people can be happy. It would be to commit a *crime*, which I would not wilfully commit to gain any earthly reward, and which would *justly* subject me to the ridicule and scorn of all virtuous men.'

Mr. President, I must think, and hope I may be allowed to say, with profound deference to the chief magistrate, that it appears to me, he has viewed with too lively sensibility the personal consequences to himself of his approval of the bill; and that, surrendering himself to a vivid imagination, he has depicted them in much too glowing and exaggerated colors, and that it would have been most happy, if he had looked more to the deplorable consequences of a veto upon the hopes, the interests, and the happiness of his country. Does it follow that a magistrate who yields his private judgment to the concurring authority of numerous decisions, repeatedly and deliberately pronounced, after the lapse of long intervals, by all the departments of government, and by all parties, incurs the dreadful penalties described by the president? Can any man be disgraced and dishonored, who yields his private opinion to the judgment of the nation? In this case, the country, (I mean a majority,) congress, and, according to common fame, a unanimous cabinet, were all united in favor of the bill. Should any man feel himself humbled and degraded in yielding to the conjoint force of such high authority? Does any man, who at one period of his life shall have expressed a particular opinion, and at a subsequent period shall act upon the opposite opinion, expose himself to the terrible consequences which have been portrayed by the president? How is it with the judge, in the case by no means rare, who bows to the authority of repeated precedents, settling a particular question, whilst in his private judgment, the law was otherwise? How is it with that numerous class of public men in this country, and with the two great parties that have divided it, who, at different periods have maintained and acted on opposite opinions in respect to this very bank question?

How is it with James Madison, the father of the constitution — that great man whose services to his country placed him only second to Washington; whose virtues and purity in private life, whose patriotism, intelligence, and wisdom in public councils, stand unsurpassed? He was a member of the national convention that formed, and of the Virginia convention that adopted, the constitution. No man understood it better than he did. He was opposed, in 1791, to the establishment of the bank of the United States, upon constitutional ground; and, in 1816, he approved and signed the charter of the late bank of the United States. It is a part of the secret history connected with the first bank, that James Madison had, at the instance of general Washington, prepared a veto for him in the contingency of his rejection of the bill. Thus stood James Madison, when, in 1815, he applied the veto to a bill to charter a bank upon considerations of expediency, but with a clear and express admission of the existence of a constitutional power of congress to charter one. In 1816, the bill which was then presented to him being free from the objections applicable to

that of the previous year, he sanctioned and signed it. Did James Madison surrender 'all claim to the respect of honorable men, all confidence on the part of the people, all self-respect, all regard for moral and religious obligations?' Did the pure, the virtuous, the gifted James Madison, by his sanction and signature to the charter of the late bank of the United States, commit a *crime*, which *justly* subjected him 'to the ridicule and scorn of all virtuous men?'

Not only did the president, as it respectfully appears to me, state entirely too strongly the consequences of his approval of the bill, but is he perfectly correct in treating the question, (as he seems to me to have done,) which he was called upon to decide, as presenting the sole alternative of his direct approval or rejection of the bill? Was the preservation of the consistency and the conscience of the president wholly irreconcilable with the restoration of the blessings of a sound currency, regular and moderate exchanges, and the revival of confidence and business, which congress believes will be secured by a national bank? Was there no alternative but to prolong the sufferings of a bleeding country, or to send us this veto? From the administration of the executive department of the government, during the last twelve years, has sprung most of the public ills which have afflicted the people. Was it necessary that that source of suffering should continue to operate, in order to preserve the conscience of the president unviolated? Was that the only sad and deplorable alternative? I think, Mr. President, there were other alternatives worthy of the serious and patriotic consideration of the president. The bill might have become a law, in virtue of the provision which required its return within ten days. If the president had retained it three days longer, it would have been a law, without his sanction and without his signature. In such a contingency, the president would have remained passive, and would not have been liable to any accusation of having himself violated the constitution. All that could have been justly said would be, that he did not choose to throw himself in the way as an obstacle to the passage of a measure indispensable to the prosperity of the nation, in the judgment of the party which brought him into power, of the whig congress which he first met, and, if public fame speaks true, of the cabinet which the lamented Harrison called around him, and which he voluntarily continued. In an analagous case, Thomas McKean, when governor of Pennsylvania, than whom the United States have produced but few men of equal vigor of mind and firmness of purpose, permitted a bill to become a law, although, in his opinion, it was contrary to the constitution of that state. And I have heard, and, from the creditable nature of the source, I am inclined to believe, although I will not vouch for the fact, that towards the close of the charter of the first bank of the United States during the second term of Mr. Jefferson, some

consideration of the question of the renewal of the charter was entertained, and that he expressed a wish, that, if the charter were renewed, it might be effected by the operation of the ten days' provision, and his consistency thus preserved.

If it were possible to disinter the venerated remains of James Madison, reanimate his perishing form, and place him once more in that chair of state, which he so much adorned, what would have been his course, if this bill had been presented to him, even supposing him never to have announced his acquiescence in the settled judgment of the nation? He would have said, that human controversy, in regard to a single question, should not be perpetual, and ought to have a termination. This, about the power to establish a bank of the United States, has been long enough continued. The nation, under all the forms of its public action, has often and deliberately decided it. A bank, and associated financial and currency questions, which had long slept, were revived, and have divided the nation during the last ten years of arduous and bitter struggle; and the party which put down the bank, and which occasioned all the disorders in our currency and finances, has itself been signally put down, by one of those great moral and political revolutions which a free, a patriotic people can but seldom arouse itself to make. Human infallibility has not been granted by God; and the chances of error are much greater on the side of one man, than on that of the majority of a whole people and their successive legislatures during a long period of time. I yield to the irresistible force of authority. I will not put myself in opposition to a measure so imperatively demanded by the public voice, and so essential to elevate my depressed and suffering countrymen.

And why should not president Tyler have suffered the bill to become a law without his signature? Without meaning the slightest possible disrespect to him, (nothing is further from my heart than the exhibition of any such feeling towards that distinguished citizen, long my personal friend,) it cannot be forgotten, that he came into his present office under peculiar circumstances. The people did not foresee the contingency which has happened. They voted for him as vice-president. They did not, therefore, scrutinize his opinions with the care which they probably ought to have done, and would have done, if they could have looked into futurity. If the present state of the fact could have been anticipated — if at Harrisburg, or at the polls, it had been foreseen, that general Harrison would die in one short month after the commencement of his administration; that vice-president Tyler would be elevated to the presidential chair; that a bill, passed by decisive majorities of the first whig congress, chartering a national bank, would be presented for his sanction, and that he would veto the bill, do I hazard any thing, when I express the conviction, that he would

not have received a solitary vote in the nominating convention, nor one solitary electoral vote in any state in the union?

Shall I be told that the honor, the firmness, the independence of the chief magistrate might have been drawn in question if he had remained passive, and so permitted the bill to become a law? I answer, that the office of chief magistrate is a sacred and exalted trust, created and conferred for the benefit of the nation, and not for the private advantage of the person who fills it. Can any man's reputation for firmness, independence, and honor, be of more importance than the welfare of a great people? There is nothing, in my humble judgment, in such a course, incompatible with honor, with firmness, with independence, properly understood. Certainly, I most respectfully think, in reference to a measure like this, recommended by such high sanctions — by five congresses, by the authority of four presidents, by repeated decisions of the supreme court, by the acquiescence and judgment of the people of the United States during long periods of time, by its salutary operation on the interests of the community for a space of forty years, and demanded by the people whose suffrages placed president Tyler in that second office from whence he was translated to the first that he might have suppressed the promptings of all personal pride 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 incon-

testable, that it was the great, absorbing, and controlling question, in all our recent divisions and exertions. I am firmly convinced, and it is my deliberate judgment, that an immense majority, not less than two thirds of the nation, desire such an institution. All doubts in this respect ought to be dispelled, by the recent decisions of the two houses of congress. I speak of them *as evidence* of popular opinion. In the house of representatives the majority was one hundred and thirty-one to one hundred. If the house had been full, and but for the modification of the sixteenth fundamental condition, there would have been a probable majority of forty-seven. Is it to be believed that this large majority of the immediate representatives of the people, fresh from amongst them, and to whom the president seemed inclined, in his opening message, to refer this very question, have mistaken the wishes of their constituents?

I pass the sixteenth fundamental condition, in respect to the branching power, on which I regret to feel myself obliged to say, that I think the president has commented with unexampled severity, and with a harshness of language not favorable to the maintenance of that friendly and harmonious intercourse, which is so desirable between coördinate departments of the government. The president could not have been uninformed, that every one of the twenty-six senators, and every one of the hundred and thirty-one representatives who voted for the bill, if left to his own separate wishes, would have preferred the branching power to have been conferred unconditionally, as it was in the charters of the two former banks of the United States. In consenting to the restrictions upon the exercise of that power, he must have been perfectly aware, that they were actuated by a friendly spirit of compromise and concession. Yet nowhere in his message does he reciprocate or return this spirit. Speaking of the assent or dissent which the clause requires, he says, 'this *iron* rule is to give way to no circumstances — it is unbending and inflexible. It is the language of the master to the vassal. An unconditional answer is claimed *forthwith*.' The 'high privilege' of a submission of the question, on the part of the state representatives, to their constituents, according to the message, is denied. He puts the cases of a popular branch of a state legislature, expressing its dissent 'by a unanimous vote, and its resolution may be defeated by a tie vote in the senate,' and 'both branches of the legislature may concur in a resolution of decided dissent, and yet the governor may exert the veto power conferred on him by the state constitution, and their legislative action be defeated.' 'The state may afterwards *protest* against such unjust inference, but its authority *is gone*.' The president continues: 'to inferences so violent, and as they seem to me *irrational*, I cannot yield my consent. No court of justice would or could sanction them, without reversing all that is established in judicial

proceeding, by introducing presumptions *at variance with fact*, and inferences *at the expense of reason.* A state in a condition of duresse would be presumed to speak as an individual, manacled and in prison, might be presumed to be in the enjoyment of freedom. Far better to say to the states, boldly and frankly, *congress wills, and submission is demanded.*'

Now, Mr. President, I will not ask whether these animadversions were prompted by a reciprocal spirit of amity and kindness, but I inquire whether all of them are perfectly just.

Beyond all question, those who believed in the constitutional right of congress to exercise the branching power within the states, unconditionally and without limitation, did make no small concession when they consented that it should be subjected to the restrictions specified in the compromise clause. They did not, it is true, concede every thing; they did not absolutely renounce the power to establish branches without the authority of the states, during the whole period of the existence of the charter; but they did agree that reasonable time should be allowed to the several states to determine whether they would or would not give their assent to the establishment of branches within their respective limits. They did not think it right to leave it an open question, for the space of twenty years; nor that a state should be permitted to grant to-day and revoke to-morrow its assent; nor that it should annex onerous or impracticable conditions to its assent, but that it should definitively decide the question, after the lapse of ample time for full deliberation. And what was that time? No state would have had less time than four months, and some of them from five to nine months, for consideration. Was it, therefore, entirely correct for the president to say, that an 'unconditional answer is claimed *forthwith?*' Forthwith means immediately, instantly, without delay, which cannot be affirmed of a space of time varying from four to nine months. And the president supposes, that the 'high privilege' of the members of the state legislature's submitting the question to their constituents is denied? But could they not, at any time during that space, have consulted their constituents?

The president proceeds to put what I must, with the greatest deference and respect, consider as extreme cases. He supposes the popular branch to express its dissent by a unanimous vote, which is overruled by a tie in the senate. He supposes, that 'both branches of the legislature may concur in a resolution of decided dissent, and yet the governor may exert the veto power.' The unfortunate case of the state whose legislative will should be so checked by executive authority, would not be worse than that of the union, the will of whose legislature, in establishing this bank, is checked and controlled by the president.

But did it not occur to him, that extreme cases brought forward on the one side, might be met by the extreme cases suggested on

the other? Suppose the popular branch were to express its assent to the establishment of a branch bank, by a unanimous vote, which is overruled by an equal vote in the senate. Or suppose that both branches of the legislature, by majorities in each, exactly wanting one vote to make them two thirds, were to concur in a resolution inviting the introduction of a branch within the limits of the state, and the governor were to exercise the veto power, and defeat the resolution. Would it be very unreasonable, in these two cases, to infer the assent of the state to the establishment of a branch?

Extreme cases should never be resorted to. Happily for mankind, their affairs are but seldom affected or influenced by them, in consequence of the rarity of their occurrence.

The plain, simple, unvarnished statement of the case is this. Congress believes itself invested with constitutional power to authorize, unconditionally, the establishment of a bank of the United States and branches, any where in the United States, without asking any other consent of the states than that which is already expressed in the constitution. The president does not concur in the existence of that power, and was supposed to entertain an opinion, that the previous assent of the states was necessary. Here was an unfortunate conflict of opinion. Here was a case for compromise and mutual concession, if the difference could be reconciled. Congress advanced so far towards a compromise as to allow the states to express their assent or dissent, but then it thought that this should be done within some limited but reasonable time; and it believed, since the bank and its branches were established for the benefit of twenty-six states, if the authorities of any one of them really could not make up their mind within that limited time, either to assent or dissent to the introduction of a branch, that it was not unreasonable, after the lapse of the appointed time, without any positive action, one way or the other, on the part of the state, to proceed as if it had assented. Now, if the power contended for by congress really exists, it must be admitted that here was a concession — a concession according to which an unconditional power is placed under temporary restrictions — a privilege offered to the states, which was not extended to them by either of the charters of the two former banks of the United States. And I am totally at a loss to comprehend how the president reached the conclusion, that it would have been 'far better to say to the states, boldly and frankly, congress wills, and submission is demanded.' Was it better for the states that the power of branching should be exerted without consulting them at all? Was it nothing to afford them an opportunity of saying whether they desired branches or not? How can it be believed, that a clause which qualifies, restricts, and limits the branching power, is more derogatory to the dignity, independence, and sovereignty of the states, than if it inexorably refused to the states any power whatever

to deliberate and decide on the introduction of branches? Limited as the time was, and unconditionally as they were required to express themselves, still those states, (and that probably would have been the case with the greater number,) that chose to announce their assent or dissent, could do so, and get or prevent the introduction of a branch. But the president remarks, that 'the state may express, after the most solemn form of legislation, its dissent, which may from time to time thereafter be repeated, in full view of its own interest, which can never be separated from the wise and beneficent operation of this government; and yet congress may, by virtue of the last proviso, overrule its law, and upon grounds which, to such state, will appear to rest on a constructive necessity and propriety, and nothing more.'

Even if the dissent of a state should be overruled, in the manner supposed by the president, how is the condition of that state worse than it would have been if the branching power had been absolutely and unconditionally asserted in the charter? There would have been, at least, the power of dissenting conceded, with a high degree of probability, that if the dissent were expressed, no branch would be introduced.

The last proviso to which the president refers is in these words: 'and provided, nevertheless, that whenever it shall become necessary and proper for carrying into execution any of the powers granted by the constitution, to establish an office or offices in any of the states whatever, and the establishment thereof shall be directed by law, it shall be the duty of the said directors to establish such office or offices accordingly.'

This proviso was intended to reserve a power to congress to compel the bank to establish branches, if the establishment of them should be necessary to the great purposes of this government, notwithstanding the dissent of a state. If, for example, a state had once unconditionally dissented to the establishment of a branch, and afterwards assented, the bank could not have been compelled, without this reservation of power, to establish the branch, however urgent the wants of the treasury might be.

The president, I think, ought to have seen, in the form and language of the proviso, the spirit of conciliation in which it was drawn, as I know. It does not assert the power; it employs the language of the constitution itself, leaving every one free to interpret that language according to his own sense of the instrument.

Why was it deemed necessary to speak of its being 'the language of the master to the vassal,' of 'this iron rule,' that 'congress wills, and submission is demanded?' What is this whole federal government but a mass of powers abstracted from the sovereignty of the several states, and wielded by an organized government for their common defence and general welfare, according to the grants of the constitution? These powers are necessarily supreme; the

constitution, the acts of congress, and treaties being so declared by the express words of the constitution. Whenever, therefore, this government acts within the powers granted to it by the constitution, submission and obedience are due from all; from states as well as from persons. And if this present the image of a master and a vassal, of state subjection and congressional domination, it is the constitution, created or consented to by the states, that ordains these relations. Nor can it be said, in the contingency supposed, that an act of congress has repealed an act of state legislation. Undoubtedly in case of a conflict between a state constitution or state law, and the constitution of the United States, or an act of congress passed in pursuance of it, the state constitution or state law would yield. But it could not, at least, be formally or technically said, that the state constitution or law was repealed. Its operation would be suspended or abrogated by the necessary 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 afterwards be withdrawn or removed without the previous consent of congress. That provision was intended to operate both upon the bank and the states. And, considering the changes and fluctuations in public sentiment in some of the states within the last few years, was the security against them to be found in that provision unreasonable? One legislature might invite a branch, which the next might attempt, by penal or other legislation, to drive away. We have had such examples heretofore, and I cannot think that it was unwise to profit by experience. Besides, an exactly similar provision was contained in the scheme of a bank which was reported by the secretary of the treasury, and to which it was understood the president had given his assent. But if I understand this message, that scheme could not have obtained his sanction, if congress had passed it without any alteration whatever. It authorized what is termed by the president local discount, and he does not believe the constitution confers upon congress power to establish a bank having that faculty. He says, indeed, 'I regard the bill as asserting for congress the right to incorporate a United States bank, with power and right to establish offices of discount and deposit in the several states of this union, *with or without their consent; a principle to which I have always heretofore been opposed, and which can never obtain my sanction.*' I pass with pleasure from this painful theme; deeply regretting that I have been constrained so long to dwell on it.

On a former occasion I stated, that in the event of an unfortunate difference of opinion between the legislative and executive departments, the point of difference might be developed, and it would be then seen whether they could be brought to coincide in

any measure corresponding with the public hopes and expectations. I regret that the president has not, in this message, favored us with a more clear and explicit, exhibition of his views. It is sufficiently manifest that he is decidedly opposed to the establishment of a new bank of the United States formed after the two old models. I think it is fairly to be inferred, that the plan of the secretary of the treasury could not have received his sanction. He is opposed to the passage of the bill which he has returned; but whether he would give his approbation to any bank, and, if any, what sort of a bank, is not absolutely clear. I think it may be collected from the message, with the aid or information derived through other sources, that the president would concur in the establishment of a bank whose operations should be limited to dealing in bills of exchange, to deposits, and to the supply of a circulation, excluding the power of discounting promissory notes. And I understand that some of our friends are now considering the practicability of arranging and passing a bill in conformity with the views of president Tyler? Whilst I regret that I can take no active part in such an experiment, and must reserve to myself the right of determining, whether I can or cannot vote for such a bill after I see it in its matured form, I assure my friends that they shall find no obstacle or impediment in me. On the contrary, I say to them, go on: God speed you in any measure which will serve the country, and preserve or restore harmony and concert between the departments of government. An executive veto of a bank of the United States, after the sad experience of late years, is an event which was not anticipated by the political friends of the president; certainly not by me. But it has come upon us with tremendous weight, and amidst the greatest excitement within and without the metropolis. The question now is, what shall be done? What, under this most embarrassing and unexpected state of things, will our constituents expect of us? What is required by the duty and the dignity of congress? I repeat, that if, after a careful examination of the executive message, a bank can be devised which will afford any remedy to existing evils, and secure the president's approbation, let the project of such a bank be presented. It shall encounter no opposition, if it should receive no support, from me.

But what further shall we do? Never, since I have enjoyed the honor of participating in the public councils of the nation, a period now of nearly thirty-five years, have I met congress under more happy or more favorable auspices. Never have I seen a house of representatives animated by more patriotic dispositions; more united, more determined, more business-like. Not even that house which declared war in 1812, nor that which, in 1815–16, laid broad and deep foundations of national prosperity, in adequate provisions for a sound currency, by the establishment of a bank of the United States, for the payment of the national

debt, and for the protection of American industry. This house has solved the problem of the competency of a large deliberative body to transact the public business. If happily there had existed a concurrence of opinion and cordial coöperation between the different departments of the government, and all the members of the party, we should have carried every measure contemplated at the extra session, which the people had a right to expect from our pledges, and should have been, by this time, at our respective homes. We are disappointed in one, and an important one, of that series of measures; but shall we therefore despair? Shall we abandon ourselves to unworthy feelings and sentiments? Shall we allow ourselves to be transported by rash and intemperate passions and counsels? Shall we adjourn, and go home in disgust? No! No! No! A higher, nobler, and more patriotic career lies before us. Let us here, at the east end of Pennsylvania avenue, do our duty, our whole duty, and nothing short of our duty, towards our common country. We have repealed the sub-treasury. We have passed a bankrupt law—a beneficent measure of substantial and extensive relief. Let us now pass the bill for the distribution of the proceeds of the public lands, the revenue-bill, and the bill for the benefit of the oppressed people of this district. Let us do all, let us do every thing we can for the public good. If we are finally to be disappointed in our hopes of giving to the country a bank, which will once more supply it with a sound currency, still let us go home and tell our constituents, that we did all that we could under actual circumstances; and that, if we did not carry every measure for their relief, it was only because to do so was impossible. If nothing can be done at this extra session, to put upon a more stable and satisfactory basis the currency and exchanges of the country, let us hope that hereafter some way will be found to accomplish that most desirable object, either by an amendment of the constitution, limiting and qualifying the enormous executive power, and especially the veto, or by increased majorities in the two houses of congress, competent to the passage of wise and salutary laws, the president's objections notwithstanding.

This seems to me to be the course now incumbent upon us to pursue; and by conforming to it, whatever may be the result of laudable endeavors, now in progress or in contemplation in relation to a new attempt to establish a bank, we shall go home bearing no self-reproaches for neglected or abandoned duty.

ON THE BANK VETO.

IN REPLY TO THE SPEECH OF MR. RIVES, OF VIRGINIA, ON THE EXECUTIVE MESSAGE CONTAINING THE PRESIDENT'S OBJECTIONS TO THE BANK BILL.

IN THE SENATE OF THE UNITED STATES, AUGUST 19, 1841.

Mr. Rives having concluded his remarks,

Mr. Clay rose in rejoinder. I have no desire, said he, to prolong this unpleasant discussion; but I must say that I heard with great surprise and regret the closing remark, especially, of the honorable gentleman from Virginia, as, indeed, I did many of those which preceded it. That gentleman stands in a peculiar situation. I found him several years ago in the half-way house, where he seems afraid to remain, and from which he is yet unwilling to go. I had thought, after the thorough riddling which the roof of the house had received in the breaking up of the pet-bank system, he would have fled somewhere else for refuge; but there he still stands, solitary and alone, shivering and pelted by the pitiless storm. The sub-treasury is repealed; the pet-bank system is abandoned; the United States bank bill is vetoed; and now, when there is as complete and perfect a reunion of the purse and the sword in the hands of the executive as ever there was under general Jackson or Mr. Van Buren, the senator is for doing nothing! The senator is for going home, leaving the treasury and the country in their lawless condition! Yet no man has heretofore, more than he has, deplored and deprecated a state of things so utterly unsafe, and repugnant to all just precautions, indicated alike by sound theory and experience in free governments. And the senator talks to us about applying to the wisdom of practical men, in respect to banking, and advises further deliberation! Why, I should suppose that we are at present in the very best situation to act upon the subject. Besides the many painful years we have had for deliberation, we have been near three months almost exclusively engrossed with the very subject itself. We have heard all manner of facts, statements, and arguments in any way connected with it. We understand, it seems to me, all we ever can learn or comprehend about a national bank. And we have, at least, some conception too

of what sort of one will be acceptable at the other end of the avenue. Yet now, with a vast majority of the people of the entire country crying out to us for a bank; with the people throughout the whole valley of the Mississippi rising in their majesty, and demanding it as indispensable to their well-being, and pointing to their losses, their sacrifices, and their sufferings, for the want of such an institution; in such a state of things, we are gravely and coldly told by the honorable senator from Virginia, that we had best go home, leaving the purse and the sword in the uncontrolled possession of the president, and, above all things, never to make a party bank! Why sir, does he, with all his knowledge of the conflicting opinions which prevail here, and have prevailed, believe that we ever can make a bank but by the votes of one party who are in favor of it, in opposition to the votes of another party against it? I deprecate this expression of opinion from that gentleman the more, because, although the honorable senator professes not to know the opinions of the president, it certainly does turn out in the sequel, that there is a most remarkable coincidence between those opinions and his own; and he has, on the present occasion, defended the motives and the course of the president with all the solicitude and all the fervent zeal of a member of his *privy council.* There is a rumor abroad, that a cabal exists — a new sort of kitchen cabinet — whose object is the dissolution of the regular cabinet, the dissolution of the whig party, the dispersion of congress without accomplishing any of the great purposes of the extra session, and a total change, in fact, in the whole face of our political affairs. I hope, and I persuade myself, that the honorable senator is not, cannot be, one of the component members of such a cabal; but I must say, that there has been displayed by the honorable senator to-day a predisposition, astonishing and inexplicable, to misconceive almost all of what I have said, and a perseverance, after repeated corrections, in misunderstanding — for I will not charge him with wilfully and intentionally misrepresenting — the whole spirit and character of the address which, as a man of honor, and as a senator, I felt myself bound in duty to make to this body.

The senator begins with saying that I charge the president with 'perfidy!' Did I use any such language? I appeal to every gentleman who heard me, to say whether I have in a single instance gone beyond a fair and legitimate examination of the executive objections to the bill. Yet he has charged me with 'arraigning' the president, with indicting him in various counts, and with imputing to him motives such as I never even intimated or dreamed; and that, when I was constantly expressing, over and over, my personal respect and regard for president Tyler, for whom I have cherished an intimate personal friendship of twenty years' standing, and while I expressly said, that if that friendship should now be interrupted, it should not be my fault! Why, sir, what

possible, what conceivable motive can I have to quarrel with the president, or to break up the whig party? What earthly motive can impel me to wish for any other result than that that party shall remain in perfect harmony, undivided, and shall move 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 beating up for recruits, and endeavoring to form a third party with materials so scanty as to be wholly insufficient to compose a decent corporal's guard. I fear there are such individuals, though I do not charge the senator as being himself one of them. What a spectacle has been presented to this nation during this entire session of congress! That of the cherished and confidential friends of John Tyler, persons who boast and claim to be, *par excellence*, his exclusive and genuine friends, being the bitter, systematic, determined, uncompromising opponents of every leading measure of John Tyler's administration! Was there ever before such an example presented, in this or any other age, in this or any other country? I have myself known the president too long, and cherish toward him too sincere a friendship, to allow my feelings to be affected or alienated by any thing which has passed here to-day. If the president chooses — which I am sure he cannot, unless falsehood has been whispered into his ears or poison poured into his heart — to detach himself from me, I shall deeply regret it, for the sake of our common friendship, and our common country. I now repeat, what I before said, that, of all the measures of relief which the American people have called upon us for, that of a national bank, and a sound and uniform currency, has been the most loudly and importunately demanded. The senator says, that the question of a bank was not the issue made before the people at the late election. I can say, for one, my own conviction is diametrically the contrary. What may have been the character of the canvass in Virginia, I will not say; probably gentlemen on both sides were, every where, governed in some degree by considerations of local policy. What issues may, therefore, have been presented to the people of Virginia, either above or below tide-water, I am not prepared to say. The great error, however, of the honorable senator is, in thinking, that the sentiments of a particular party in Virginia are always a fair exponent of the sentiments of the whole union. I can tell that senator, that wherever I was, in the great valley of the Mississippi, in Kentucky, in Tennessee, in Maryland — in all the circles in which I moved — everywhere, 'bank or no bank' was the great, the leading, the vital question.

At Hanover, in Virginia, during the last summer, at one of the most remarkable, and respectable, and gratifying assemblages that I ever attended, I distinctly announced my conviction, that a bank of the United States was indispensable. As to the opinions of general Harrison, I know that, like many others, he had entertained doubts as to the constitutionality of a bank; but I also know that, as the election approached, his opinions turned more in favor of a national bank; and I speak from my own personal knowledge of his opinions, when I say that I have no more doubt he would have signed that bill, than that you, Mr. President, now occupy that chair, or that I am addressing you.

I rose not to say one word which should wound the feelings of President Tyler. The senator says that, if placed in like circumstances, I would have been the last man to avoid putting a direct veto upon the bill, had it met my disapprobation; and he does me the honor to attribute to me high qualities of stern and unbending intrepidity. I hope, that in all that relates to personal firmness, all that concerns a just appreciation of the insignificance of human life — whatever may be attempted to threaten or alarm a soul not easily swayed by opposition, or awed or intimidated by menace — a stout heart and a steady eye, that can survey, unmoved and undaunted, any mere personal perils that assail this poor, transient, perishing frame, I may, without disparagement, compare with other men. But there is a sort of courage, which, I frankly confess it, I do not possess, a boldness to which I dare not aspire, a valor which I cannot covet. I cannot lay myself down in the way of the welfare and happiness of my country. That I cannot, I have not the courage to do. I cannot interpose the power with which I may be invested, a power conferred not for my personal benefit, nor for my aggrandizement, but for my country's good, to check her onward march to greatness and glory. I have not courage enough, I am too cowardly for that. I would not, I dare not, in the exercise of such a trust, lie down, and place my body across the path that leads my country to prosperity and happiness. This is a sort of courage widely different from that which a man may display in his private conduct and personal relations. Personal or private courage is totally distinct from that higher and nobler courage which prompts the patriot to offer himself a voluntary sacrifice to his country's good.

Nor did I say, as the senator represents, that the president should have resigned. I intimated no personal wish or desire that he should resign. I referred to the fact of a memorable resignation in his public life. And what I did say was, that there were other alternatives before him besides vetoing the bill; and that it was worthy of his consideration whether consistency did not require that the example which he had set when he had a constituency of one state, should not be followed when he had a constituency

commensurate with the whole union. Another alternative was to suffer the bill, without his signature, to pass into a law under the provisions of the constitution. And I must confess I see, in this, no such escaping by the back door, no such jumping out of the window, as the senator talks about. Apprehensions of the imputation of the want of firmness sometimes impel us to perform rash and inconsiderate acts. It is the greatest courage to be able to bear the imputation of the want of courage. But pride, vanity, egotism, so unamiable and offensive in private life, are vices which partake of the character of crimes in the conduct of public affairs. The unfortunate victim of these passions cannot see beyond the little, petty, contemptible circle of his own personal interests. All his thoughts are withdrawn from his country, and concentrated on his consistency, his firmness, himself. The high, the exalted, the sublime emotions of a patriotism, which, soaring towards heaven, rises far above all mean, low, or selfish things, and is absorbed by one soul-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, grovelling, personal interests and feelings, animates and prompts to deeds of self-sacrifice, of valor, of devotion, and of death itself — that is public virtue; that is the noblest, the sublimest of all public virtues!

I said nothing of any obligation on the part of the president to conform his judgment to the opinions of the senate and house of representatives, although the senator argued as if I had, and persevered in so arguing, after repeated corrections. I said no such thing. I know, and respect the perfect independence of each department, acting within its proper sphere, of other departments. But I referred to the majorities in the two houses of congress as further and strong evidence of the opinion of the people of the United States in favor of the establishment of a bank of the United States. And I contended that, according to the doctrine of instructions which prevailed in Virginia, and of which the president is a disciple, and, in pursuance of the example already cited, he ought not to have rejected the bill.

I have heard that, on his arrival at the seat of the general government, to enter upon the duties of the office of vice-president, in March last, when interrogated how far he meant to conform, in his new station, to certain peculiar opinions which were held in Virginia, he made this patriotic and noble reply: 'I am vice-president of the United States, and not of the state of Virginia; and I shall be governed by the wishes and opinions of my constituents.' When I heard of this encouraging and satisfactory reply, believing, as I most religiously do, that a large majority of the people of the United States are in favor of a national bank, (and gentlemen may shut their eyes to the fact, deny or dispute, or reason it away as they

please, but it is my conscientious conviction that two-thirds, if not more, of the people of the United States desire such an institution,) I thought I beheld a sure and certain guarantee for the fulfilment of the wishes of the people of the United States. I thought it impossible, that the wants and wishes of a great people, who had bestowed such unbounded and generous confidence, and conferred on him such exalted honors, should be disregarded and disappointed. It did not enter into my imagination to conceive, that one, who had shown so much deference and respect to the presumed sentiments of a single state, should display less towards the sentiments of the whole nation.

I hope, Mr. President, that, in performing the painful duty which had devolved on me, I have not transcended the limits of legitimate debate. I repeat, in all truth and sincerity, the assurance to the senate and to the country, that nothing but a stern, reluctant, and indispensable sense of honor and of duty could have forced from me the response which I have made to the president's objections. But, instead of yielding without restraint to the feelings of disappointment and mortification excited by the perusal of his message, I have anxiously endeavored to temper the notice of it, which I have been compelled to take, by the respect due to the office of chief magistrate, and by the personal regard and esteem which I have ever entertained for its present incumbent.

ON A GENERAL BANKRUPT LAW.

IN THE SENATE OF THE UNITED STATES, JANUARY 17, 1842.

[THE subject of a general bankrupt law, after the repeal of the law of 1800, which took place in 1805, had been frequently agitated in congress. Bills were at different periods introduced and discussed, some of which passed the senate, but were lost in the house of representatives. In 1837, president Van Buren recommended to congress the passage of a bankrupt law, exclusively applicable to banks, and other corporations; but the proposition met with very little favor at the time. The pecuniary distress prevailing throughout the country, during the administration of that president, caused many memorials to be presented to congress, praying for a general bankrupt law for the relief of the people, and, on the twenty-third of March, 1840, on presenting a memorial from a large number of the citizens of New York, asking the passage of a uniform bankrupt law, Mr. Clay took occasion to say, that he had been at all times favorable to such a measure, and was then ready to support such a bill, when found suitable in its details, for the exigencies required. In April, three different bills were introduced in the senate, one of which was taken up and discussed. On motion of a senator from Alabama, (an administration man,) sustained by Mr. Clay, of Kentucky, among others, the clause subjecting banks to the operation of the bill was stricken out, by a vote of twenty-eight to sixteen; Mr. Clay, on a subsequent occasion, (February twenty-sixth, 1841,) denying the constitutionality, as well as the expediency, of including corporations in such a law. In June, 1840, Mr. Clay moved to strike out the compulsory provisions in the bill, which was negatived, (seventeen to twenty-five.) He had previously said, (April twenty-second,) 'that it was not to be denied that the voluntary class of bankruptcies would comprehend a vast majority of all the cases, and hence the bill of the majority of the judiciary committee, would be likely to afford the largest share of relief, in the present embarrassed and deranged state of business.'

The compulsory clause being thus retained, the bill was ordered to be engrossed, on the twenty-fourth of June, by a vote of twenty-four to twenty-three, Mr. Clay in the affirmative. It finally passed the senate on the twenty-fifth, twenty-one to nineteen; but was laid on the table in the house of representatives, on the seventh of July, by a vote of one hundred and one to eighty-nine.

At the extra session of congress in 1841, after the election of president Harrison, the whigs having a majority in both branches, a bankrupt bill was introduced, and, after considerable debate, passed the senate July twenty-fourth, 1841, by a vote of twenty-six to twenty-three, and the house of representatives on the eighteenth of August, one hundred and ten to one hundred and six. Mr. Clay supported this bill, declaring that 'he considered it as part of a system of relief for the country.'

Mr. Walker, of Mississippi, a Van Buren senator, said: 'the refusal of the late administration to act upon the subject, had done more than any thing else to cause their defeat.'

During the next session of the same congress, the most strenuous efforts were made to repeal the bankrupt law, before the time in which it was to go into operation, which was fixed for the first of February, 1842; and the repeal was carried in the house of representatives, one hundred and twenty-six to ninety-four, on the seventeenth of January, but defeated in the senate on the twenty-eighth, by a vote of twenty-two to twenty-three. While the question was pending, numerous petitions from the people, remonstrating against the repeal of the law, were presented to congress. Mr. Clay, on presenting some of these petitions, on the seventeenth of January, made the following remarks on the subject.]

Mr. Clay said, that he was charged with the presentation of a great many memorials, all remonstrating against any repeal or postponement of the bankrupt law. He would not trouble the senate with having them read. There were a great many from the state of New York; two from the state of Maryland; one from Pennsylvania; one from Newark, New Jersey; one from Boston, signed by hundreds of persons; a city which, from its mercantile character, must be supposed to have knowledge on the subject, in which were mingled the names of those both able and unable to pay their debts; also, three from his own state, (Kentucky,) one from the capital of the state, in which were the proceedings of a meeting, strongly remonstrating against interference with the law, going into arguments to show why it should not be repealed or postponed. To this there were four hundred signatures, all of which, the secretaries informed him, were voluntarily made.

Mr. Clay referred to an opinion, which had been thrown out under the sanction of some high commercial authority in New York, that the bankrupt bill, if it should become a law, would operate to throw one hundred millions worth of property into the market to be sacrificed. Such a remark, coming from that source, might be likely to have some weight. But it must be remembered that the estimate of one hundred millions, was mere assumption and random conjecture, for no man could tell, with any thing like accuracy, what the amount would be; it might just as well have been set down at two hundred millions, as at one. But be the amount what it might, in estimating the weight of the statement, as an argument against the bill, it should be inquired, on the other hand, what would be done with this property, should the bill not go into effect? Would it be kept *out* of the market? Not at all. On the contrary, it would be thrown into the market, to be sold under the hammer, by sheriffs and other officers executing the process of the courts, and that without competition to raise the price. For when the property of a debtor was seized by one of his creditors, what motive could his other creditors have to enhance its avails, by competition at the sale? None in the world. On the contrary, should the law remain undisturbed, what would be the course of action under it? According to his understanding of the act, it would produce a distribution of the goods of the debtor among all his creditors, *pro rata;* of course, when his property should be set up to sale, it would be the interest of them all to make as much out of it as possible. They would bid it up, instead of suffering it to be sacrificed for a song. He considered, that whatever might be the exact form of legal proceedings in carrying out the law, the result in practice would be, that, under the benignant operation of the act, there would be a distribution of the debtor's effects, not only among all his creditors, but at the highest price they could be made to command.

Mr. Clay went on to say that it was not his purpose to go, at this time, into a discussion of the subject generally. He had thought of the bankrupt act as a measure, which came recommended to congress, not only by all considerations of justice, of humanity, and benevolence, but recommended no less by the appalling condition of the country. If, among all the other distresses, discontents, and disorders, which every where prevailed to so alarming an extent, this legislature should now slam the door in the faces of those unfortunate men, who had at length hoped to be liberated from irretrievable embarrassment, by the beneficent operations of this law, it would produce such a state of excitement, distress, disorder, and despair, from one end of the land to the other, that no man could foresee, or even conjecture, the consequences.

But he could not terminate the brief remarks with which he had deemed it proper to accompany the presentation of these petitions and memorials, without adverting, for a moment, to a circumstance which had a personal relation to himself. The senate would do him the justice to admit, that he rarely introduced any thing of that description on their notice; never, indeed, unless under a sense of unavoidable necessity. An intimation had recently appeared in some of the public prints of the day, that the movement now in progress in the other wing of the capitol, towards a repeal of the bankrupt law, had originated with him, (Mr. Clay.) He disdained to enter upon any thing like a defence, against a charge so base and dishonorable, and one so entirely contrary to the entire tenor of his whole public life. It might, with equal probability, or evidence, have been asserted that he was the author or prompter of the proposal of a gentleman near him, to repeal the distribution law. He held the insinuation in profound contempt and scorn.

A single remark he must be permitted, in reference to the delegation in the other house, from his own state. At the last session, every member of that delegation, with one solitary exception, had voted against the passage of the bankrupt bill; and even that single advocate of the bill, on his return to his own district, found so great and general a dissatisfaction with the provisions of the bill, that he had, on the present occasion, felt it his duty to give such a vote, as he presumed it would appear that he had this day given in that body, on the question of repeal. But it seemed, notwithstanding these known facts, that Mr. Clay was to be held responsible for the votes of all the representatives in the other house, from his state, on that question. But those who imagined that Kentuckians were made of so supple, servile stuff, as to take their public course in legislation, from the dictation of any man, had yet to learn their true character. Those gentlemen had as good a right to dictate Mr. Clay's course, as he had to dictate

theirs. The representatives from Kentucky, in either house of congress, had enough of manly independence, to judge and to act for themselves, and to vote as their own individual views of duty should prompt them. But this accusation, base and despicable as it was in itself, had, notwithstanding, assumed such a shape as to render it Mr. Clay's duty to bring it to the notice of the senate; and he felt very sure that it was only necessary for him to bring it home to the bosom of every senator, to have it promptly, instantaneously rejected and repelled, as utterly groundless. For whatever might have been their difference of sentiment — and no man regretted more than he did, that it should have been his misfortune to differ in opinion from any portion of the gentlemen of that chamber — he was satisfied that all, both friends and foes, would, with one voice, do him the justice to say, that, whatever might have been the errors of his head, he had, at least, sought to live, as he hoped to die, an HONEST MAN — honest in his public, as in his private life.

ON THE AMENDMENT OF THE CONSTITUTION RESPECTING THE VETO POWER.

IN THE SENATE OF THE UNITED STATES, JANUARY 24, 1842.

[THE frequent use of the veto power, by presidents Jackson and Tyler, by which very important bills passed by congress had been defeated, to the detriment of the public interests, induced Mr. Clay, before resigning his seat in the senate, to propose an amendment of the constitution, limiting the power of the president in this respect, on which subject he addressed the senate as follows. There were also two other resolutions submitted by Mr. Clay, having in view the same object — namely, the reduction of executive power within proper limits; first, that no senator or representative should be appointed to any office under the United States during the term for which he was elected; second, the secretary of the treasury to be chosen by congress.]

WHATEVER, said Mr. Clay, might be the ultimate fate of the amendment which had just been read, or of the two other kindred amendments which he had the honor of offering at the same time with it, he should at least enjoy the consciousness of having discharged his duty in their presentation. He must regret, indeed, that the duty of presenting and of advocating their adoption by the senate, had not devolved upon abler and more skilful hands; still, however, he considered the measure as one he was bound in conscience to present in his place, for the action of this body.

Nor had the performance of this duty been prompted, as some might suppose, and as had been suggested in certain quarters, by any recent exercise of the power to which the resolution has reference; yet, he was free to confess, that although the subject was one which had long been in his mind, and on which he had thought much and deeply for years past, the course of recent events had certainly not tended to weaken, if it had not added much to the strength of his impressions on the general subject. As far back as seven years ago, a worthy and lamented friend of his, from Maryland, now no more, had, in concert with himself, presented a proposition, the object of which had been to modify, and further to restrain the exercise by the executive, of this veto power. The drafting of the resolution, its presentation, and even the observations with which it was to be accompanied, all had been subjects of joint consultation and consideration between himself and that

gentleman. He adverted to this fact for no other purpose than to repel the idea, if it were entertained in the mind of any who now heard him, that the amendment now under consideration, and the others which accompanied it, had been suggested by recent occurrences. As far back as June, 1840, on one of the most solemn occasions in which he had ever been called to address a popular assembly — he alluded to the time when he enjoyed the opportunity of addressing the friends of his youth, and the people of his native county of Hanover, on the subject of the duties to be looked for at the hands of the new whig administration, which was expected to come into power, in consequence of the glorious and universal triumph of the whig party at the then approaching election — he had placed emphatically, and in front of them all, that which formed the subject of the present resolution. After speaking of the veto power generally, and more particularly of its exercise by a late president of the United States, the speech proceeded to say:

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

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

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

'First, a provision to render a person ineligible to the office of president of the United States after a service of one term. Much observation and deliberate reflection have satisfied me, that too much of the time, the thoughts, and the exertions of the incumbent are occupied, during his first term, in securing his reëlection. The public business, consequently, suffers; and measures are proposed or executed with less regard to the general prosperity, than to their influence upon the approaching election. If the limitation to one term existed, the president would be exclusively devoted to the discharge of his public duties; and he would endeavor to signalize his administration by the beneficence and wisdom of its measures.

'Secondly, that the veto power should be more precisely defined, and be subjected to further limitations and qualifications.'

Thus, it would be perceived by the senate, that whatever truth or soundness there might be in the opinion which he had embodied in the resolution now submitted to the senate, it was an opinion long since deliberately formed and expressed, and one which had often since been considered and reviewed, unprompted by any of those recent occurrences to which it might otherwise have been supposed to owe its origin.

The particular amendment now before the senate, for its con-

sideration, and to which he should speak before he more briefly adverted to the others which accompanied it, was that which related to the veto power. And while on this subject of redeeming the pledge which was, in some sort, given by him as one of the humblest members of that party which had not long since so signally triumphed, he hoped the senate would allow him, in all truth and sincerity, to say, that he desired to see a party, when it came into power, redeem the pledges and fulfil the promises it made when out of power, and not exhibit that disgraceful spectacle so often witnessed in the political history of other nations, of professing one set of principles, and employing them as a means towards getting into power, and then, when successful in obtaining their wishes, turn round, forget all they had said and promised, and go on to administer the government just as their predecessors had done. He could assure gentlemen, that, on the questions of restraining and limiting executive power, on the necessity of an economical administration of the government, on regulating the dismissing power of the president, on securing a fair and just responsibility in all the departments; in a word, on every great question of national policy to which the party to which he considered himself as belonging were pledged to the people, and to the world; they would find him, on all occasions during the short time in which he expected to remain a member of the body, heartily ready to coöperate in carrying out into practice all they had avowed in principle.

It was his purpose to go but very briefly into the history and origin of the veto power. It was known to all to have originated in the institution of the tribunitian power, in ancient Rome; that it was seized upon, and perverted to purposes of ambition, when the empire was established under Augustus; and that it had not been finally abolished until the reign of Constantine. There could be no doubt that it had been introduced from the practice under the empire, into the monarchies of Europe, in most of which, in some form, and under some modification or other, it was now to be found. But, although it existed in the national codes, the power had not, in the case of Great Britain, been exercised for a century and a half past; and, if he was correctly informed on the subject, it had, in the French monarchy, never been exercised at all. During the memorable period of the French revolution, when a new constitution was under consideration, this subject of the veto power had been largely discussed, and had agitated the whole country. Every one must recollect how it had been turned against the unfortunate Louis XIV, who had been held up to the ridicule of the populace, under the title of 'Monsieur Veto,' as his wife, the queen, had been called 'Madame Veto;' and, although after much difficulty, the power had finally found a place in the constitution, not a solitary instance had occurred of its actual exercise. Under

the colonial state of this country, the power was transplanted, from the experience which had been had of it in Europe, to the laws relating to the colonies, and that in a double form; for there was a veto of the colonial governor, and also a veto of the crown. But what was thought of this power by the inhabitants of these states, when rising to assert their freedom, might be seen in the words of the instrument in which they asserted their independence. At the head of all the grievances stated in that paper, as reasons for our separation from Great Britain, was placed the exercise of this very power of the royal veto. Speaking of the king, the declaration of independence employed this language.

'He has refused his assent to laws the most wholesome and necessary for the public good. He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operations, till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.'

No doubt, the idea of ingrafting this power upon our own constitution, was adopted by the convention, from having always found it as a power recognised in European governments, just as it had been before derived by them from the practice and history of Rome. At all events, the power was inserted as one feature, not only in the general constitution of the federal government, but also in the constitutions of a portion of the states. Fifty years had now elapsed since the federal constitution was formed, and it was no derogation to the wisdom and patriotism of the venerable men who framed it, now to say, that the work of their hands, though as perfect as ever had proceeded from human hands, was, nevertheless, not absolutely so; because that was what nothing that sprung from man had ever been. But now, after the lapse of half a century, it was interesting to pause, to look back, to review the history of that period, and to compare the predictions of those who then looked into the future, with the actual results of subsequent experience. Any one at all acquainted with the contemporaneous history of the constitution, must know, that one great radical error, which possessed the minds of the wise men who drew up that instrument, was, an apprehension that the executive department of the then proposed government would be too feeble to contend successfully in a struggle with the power of the legislature; hence, it was found that various expedients had been proposed in the convention, with the avowed purpose of strengthening the executive arm; one of which went so far as to propose that the president should be chief magistrate for life. All these proposals had their origin in the one prevailing idea — that of the weakness of the executive, and its incompetence to defend itself against the encroachments of legislative domination and dictation.

Now, let any man look at the actual working of the machine they constructed, and see whether the anticipations which haunted

their minds on this subject had been realized or falsified by the subsequent political history of this government. Let him see, whether the executive department was the weak spot in the system. Much had been said about the encroachments of the federal government on the governments of the states, from which complaints, had arisen what was called the states-rights party, and its opposite; but an examination of the facts of the case would demonstrate, that no solitary instance had yet occurred of any such encroachment by the general government; but, on the contrary, Mr. Clay could demonstrate, were this the proper time or occasion for doing so, that there had been an abandonment by that government of the exercise of its own just powers, in relation to the states, and this to such an extent, that the existing state of the country presented very much the aspect that the old confederation had once done, with all its weakness and imbecility.

But while there had been no such thing in practice as an encroachment by the federal upon the state governments, there had been, within the federal government itself, a constant encroachment by the executive upon the legislative department.

First, it attacked the treaty-making power. None could now read the language of the constitution, without at once coming to the conclusion, that the intention of the authors of that instrument was, that the senate should be consulted by the president, not merely in the ratification, but in the inception, of all treaties: that, in the commencement of the negotiations, the instructions of the ministers appointed to treat, the character and provisions of the treaty, the senate should be consulted, and should first yield its assent. And such had, in fact, been the interpretation put upon the treaty-making power, in the first and purest years of our government. Every one must recollect the early history of the exercise of the power, and the high sanction for such a usage. The first president had been wont to come to the senate, there to propose a foreign mission, and to consult with his constitutional advisers, the members of the senate, on the instructions to be given to the minister who should be sent. But this practice had since been abandoned. The president now, without a word of consultation with the senate, on his own mere personal sense of propriety, concluded a treaty, and promised to the foreign power its ratification; and then after all this had been done, and the terms of the treaty agreed upon, he, for the first time, submitted it to the senate for ratification. Now, every one must see, that there was a great difference between rejecting what had been already actually done, and refusing to do that thing if asked beforehand. All must feel, that they often gave their official assent to what they never would have sanctioned, but for the consideration that the treaty was already concluded, and that the faith of the nation was in some sort pledged for its ratification. Another consequence of this executive encroachment, was one from which

foreign powers often experienced great inconvenience; he meant the amendments of treaties by the senate, after they were at length submitted. So great had the inconvenience from this source been, that, in more recent treaties, it had come to be the practice to insert, in the body of the treaty itself, a provision against all alteration; so that it must be ratified in its existing form, or not ratified at all.

The next executive encroachment he should notice, was that which occurred in the dismissal from office of persons appointed by and with the consent of the senate. The effect of this practice was virtually to destroy all agency and coöperation of the senate, in such appointments. Of what avail was it that the senate should to-day solemnly ratify and confirm the appointment of an individual to an office under the government, when the president could to-morrow reverse the effect of their act by his mere breath? Every one knew that the power of removal had been grossly perverted. In the early days of the constitution, it had been maintained, that that power could be exercised only in case of malfeasance or misfeasance in office; and that the president who should dare to employ it for any other end, would subject himself to impeachment. But our history and experience has gone to show, that this liability to impeachment was a mere scarecrow, and that it could never have any practical effect in a popular government, constituted as ours was, and in a country politically divided as ours was ever like to be. By the free exercise of this power of removal, the senate had lost its practical influence on the whole subject of appointment to office. Instance after instance had occurred, where an individual had been dismissed by the executive, whom the senate would gladly have replaced in office, but whom they were unable to retain there, and were therefore compelled to sanction the nomination of a successor. The actual result of such a state of things was, he repeated it, that the coöperation of the senate with the president, in the matter of appointments, had been almost completely nullified for years past. Indeed, so perfectly was this understood, that when the senate were deliberating with closed doors, on executive nominations, Mr. Clay frequently walked out of the chamber. Deliberation, in such a case, was one of the idlest things in the world, because every one knew that all resistance must be unavailing. And, even should the objections against the nominee be so gross and undeniable that resistance to his appointment should succeed, they might generally calculate on another nomination, not more to the taste of the senate; and when at length the office was filled, the tenure of the incumbent was not on the joint will of the president and senate acting together, but upon the single will, upon the mere arbitrary breath of one man.

Mr. Clay said, it was not his purpose to go into all the details of these encroachments by the executive, upon the constitutional powers and prerogatives of a single legislative branch of the

government. He would now pass to its attacks on the powers of the congress of the United States.

And the first instance of this to which he should refer, was the creation of officers and the designation of their salaries, without the consent of congress, or any consultation with it. Another, and a more formidable instance, was to be found in the assumption within the last few years, of the purse of the nation. He alluded, as every body must understand, to the seizure made by a late executive, of the public deposits placed by law in the bank of the United States — a removal which had been effected under the avowed claim of power to employ the prerogative of removal as a means to compel subordinate executive officers to comply with the will of the president, on the principle that the executive was a unit, and that a single will must control the entire executive department. This seizure of the public deposits had yet been unprovided against; the congressional power to control them had been unresumed, and thus a state of things was permitted to continue, by which the nation was virtually placed at the feet of the executive.

Let not gentlemen mock him, by talking about the impossibility of the president's drawing money out of the treasury, except under an appropriation by congress. Let them not tell him of the responsibility of public officers; let them look at facts; let them look at what had actually occurred, on the removal of two or three secretaries of the treasury, in order to accomplish this very seizure of the public treasure; and then let them look at the dismissal of a countless host of subordinate officers, because they did not happen to hold the same political opinions that were held by the president. Of what avail were laws? The president had nothing to do but say to his secretary, issue your warrant for such a sum of money, and direct the register and comptroller to sign it, and if they should talk about a regard for their oaths, and boggle at obeying, tell them to do what I command them, and if not, I will find men who will. And he would here say, to all those who professed to be desirous of guarding against such abuses of trust, that unless it were done by an amendment of the constitution, or by a revival and resumption of the power already possessed by congress, under the constitution, they never could effect their purpose. All efforts, all devices, all guards, all guarantees, all attempts of whatever kind, to separate the purse from the sword, would prove in practice utterly vain and ineffectual. There was a third instance of this encroachment, which he was authorized by facts to state, but on which he should not at this time dwell. Not only had the purse of the nation been seized; not only did it still remain in the hands of the president, but the nation had seen armies raised, by executive mandate, not only without authority or shadow of authority of law, but, as in the case of the Florida volunteers, after a law had been asked for, and positively refused. Other instances might be cited, in which a military force had been raised, without the sanction of congress.

Without, therefore, going any further, Mr. Clay said, that he thought a careful review of the operations of this government, down to the present havoc, would fully demonstrate that, while it had made no encroachment on the states, there had been a constant encroachment by the executive on the legislative authority.

And was not this in the nature of things? The executive branch of the government was eternally in action; it was ever awake; it never slept; its action was continuous and unceasing, like the tides of some mighty river, which continued flowing and flowing on, swelling, and deepening, and widening, in its onward progress, till it swept away every impediment, and broke down and removed every frail obstacle which might be set up to impede its course. Let gentlemen look at all history, and they would find that it had ever been so. The legislative branch of government met only periodically; its power lay in its assembling and acting; the moment it adjourned, its power disappeared; it was dissipated, gone; but there stood the president at the head of the executive department, ever ready to enforce the law, and to seize upon every advantage which presented itself, for the extension and augmentation of its power.

And now he would, upon principle, examine for a few moments the motives which might be supposed to have actuated the members of the convention, in conferring upon the executive this veto power. Let us throw ourselves back to the period in which they lived and acted, and then institute a comparison between the expectations in which they had indulged, and the actual facts, as they had since occurred.

On principle, certainly, the executive ought to have no agency in the formation of laws. Laws were the will of the nation authoritatively expressed. The carrying of those laws into effect was the duty which ought to be assigned to the executive, and this ought to be his sole duty, for it was an axiom in all free governments that the three great departments, legislative, executive, and judicial, should ever be kept separate and distinct. And a government was the most perfect when most in conformity with this fundamental principle. To give, then, to the executive, any agency in the ascertainment and expression of the will of the nation, was so far a violation of this great leading principle. But it was said that the framers of our constitution had, nevertheless, been induced to place the veto upon the list of executive powers, by two considerations; the first was a desire to protect the executive against the power of the legislative branch, and the other was a prudent wish to guard the country against the injurious effects of crude and hasty legislation. But where was the necessity to protect the executive against the legislative department? were not both bound by their solemn oaths, to support the constitution? The judiciary had no veto. If the argument was a sound one, why was not the same

protection extended to the judiciary also? Was there not ample security against the encroachments of the legislative power, in the absence of the veto? First, there was the solemn oath of office; then there was the authority of the judiciary; then there was the responsibility of individual members to the people, and this responsibility continually kept up by a frequent appeal to the people; and, lastly, there was the ultimate conflict of the president and the legislature before the grand tribunal of the nation itself, in case of any attempt, by the legislature, to deprive him of the rightful exercise of his authority. Besides, if a veto be necessary, as a defence against legislative power, why was there no veto against the highest description of all legislation, the fundamental legislation by a convention? There was no veto there; there was no apprehension of hasty action; no necessity was recognised for the controlling will of one man to save the nation from the heedless acts of its own representatives. But in the case of ordinary legislation, why should such apprehensions be indulged? On this subject, experience was our safest guide. Now, Mr. Clay had taken the pains to look into the provisions of twenty-six state constitutions, in relation to this matter of the veto, and the result was highly curious and interesting. The states were in this respect divided, as equally as their number would admit, into three distinct classes. Nine of them gave to the executive the veto power, unless controlled by two thirds of the legislature. Eight other states conferred the veto, but controlled it by a second veto of a majority, as was proposed in the amendment now under consideration. While the nine remaining states had not inserted the veto at all, and at the head of these stood one which had been called the mother of states — Virginia. Now some of these state constitutions were of a date anterior to that of the constitution of the United States itself. If there had been this very great danger of executive encroachment and of hasty legislation, one would suppose it would have been heard of in these nine states. Had any instance yet occurred to show that such a danger did exist? Mr. Clay had heard of none, read of none; and he put it to the advocates of this arbitrary and monarchical power, he put it especially to democrats, who, while they professed themselves, and, he doubted not, honestly and conscientiously professed themselves friends of the people, came out in the contest between monarchical prerogative on the one hand, and civil freedom on the other, as the avowed advocates of prerogative; he put it to all of them to tell, if such dangers both of encroachment and rashness as were pretended as a pretext for the veto did actually exist, how it happened that in the nine states he had named, during so long a period as had elapsed since their constitutions were formed, no instances had occurred, either of encroachment by the legislature on the powers of the executive, or of such rash and hasty legislation as called for the restraint and safeguard of a single sovereign will.

Now, before he proceeded further, he invited gentlemen to form a just estimate of this veto power; to look at it; to see what it was; to ascertain what was its value, what it amounted to in the practical operations of government. He should not pretend to go into any inquiry as to its moral value, or to estimate its influence on the individual who exercised it, or the degree and extent to which, by means of it, in connection with a vast patronage, the president could sway the minds of other men, for that was a power which admitted of no estimate. He should confine himself to what might be called a mere numerical estimate of the amount of the veto power, and he would make this estimate by taking the numbers of the two houses of congress, as those houses now stood. The senate at present consisted of fifty-two members; of that number a majority consisted of twenty-seven; two thirds amounted to thirty-six. Supposing a law to be passed by a bare majority, (and in all great and contested questions bills were wont to be passed by very small majorities,) then there would be in its favor twenty-seven votes. The bill was submitted to the president, and returned by him with his veto. The force of the presidential veto could not be overturned but by thirty-six votes. Here, then, the veto in the hands of the president was equal in its effect upon legislation to nine senatorial votes. Mr. Clay dismissed all considerations of influence derived from his office, all the glitter and eclat of the president's high station, and all the persuasion directed to the interests of men by his vast patronage; all this he laid out of view, and looked merely at the numerical fact, that in the senate the veto was equal to nine votes. And now in regard to the other branch. The house of representatives consisted of two hundred and forty-two members; to constitute a majority required one hundred and twenty-two; two thirds amounted to one hundred and sixty-two. By looking at this difference, it would be seen, as in the case of the senate, that the executive veto amounted in effect to forty representative votes.

Now Mr. Clay did not mean to say any thing in the least derogatory to the wisdom, or fairness, or integrity, or patriotism of any president of the United States. It was not necessary, and he was utterly unwilling, without necessity, to injure the feelings of any man. We had had six presidents who had previously been senators. They were able and eminent men; but he wished to inquire, whether any gentleman could show that their wisdom and other distinguished qualities had been so great as to be equal to the wisdom of nine other senators? Could it be shown that their patriotism, and intelligence, and integrity, were equal to those of forty members of the house of representatives? If not, how did it happen that a man who, when in that chamber, and acting with his fellow senators, had been considered upon a par with them, was no sooner transferred to the other end of the avenue, than his

will became equal to that of nine senators and forty representatives? How, he asked, did this happen, and wherein was it just and right? Was it not sufficient, that this man, after his political apotheosis, should enjoy all the glitter, and distinction, and glory attached to his office? Was it not enough that he wielded so vast and formidable an amount of patronage, and thereby exerted an influence so potent and so extensive? Must there be superadded to all, a legislative force equal to nine senators and forty members of the house of representatives?

Again: let the subject be looked at in another point of view; and that was with reference to the balance of power among the states. Now, gentlemen might reason as they pleased about what a particular president would, or ought to do, but Mr. Clay would answer for it, that he would never forget, amid the splendor of his high station, the state from whence he came, the early associations, the friendly sympathies, the remembrance of honors, and all those other ties which bound every man, especially a public man, to the land and to the people among whom he had spent his youth and attained the honors of his manhood. All these considerations would operate as so many powerful motives to prefer, in the distribution of benefits, his own state before all others. Looking at this in a political view, was it right, was it just, to give to one particular state, in which the president happened to have been born, so great an advantage in the general competition as must be derived from nine senatorial and forty representative votes? Mr. Clay said, he did not mean to illustrate the remarks he had made about the influence of state partiality on the mind of a chief magistrate by reference to any particulars; his appeal was only to the general principles of human nature. The effect, to be sure, would be greater or less, as the mind of the chief magistrate might happen to be constituted. There might be some men who would be induced, by a chivalric sense of honor, even to do injustice to their own state, in the effort to avoid an unjust partiality; but there were other minds, all whose thoughts, and aims, and wishes, would be circumscribed by local interests and local attachments.

Mr. Clay had hitherto viewed the veto power simply in its numerical weigh, in the aggregate votes of the two houses; but there was another and far more important point of view in which it ought to be considered. He contended, that practically, and in effect, the veto, armed with such a qualification as now accompanied it in the constitution, was neither more nor less than an absolute power. It was virtually an unqualified negative on the legislation of congress. Not a solitary instance had yet occurred in which the veto once exerted had ever been overruled, nor was such a case likely to happen. In most questions where the veto could be exerted, there was always a considerable difference of opinion both in the country and in congress as to the bill which had been passed.

In such circumstances, when all the personal influence, the official patronage, and the reasoning which accompanied the veto, were added to the substantial weight of the veto itself, every man acquainted with human nature would be ready to admit, that if nothing could set it aside but a vote of two thirds in both houses, it might as well have been made absolute at once.

But Mr. Clay was unable to dwell on this part of his subject, being warned by his feelings of a want of physical ability to go at large into the subject.

He now, however, approached another view of it, to which he would ask the serious and undivided attention of the senate. The veto power professed to act only while the legislature acted; then it was to terminate. Its effect was to be, to consummate legislation. The officer of government, in whose hands the constitution placed a power so formidable, was supposed in theory to remain profoundly silent as to the passage of great measures of public policy, until they were presented to him in a finished form for his approbation and sanction.

This was the theory; but Mr. Clay contended, that really and in practice this veto power drew after it the power of initiating laws, and in its effect must ultimately amount to conferring on the executive the entire legislative power of the government. With the power to initiate and the power to consummate legislation, to give vitality and vigor to every law, or to strike it dead at his pleasure, the president must ultimately become the ruler of the nation.

When members, acting in their legislative capacity, knew and remembered that it was in the power of one man to arrest them in their legislative career, what was the natural tendency of such a state of things? On the established principles of our nature, how was this likely to work? Would not legislators, with gradually less and less attention to that delicacy, reserve, and official deference, which were ever due from one department of government towards the other, come at length to consult with the executive as to what law they might pass with the hope of his approbation? Would not this be the natural result? Independently of all those obvious and glaring considerations, which went to show that it must, Mr. Clay would point to numerous facts illustrative of the position; and if he went into them, it would be not with a view to complain, not with a desire to revive former contests, or to say a word which might rudely wound the feelings of any human being. But did not gentlemen recollect, how often, during the administration of an eminent individual, now in private life, intimations had been given beforehand, that a certain bill would be vetoed, if it were passed? And did they not remember various instances, in which the threat had been fulfilled? Take the experience of the last six months. Congress have passed two bills to establish a bank of the United States; bills, in all the provisions of which

neither party concurred, and which would not have had the concurrence of twenty men in either house, had their minds been left uninfluenced by the expected action of the executive. Take, as a special instance, the famous sixteenth section of one of those bills. Mr. Clay was free to declare, that he did not know a solitary man among those who voted for the bill, who would have voted for that section, but as a measure of conciliation, and in the hope that, so modified, the bill would receive the sanction of the president. True, that expectation was not realized; the sacrifice was vainly made, but it had been made with a view to that end, and that alone. And so in regard to the second of those bills. That bill, as he was informed, came to congress, precisely as it had left the president's hand. So anxious had congress been, to secure the approbation of the president, that, although almost every thing in the bill would either have been omitted, or amended by a majority, they took it as it came from the presidential hand, and passed it, letter for letter, as they received it. Without going further, did not this fact prove, that the possession of the veto power drew after it the power of initiating laws.

Take another case, in the bill now before the judiciary committee. Was there one man to be found, in either house of congress, who would ever have proposed such a measure as the exchequer board provided in that bill? Yet, what had been the feeling? Had it not been this; must we go home without doing something? Had not the feeling been, we are bound by the veto power, we cannot do what we would? Had not the feeling been, we must take what the executive offers, or get nothing? Yes. Already the idea was becoming familiarized to the minds of freemen, to men of only the second generation after the days of the revolution, of submitting to the dictation of the executive, because without his assent they could do nothing. Mr. Clay warned the nation, that if this veto power was not arrested, if it were not either abolished, or at least limited and circumscribed, in process of time, and that before another such period had elapsed as had intervened since the revolution, the whole legislation of this country would come to be prepared at the white house, or in one or other of the executive departments, and would come down to congress in the shape of bills for them to register, and pass through the forms of legislation, just as had once been done in the ancient courts of France.

Then, to enable a nation of freemen to carry out their will, to set congress free to speak that will, to redress the wrongs, and to supply the wants, of those that sent them, Mr. Clay again declared, that the veto power must be modified and restrained. If not, the question which congress would have to decide would be, not what is the proper remedy for the existing grievances of the country, not what will restore the national prosperity — no; but what measure will be sanctioned by the chief magistrate?

Mr. Clay said, that, as he had not the bodily strength to dwell more at large on the general subject, he would now proceed to examine the objections which were urged against any further restrictions on this executive power.

There had gotten up a notion, of late years, that some curb was necessary upon the power of majorities, and that without this the safety of the country must be in danger. Now, on what grounds had the principle been founded, that in a free government the majority must govern? On two grounds. The first was of an intellectual and moral character. It was right, that in a great public, political partnership, the greater number should be satisfied with what was done, and that there was a greater chance of wisdom in complying with the will of the greater number. On the score of chances, some must govern, and who should it be? The minority? Why? Because they possessed more wisdom? Why were they likely to possess more wisdom? The second ground was physical in its aspect. It held, that the majority should be allowed to govern, because they would govern, having the physical force which would enable them to carry out their will. Now this doctrine, that minorities must govern, whether with or without the veto, was advanced by gentlemen who professed and called themselves members of the Jeffersonian school. But what was the doctrine of Mr. Jefferson himself, in regard to majorities, and so declared by him forty years ago? (Here Mr. Clay read an extract from Jefferson's works, in which it was broadly laid down, that an absolute acquiescence in the will of majorities, was necessary in a free republican government.)

But there were some particular interests, and *one* especially, in regard to which the south felt great solicitude, which it was supposed would be more safe under the continuance of the veto power, than without it. Now, in the first place, Mr. Clay saw no difference, in respect to safety, between that particular interest, and other interests of the country. If it was true, that any one interest would be more secure under the veto power than without it, then all interests would be more secure; but if no security was produced by the veto, then that particular interest would not be more secure by the veto. Just as well might gentlemen from the north rise up and say, that the navigating interest, (in regard to which they were, perhaps, more interested,) would be more secure under the veto power, or the friends of any interest, northern, southern, or western, might fancy that it would be more secure. But the question came at last to this; is the veto a necessary power, or is it not? If it is necessary, it is necessary to all; if not, it is necessary to none.

What was the security which the south would possess in this veto power? Sooner or later, the president would be in a majority himself. But if a majority of congress should put itself in opposition to the interest of the south, neither presidents, nor vetoes, would

avail to protect it. Its own resolution, its own valor, its own indomitable determination to maintain its rights against all men, these, and these alone, could in that case uphold southern interests.

Meanwhile the people of the south had all requisite guarantees. First, they had the sacred provisions of the constitution; and then they had the character of our government as a confederacy, the existence of these interests long before the adoption of the constitution, and the rights and duties of the government in regard to them, recognised and laid down by that sacred instrument. That was the security of the south. As one who himself lived where that peculiar interest existed, he possessed no security from the existence of the veto power; none, none whatever. He felt himself secure in that mutual harmony, which it was alike the interest of all to cultivate, in the constitutional securities, and in the certainty of the disruption of the union, as the inevitable result, the moment that interest should be assailed; in the capacity and determination of the south to defend herself at all hazards, and against all forms of attack, whether from abroad or at home. There, there, was the security, and not in this miserable despotic veto power of the president of the United States.

Mr. Clay went on to say, that the amendment which he had the honor of proposing to the senate, was encountered by arguments which were directly opposed to each other. He was told by one, that this power was a sacred thing, not lightly to be touched, but to be held in honor and veneration, as the choicest legacy left by our ancestors. He was told, on the other hand, by an honorable friend in his eye, that the amendment was vain, because it was a thing impossible ever to get the constitution amended. He admitted it was a thing extremely difficult, requiring as it did the concurrence of eighteen states. But now, in reply to the first argument, those who regarded the constitution as so worthy of preservation, should be satisfied that no light and trivial amendment to it ever could be carried into effect; but if they were convinced that any amendment would be for the good of the country, it was their duty to put it forth, and submit it to public will. As to the second argument, he admitted, as he said, its full force. It was, indeed, extremely doubtful, whether any gentleman here present would ever live to see the constitution amended; but still it was the duty of every friend of his country to use proper efforts to have it improved. One attempt only had succeeded since those alterations were adopted, which took place immediately after the adoption of the constitution itself. But this subject had been a good deal considered in the country, and if Mr. Clay had been successful in any degree in demonstrating its expediency, neither class of objectors ought to persevere in opposing it.

As to another amendment, which had reference to the appointment of the secretary of the treasury and the treasurer of the United

States, Mr. Clay admitted, that if his friend from Virginia, (Mr. Archer,) could succeed in establishing what Mr. Clay had attempted years ago to demonstrate — that congress did possess the constitutional power to define the tenure of office, and to defend it against the power of dismission — there would, to be sure, be less necessity for making a special provision in regard to these two officers. But still, for greater security, Mr. Clay should prefer to have the appointment of the treasurer and the secretary explicitly placed in the hands of congress.

Mr. Clay observed, that if there was any sentiment in relation to public affairs, on which the people of this country had made up their minds, it was in regard to the necessity of limiting executive power. Its present overgrown character had long been viewed by them with apprehension. The power was not personal, it was mainly official. You might take a mechanic from the avenue and make him president, and he would instantly be surrounded with power and influence, the power and the influence of his office. It was very true, that the personal popularity of an incumbent might add much to his power, but the power itself was official, not personal, and its danger arose from its tendency and ability to accumulate. This was demonstrated by all past history, and was witnessed by all we saw around us. All these considerations called upon senators in the language of patriotism deeply to reflect on the consequences which might ensue, should not a power so great in itself, and so prone to increase, be subjected to some salutary limitation.

Let not gentlemen deceive themselves by names. The unpretending name, president of the United States, was no security against the extent or the abuse of power. The power assigned to a public individual did not depend on the title he might bear. The danger arose not from his name, but from the quantum of power at his command. Whether he were called emperor, dictator, king, liberator, protector, sultan, or president of the United States, was of no consequence at all. Look at his power; that was what we had to guard against. The most tremendous power known to antiquity was the shortest in duration. It was not, then, in duration, any more than in title, that the danger lay, but in the magnitude of the power. This called for every safeguard. The dictatorship of Rome continued but for a brief period; yet, while it lasted, the whole state was in his hands. He did whatever he pleased, whether with life, liberty, or property. We had, then, no security against the power of the president of the United States in the shortness of the term for which he was chosen.

We often found very pathetic reflections in the writings of scholars, on the sad condition of kings; on the isolation of their thrones; on the effect of their station in removing them from the body of society, where no voice could reach them but the voice of

flatterers, and where they were perpetually surrounded by the incense of adulation; and the chief ground of sympathy seemed to be, the impossibility that truth should reach their ears. It might be said, that this was true of kings, but did not apply on this side of the water; but let Mr. Clay tell those who thought so, that the actual condition of a president of the United States did not very widely differ from that of the monarchs of the old world. Here, too, the chief magistrate occupied an isolated station, where the voice of his country and the cries of its distress could not reach his ear. He, too, was surrounded by a cordon of favorites, flatterers, and fawns. Isolated in this district, with no embarrassments himself, the echoes of the public distress, if they reached his ear at all, reached it with a faint and feeble sound, being obstructed by those who surrounded his person, and approached him only to flatter. Facts were boldly denied, and all complaints attributed to a factious spirit. Now, he would ask, was a man thus separated, and thus surrounded, more likely to know the real sufferings, wants, and wishes of his countrymen, than the two hundred and forty-two men in the other house, or the fifty-two men in this house, who came up here directly from their bosom, who shared in all their sufferings, who felt their wants, participated in their wishes, and sympathized with all their sorrows? That was the true question of the veto power. Now he thought if these things were duly considered, (and he spoke not of this or of that incumbent of the office, but of the circumstances of every one who filled it,) it must be admitted, by every candid mind, that the responsibility was great of a man who should undertake, on his own private opinion, to resist and suppress the will of the nation, constitutionally expressed. It was a power not merely to annul the national will, as lawfully uttered by its own chosen representatives; but the power to initiate legislation itself, and to substitute for the will of the nation an alien will, neither of the nation, nor of its representatives.

But, he was physically unable to go further into this subject. The question was the old question, whether we should have, in this country, a power tyrannical, despotic, absolute, the exercise of which must, sooner or later, produce an absolute despotism, or a free representative government, with powers clearly defined and carefully separated? That was the true question to be decided.

There were other amendments accompanying this one, on which he wished to say a few words, but was to-day unable to do so. (Several offers had been made by gentlemen near him to move an adjournment, but he had persevered in declining them.)

That in relation to securing to congress the appointment of the secretary and treasurer, was one of those reforms to which he considered the whig party solemnly pledged, as one of the measures proper to be pursued in the process of limiting executive power, but he could not now dwell upon it.

The other, relating to the appointment of members of congress to office, only went, in effect, to carry out the principles already sanctioned by that article of the constitution, which declares, that no member should be appointed to an office which had been created, or the emoluments of which had been increased with his concurrence. This went one step further, and declared, that no member should be appointed to an office which had been created with or without his concurrence, before or after he was a member. Whenever a man accepted an office which he was reasonably expected to hold, for a definite term, he should continue to hold it for that entire period, unless some very strong reason existed to the contrary, and which had not existed prior to his appointment.

There was one concluding remark on the amendment at present before the senate, with which he would close what he had now to say. Although he admitted, that the principles he had laid down would, if carried fairly out, lead to the abolition of the veto altogether, as inconsistent with the fundamental axiom of free government, yet he was of opinion, that this, like other reforms, should be introduced slowly, and with circumspection, without suddenly rushing from one extreme to another. Before the power should be utterly abolished, he deemed it prudent, that an experiment should be made in a modified form; and instead of requiring a majority of two thirds of both houses to supersede the veto of the president, he thought it sufficient to require the concurrence of a majority of the whole number of members elected to each house of Congress.

He asked, whether this would not afford a sufficient security against the dangers of hasty legislation; and, in confirmation of its sufficiency, he would appeal to what had been the experience of all the states, where such a provision had been adopted. If a bill, after having undergone a full investigation and discussion, should pass both houses, and be transmitted to the president for his signature, and he should return it with his veto, and the reasons for that veto, and it should then be again considered and fully discussed, in view of the objections urged against it by the executive, (to say nothing of the whole influence derived from his office, and all that pertained to it,) and still there should be found a clear majority, not of a quorum present, but of the total number of members chosen by the people, was not the presumption irresistible, that the bill ought to become a law? Surely, surely, this was a sufficient evidence of the will of the people, and an abundant safeguard against the hazardous consequences of hasty and ill-advised legislation.

ON THE COMPROMISE .TARIFF.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 18, 1842.

[MR. CLAY, in presenting a memorial from citizens of Pennsylvania, in relation to the tariff, and in opposition to the tariff act, took occasion, as requested by the memorialists, to express his views in regard to the subject, briefly, as follows.]

Two motives had operated on my mind, and I believe on the minds of others, to induce them to concur in the passage of the law, (of 1833.) The first was, to avert the calamity of civil war, the fire of which having been lighted up in South Carolina, threatened to extend its flames over the whole union; the second was, to preserve from utter destruction the system of protection which Pennsylvania favored, when the law was passed; and I will repeat here, although it will not be long before I shall have an opportunity to go into an examination of the whole subject, that if the compromise act had not been adopted, the whole system of protection would have been swept by the board, by the preponderating influence of the illustrious man then at the head of the government, (general Jackson,) at the very next session after its enactment. With regard to the operation of this act, it is a great mistake to say, that any portion of the embarrassments of the country has resulted from it. Other causes have contributed to this result, and it is to be attributed to the experiments which have been made upon the currency. The embarrassments are also to be attributed to the action of the states, which, by plunging into schemes of internal improvement, have contracted debts abroad, and thereby given a false and fictitious appearance to the prosperity of the country; and when their bonds depreciated, the evils under which they now suffer, as a consequence, ensued. As to the compromise, I have already said, that it is my purpose, as long as I shall remain in the senate, to maintain, that the original principles of the act should be carried out faithfully and honestly; and if, in providing for an adequate revenue for an economical administration of the government, they can at the same time afford incidental protection, I shall be happy if both of these objects can be accomplished; but if it should be necessary,

for the interests of Pennsylvania, to go beyond a revenue tariff, for the purpose of obtaining protection, then I hope that every senator and representative from that state, and those of other states, and other interests, who think it necessary to transcend the revenue, will take up this subject of protection, and carry it to the point which their local interests demand.

In reply to Mr. Calhoun, Mr. Clay combated the idea of that senator, that the tariff had created the embarrassments which had existed for a long time in the country. He referred the senator to the discussions upon the tariff acts, for the purpose of showing that the reverse was true. If the senator would look to the tariff acts of 1824, '28, '32, and the compromise act of 1833, he would find that the revenues of the country had never been more from these acts, than the expenditures of government. The whole surplus revenue, about which so much had been heard, and which was attributed to the protective policy, originated exclusively in the extensive land sales, which had swelled in one year to the enormous amount of twenty-six millions of dollars. These excessive sales alone, had exceeded the amount of the surplus revenue which had ever been brought into the treasury.

Hereafter, I shall be able to show, that it will be impossible to stand by the twenty per centum, even by withdrawing the whole of the land fund from its appropriated purpose of distribution, and placing it in the treasury.

THE TARIFF, AND OTHER MEASURES OF PUBLIC POLICY.

IN SENATE OF THE UNITED STATES, MARCH 1, 1842.

[HAVING previously announced his determination to retire from public life, by resigning his seat in the senate, Mr. Clay submitted for the consideration of that body a series of resolutions; which, being taken up at this date, he supported in the following speech, in the course of which, the resolutions are recapitulated and explained. They relate to the tariff, and other measures of public policy, which, in his view, should be adopted, to restore the prosperity of the nation. Although these views, and the prospects of the whig party which supported them, have been but partially carried out under the administration of president Tyler, owing to the adverse position in which the president placed himself towards the party which elevated him to power; yet, it is interesting to observe the line of policy marked out by a statesman, of the enlarged views and great experience of Mr. Clay — a line of policy worthy of being transmitted to posterity, as a guide and landmark for the future legislators of the republic.]

MR. PRESIDENT,

The resolutions which have just been read, and which are to form the subject of the present discussion, are of the greatest importance, involving interests of the highest character, and a system of policy which, in my opinion, lies at the bottom of any restoration of the prosperity of the country. In discussing them, I would address myself to you in the language of plainness, of soberness, and truth. I did not come here as if I were entering a garden full of flowers, and of the richest shrubbery, to cull the tea-roses, the japonicas, the jasmines, and woodbines, and weave them into a garland of the gayest colors, that, by the beauty of their assortment, and by their fragrance, I may gratify fair ladies. Nor is it my wish — it is far, far from my wish — to revive any subjects of a party character, or which might be calculated to renew the animosities which unhappily have hitherto prevailed between the two great political parties in the country. My course is far different from this; it is to speak to you of the sad condition of our country; to point out not the remote and original, but the proximate, the immediate causes which have produced, and are likely to continue our distresses, and to suggest a remedy. If any one, in or out of the senate, has imagined it to be my intention, on this occasion, to indulge in any ambitious display of language, to attempt any rhetorical flights, or to deal in any other figures than figures of arithmetic, he will find himself greatly disappointed. The farmer,

if he is a judicious man, does not begin to plough till he has first laid off his land, and marked it off at proper distances, by planting stakes, by which his ploughmen are to be guided in their movements; and the ploughman, accordingly, fixes his eye upon the stake opposite to the end of the destined furrow, and then endeavors to reach it by a straight and direct furrow. These resolutions are my stakes.

But, before I proceed to examine them, let me first meet and obviate certain objections, which, as I understand, have been or may be urged against them generally. I learn that it is said of these resolutions, that they present only general propositions, and that, instead of this, I should at once have introduced separate bills, and entered into detail, and shown in what manner I propose to accomplish the objects which the resolutions propose. Let me here say, in reply, that the ancient principles and mode of legislation which has ever prevailed from the foundation of this government, has been to fix first upon the general principles which are to guide us, and then to carry out these principles by detailed legislation. Such has ever been the course pursued, not only in the country from which we derive our legislative institutions, but in our own. The memorable resolution offered in the British house of commons, by the celebrated Mr. Dunning, is no doubt familiar to the mind of every one — that 'the power of the crown (and it is equally true of our own chief magistrate) had increased, was increasing, and ought to be diminished.' When I was a member of another legislative body, which meets in the opposite extremity of this capitol, it was the course, in reference to the great questions of internal improvement, and other leading measures of public policy, to propose specific resolutions, going to mark out the principles of action which ought to be adopted, and then to carry out these principles by subsequent enactments. Another objection is urged, as I understand, against one of these resolutions, which is this: that, by the constitution, no bill for raising revenue can originate any where but in the house of representatives. It is true, that we cannot originate such a bill; but, undoubtedly, in contemplating the condition of the public affairs, and in the right consideration of all questions touching the amount of the revenue, and the mode in which it shall be raised, and involving the great questions of expenditure and retrenchment, and how far the expenses of the government may safely and properly be diminished, it is perfectly legitimate for us to deliberate and to act as duty may demand. There can be no question but that, during the present session of congress, a bill of revenue will be sent to us from the other house; and if, when it comes, we shall first have gone through with a consideration of the general subject, fixing the principles of policy proper to be pursued in relation to it, it will greatly economize the time of the senate, and proportionably save a large amount of the public money.

Perhaps no better mode can be pursued of discussing the resolutions I have had the honor to present, than to take them up in the order of their arrangement, as I presented them to the senate, after much deliberate consideration.

The first resolution declares,

'That it is the duty of the general government, for conducting its administration, to provide an adequate revenue within the year, to meet the current expenses of the year; and that any expedient, either by loan or treasury notes, to supply, in time of peace, a deficiency of revenue, especially during successive years, is unwise, and must lead to pernicious consequences.'

I have heard it asserted, that this resolution is but a truism. If so, I regret to say, that it is one from which governments too often depart, and from which this government especially has departed during the last five years. Has an adequate revenue been provided within each of those years, to meet the necessary expenses of those same years? No; far otherwise.

In 1837, at the called session, instead of imposing the requisite amount of taxes on the free articles, according to the provisions of the compromise act, what was the resort of the administration? To treasury notes. And the same expedient of treasury notes was ever since adopted, from year to year, to supply the deficit accruing. And, of necessity, this policy cast upon the administration succeeding, an unascertained, unliquidated debt, inducing a temporary necessity on that administration, to have resort to the same means of supply.

I do not advert to these facts with any purpose of crimination or recrimination. Far from it. For we have reached that state of the public affairs when the country lies bleeding at every pore, and when, as I earnestly hope and trust, we shall, by common consent, dispense with our party prejudices, and agree to look at any measure proposed for the public relief as patriots and statesmen. I say, then, that during the four years of the administration of Mr. Van Buren, there was an excess of expenditure over the income of the government, to the amount of between seven and eight millions of dollars; and I say that it was the duty of that administration, the moment they found this deficit to exist in the revenue, to have resorted to the adequate remedy by laying the requisite amount of taxes on the free articles to meet and to supply the deficiency.

I shall say nothing more on the first resolution, because I do hope that, whatever the previous practice of this government may have been, there is no senator here who will hesitate to concur in the truth of the general propositions it contains.

The next three resolutions all relate to the same general subjects — subjects which I consider much the most important of any here set forth; and I shall, for that reason, consider them together.

The second resolution asserts,

'That such an adequate revenue cannot be obtained by duties on foreign imports, without adopting a higher rate than twenty per centum, as provided for in the compromise act, which, at the time of its passage, was supposed and assumed as a rate that would supply a sufficient revenue for an economical administration of the government.'

The third resolution concludes,

'That the rate of duties on foreign imports ought to be augmented beyond the rate of twenty per centum, so as to produce a net revenue of twenty-six millions of dollars — twenty-two for the ordinary expenses of government, two for the payment of the existing debt, and two millions as a reserved fund for contingencies.'

The fourth resolution asserts,

'That, in the adjustment of a tariff to raise an amount of twenty-six millions of revenue, the principles of the compromise act generally should be adhered to; and that especially a maximum rate of ad valorem duties should be established, from which there ought to be as little departure as possible.'

The first question which these resolutions suggest, is this: what should be the amount of the annual expenditures of this government? Now, on this point, I shall not attempt, what is impossible, to be exact and precise in stating what that may be. We can only make an approximation. No man, in his private affairs, can say, or pretends to say, at the beginning of the year, precisely what shall be the amount of his expenses during the year; that must depend on many unforeseen contingencies, which cannot, with any precision, be calculated beforehand; all that can be done is to make an approximation to what ought to be or what may be the amount. Before I consider that question, allow me to correct, here, an assertion made first by the senator from South Carolina, (Mr. Calhoun,) and subsequently by the senator from Missouri near me, (Mr. Linn,) and I believe by one or two other gentlemen, namely, that the whig party, when out of power, asserted that, if trusted with the helm, they would administer this government at an amount of expenditure not exceeding thirteen millions of dollars. I hope, if such an assertion was actually made by either or all of these gentlemen, that it will never be repeated again, without resorting to proof to sustain it. I know of no such position ever taken by the whig party, or by any prominent member of the whig party. Sure I am that the party generally pledged itself to no such reduction of the public expenses — none.

And I again say that I trust, before such an assertion is repeated, the proofs will be adduced. For in this case, as in others, that which is asserted and reiterated, comes at last to be believed. The whig party did promise economy and retrenchment, and I trust will perform their promise. I deny (in no offensive sense) that the whig party ever promised to reduce the expenditures of this government to thirteen millions of dollars. No; but this was what they said: during the four years of the administration of Mr. Adams, the average amount of the public expenditure was but

thirteen millions, and you charged that administration with outrageous extravagance, and came yourselves into power on promises to reduce the annual expenditure; but, having obtained power, instead of reducing the public expenses, you carried them up to the astonishing amount of near forty millions. But, while the whigs never asserted that they would administer the government with thirteen millions, our opponents, our respected opponents, after having been three years in power, instead of bringing the expenses below the standard of Mr. Adams's administration, declared that fifteen millions was the amount at which the expenditures should be fixed. This was the ground taken by Mr. McLane, when he was at the head of the treasury. I have his report before me; but as the fact, I presume, will not be denied, I forbear to read from it. He suggests, as the fit amount to be raised by the tariff he had proposed, the sum of fifteen millions of dollars as sufficient to meet the wants of the government.

I hope now I have shown that the whig party, before they obtained power, never were pledged to bring down the public expenses, either to thirteen or to fifteen millions. They were pledged, I admit, to retrench unnecessary expenditures, and to make a reasonable deduction, whenever it could properly be made, consistently with the public service; that process, as I understand, is now going on in both houses, and I trust the fruits will be seen before the end of the present session.

Unpledged, therefore, as the whig party was, as to any specific amount, the question recurs, at what sum can the expenses of the government be now fixed?

I repeat that the exact amount is difficult to be ascertained. I have stated it in the resolution I now offer, at *twenty-two millions;* and I shall soon show how I have arrived at the amount. But, before I do that, allow me to call the attention of the senate to the expenditures of the preceding administration; for, in attempting to fix a sum for the future, I know of no course but to look back upon the experience of the past, and then to endeavor to deduce from it the probable amount of future expenditure. What, then, were the expenditures of the four years of the past administration?

In 1837 the amount was	$37,265,037 15
In 1838 it was	39,455,438 35
In 1839 "	37,614,936 15
In 1840 "	28,226,533 81
Making an aggregate of	$142,561,945 46

Which gives us an average per year of thirty-five million, six hundred and forty thousand, four hundred and eighty-six dollars, and thirty-eight cents.

The sum I have proposed is only twenty-two millions, which deducted from thirty-five, as above, leaves a reduction of thirteen

million, six hundred and forty thousand dollars — being a sum greater than the whole average expenditure of the extravagant and profligate administration of Mr. Adams, which they told us was so enormous that it must be reduced by a great 'retrenchment and reform.'

I am not here going to inquire into the items which composed the large expenditures of the four years of Mr. Van Buren's administration. I know what has been said, and will again be said, on that subject — that there were many items of extra expenditure, which may never occur again. Be it so; but do we not know that every administration has its extras, and that these may be expected to arise, and will and must arise, under every administration beneath the sun? But take this also into view in looking at the expenses of that administration: that less was expended on the national defence, less in the construction or repair of fortifications, less for the navy, and less for other means of repelling a foreign attack, than, perhaps, ought to have been expended. At present we are all animated with a common zeal and determination on the subject of defence; all feel the necessity of some adequate plan of defence, as well upon the ocean as the land, and especially of putting our navy and our fortifications in a better state to defend the honor and protect the rights of the nation. We feel this necessity, although we all trust that the calamity of a war may be averted. This calls for a greater amount of money for these purposes than was appropriated under Mr. Van Buren's administration; beside which, in the progress of affairs, unforeseen exigencies may arise, and do constantly occur, calling for other appropriations needed, which no man can anticipate. Every ministry in every government, every administration of our own government, has its extraordinaries and its contingencies; and it is no apology for Mr. Van Buren's administration to say, that the circumstances which occasioned its expenditures were extraordinary and peculiar. Making all the allowances which its warmest friends can ask for the expenses of the inglorious war in Florida — a contest which has profusely wasted not only the resources of the treasury, but the best blood of the nation — making the amplest allowance for this and for all other extras whatever, the sum expended by the last administration still remains to be far, far beyond what is proposed in these resolutions, as sufficient for the present, and for years to come. It must, in candor, be conceded that this is a very great diminution of the national expenditure; and such, if nothing else were done, would redeem the pledge of the whig party.

But let us now consider the subject in another light. Thirteen millions was the average annual amount of expenditure under Mr. Adams's administration, which terminated thirteen years ago. I should be authorized, therefore, to take the commencement of his administration, in 1825, being a period of seventeen years, in

making a comparison of the progressive increase of the national expenditures; or, at all events, adding one half of Mr. Adams's term, to take the period as running fifteen years back; but I shall not avail myself of this perfectly fair calculation; and I will therefore say, that at the end of thirteen years, from the time when the expenditures were thirteen millions, I propose that they be raised to twenty-two millions. And is this an extraordinary increase for such a period, in a country of such rapid increase and development as this is? What has occurred during this lapse of time? The army has been doubled, or nearly so; it has increased from a little over six thousand men to twelve thousand. We have built six, eight, or ten ships of the line; (I do not recollect the precise number;) two or three new states have been added to the union; and two periodical enumerations have been made to the national population; besides which, there have been, and yet are to be, vast expenditures, on works of fortification and national defence. Now, when we look at the increase in the number of members in both houses of congress, and consider the necessary and inevitable progress and growth of the nation, is it, I ask, an extraordinary thing, that, at the end of a period of thirteen years, our expenditures should increase from thirteen to twenty-two millions? If we take the period at seventeen years, (as we fairly may,) or at but fifteen years, the increase of expenses will be found not to go beyond the proportional increase of our population within the same period. That increase is found to be about four per centum annually; and the increase of government expenditures, at the rate above stated, will not exceed that. This is independent of any augmentation of the army or navy, of the addition of new states and territories, or the enlargement of the numbers in congress. Taking the addition, at the end of thirteen years, to be nine millions of dollars, it will give an annual average increase of about seven hundred thousand dollars. And I think that the government of no people, young, free, and growing, as is this nation, can, under circumstances like ours, be justly charged with rashness, recklessness, or extravagance, if its expenses increase but at the rate of seven hundred thousand dollars per annum. If our posterity, after their numbers shall have swelled to one hundred millions, shall find that their expenses have augmented in no greater ratio than this, they will have no cause of complaint of the profuseness or extravagance of their government.

But, it should be recollected, that while I have fixed the rate of expenditure at the sum I have mentioned, namely, twenty-two millions, this does not preclude further reductions, if they shall be found practicable, after existing abuses have been explored, and all useless or unnecessary expenditures have been lopped off.

The honorable senator from South Carolina, (Mr. Calhoun,) has favored us, on more occasions than one, with an account of the reforms he effected, when at the head of the war department of this

government; and no man, certainly, can be less disposed than I am to deprive him of a single feather which he thinks he put in his cap by that operation. But what does he tell us was his experience in this business of retrenchment? He tells us what we all know to be true — what every father, every householder, especially finds to be true in his own case — that it is much easier to plunge into extravagance than to reduce expenses; and it is preëminently true of a nation. Every nation finds it far easier to rush into an extravagant expenditure of the money entrusted to its public agents, than to bring down the public expenditures from a profuse and reckless to an economical standard. All useful and salutary reforms must be made with care and circumspection. The gentleman from South Carolina admits, that the reforms he accomplished took him four years to bring about. It was not till after four years of constant exertion that he was enabled to establish a system of just accountability, and to bring down the expenses of the army to that average per man, to which they were at length reduced. And now, with all his personal knowledge of the difficulties of such a task, was it kind in him, was it kind or fair in his associates, to taunt us, as they have done, by already asking, 'where are the reforms you promised to accomplish when you were out of power?'

[Mr. Calhoun here rose to explain, and observed, that what he had again and again said, on the subject of reforms. was no more than this, that it was time the promised reforms should begin, it was time they should *begin;* and that was all he now asked.]

Very well; if that is all he asks, the gentleman will not be disappointed. We could not begin at the extra session; it could not then reasonably be expected of us; for what is the duty of a new administration, when it first comes into the possession of power? Its immediate and pressing care is to carry on the government; to become acquainted with the machine; to look how it acts in various parts, and to take care that it shall not work injuriously to the public interest. They cannot, at once, look back at the past abuses; it is not practicable to do so; it must have time to look into the pigeon-holes of the various bureaux, to find out what has been done, and what is doing. Its first great duty is to keep the machine of government in regular motion. It could not, therefore, be expected that congress would go into a thorough process of reform at the extra session. Its peculiar object then was to adopt measures of immediate and indispensable relief to the people, and to the government. Besides which, the subsequent misfortunes of the whig party were well known. President Harrison occupied the chair of state but for a single month; and the members of his cabinet left it under circumstances which, let me here say, do them the highest honor. I do not enter upon the inquiry whether the state of things which they supposed to exist did actually exist or not; but, believing it to exist, as they did, their resignation presents

one of the most signal examples of the sacrifice of the honors and emoluments of high station, at great expense and personal inconvenience, and of noble adherence to honor and good faith, which the history of any country can show. But I may justly claim, not only on behalf of the retiring secretaries, but for the whole whig party, a stern adherence to principle, in utter disregard of the spoils doctrine, and of all those baser motives and considerations which address themselves to some men with so great a power. I say, then, that the late extra session was no time to achieve a great, and extensive, and difficult reform throughout the departments of the government; a process like that can be attempted only during a regular session of congress; and do not gentlemen know that it is now in progress, by the faithful hands to which it has here and elsewhere in congress been committed? and that an extraordinary committee has been raised in this body, insomuch that, to effect it, the senate has somewhat shot from its usual and appropriate orbit, by establishing a standing committee of retrenchment? If the honorable senator from South Carolina took four years to bring down the expenses of the war department, when under his own immediate superintendence, I may surely, with confidence, make my appeal to his sense of justice and liberality, to allow us, at least, two years, before he reproaches us with a failure in a work so much more extensive.

I will now say, that, in suggesting the propriety of fixing the annual average expenditure of this government at twenty-two millions of dollars, from this time, and for some years to come, it is not my purpose to preclude any further reductions of expense, by the dismissal of useless officers, the abolition of useless institutions, and the reduction of unnecessary or extravagant expenditures. No man is more desirous than I am of seeing this government administered at the smallest possible expense consistent with the duties intrusted to us, in the management of our public interests, both at home and abroad. None will rejoice more, if it shall be found practicable to reduce our expenses to eighteen, to fifteen, or even to thirteen millions. None, I repeat it, will rejoice in such a triumph of economy more heartily than I. None, none.

But now allow me to proceed to state by what process I have reached the sum of twenty-two millions, as proposed in the resolution I have offered.

The secretary of the treasury has presented to us estimates for the current year, independent of permanent expenses, of a million and a half, amounting to about twenty-four and a half millions, which may be stated under the following heads, namely:

For civil list, foreign intercourse, and miscellaneous,	$4,000,987 85
For the war department, including all branches,	11,717,791 27
Naval service,	8,705,579 83
	$24,424,358 95

And here let me say a single word in defence of the army. The department of war comes to us with estimates for the sum of eleven million, seven hundred and seventeen thousand, seven hundred and ninety-two dollars, and twenty-seven cents; and those who look only on the surface of things, may suppose that this sum is extraordinarily large; but there are many items in that sum. I have before me a statement, going to show, that, of that sum, only four millions are asked for the military service proper—a sum less than is demanded for the naval service proper, and only double the amount at which it stood when the honorable gentleman from South Carolina left the department. The sum was then about two millions of dollars; it is now not quite four millions of dollars; while, during the same period, the army has been nearly doubled, besides the raising of mounted regiments, the most expensive, for that very reason, of any in the service. I think that the gentleman from South Carolina, if he looks into the subject in detail, will find that the cost of the army is not, at this hour, greater per man, than it was when under his own personal administration. So I am informed; and that, although the pay has been raised a dollar a month, which has very largely augmented the expenditure.

The executive branch of the government has sent in estimates amounting in all to twenty-four and a half millions of dollars, for the service of the current year, which, with the million and a half of permanent expenditure, makes twenty-six millions. How much is to be added to that amount for appropriations not yet estimated, which may be made during the session by congress, to meet honest claims, and for other objects of a public nature? I remember one item proposed by my friend near me, (Mr. Mangum,) for a quarter of a million for the building of a steam-ship, an item not included in the estimates, but for which the senate has already appropriated: besides which there are various other items which have passed or will pass during the present session. When the honorable gentleman from New Hampshire was at the head of the treasury, he made, in his communications to congress, constant complaints of this very practice. He well remembers that he was ever complaining that the expenditures of government were swelled far beyond the executive estimates, by appropriations made by congress not estimated for by the departments. I have calculated that we shall add to the twenty-six millions of dollars estimated for the executive departments, or permanently required, at least one million and a half, which would raise the sum for this year to twenty-seven millions and a half.

How then do I propose to bring this down to twenty-two millions? I have, I own, some fears that we shall not be able to effect it; but I hope that we shall so far reduce the estimates and prevent unnecessary appropriations, that the total expenditures shall not exceed that amount. The mode in which I propose to

reach such a result is this; I suppose we may effect a reduction of the civil list to the amount of half a million. That general head includes, among other things, the expenses of the two houses, and, as I have heard, the other house has already introduced a report which, if adopted, will cut down those expenses one hundred thousand dollars, though I think that they should be reduced much more. I estimate, then, three and a half millions for the civil list, instead of four millions; then I estimate nine millions for the war department, instead of eleven millions and seven hundred and seventeen thousand dollars. In a conversation which I have lately held with the chairman of the military committee of this body, he expressed the apprehension, that it could not be reduced below ten millions, but I hope it may be cut down to nine. As to the naval service, the estimates of the department for that branch of the service, amount to eight millions seven hundred and seven thousand and five hundred dollars; an amount I think far too high, and indeed quite extravagant. I was greatly astonished at learning the amount was so large. Still I know that the navy is the favorite of all, and justly; it is the boast of the nation, and our great resource and chief dependence in the contingency of a war; no man thinks for a moment of crippling or disabling this right arm of our defence. But I have supposed that without injury the appropriation asked for might be reduced from eight million, seven hundred and seven thousand, and five hundred, to six million and five hundred thousand dollars. This would put the reduction in the naval on a footing with that in the military appropriation, and still leave a greater appropriation than usual to that department. The reduction to six millions and a half is as large as I think will be practicable, if we are to provide for proposed experiments in the application of steam, and are, besides, to add largely to the marine corps.

How, then, will the total of our expenditures stand? We shall have,

For the civil and diplomatic expenses of the government,	$3,500,000
For the military service	9,000,000
For the naval service,	6,500,000
For permanent appropriations,	1,500,000
For appropriations not included in estimates,	1,500,000
Making an aggregate of	$22,000,000

To this amount I suppose, and hope, our expenses may be reduced, until, on due investigation, it shall be discovered that still further reductions may be effected.

Well, then, having fixed the amount at twenty-two millions for the ordinary current expenses of government, I have supposed it necessary and proper to add two millions more to make provision for the payment of the existing national debt, which is, in the

event of the loan's being taken up, seventeen millions. And then I go on to add two millions more as a reserved fund, to meet contingencies; so that, should there be a temporary rise of the expenditures beyond twenty-two millions, or any sudden emergency should occur which could not be anticipated or calculated on, there may be the requisite means in the treasury to meet it. Nor has there been a single secretary at the head of the treasury since the days of Mr. Gallatin, including the respectable gentleman from New Hampshire opposite, (Mr. Woodbury,) who has not held and expressed the opinion, that a reserved fund is highly expedient and proper for contingencies. Thus I propose that twenty-two millions shall be appropriated for ordinary expenses, two millions more to provide for the public debt, and other two millions a reserved fund to meet contingencies; making in all twenty-six millions.

The next inquiry which presents itself is, how this amount ought to be raised? There are two modes of estimating the revenue to be derived from foreign imports, and either of them presents only ground for a conjectural result; but so fluctuating is the course of commerce, that every one must see it to be impossible to estimate, with precision, the exact amount of what it will yield. In forming my estimate I have taken the amount of exports as presenting the best basis of calculation. But here let me add, that at the treasury they have taken the imports as the basis; and I am gratified to be able to state, that, I understand, on comparing the results arrived at, although the calculations were made without concert, those of the secretary turn out to be very nearly, if not exactly, the same with those to which I have been conducted. I will here state why it is I have taken the exports as the ground of my calculations, adding thereto fifteen per centum for profits. The exports are one means of making foreign purchases. Their value is ascertained at the ports of exportation, under the act of 1820, and the returns generally present the same value. The price of cotton, as an example, at home, is always regulated by the priee in the Liverpool market. It follows, therefore, that by taking the value of any commodity at the place of its export, you reach its true value; for, if the price realized abroad be sometimes above and sometimes below that amount, the excess and deficiency will probably neutralize each other. This is the fairest mode for another reason: if, in any one year, more foreign goods shall be purchased than the exports of that year would pay for, a credit is created abroad which must be extinguished by the exports of some succeeding year.

[Mr. Buchanan here inquired, if any deduction had been made by Mr. Clay from the exports, to pay the interest, and so forth, on American debt held abroad. Mr. Clay replied, that the senator would presently see that he had.]

I think the senate will agree with me, in assuming, that the

exports form a more correct and reliable standard of estimation than the imports; however that may be, the accidental coincidence between the results arrived at in either mode, fortifies and proves the calculation itself to have been founded in correct principles. Those results, as shown by the secretary of the treasury, are now, I believe, in the house, and I regretted that I could not examine them before I rose to address the senate.

I will now show you that the exports from 1836 to 1841, inclusive, a period of six years, amount to six hundred and twenty-one million, four thousand, one hundred and twenty-five dollars, being an average annual amount of one hundred and three million, five hundred thousand, six hundred and eighty-seven dollars. That I take as presenting a safe ground of calculations for the future. To this I propose to add fifteen per centum for profits, in which I do but follow Mr. Ewing, the late secretary, in his report at the extra session. It is certainly a great profit, (I include, of course, all expenses and charges of every kind,) and with this addition, the annual amount will be one hundred and eighteen million, nine hundred and fifty-eight thousand, one hundred and eighty-seven dollars, say one hundred and nineteen millions. Deducting for the interest and principal of the American debt abroad, ten millions per annum, it will leave a net amount of one hundred and nine millions. There can be no dispute as to the propriety of such a deduction: the debt exists; it must be provided for; and my fear is, that this amount will prove too small to meet it. I think that much more may probably be needed; but certainly none can object to the reserve of ten millions. We thus get, as I said, a net balance from our annual exports, including profits, of one hundred and nine millions.

Of this amount of importation, how much is now free from duty? The free goods, including tea and coffee, amount to thirty millions; from which amount I deduct for tea and coffee, assuming that they will be subjected to moderate duties, twelve millions, leaving the amount of free articles at eighteen millions; deduct this from one hundred and nine millions, the amount of exports, and it will leave a balance of ninety-one millions, which may be assumed as the amount of dutiable articles for some years to come.

How, then, out of these ninety or ninety-one millions of dutiable goods are we to raise a revenue of twenty-six millions? No man, I presume, will rise here in his place and say, that we are to rely either on direct or internal taxes. Who has the temerity to meet the waves of popular indignation which will flow round and bury him, whoever he may be, that should propose, in time of peace, to raise a revenue by direct taxation? Yet this is the only resource to fly to, save the proceeds of the public lands, on which I shall speak presently, and which I can convince any man is not to be thought of. You are, therefore, to draw this amount of twenty-

six millions from the ninety-one millions of dutiable articles imported; and, to reach that sum, at what rate per centum must you go?

I shall here say nothing, or but a word or two, on the subject of home valuation — a subject which a friend has care of, (Mr. Simmons,) than whom none is more competent to its full elucidation. He thinks, as I understand, that there can be devised a satisfactory system of such valuation, and I heartily wish him success in the attempt. I will only say that, in my opinion, if we raise but ten millions, without any reference whatever to protection, without reference to any thing but to mere honesty, however small the amount may be, we should ourselves assess the value of the goods on which we lay the duty, and not leave the value to be fixed by foreigners. As things now stand, we lay the duty, but foreigners fix the value of the goods. Give me but the power of fixing the value of the goods, and I care little, in comparison, what may be the rate of duty you impose. It is evident that on the ad valorem principle, it is the foreigner who virtually fixes the actual amount of the duty paid. It is the foreigner who, by fixing that value, virtually legislates for us; and that in a case where his interest is directly opposed to that of our revenue. I say, therefore, that independently of all considerations of protection, independently of all ends or motives but the prevention of those infamous frauds which have been the disgrace of our custom house — frauds in which the foreigner, with his double and triple and quadruple invoices, ready to be produced as circumstances may require, fixes the value of the merchandise taxed — every consideration of national dignity, justice, and independence, demands the substitution of home valuation in the place of foreign. What effect such a change may have in the augmentation of the revenue I am not prepared to say, because I do not know the amount; I think the rate may be set down at from twenty to twenty-five per centum, in addition to the foreign value of imports. I do not speak with great confidence. If the rate is twenty-five per centum, then it would add only five per centum to the rate of twenty per centum established by the compromise act. Of course, if the home be substituted for the foreign valuation, the augmentation of duties beyond twenty per centum will be less by that home valuation, whatever it may be. Without, however, entering into the question of home valuation, and leaving that subject to be arranged hereafter, I shall treat the subject as if the present system of foreign valuation were to continue.

I then return to the inquiry on an importation amounting to ninety-one millions, how much duty must be imposed in order to raise a net revenue of twenty-six millions? The question does not admit of perfect accuracy; the utmost that can be reached is a reasonable approximation. Suppose every one of the imported articles to be subject to a duty of thirty per centum, then the gross

revenue will amount to twenty-seven million and three hundred thousand dollars. Deducting the expenses of collection, which may be stated at one million and six hundred thousand dollars, it will give twenty-five million and seven hundred thousand dollars, or three hundred thousand dollars less than the proposed amount of twenty-six millions.

But I might as well take this opportunity to explain a subject which is not well understood. It has been supposed, when I propose to fix a rate of ad valorem duty as the maximum to be allowed, that my meaning is, that all articles, of every description, are to be carried up to that point, and fixed at that rate, as on a sort of bed of Procrustes. But that is not my idea. No doubt certain articles ought to go up to the maximum — I mean those of prime necessity belonging to the class of protected articles. There are others, such as jewelry and watches, and some others of small bulk and great comparative value, and therefore easily smuggled, and presenting a great temptation to the evasion of duty, which ought to be subjected to a less rate. There should, therefore, be a discrimination allowed under the maximum rate according to the exigency of the respective circumstances of each particular interest concerned. Since it will require a duty of thirty per centum on all articles to give the amount of twenty-five million seven hundred thousand dollars, and since some of them will not bear so high a duty as thirty per centum, it follows that less than that rate will certainly not answer the necessary demands of the government, and it may in some particular cases require a rate somewhat higher than that in order to raise the proposed sum of twenty-six millions. But as the reserved fund of two millions for contingencies will not require an annual revenue for that purpose, should the amount of duties levied be less than twenty-six millions, or even between twenty-four and twenty-five millions, the reserved fund may be made up by accumulation, during successive years, and still leave an amount sufficient to meet an annual expenditure of twenty-two millions, and two millions for the public debt.

I now approach the consideration of a very important branch of the subject in its connection with the compromise act.

I shall not here attempt to go again into the history of that act. I will only say that, at the time of its passage, it was thought right that the country should make a fair experiment of its effect; and that, as the law itself met the approbation of all parts of the country, its provisions ought not lightly to be departed from; that the principles of the act should be observed in good faith; and that, if it be necessary to raise the duties higher than twenty per centum, we ought to adhere to the principles of the compromise, then, as far as it should be possible to do. I have been animated, in the propositions I now offer to the senate, by the same desire that prompted me, whenever the act has been assailed by its opponents, to stand by it and defend it.

But it is necessary now to consider what the principles of the compromise act really are.

The first principle is, that there should be a fixed rate of ad valorem duty, and discriminations below it.

Second, that the excess of duty beyond twenty per centum should, by a gradual process, commencing on the thirty-first of December, 1833, be reduced, so that by the thirtieth of June, 1842, it should be brought down to twenty per centum.

Third, that after that day, *such duties should be laid* for the purpose of raising *such* revenue as might be necessary for an economical administration of the government; consequently excluding all resort to internal taxation, or to the proceeds of the public lands. For, contemporaneously with the pendency of the compromise act, a bill was pending for the distribution of those proceeds.

Fourth, that after the thirtieth of June, 1842, all duties should be paid in ready money, to the exclusion of all credits.

Fifth, that, after the same day, the assessment of the value of all imports should be made at home and not abroad.

Sixth, that after the same day, a list of articles specified and enumerated in the act, should be admitted free of duty, for the benefit of the manufacturing interest.

These are the principles, and all the principles of the compromise act. An impression has been taken up most erroneously, that the rate of duty was never to exceed twenty per centum. There is no such limitation in the act. I admit that, at the time of the passage of the act, a hope was entertained that a rate of duty not exceeding twenty per centum would supply an adequate revenue to an economical administration of the government. Then we were threatened with that overflow of revenue with which the treasury was subsequently inundated; and the difficulty was to find articles which should be liberated from duty and thrown into the free class. Hence, wines, silks, and other luxuries, were rendered free. But the act, and no part of the act, when fairly interpreted, limits congress to the iron rule of adhering for ever, and under all circumstances, to a fixed and unalterable rate of twenty per centum duty. The first section is in the following words:

'Be it enacted, and so forth, that, from and after the thirty-first day of December, one thousand eight hundred and thirty-three, in all cases where duties imposed on foreign imports by the act of the fourteenth day of July, one thousand eight hundred and thirty-two, entitled 'an act to alter and amend the several acts imposing duties on imports,' or by any other act, shall exceed twenty per centum on the value thereof, one tenth part of such excess shall be deducted; from and after the thirty-first day of December, one thousand eight hundred and thirty-five, another tenth part thereof shall be deducted; from and after the thirty-first day of December, one thousand eight hundred and thirty-seven, another tenth part thereof shall be deducted; from and after the thirty-first day of December, one thousand eight hundred and thirty-nine, another tenth part thereof shall be deducted; and from and after the thirty-first day of December, one thousand eight hundred and forty-one. one half of the residue of such excess shall be deducted; and from and after the thirtieth day of June, one thousand eight hundred and forty-two, the other half thereof shall be deducted.'

The provision of that section is nothing more nor less than that the existing duties should be, by the thirtieth of June, 1842, brought down to twenty per centum. What then? Were they always to remain at that rate? The section does not so declare. Not only is this not expected, and was not so understood, but directly the reverse is asserted, and was so understood, if the exigencies of the treasury required a higher rate to provide the revenue necessary to an economical administration of the government. The third section, which embodies most of the great principles of the act, is in these words:

'Section 3. And be it further enacted, that until the thirteenth day of June, one thousand eight hundred and forty-two, the duties imposed by existing laws, as modified by this act, shall remain and continue to be collected. And, from and after the day last aforesaid, all duties upon imports shall be collected in ready money; and all credits now allowed by law, in the payment of duties, shall be, and hereby are, abolished; and such duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the government; and, from and after the day last aforesaid, the duties required to be paid by law on goods, wares, and merchandise, shall be assessed upon the value thereof, at the port where the same shall be entered, under such regulations as may be prescribed by law.'

What is the meaning of this language? Can any thing be more explicit, or less liable to misconception? It contains two obligations. The first is, that there shall be an economical administration of the government; no waste, no extravagance, no squandering of the public money. I admit this obligation, in its fullest force, in all its length and breadth, and I trust that my friends, with or without my aid, will fulfil it, in letter and spirit, with the most perfect fulfilment. But the second obligation is no less binding and imperative; and that is, that such duties *shall be laid* as may be necessary to raise *such* revenue as is requisite to an economical administration of the government. The source of revenue is defined and prescribed — the foreign imports, to the exclusion of all other sources. The amount, from the nature of things, could not be specified; but whatever it may be, be it large or small, allowing us to come below, or requiring that we should go beyond twenty per centum, that amount is to be raised.

I contend, therefore, with entire confidence, that it is perfectly consistent with the provisions of the compromise act, to impose duties to any amount whatever, thirty, forty, or more per centum, subject to the single condition of an economical administration of the government.

What are the other principles of the act? First, there is the principle that a fixed ad valorem duty shall prevail and be in force at all times. For one, I am willing to abide by that principle. There are certain vague notions afloat as to the utility and necessity of specific duties and discriminations, which I am persuaded arise from a want of a right understanding of the subject. We have had the ad valorem principle practically in force ever since the

compromise act was passed; and there has been no difficulty in administering the duties of the treasury on that principle.

It was necessary first to ascertain the value of the goods, and then to impose the duty upon them; and, from the commencement of the act to this day, the ad valorem principle has been substantially in operation. Compare the difference between specific and the ad valorem system of duties, and I maintain that the latter is justly entitled to the preference. The one principle declares that the duty shall be paid upon the real value of the article taxed; the specific principle imposes an equal duty on articles greatly unequal in value. Coffee, for example, (and it is an article which always suggests itself to my thoughts,) is one of the articles on which a specific duty has been levied. Now, it is perfectly well known that the Mocha coffee is worth at least twice as much as the coffee of St. Domingo or Cuba, yet both pay the same duty. The tax has no respect to the value, but is arbitrarily levied on all articles of a specific kind, alike, however various and unequal may be their values. I say that, in theory, and according to every sound principle of justice, the ad valorem mode of taxation is entitled to the preference. There is, I admit, one objection to it; as the value of an article is a matter subject to opinion, and as opinions will ever vary, either honestly or fraudulently, there is some difficulty in preventing frauds. But, with the home valuation proposed by my friend from Rhode Island, (Mr. Simmons,) the ad valorem system can be adopted with all practicable safety, and will be liable to those chances only of fraud, which are inevitable under any and every system.

Again. What has been the fact from the origin of the government until now? The articles from which the greatest amount of revenue has been drawn, such as woollens, linens, silks, cottons, worsteds, and a few others, have all been taxed on the ad valorem principle, and there has been no difficulty in the operation. I believe, upon the whole, that it is the best mode. I believe that if we adopt a fixed rate ad valorem, wherever it can be done, the revenue will be subjected to fewer frauds than the injustice and frauds incident to specific duties. One of the most prolific sources of the violation of our revenue laws, has been, as every body knows, the effort to get in goods of a finer quality and higher value admitted under the lower rate of duty required for those of a lower value. The honorable gentleman from New Hampshire, (Mr. Woodbury,) and the honorable senator from New York, (Mr. Wright,) both well know this. But if the duty were laid ad valorem there could be no motive for such an effort, and the fraud, in its present form, would have no place. In England, as all who have read the able report made by Mr. Hume, a Scottish member in the house of commons, must perceive, they seem to be giving up specific duties, and the tendency in the public mind appears to be,

instead of having a variety of specific duties and a variety of ad valorem duties, to have one permanent fixed rate of duty for all articles. I am willing, I repeat, to adhere to this great principle, as laid down in the compromise act. If there be those who suppose that, under the specific form of duty, a higher degree of protection can be secured than under the other mode, I would observe that the actual measure of protection does not depend upon the *form* but on the *amount* of the duty which is levied on the foreign rival article.

Assuming that we are to adhere to this principle, then every one of the leading principles of the same act can be adhered to and carried fully out; for I again assert that the idea that duties are always to remain at precisely twenty per centum, and never to vary from that point, be the exigencies of government what they may, does not belong to the language of the act, nor is it required by any one of its provisions.

The next resolution I have proposed to the consideration of the senate, is this:

'Resolved, that the provision in the act of the extra session, for the distribution of the proceeds of the public lands, requiring the operation of that act to be suspended in the contingency of a higher rate of duty than twenty per centum, ought to be repealed.'

Now, according to the calculations I have made, the repeal of the clause in question, and the recall of the proceeds of the sales of public lands from the states, even if made, will not dispense with the necessity of a great increase in the existing rate of taxation. I have shown that a duty of thirty per centum will not be too much to furnish the requisite amount of revenue, for a just and economical administration of the government. And how much of that rate will be reduced, should you add to the revenue from imports the million and a half (which was the amount realized the last year,) derived from sales of the public domain? It will be but the difference between thirty and about twenty-eight and a half. For, since thirty per centum yields a revenue of twenty-six millions, one per centum will bring about nine hundred thousand; and every million of dollars derived from lands will reduce your taxation on imports only nine hundred thousand; if you get a million and a half from the lands, it will reduce the taxes only from thirty to twenty-eight and a half per centum; or if you get three millions, as some gentlemen insist will be the case, then you will save taxes in the amount of the difference between thirty per centum and about twenty-seven per centum. This will be the whole extent of benefit derived from this land fund, which some senators have supposed would be so abundant as to relieve us from all necessity of additional taxation at all. I put it. then, to every senator, no matter whether he was opposed to the land bill or not, whether he

is willing, for the sake of this trifling difference, between thirty and twenty-eight and a half per centum, or between thirty and twenty-seven per centum, to disturb a great momentous and perplexing subject of our national policy, which is now settled, and thereby show such an example of instability in legislation as will be exhibited by the fact of unsettling so great a question within less than eight months after it had been fixed, on the most mature consideration? If gentlemen can make more out of the land fund than I have here stated it likely to yield, I shall be glad to hear on what ground they rest their calculations. I say that all the difference it will produce in the amount of our increased taxation is the difference between thirty and twenty-eight and a half, or between thirty and twenty-seven per centum. Will you, I repeat the question, when it is absolutely and confessedly necessary that more revenue shall be raised, and the mode in which it may be done is fraught with so many and so great benefits to the country, as I shall presently show, will you disturb a great and vexed national question for the sake of eking out in so trifling a degree, the amount to be raised? But let us look at the subject in another view. The resources on which government should depend, for paying the public creditor, and maintaining inviolate the national faith and credit, ought to be such as to admit of some certain estimate and calculation. But what possible reliance can be placed on a fund so fluctuating and variable as that which is derivable from the sales of the public lands? We have seen it rise to the extraordinary height of twenty-six millions in one year, and in less than six years afterwards fall down to the low amount of one million and a half!

The next resolution affirms a proposition which I hope will receive the unanimous consent of the senate. It is as follows.

'Resolved, that it is the duty of government, at all times, but more especially in a season such as now exists, of general embarrassment, and pecuniary distress, to abolish all useless institutions and offices, to curtail all unnecessary expenses, and to practice rigid economy.'

And the seventh resolution declares,

'That the contingent expenses of the two houses of congress ought to be greatly reduced; and the mileage of members of congress ought to be regulated, and more clearly defined.'

It has appeared to me, that the process of retrenchment of the public expenses, and reform of existing abuses, ought to begin, in an especial manner, here, with ourselves, in congress itself, where is found one of the most extravagant of all the branches of the government. We should begin at home, and encourage the work of retrenchment by our own example. I have before me a document which exhibits the gradual progress in the contingent expenses of the two houses of congress, from 1820 to 1840, embracing a

period of twenty years, divided into terms four years apart, and it shows that the amount of the contingent fund has advanced from eighty-six thousand dollars, which it was in 1824, to one hundred and twenty-one thousand in 1828, a rate of increase not greater than was proper, considering the progress of the country; to one hundred and sixty-five thousand in 1832; to two hundred and sixty-three thousand, in 1836; and, in 1840, it amounted, under an administration which charged that in 1824 with extravagance, to the enormous sum of three hundred and eighty-four thousand, three hundred and thirty-three dollars! I am really sorry, for the credit of congress, to be obliged to read a statement exhibiting such shameful, such profligate waste. And allow me here to say, without any intention of being unkind to those able and competent officers, the secretary of the senate, and the clerk * of the house of representatives, (not the present clerk,) that they ought to bear a share of the responsibility, for the great and sudden growth of this expenditure. How did it arise? The clerk presents his estimate of the sum that will be necessary, and the committee of ways and means, being busily occupied in matters of greater moment, take it without sufficient examination, and insert it at once on the appropriation bill. But I insist that it should be cut down to a sum of which members of congress may, with some decency, speak to their constituents. A salutary reform has been commenced in the house of representatives, which ought to be followed up here. They have already stricken one hundred thousand dollars from the contingent fund for both houses; but they should go much lower. I hope there will be another item of retrenchment, in fixing a reasonable maximum amount, to be allowed for stationery furnished to the members of congress. If this shall be adopted, much will have been done; for this is one of the most fruitful sources of congressional extravagance. I am told that the stationery furnished during the twenty-fifth congress averages more than one hundred dollars per head to each member. Can any man believe that any such amount as this can be necessary? Is it not an instance of profligate waste and profusion?

My next resolution is directed to the expenses of the judicial department of the government.

'Resolved, that the expenses of the judicial department have, of late years, been greatly increased, and ought to be diminished.'

In this department, also, there has been a vast augmention of the expenses, and such a one as calls for a thorough investigation. The amount of the appropriation for the judicial department has sprung up from two hundred and nine thousand dollars, which it

* It is but justice to those officers to say, that the most extravagant increase in the contingent expenses of congress is in the article of printing, for which they are not responsible.

was in 1824, to four hundred and seventy-one thousand dollars, at which it stood for the year 1840. Can any man believe that this has all been fairly done? that that department actually requires the expenditure every year of nearly half a million of dollars? I have no doubt that the district judges and the marshals, who have great control of the expenditure of the fund, and the clerks, ought to be held responsible for this enormous increase. Without any intention to indulge in any invidious distinctions, I think I could name a district in which great abuses prevail, and the expenditures are four or five times greater than they are in any other district throughout the country. I hope this whole matter will be thoroughly investigated, and that some necessary restraints will be imposed upon this branch of the public service. I am truly sorry, that in a branch of the government which, for its purity and uprightness, has ever been distinguished, and which so well merits the admiration of the whole country, there should have occurred so discreditable an increase in the expenses of its practical administration.

The next resolution asserts,

'That the diplomatic relations of the United States with foreign powers have been unnecessarily extended during the last twelve years, and ought to be reduced.'

I will not dwell long on this subject. I must remark, however, that since the days of Mr. Adams's administration, the number of foreign ministers, of the first grade, has nearly doubled, and that of ministers of the second grade has nearly tripled. Why, we have ministers abroad, who are seeking for the governments to which they are accredited, and the governments are not to be found! We have ministers at Constantinople and Vienna, and for what? We have an unreciprocated mission to Naples, and for what? There was, at the last session, an attempt to abolish this appointment, but it unfortunately failed. One would think, that, in such a one-sided, unreciprocated diplomacy, if a regard to economy did not prompt us to discontinue the relation, national pride would. In like manner, we might look round the coasts of Europe, and of this continent, and find mission after mission which there seems to be no earthly utility in retaining. But I forbear.

On the subject of mileage, I hope there may be an effort to equalize it justly, and render it uniform, and that the same allowance will be made for the same distance travelled, whether by land, by water, or by steam route, or whether the distance be ascertained by horizontal or surface measurement. I think the former the best mode, because it limits us to a single and simple inquiry, and leaves no open door for abuses. I hope, therefore, that we shall adopt it.

The next resolution of the series reads thus:

'Resolved, that the franking privilege ought to be further restricted, the abusive uses of it restrained and punished, the postage on letters reduced, the mode of estimating distances more clearly defined and prescribed, and a small addition to postage

made on books, pamphlets, and packages transmitted by the mail, to be graduated and increased according to their respective weights.'

The franking privilege has been most direfully abused. We have already reached a point of abuse, not to say corruption, though the government has been in operation but about fifty years, which it has taken Great Britain centuries to attain. Blank envelopes, I have heard it said, ready franked, have been enclosed to individuals at a distance, who openly boasted that their correspondence is free of charge. The limitation as to the weight is now extended, I believe, to two ounces. But what of that, if a man may send under his frank a thousand of these two-ounce packages? The limitation should be to the total weight included in any single mail, whether the packages be few or many. The report of the post-master general, at a former session, states the astounding fact, that, of the whole amount transported in the mails, *ninety-five per centum* goes free of all duty, and letters of business and private correspondence have to defray the expense of the whole. It is monstrous, and calls loudly for some provision to equalize the charge. The present postage on letters is enormously high, in proportion to the other business of the country. If you will refuse to carry those packages, which are now transmitted by mail simply because in that mode they can travel free of cost, you will greatly relieve the business interests of the country, which now bear nearly the whole burden for all the rest. This it is your duty to do. Let us throw, at least, a fair portion of the burden on those who receive, at present, the whole of the benefit. Again. The law is very loose and uncertain as to the estimation of distances. Since the introduction of steam-travel, the distance travelled has, in many cases, been increased, while the time consumed has been shortened. Take, as an illustration, a case near at hand. The nearest distance from here to Frederick city, in Maryland, is forty-four miles; but, if you go hence to the depot on the Baltimore road, and thence take the train to Frederick, you arrive sooner, but the distance is increased to one hundred miles. Now, as letters are charged according to the miles travelled, I hold it very wrong to subject a letter to this more than double charge, in consequence of adopting a longer route in distance, though a shorter in time. Such cases ought to be provided against by specific rules.

I come now to the last resolution offered, which is as follows.

'Resolved, that the secretaries of state, of the treasury, of war, and of the navy departments, and the postmaster general, be severally directed, as soon as practicable, to report what offices can be abolished, and what retrenchments of public expenditure can be made, without public detriment, in the respective branches of the public service under their charge.'

We all know that, if the heads of departments will not go to work with us honestly and faithfully, in truth and sincerity, congress,

thus unaided, can effect comparatively but little. I hope they will enter with us on this good work of retrenchment and reform. I shall be the last to express in advance any distrust of their upright intentions in this respect. The only thing that alarms me is, that two of these departments have come to us asking for appropriations far beyond any that have heretofore been demanded in time of peace, and that with the full knowledge of the fact of an empty treasury. But I still hope, when they shall see congress heartily, in earnest, engaged in retrenching useless expenditure, and reducing estimates that cannot be complied with, that they will boldly bring out to view all abuses which exist in their several spheres of action, and let us apply the pruning-knife, so as to reduce the national expenditure within some proper and reasonable amount. At all events, they are, of course, most familiar with the details of the subject, as it relates to their several branches of the administration. Among other items, there are several useless mints, which only operate to waste the public money. A friend, occupied in investigating this subject, has told me that the mint in New Orleans has already cost the country half a million of dollars, for getting ready to coin bullion not yet dug out of the mine!

[Mr. Berrien here spoke across something not heard by the reporter, in relation to the mint at Dahlonega, which excited much mirth in the neighboring part of the chamber.]

While every piece of coin made by these useless establishments could just as well be coined by the central mint, at Philadelphia.

And now, having gone through with all the details of this series of resolutions, which I thought it my duty to notice, allow me, in drawing to a conclusion of these remarks, to present some of the advantages which it appears to me should urge us to adopt the system of financial arrangement contemplated in the resolutions.

And first, the government will, in this way, secure to itself an adequate amount of revenue, without being obliged to depend on temporary and disreputable expedients, and thus preseve the public credit unsullied, which I deem a great advantage of the plan. Credit is of incalculable value, whether to a nation or an individual. England, proud England, a country with which we may one day again come in conflict — though it gives me pleasure to say, that I cannot perceive at present the least 'speck of war' in the political horizon — owes her greatness, her vastness of power, pervading the habitable globe, mainly to her strict and uniform attention to the preservation of the national credit.

Second. The next thing recommended is retrenchment in the national expenditure, and greater economy in the administration of the government. And do we not owe it to this bleeding country, to ourselves, and the unparalleled condition of the time, to exhibit to the world a fixed, resolute, and patriotic purpose, to reduce the public expenditure to an economical standard?

Third. But a much more important advantage than either of those I have yet adverted to, is to be found in the check which the adoption of this plan will impose on the efflux of the precious metals from this country to foreign countries. I shall not now go into the causes by which the country has been brought down from the elevated condition of prosperity it once enjoyed, to its present state of general embarrassment and distress. I think that those causes are as distinctly in my understanding and memory as any subjects were ever impressed there; but I have no desire to go into a discussion which can only revive the remembrance of unpleasant topics. My purpose, my fixed purpose on this occasion, has been to appeal to all gentlemen on all political sides of this chamber, to come out, and make a sacrifice of all lesser differences, in a patriotic, generous, and general effort, for the relief of their country. I shall not open these bleeding wounds which have, in too many instances, been inflicted by brothers' hands — especially will I not do so at this time, and on this occasion. I shall look merely at facts as they are. I shall not ask what have been the remote causes of the depression and wretchedness of our once glorious and happy country. I will turn my view only on causes which are proximate, indisputable, and immediately before us.

One great if not sole cause is to be found in the withdrawal of coin from the country, to pay debts accrued or accruing abroad, for foreign imports, or debts contracted during former periods of prosperity, and still hanging over the country. How this withdrawal operates in practice, is not difficult to be understood. The banks of the country, when they are in a sound state, act upon this coin as the basis of their circulation and discounts; the withdrawal of it not only obliges the banks to withhold discounts and accommodations, but to draw in what is due from their debtors, at the precise time when they, sharing in the general stricture, are least able to meet the calls. Property is then thrown into the market, to raise means to comply with those demands, depression ensues, and, as is invariably the case when there is a downward tendency in its value, it falls below its real worth. But the foreign demand for specie, to pay commercial and other public debt, operates directly upon the precious metals themselves, which are gathered up by bankers, and brokers, and others, obtained from these depositories, and thence exported. Thus, this foreign demand has a double operation, one upon the banks, and through them upon the community, and the other upon the coin of the country. Gentlemen, in my humble opinion, utterly deceive themselves in attributing to the banking institutions all the distresses of the country. Doubtless, the erroneous and fraudulent administration of some of them, has occasioned much local and individual distress. But this would be temporary and limited, whilst the other cause — the continued efflux of specie from the country — if not arrested, would perpetuate

the distress. Could you annihilate every bank in the union, and burn every bank note, and substitute in their place a circulation of nothing but the precious metals, as long as such a tariff continues as now exists, two years would not elapse till you would find the imperative necessity of some paper medium for conducting the domestic exchanges.

I announce only an historical truth, when I declare, that during, and ever since our colonial existence, necessity has given rise to the existence of a paper circulation of some form, in every colony on this continent; and there was a perpetual struggle between the crown and royal governors on one hand, and the colonial legislatures on the other, on this very subject of paper money. No; if you had to-morrow a circulation consisting of nothing but the precious metals, they would leave you as the morning dew leaves the fields, and you would be left under the necessity of devising a mode to fill the chasm produced by their absence.

I am ready to make one concession to the gentlemen on the other side. I admit that, if the circulation were in coin alone, the thermometer of our monetary fluctuations would not rise as high, or fall as low as when the circulation is of a mixed character, consisting partly of coin and partly of paper. But then the fluctuations themselves, within a more circumscribed range, would be quite as numerous, and they will and must exist so long as such a tariff remains as forces the precious metals abroad. I again repeat the assertion that, could you annihilate to-morrow every bank in the country, the very same description of embarrassment, if not in the same degree, would still be found which now pervades our country.

What, then, is to be done, to check this foreign drain? We have tried free trade. We have had the principles of free trade operating on more than half the total amount of our comforts, for the greater part of nine years past. That will not do, we see. Do let me recall to the recollection of the senate the period when the protective system was thought about to be permanently established. What was the great argument then urged against its establishment? It was this: that if duties were laid directly for protection, then we must resort to direct taxation to meet the wants of the government; everybody must make up their minds to a system of internal taxation. Look at the debate in the house of representatives of 1824, and you will find that was the point on which the great stress was laid. Well, it turned out as the friends of protection told you it would. We said that such would not be the effect. True, it would diminish importation, as it did; but the augmented amount of taxes would more than compensate for the reduced amount of goods. This we told you, and we were right.

How has free trade operated on other great interests? I well remember, that, ten years ago, one of the most gifted of the sons of South Carolina, (Mr. Hayne,) after drawing a most vivid and

frightful picture of the condition of the south — of fields abandoned, houses dilapidated, overseers becoming masters, and masters overseers, general stagnation, and approaching ruin; a picture which, I confess, filled me with dismay — cried out to us, abolish your tariff, reduce your revenue to the standard of an economical government, and once more the fields of South Carolina will smile with beauty, her embarrassments will vanish, commerce will return to her harbors, labor to her plantations; augmented prices for her staples, and contentment, and prosperity, and universal happiness to her oppressed people. Well, we did reduce the tariff, and, after nine years of protection, we have had nine years of a descending tariff and of free trade. Nine years, (from 1824 to 1833,) we had the protective policy of a high tariff; and nine years, (from 1833 to 1842,) we have had the full operation of free trade on more than a moiety of the whole amount of our imports, and a descending tariff on the residue. And what is the condition of South Carolina at this day? Has she regained her lost prosperity? Has she recovered from the desolation and ruin so confidently imputed to the existence of a high tariff? I believe, if the gentleman from South Carolina could be interrogated here, and would respond in candor, unbiased by the delusions engendered by a favorite but delusive theory, he would tell us that she had not experienced the promised prosperity which was dwelt upon with so much eloquence by his fellow citizen. How is it in regard to the great staple of the south? How stand the prices of cotton during these nine years of the descending tariff, and the prevalence of free trade? How do these years compare with the nine years of protection and high tariff? Has the price of cotton increased, as we were told it would, by the talented South Carolinian? It has happened that during the nine tariff years the average price of cotton was from 1824 to 1833 higher than during the nine years of descending tariff and free trade; and at the instant I am speaking, I understand that cotton is selling at a lower rate than has been realized since the war with Great Britain. I know with what tenacity theorists adhere to a favorite theory, and search out for imaginary causes of results before their eyes, and deny the true. I am not going into the land of abstractions and of metaphysics. There are two great, leading, incontestable facts, which gentlemen must admit; first, that a high tariff did not put down the prices of staple commodities; and, second, that a low tariff and free trade have not been able to save them from depression. These are the facts; let causists, and theorists, and the advocates of a one-sided, paralytic free trade, in which we turn our sound side to the world, and our blighted, and paralysed, and dead side toward our own people, make of them what they can. At the very moment that England is pushing the resources of Asia, cultivating the fields of India, and even contemplating the subsidizing of Africa, for the

supply of her factories with cotton, and when the importations from India have swelled from two hundred thousand bales to five hundred and eighty thousand bales, we are told that there are to be no restrictions on free trade.

Let me not be misunderstood, and let me entreat that I may not be misrepresented. I am not advocating the revival of a high protective tariff. I am for abiding by the principles of the compromise act; I am for doing what no southern man of a fair or candid mind has ever yet denied — giving to the country a revenue which may provide for the economical wants of the government, and at the same time give an incidental protection to our home industry. If there be here a single gentleman who will deny the fairness and propriety of this, I shall be glad to see and hear who he is.

This check on the flow of specie abroad, to pay either a commercial or a public debt, will operate by the imposition of duties to meet the wants of the government; will keep the precious metals at home to a much greater extent than is now possible. I hope that we shall learn to live within our own means, and not remain so dependent as we now are on the mere good pleasure and domestic policy of foreign governments. We go for revenue; for an amount of revenue adequate to an economical administration of the government. We can get such revenue nowhere else than from a tariff on importations. No man in his senses will propose a resort to direct or internal taxes. And this arrangement of the tariff, while it answers this end, will at the same time operate as a check on the efflux of the precious metals, and retain what is necessary for the purposes of exchange and circulation.

The fourth advantage attending the adoption of the system proposed will be, that the states will be left in the undisturbed possession of the land fund secured to them by the act of the last session, and which was intended to aid them in the embarrassments under which some of them are now laboring.

And the last is that to which I have already adverted, namely, that it will afford, indirectly, protection to the interests of American industry. And the most bitter and persevering opponent to the protective policy I ever met with, has never denied that it is both the right and the duty of government so to lay the taxes necessary to the public service, as to afford incidental protection to our own home industry.

But it is said that, by the adoption of one fixed, arbitrary maximum of ad valorem duty, we shall not derive that measure of protection which is expected; and I admit that there may be certain articles, the product of the mechanic arts — such, for example, as shoes, hats, and ready made clothing, and sugar, iron, and paper — some or all of which may not derive the protection which they need under the plan I propose. On that subject I can

only say, what I said at the time of the passage of the compromise act, if some few articles shall not prove to be sufficiently protected beneath the established maximum rate, I should hope that, in the spirit of harmony and compromise, additional duties, above that rate, sufficient to afford reasonable protection to those few articles, by general consent, would be imposed. I am not, at present, prepared to say whether the rule I have suggested will afford adequate protection to these particular interests or not; I fear it may not. But if the subject shall be looked at in the spirit of patriotism, without party bias or local influences, it will be found that the few articles alluded to are so distributed, or are of such a nature as to furnish the grounds of a friendly adjustment. The interests of the sugar of the south may then be set against the iron of the centre and the productions of the mechanic arts, which, although prevailing everywhere, are most concentrated at the north. With respect to these, without reference to any general system of protection, they have been at all times protected. And who that has a heart, or the sympathies of a man, can say or feel that our hatters tailors, and shoemakers, should not be protected against the rival productions of other countries? Who would say that the shoemaker, who makes the shoes of his wife — his own wife, according to the proverb, being the last woman in the parish that is supplied with hers — shall not be protected? that the tailor, who furnishes him with a new coat, or the hatter, that makes him a new hat, to go to church, to attend a wedding or christening, or to visit his neighbor, shall not be adequately protected?

Then there is the essential article of iron; that is a great central interest. Whether it will require a higher degree of protection than it will derive from such a system as I have sketched, I have not sufficient information to decide; but this I am prepared to say, that question will be with the representatives of those states which are chiefly interested; and, if their iron is not sufficiently protected, they must take the matter up and make out their case to be an exception to the general arrangement. When I speak of the representatives of these states, I mean their entire delegation, without regard to political denominations or distinctions. They must look into the matter, and if they take it up, and bring forward their propositions, and make out a clear case of exception to the general rule, I shall be an humble follower of their lead, but I will not myself take the lead in any such case. If these states want certain interests protected, they must send delegates here who are prepared to protect them. Such a state cannot reasonably expect senators from other states, having no direct, local, or particular concern in such interests, to force on her the protection of her own interests against her own will, as that will is officially expressed by her representatives in congress. I again say, I am ready to follow, but I will not lead.

With me, from the first moment I conceived the idea of creating, at home, a protection for the production of whatever is needed to supply the wants of man, up to this moment, it has always been purely a question of expediency. I never could comprehend the constitutional objection which to some gentlemen seems so extremely obvious. I could comprehend, to be sure, what these, gentlemen mean to argue, but I never had the least belief in the constitutional objection which slept from 1788, (or, rather, which reverses the doctrine of 1780,) till it suddenly waked up in 1820. Then, for the first time since the existence of the constitution, was the doctrine advanced that we could not legitimately afford any protection to our own home industry against foreign and adverse industry. I say, that with me it always was a question of expediency only. If the nation does not want protection, I certainly never would vote to force it upon the nation; but viewing it as a question of expediency wholly, I have not hesitated heretofore, on the broad and comprehensive ground of expediency, to give my assent to all suitable measures proposed with a view to that end.

The senate will perceive that I have forborne to go into detail, especially in regard to the urgency of reform and retrenchment, with one or two exceptions. I have presented to it a system of policy embodied in these resolutions, containing those great principles in which I believe that the interest, prosperity, and happiness of the country are deeply involved — principles, the adoption of which alone can place the finances of the government upon a respectable footing, and free us from a condition of servile dependence on the legislation of foreign nations. I have persuaded myself that the system now brought forward will be met in a spirit of candor and of patriotism, and in the hope that whatever may have been the differences in the senate in days past, we have now reached a period in which we forget our prejudices, and agree to bury our transient animosities deep at the foot of the altar of our common country, and come together as an assemblage of friends, and brothers, and compatriots, met in common consultation to devise the best mode of relieving the public distress. It is in this spirit that I have brought forward my proposed plan; and I trust in God, invoking, as I humbly do, the aid and blessing of his providence, that the senators, on all sides of the chamber, will lay aside all party feelings, and more especially that habitual suspicion to which we are all more or less prone, (and from which I profess not to be exempted more than other men,) that impels us to reject, without examination, and to distrust whatever proceeds from a quarter we have been in the habit of opposing. Let us lay aside prejudice; let us look at the distresses of our country, and these alone. I trust that in this spirit we shall examine these resolutions, and decide upon them according to the dictates of our own consciences, and in a pure and patriotic regard to the welfare of our country.

VALEDICTORY ADDRESS TO THE SENATE.

IN THE SENATE OF THE UNITED STATES, MARCH 31, 1842.

[THE congressional career of Mr. Clay, having been one of the longest known in our annals, being about to close by his resignation of his seat in the senate, to take effect this day, he avails himself of the occasion to make a farewell address to that honorable body, which, as a specimen of his peculiar eloquence, will favorably compare with any of his previous efforts on which his claims rest as an orator and statesman, whether delivered at the capitol, before the legislators of the nation, or to assemblages of the people in various parts of the country.]

MR. CLAY rose, with deep and solemn emotion, and said, that, before proceeding to make the motion for which he had risen, he begged leave to submit, on the only occasion remaining to him, an observation or two on a different subject. It would be remembered that he had offered, on a former day, some resolutions proposing certain amendments in the constitution of the United States; they had undergone some discussion, and he had been desirous of replying to the able arguments which had been urged in opposition to them, and of obtaining an expression of the sense of the senate; but owing to the infirm state of his health, to the pressure of business in the senate, and especially to the absence, at this moment, of several of his friends, he had concluded that this was unnecessary. He regretted the want of an opportunity to present what he thought would be a satisfactory answer to those arguments. He should commit the subject, therefore, to the hands of the senate, to be disposed of as their judgment should dictate; concluding what he had to say in relation to them with the remark, that the convictions he had before entertained in regard to the several amendments, he still deliberately held, after all that he had heard upon the subjects; and that he firmly believed the true and permanent security of the just checks and balances of the constitution required their adoption.

And now, said Mr. C., allow me to announce, formally and officially, my retirement from the senate of the United States, and to present the last motion I shall ever make in this body. But, before I make that motion, I trust I shall be pardoned if I avail myself, with the permission and indulgence of the senate, of this last occasion of addressing to it a few more observations.

I entered the senate of the United States in December, 1806. I regarded that body then, and still consider it, as one which may compare, without disadvantage, with any legislative assembly, either in ancient or modern times, whether I look to its dignity, the extent and importance of its powers, the ability by which its individual members have been distinguished, or its organic constitution. If compared in any of these respects with the senates either of France or of England, that of the United States will sustain no derogation. With respect to the mode of constituting those bodies, I may observe, that, in the house of peers in England, with the exceptions of Ireland, and of Scotland — and in that of France with no exception whatever — the members hold their places in their individual rights under no delegated authority, not even from the order to which they belong, but derive them from the grant of the crown, transmitted by descent, or created in new patents of nobility; while here we have the proud and more noble title of representatives of sovereign states, of distinct and independent commonwealths.

If we look again at the powers exercised by the senates of France and England, and by the senate of the United States, we shall find that the aggregate of power is much greater here. In all, the respective bodies possess the legislative power. In the foreign senates, as in this, the judicial power is invested, although there it exists in a larger degree than here. But, on the other hand, that vast, undefined, and undefinable power involved in the right to coöperate with the executive in the formation and ratification of treaties, is enjoyed in all its magnitude and consequence by this body, while it is possessed by neither of theirs: besides which, there is another function of very great practical importance — that of sharing with the executive branch in distributing the immense patronage of this government. In both these latter respects we stand on grounds different from the house of peers either of England or France. And then, as to the dignity and decorum of its proceedings, and ordinarily, as to the ability of its members, I may, with great truth, declare that, during the whole long period of my knowledge of this senate, it can, without arrogance or presumption, stand an advantageous comparison with any deliberative body that ever existed in ancient or modern times.

Full of attraction, however, as a seat in the senate is, sufficient as it is to satisfy the aspirations of the most ambitious heart, I have long determined to relinquish it, and to seek that repose which can be enjoyed only in the shades of private life, in the circle of one's own family, and in the tranquil enjoyments included in one enchanting word — Home.

It was my purpose to terminate my connection with this body in November, 1840, after the memorable and glorious political struggle which distinguished that year: but I learned, soon after, what indeed I had for some time anticipated from the result of my own reflec-

tions, that an extra session of congress would be called; and I felt desirous to coöperate with my political and personal friends in restoring, if it could be effected, the prosperity of the country, by the best measures which their united counsels might be able to devise; and I therefore attended the extra session. It was called, as all know, by the lamented Harrison; but his death, and the consequent accession of his successor, produced an entirely new aspect of public affairs. Had he lived, I have not one particle of doubt that every important measure to which the country had looked with so confident an expectation would have been consummated, by the coöperation of the executive with the legislative branch of the government. And here allow me to say, only, in regard to that so much reproached extra session of congress, that I believe if any of those, who, through the influence of party spirit, or the bias of political prejudice, have loudly censured the measures then adopted, would look at them in a spirit of candor and of justice, their conclusion, and that of the country generally, would be, that if there exist any just ground of complaint, it is to be found not in what was done, but in what was not done, but left unfinished.

Had president Harrison lived, and the measures devised at that session been fully carried out, it was my intention then to have resigned my seat. But the hope (I feared it might prove vain) that, at the regular session, the measures which we had left undone might even then be perfected, or the same object attained in an equivalent form, induced me to postpone the determination; and events which arose after the extra session, resulting from the failure of those measures which had been proposed at that session, and which seemed for the moment to subject our political friends to the semblance of defeat, confirmed me in the resolution to attend the present session also, and, whether in prosperity or adversity, to share the fortune of my friends. But I resolved, at the same time, to retire as soon as I could do so with propriety and decency.

From 1806, the period of my entrance upon this noble theatre, with short intervals, to the present time, I have been engaged in the public councils, at home or abroad. Of the services rendered during that long and arduous period of my life it does not become me to speak; history, if she deign to notice me, and posterity, if the recollection of my humble actions shall be transmitted to posterity, are the best, the truest, and the most impartial judges. When death has closed the scene, their sentence will be pronounced, and to that I commit myself. My public conduct is a fair subject for the criticism and judgment of my fellow-men; but the motives by which I have been prompted are known only to the great searcher of the human heart and to myself; and I trust I may be pardoned for repeating a declaration made some thirteen years ago, that, whatever errors, and doubtless there have been many, may be discovered in a review of my public service, I can with unshaken

confidence appeal to that divine arbiter for the truth of the declaration, that I have been influenced by no impure purpose, no personal motive; have sought no personal aggrandizement; but that, in all my public acts, I have had a single eye directed, and a warm and devoted heart dedicated, to what, in my best judgment, I believed the true interests, the honor, the union, and the happiness of my country required.

During that long period, however, I have not escaped the fate of other public men, nor failed to incur censure and detraction of the bitterest, most unrelenting, and most malignant character; and though not always insensible to the pain it was meant to inflict, I have borne it in general with composure, and without disturbance here, [pointing to his breast,] waiting as I have done, in perfect and undoubting confidence, for the ultimate triumph of justice and of truth, and in the entire persuasion that time would settle all things as they should be, and that whatever wrong or injustice I might experience at the hands of man, He to whom all hearts are open and fully known, would, by the inscrutable dispensations of his providence, rectify all error, redress all wrong, and cause ample justice to be done.

But I have not meanwhile been unsustained. Everywhere throughout the extent of this great continent I have had cordial, warm-hearted, faithful, and devoted friends, who have known me, loved me, and appreciated my motives. To them, if language were capable of fully expressing my acknowledgments, I would now offer all the return I have the power to make for their genuine, disinterested, and persevering fidelity and devoted attachment, the feelings and sentiments of a heart overflowing with never ceasing gratitude. If, however, I fail in suitable language to express my gratitude to *them* for all the kindness they have shown me, what shall I say, what *can* I say at all commensurate with those feelings of gratitude with which I have been inspired by the state whose humble representative and servant I have been in this chamber? [Here Mr. C's feelings overpowered him, and he proceeded with deep sensibility and difficult utterance.]

I emigrated from Virginia to the state of Kentucky now nearly forty-five years ago; I went as an orphan boy who had not yet attained the age of majority; who had never recognised a father's smile, nor felt his warm caresses; poor, pennyless, without the favor of the great, with an imperfect and neglected education, hardly sufficient for the ordinary business and common pursuits of life; but scarce had I set my foot upon her generous soil when I was embraced with parental fondness, caressed as though I had been a favorite child, and patronised with liberal and unbounded munificence. From that period the highest honors of the state have been freely bestowed upon me; and when, in the darkest hour of calumny and detraction, I seemed to be assailed by all the rest of the world,

she interposed her broad and impenetrable shield, repelled the poisoned shafts that were aimed for my destruction, and vindicated my good name from every malignant and unfounded aspersion. I return with indescribable pleasure to linger a while longer, and mingle with the warm-hearted and whole-souled people of that state; and, when the last scene shall for ever close upon me, I hope that my earthly remains will be laid under her green sod with those of her gallant and patriotic sons.

But the ingenuity of my assailants is never exhausted. It seems I have subjected myself to a new epithet; which I do not know whether to take in honor or derogation: I am held up to the country as a 'dictator.' A dictator! The idea of a dictatorship is drawn from Roman institutions; and at the time the office was created, the person who wielded the tremendous weight of authority it conferred, concentrated in his own person an absolute power over the lives and property of all his fellow-citizens; he could levy armies; he could build and man navies; he could raise any amount of revenue he might choose to demand; and life and death rested on his fiat. If I were a dictator, as I am said to be, where is the power with which I am clothed? Have I any army? any navy? any revenue? any patronage? in a word, any power whatever? If I had been a dictator, I think that even those who have the most freely applied to me the appellation must be compelled to make two admissions; first, that my dictatorship has been distinguished by no cruel executions, stained by no blood, sullied by no act of dishonor; and I think they must also own, (though I do not exactly know what date my commission of dictator bears; I suppose, however, it must have commenced with the extra session;) that if I did usurp the power of a dictator, I at least voluntarily surrendered it within a shorter period than was allotted for the duration of the dictatorship of the Roman commonwealth.

If to have sought at the extra session and at the present, by the coöperation of my friends, to carry out the great measures intended by the popular majority of 1840, and to have earnestly wished that they should all have been adopted and executed; if to have ardently desired to see a disordered currency regulated and restored, and irregular exchanges equalized and adjusted; if to have labored to replenish the empty coffers of the treasury by suitable duties; if to have endeavored to extend relief to the unfortunate bankrupts of the country, who had been ruined in a great measure by the erroneous policy, as we believed, of this government; to limit, circumscribe, and reduce executive authority; to retrench unnecessary expenditure and abolish useless offices and institutions; and the public honor to preserve untarnished by supplying a revenue adequate to meet the national engagements and incidental protection to the national industry; if to have entertained an anxious solicitude to redeem every pledge, and execute every promise fairly made by

my political friends, with a view to the acquisition of power from the hands of an honest and confiding people; if these constitute a man a DICTATOR, why, then, I must be content to bear, although I still ought only to share with my friends, the odium or the honor of the epithet, as it may be considered on the one hand or the other.

That my nature is warm, my temper ardent, my disposition, especially in relation to the public service, enthusiastic, I am ready to own; and those who suppose that I have been assuming the dictatorship, have only mistaken for arrogance or assumption that ardor and devotion which are natural to my constitution, and which I may have displayed with too little regard to cold, calculating, and cautious prudence, in sustaining and zealously supporting important national measures of policy which I have presented and espoused.

In the course of a long and arduous public service, especially during the last eleven years in which I have held a seat in the senate, from the same ardor and enthusiasm of character, I have no doubt, in the heat of debate, and in an honest endeavor to maintain my opinions against adverse opinions alike honestly entertained, as to the best course to be adopted for the public welfare, I may have often inadvertently and unintentionally, in moments of excited debate, made use of language that has been offensive, and susceptible of injurious interpretation towards my brother senators. If there be any here who retain wounded feelings of injury or dissatisfaction produced on such occasions, I beg to assure them that I now offer the most ample apology for any departure on my part from the established rules of parliamentary decorum and courtesy. On the other hand, I assure senators, one and all, without exception and without reserve, that I retire from this chamber without carrying with me a single feeling of resentment or dissatisfaction to the senate or any one of its members.

I go from this place under the hope that we shall, mutually, consign to perpetual oblivion whatever personal collisions may at any time unfortunately have occurred between us; and that our recollections shall dwell in future only on those conflicts of mind with mind, those intellectual struggles, those noble exhibitions of the powers of logic, argument, and eloquence, honorable to the senate and to the nation, in which each has sought and contended for what he deemed the best mode of accomplishing one common object, the interest and the most happiness of our beloved country. To these thrilling and delightful scenes it will be my pleasure and my pride to look back in my retirement with unmeasured satisfaction.

And now, Mr. President, allow me to make the motion which it was my obect to submit when I rose to address you. I present the credentials of my friend and successor. If any void has been created by my withdrawal from the senate, it will be amply filled by him, whose urbanity, whose gallant and gentlemanly bearing, whose steady adherence to principle, and whose rare and accomplished

powers in debate, are known to the senate and to the country. I move that his credentials be received, and that the oath of office be now administered to him.

In retiring, as I am about to do, for ever, from the senate, suffer me to express my heartfelt wishes that all the great and patriotic objects of the wise framers of our constitution may be fulfilled; that the high destiny designed for it may be fully answered; and that its deliberations, now and hereafter, may eventuate in securing the prosperity of our beloved country, in maintaining its rights and honor abroad, and upholding its interests at home. I retire, I know, at a period of infinite distress and embarrassment. I wish I could take my leave of you under more favorable auspices; but, without meaning at this time to say whether on any or on whom reproaches for the sad condition of the country should fall, I appeal to the senate and to the world to bear testimony to my earnest and continued exertions to avert it, and to the truth that no blame can justly attach to me.

May the most precious blessings of heaven rest upon the whole senate and each member of it, and may the labors of every one redound to the benefit of the nation and the advancement of his own fame and renown. And when you shall retire to the bosom of your constituents, may you receive that most cheering and gratifying of all human rewards—their cordial greeting of 'well done, good and faithful servant.'

And now, Mr. President, and senators, I bid you all a long, a lasting, and a friendly farewell.

Mr. Crittenden was then duly qualified, and took his seat; when

Mr. Preston rose and said: what had just taken place was an epoch in their legislative history, and from the feeling which was evinced, he plainly saw that there was little disposition to attend to business. He would therefore move that the senate adjourn; which motion was unanimously agreed to.

ON HIS RETIREMENT TO PRIVATE LIFE.

AT LEXINGTON, KENTUCKY, JUNE 9, 1842.

[After his resignation as senator, and retirement to private life, at Ashland, near Lexington, Kentucky, his fellow-citizens of that place and its vicinity, gave a festival in honor of him, on the above-named day, when Mr. Clay addressed them in the following words, in which he takes an interesting retrospect of his long career as a public man, and enters into a sketch of the most important political events which had affected the condition of the country, concluding with an exhortation to his political friends to continue their efforts to promote the best interests of their country.

Judge Robertson, who presided, offered the following sentiment, which he prefaced with appropriate remarks

Henry Clay — *farmer of Ashland, patriot and philanthropist* — *the* American *statesman, and unrivalled orator of the age* — illustrious abroad, beloved at home: in a long career of eminent public service, often, like *Aristides*, he breasted the raging storm of passion and delusion, and by offering himself a sacrifice, saved the republic; and now, like *Cincinnatus* and *Washington*, having voluntarily retired to the tranquil walks of private life, the grateful hearts of his countrymen will do him ample justice; but come what may, *Kentucky will stand by him*, and still continue to cherish and defend, as her own, the fame of a son who has emblazoned her escutcheon with immortal renown.

After the evidences of feeling which this sentiment elicited had subsided, Mr. Clay rose and spoke as follows.]

Mr. President, ladies, and gentlemen:

It was given to our countryman, Franklin, to bring down the lightning from heaven. To enable me to be heard by this immense multitude, I should have to invoke to my aid, and to throw into my voice, its loudest thunders. As I cannot do that, I hope I shall be excused for such a use of my lungs as is practicable, and not inconsistent with the preservation of my health. And I feel that it is our first duty to express our obligations to a kind and bountiful Providence, for the copious and genial showers with which he has just blessed our land — a refreshment of which it stood much in need. For one, I offer to him my humble and dutiful thanks. The inconvenience to us, on this festive occasion, is very slight, while the sum of good which those timely rains will produce, is very great and encouraging.

Fellow-citizens, I find myself now in a situation somewhat like one in which I was placed a few years ago, when travelling through the state of Indiana, from which my friend (Mr. Rariden) near me

comes. I stopped at a village containing some four or five hundred inhabitants, and I had scarcely alighted before I found myself surrounded in the bar-room by every adult male resident of the place. After a while, I observed a group consulting together in one corner of the room, and shortly after, I was diffidently approached by one of them, a tall, lank, lean, but sedate and sober looking person, with a long face and high cheek bones, who, addressing me, said he was commissioned by his neighbors to request that I would say a few words to them. Why, my good friend, said I, I should be very happy to do any thing gratifying to yourself and your neighbors, but I am very much fatigued, and hungry, and thirsty, and I do not think the occasion is exactly suitable for a speech, and I wish you would excuse me to your friends. Well, says he, Mr. Clay, I confess I thought so myself, especially as we have no wine to offer you to drink!

Now, if the worthy citizen of Indiana was right in supposing that a glass of wine was a necessary preliminary, and a precedent condition to the delivery of a speech, you have no just right to expect one from me at this time; for, during the sumptuous repast from which we have just risen, you offered me nothing to drink but cold water — excellent water, it is true, from the classic fountain of our lamented friend Mr. Maxwell, which has so often regaled us on celebrations of our great anniversary. [Great laughter.]

I protest against any inference of my being inimical to the temperance cause. On the contrary, I think it an admirable cause, that has done great good, and will continue to do good as long as legal coercion is not employed, and it rests exclusively upon persuasion, and its own intrinsic merits.

I have a great and growing repugnance to speaking in the open air to a large assemblage. But whilst the faculty of speech remains to me, I can never feel that repugnance, never feel other than grateful sensations, in making my acknowledgments under such circumstances as those which have brought us together. Not that I am so presumptuous as to believe that I have been the occasion solely of collecting this vast multitude. Among the inducements, I cannot help thinking that the fat white virgin Durham heifer of my friend, Mr. Berryman, that cost six hundred dollars, which has been just served up, and the other good things which have been so liberally spread before us, exerted some influence in swelling this unprecedently large meeting. [Great laughter.]

I cannot but feel, Mr. President, in offering my respectful acknowledgment for the honor done me, in the eloquent address which you have just delivered, and in the sentiment with which you concluded it, that your warm partiality, and the fervent friendship which has so long existed between us, and the kindness of my neighbors and friends around me, have prompted an exaggerated description, in too glowing colors, of my public services and my poor abilities.

I seize the opportunity to present my heartfelt thanks to the whole people of Kentucky, for all the high honors and distinguished favors which I have received, during a long residence with them, at their hands; for the liberal patronage which I received from them in my professional pursuit; for the eminent places in which they have put me, or enabled me to reach; for the generous and unbounded confidence which they have bestowed upon me, at all times; for the gallant and unswerving fidelity and attachment with which they stood by me, throughout all the trials and vicissitudes of an eventful and arduous life; and above all, for the scornful indignation with which they repelled an infamous calumny directed against my name and fame, at a momentous period of my public career. In recalling to our memory but the circumstances of that period, one cannot but be filled with astonishment at the indefatigability with which the calumny was propagated, and the zealous partisan use to which it was applied, not only without evidence, but in the face of a full and complete refutation. Under whatever deception, delusion, or ignorance, it was received elsewhere, with you, my friends and neighbors, and with the good people of Kentucky, it received no countenance; but in proportion to the venom and the malevolence of its circulation was the vigor and magnanimity with which I was generally supported. Upheld with the consciousness of the injustice of the charge, I should have borne myself with becoming fortitude, if I had been abandoned by you as I was by so large a portion of my countrymen. But to have been sustained and vindicated as I was, by the people of my own state, by you who know me best, and whom I had so many reasons to love and esteem, greatly cheered and encouraged me, in my onward progress. Eternal thanks and gratitude are due from me.

I thank you, friends and fellow-citizens, for your distinguished and enthusiastic reception of me this day; and for the excellence and abundance of the barbecue that has been provided for our entertainment. And I thank, from the bottom of my heart, my fair country-women, for honoring, and gracing, and adding brilliancy to this occasion, by their numerous attendance. If the delicacy and refinement of their sex will not allow them to mix in the rougher scenes of human life, we may be sure that whenever, by their presence, their smiles and approbation are bestowed, it is no ordinary occurrence. That presence is always an absolute guarantee of order, decorum, and respect. I take the greatest pleasure in bearing testimony to their value and their virtue. I have ever found in them true and steadfast friends, generously sympathizing in distress, and, by their courageous fortitude in bearing it themselves, encouraging us to imitate their example. And we all know and remember how, as in 1840, they can powerfully aid a great and good cause, without any departure from the propriety or dignity of their sex.

In looking back upon my origin and progress through life, I have great reason to be thankful. My father died in 1781, leaving me an infant of too tender years to retain any recollection of his smiles or endearments. My surviving parent removed to this state in 1792, leaving me, a boy of fifteen years of age, in the office of the high court of chancery, in the city of Richmond, without guardian, without pecuniary means of support, to steer my course as I might or could. A neglected education was improved by my own irregular exertions, without the benefit of systematic instruction. I studied law principally in the office of a lamented friend, the late governor Brooke, then attorney general of Virginia, and also under the auspices of the venerable and lamented chancellor Wythe, for whom I had acted as an amanuensis. I obtained a license to practice the profession from the judges of the court of appeals of Virginia, and established myself in Lexington, in 1797, without patrons, without the favor or countenance of the great or opulent, without the means of paying my weekly board, and in the midst of a bar uncommonly distinguished by eminent members. I remember how comfortable I thought I should be, if I could make one hundred pounds, Virginia money, per year, and with what delight I received the first fifteen shillings fee. My hopes were more than realized. I immediately rushed into a successful and lucrative practice.

In 1803 or 4, when I was absent from the county of Fayette, at the Olympian springs, without my knowledge or previous consent, I was brought forward as a candidate, and elected to the general assembly of this state. I served in that body several years, and was then transferred to the senate, and afterwards to the house of representatives of the United States. I will not dwell on the subsequent events of my political life, or enumerate the offices which I have filled. During my public career, I have had bitter, implacable, reckless enemies. But if I have been the object of misrepresentation and unmerited calumny, no man has been beloved or honored by more devoted, faithful, and enthusiastic friends. I have no reproaches, none, to make towards my country, which has distinguished and elevated me far beyond what I had any right to expect. I forgive my enemies, and hope they may live to obtain the forgiveness of their own hearts.

It would neither be fitting nor is it my purpose to pass judgment on all the acts of my public life; but I hope I shall be excused for one or two observations, which the occasion appears to me to authorize.

I never but once changed my opinion on any great measure of national policy, or on any great principle of construction of the national constitution. In early life, on deliberate consideration, I adopted the principles of interpreting the federal constitution, which had been so ably developed and enforced by Mr. Madison, in his

memorable report to the Virginia legislature, and to them, as I understood them, I have constantly adhered. Upon the question coming up in the senate of the United States to recharter the first bank of the United States, thirty years ago, I opposed the recharter, upon convictions which I honestly entertained. The experience of the war, which shortly followed, the condition into which the currency of the country was thrown, without a bank, and, I may now add, later and more disastrous experience, convinced me I was wrong. I publicly stated to my constituents, in a speech in Lexington, (that which I made in the house of representatives of the United States not having been reported,) my reasons for that change, and they are preserved in the archives of the country. I appeal to that record, and I am willing to be judged now and hereafter by their validity.

I do not advert to the fact of this solitary instance of change of opinion, as implying any personal merit, but because it is a fact. I will, however, say that I think it very perilous to the utility of any public man, to make frequent changes of opinion, or any change, but upon grounds so sufficient and palpable, that the public can clearly see and approve them. If we could look through a window into the human breast, and there discover the causes which led to changes of opinion, they might be made without hazard. But as it is impossible to penetrate the human heart, and distinguish between the sinister and honest motives which prompt it, any public man that changes his opinion, once deliberately formed and promulgated, under other circumstances than those which I have stated, draws around him distrust, impairs the public confidence, and lessens his capacity to serve his country.

I will take this occasion now to say, that I am, and have been long satisfied, that it would have been wiser and more politic in me, to have declined accepting the office of secretary of state in 1825. Not that my motives were not as pure and as patriotic as ever carried any man into public office. Not that the calumny which was applied to the fact was not as gross and as unfounded as any that was ever propagated. [Here some body cried out that Mr. Carter Beverly, who had been made the organ of announcing it, had recently borne testimony to its being unfounded. Mr. Clay said it was true that he had voluntarily borne such testimony But, with great earnestness and emphasis, Mr. Clay said, I want no testimony—here, here, here, HERE, repeatedly touching his heart, amidst tremendous cheers, here is the best of all witnesses of my innocence.] Not that valued friends, and highly esteemed opponents did not unite in urging my acceptance of the office. Not that the administration of Mr. Adams will not, I sincerely believe, advantageously compare with any of his predecessors, in economy, purity, prudence, and wisdom. Not that Mr. Adams was himself wanting in any of those high qualifications and

upright and patriotic intentions which were suited to the office. Of that extraordinary man, of rare and varied attainments, whatever diversity of opinion may exist as to his recent course in the house of representatives, (and candor obliges me to say that there are some things in it which I deeply regret,) it is with no less truth than pleasure, I declare that, during the whole period of his administration, annoyed, assailed, and assaulted as it was, no man could have shown a more devoted attachment to the union, and all its great interests, a more ardent desire faithfully to discharge his whole duty, or brought to his aid more useful experience and knowledge, than he did. I never transacted business with any man, in my life, with more ease, satisfaction, and advantage, than I did with that most able and indefatigable gentleman, as president of the United States. And I will add, that more harmony never prevailed in any cabinet than in his.

But my error in accepting the office, arose out of my underrating the power of detraction and the force of ignorance, and abiding with too sure a confidence in the conscious integrity and uprightness of my own motives. Of that ignorance, I had a remarkable and laughable example on an occasion which I will relate. I was travelling, in 1828, through I believe it was Spottsylvania county, in Virginia, on my return to Washington, in company with some young friends. We halted at night at a tavern, kept by an aged gentleman, who, I quickly perceived, from the disorder and confusion which reigned, had not the happiness to have a wife. After a hurried and bad supper, the old gentleman sat down by me, and without hearing my name, but understanding that I was from Kentucky, remarked that he had four sons in that state, and that he was very sorry they were divided in politics, two being for Adams and two for Jackson; he wished they were all for Jackson. Why? I asked him. Because, he said, that fellow Clay, and Adams, had cheated Jackson out of the presidency. Have you ever seen any evidence, my old friend, said I, of that? No, he replied, none, and he wanted to see none. But, I observed, looking him directly and steadily in the face, suppose Mr. Clay were to come here and assure you, upon his honor, that it was all a vile calumny, and not a word of truth in it, would you believe him? No, replied the old gentleman, promptly and emphatically. I said to him, in conclusion, will you be good enough to show me to bed, and bade him good night. The next morning, having in the interval learned my name, he came to me full of apologies; but I at once put him at his ease by assuring him that I did not feel in the slightest degree hurt or offended with him.

Mr. President, I have been accused of ambition, often accused of ambition. I believe, however, that my accusers will be generally found to be political opponents, or the friends of aspirants in whose way I was supposed to stand; and it was thought, therefore, neces-

sary to shove me aside. I defy my enemies to point out any act or instance of my life, in which I have sought the attainment of office by dishonorable or unworthy means. Did I display inordinate ambition when, under the administration of Mr. Madison, I declined a foreign mission of the first grade, and an executive department, both of which he successively kindly tendered to me? when, under that of his successor, Mr. Monroe, I was first importuned, (as no one knows better than that sterling old patriot, Jonathan Roberts, now threatened, as the papers tell us, with expulsion from an office which was never filled with more honesty and uprightness, because he declines to be a servile instrument,) to accept a secretaryship, and was afterwards offered a *carte blanche* of all the foreign missions? At the epoch of the election of 1825, I believe no one doubted at Washington that, if I had felt it my duty to vote for general Jackson, he would have invited me to take charge of a department. And such undoubtedly Mr. Crawford would have done if he had been elected. When the Harrisburg convention assembled, the general expectation was that the nomination would be given to me. It was given to the lamented Harrison. Did I exhibit extraordinary ambition when, cheerfully acquiescing, I threw myself into the canvass and made every exertion in my power to insure it success? Was it evidence of unchastened ambition in me to resign, as I recently did, my seat in the senate — to resign the dictatorship, with which my enemies had so kindly invested me, and come home to the quiet walks of private life?

But I am ambitious because some of my countrymen have seen fit to associate my name with the succession for the presidential office. Do those who prefer the charge know what I have done, or not done, in connection with that object? Have they given themselves the trouble to inquire at all into any agency of mine in respect to it? I believe not. It is a subject which I approach with all the delicacy which belongs to it, and with a due regard to the dignity of the exalted station; but on which I shall, at the same time, speak to you, my friends and neighbors, without reserve, and with the utmost candor.

I have prompted none of those movements among the people, of which we have seen accounts. As far as I am concerned, they are altogether spontaneous, and not only without concert with me, but most generally without any sort of previous knowledge on my part. That I am thankful and grateful, profoundly grateful, for these manifestations of confidence and attachment, I will not conceal or deny. But I have been, and mean to remain a passive, if not an indifferent spectator. I have reached a time of life, and seen enough of high official stations, to enable me justly to appreciate their value, their cares, their responsibilities, their ceaseless duties. That estimate of their worth, in a personal point of view, would restrain me from seeking to fill any one, the highest of them, in a

scramble of doubtful issue, with political opponents, much less with political friends. That I should feel greatly honored by a call from a majority of the people of this country, to the highest office within their gift, I shall not deny; nor, if my health were preserved, might I feel at liberty to decline a summons so authoritative and commanding. But I declare most solemnly, that I have not, up to this moment, determined whether I will consent to the use of my name or not as a candidate for the chief magistracy. That is a grave question, which should be decided by all attainable lights, which, I think, is not necessary yet to be decided, and a decision of which I reserve to myself, as far as I can reserve it, until the period arrives when it ought to be solved. That period has not, as I think, yet arrived. When it does, an impartial survey of the whole ground should be taken, the state of public opinion properly considered, and one's personal condition, physical and intellectual, duly examined and weighed. In thus announcing a course of conduct for myself, it is hardly necessary to remark, that it is no part of my purpose to condemn, or express any opinion whatever upon those popular movements which have been made, or may be contemplated, in respect to the next election of a president of the United States.

If to have served my country during a long series of years with fervent zeal and unshaken fidelity, in seasons of peace and war, at home and abroad, in the legislative halls and in an executive department; if to have labored most sedulously to avert the embarrassment and distress which now overspread this union, and when they came, to have exerted myself anxiously, at the extra session, and at this, to devise healing remedies; if to have desired to introduce economy and reform in the general administration, curtail enormous executive power, and amply provide, at the same time, for the wants of the government and the wants of the people, by a tariff which would give it revenue and them protection; if to have earnestly sought to establish the bright but too rare example of a party in power faithful to its promises and pledges made when out of power; if these services, exertions, and endeavors, justify the accusation of ambition, I must plead guilty to the charge.

I have wished the good opinion of the world; but I defy the most malignant of my enemies to show that I have attempted to gain it by any low or grovelling arts, by any mean or unworthy sacrifices, by the violation of any of the obligations of honor, or by a breach of any of the duties which I owed to my country.

I turn, sir, from these personal allusions and reminiscences, to the vastly more important subject of the present actual condition of this country. If they could ever be justifiable or excusable, it would be on such an occasion as this, when I am addressing those to whom I am bound by so many intimate and friendly ties.

In speaking of the present state of the country, it will be neces-

sary for me to touch with freedom and independence upon the past as well as the present, and upon the conduct, spirit, and principles of parties. In doing this, I assure my democratic brethren and fellow citizens, of whom I am told there are many here present, (and I tender them my cordial thanks for the honor done me by their attendance here this day, with as much sincerity and gratitude as if they agreed with me in political sentiment,) that nothing is further from my intention than to say one single word that ought to wound their feelings or give offence to them. But surely, if there ever was a period in the progress of any people, when all were called upon, with calmness and candor, to consider thoroughly the present posture of public and private affairs, and deliberately to inquire into the causes and remedies of this unpropitious state of things, we have arrived at that period in the United States. And if ever a people stood bound by the highest duties to themselves and to their posterity, to sacrifice upon the altar of their country, cherished prejudices and party predilections and antipathies, we are now called upon to make that sacrifice if necessary.

What is our actual condition? It is one of unexampled distress and embarrassment, as universal as it is intense, pervading the whole community and sparing none; property of all kinds, and every where, fallen and falling in value; agricultural produce of every description at the most reduced prices; money unsound and at the same time scarce, and becoming more scarce by preparations, of doubtful and uncertain issue, to increase its soundness; all the departments of business inactive and stagnant; exchanges extravagantly high, and constantly fluctuating; credit, public and private, at the lowest ebb, and confidence lost; and a feeling of general discouragement and depression. And what darkens the gloom which hangs over the country, no one can discern any termination of this sad state of things, nor see in the future any glimpses of light or hope.

Is not this a faithful, although appalling picture of the United States in 1842? I appeal to all present, whigs and democrats, ladies and gentlemen, to say if it be at all too high colored.

Now let us see what was our real condition only the short time of ten years ago. I had occasion, in February, 1832, in the senate of the United States, when I was defending the American system against the late colonel Hayne, of South Carolina, to describe it; and I refer to this description as evidence of what I believed to be the state of the country at that time. That it conformed to the truth of the case, I appeal with confidence to those now present. On that occasion, among other things, I said:

'I have now to perform the more pleasing task of exhibiting an imperfect sketch of the existing state of the unparalleled prosperity of the country. On a general survey, we behold cultivation extended, the arts flourishing, the face of the country improved, our people fully and profitably employed, and the public countenance

exhibiting tranquillity, contentment, and happiness. And, if we descend into particulars, we have the agreeable contemplation of a people out of debt, land rising slowly in value, but in a secure and salutary degree; a ready, though extravagant market for all the surplus productions of our industry; innumerable flocks and herds browsing and gamboling on ten thousand hills and plains, covered with rich and verdant grasses; our cities expanded, and whole villages springing up, as it were, by enchantment; our exports and our imports increased and increasing; our tonnage, foreign and coastwise, swelling and fully occupied; the rivers of our interior animated by the perpetual thunder and lightning of countless steamboats; the currency sound and abundant; the public debt of two wars nearly redeemed; and, to crown all, the public treasury overflowing, embarrassing congress, not to find subjects of taxation, but to select the objects which shall be liberated from the impost. If the term of seven years were to be selected of the greatest prosperity which this people have enjoyed since the establishment of their present constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of 1824.'

And that period embraced the whole term of the administration of Mr. John Quincy Adams, which has been so unjustly abused!

The contrast in the state of the country at the two periods of 1832 and 1842, is most remarkable and startling. What has precipitated us from that great height of enviable prosperity down to the lowest depths of pecuniary embarrassment? What has occasioned the wonderful change? No foreign foe has invaded and desolated the country. We have had neither famine nor earthquakes. That there exists a cause there can be no doubt; and I think it equally clear that the cause, whatever it may be, must be a general one; for nothing but a general cause could have produced such wide spread ruin; and every where we behold the same or similar effects, every interest affected, every section of the union suffering, all descriptions of produce and property depressed in value. And whilst I endeavor to find out that cause, and to trace to their true source the disastrous effects which we witness and feel, and lament, I entreat the democratic portion of my audience, especially, to listen with patience and candor, and dismissing for a moment party biases and prejudices, to decide with impartiality and in a spirit of genuine patriotism.

It has been said by those in high authority, that the people are to blame and not the government, and that the distresses of the country have proceeded from speculation and over-trading. The people have been even reproached for expecting too much from government, and not relying sufficiently upon their own exertions. And they have been reminded that the highest duty of the government is to take care of itself, leaving the people to shift for themselves as well as they can. Accordingly we have seen the government retreating from the storm which it will be seen, in the sequel, itself created, and taking shelter under the sub-treasury.

That there has been some speculation and over-trading, may be true; but all have not speculated and over-traded; whilst the distress reaches, if not in the same degree, the cautious and the prudent, as well as the enterprising and venturous. The error of the argument consists in mistaking the effect for the cause. What

produced the over-trading? What was the cause of speculation? How were the people tempted to abandon the industrious and secure pursuits of life, and embark in doubtful and perilous, but seducing enterprises? That is the important question.

Now, fellow citizens, I take upon myself to show that the people have been far less to blame than the general government, and that whatever of error they committed, was the natural and inevitable consequence of the unwise policy of their rulers. To the action of government is mainly to be ascribed the disorders, embarrassment, and distress, which all have now so much reason to deplore. And, to be yet more specific, I think they are to be fairly attributed to the action of the executive branch of the federal government.

Three facts or events, all happening about the same time, if their immediate effects are duly considered, will afford a clear and satisfactory solution of all the pecuniary evils which now unhappily afflict this country.

The first was the veto of the recharter of the bank of the United States. The second was the removal of the deposits of the United States from that bank to local banks. And the third was the refusal of the president of the United States, by an arbitrary stretch of power, to sanction the passage of the land bill. These events all occurred, in quick succession, in 1832–3, and each of them deserves particular consideration.

First. When the bank of the United States had fully recovered from the errors of its early administration, and at the period when it was proposed to recharter it, it furnished the best currency that ever existed, possessing not merely unbounded confidence in the United States, but throughout the whole commercial world. No institution was ever more popular, and the utility of a bank of the United States was acknowledged by president Jackson in his veto message, in which he expressly stated, that he could have suggested to congress the plan of an unexceptionable charter, if application had been made to him. And I state as a fact, what many, I am sure, will here remember and sustain, that in the canvass then going on for the presidency, many of his friends in this state gave assurances that, in the event of his reëlection, a bank of the United States would be established.

It was held out to the people that a better currency should be supplied, and a more safe and faithful execution of the fiscal duties towards the government would be performed by the local banks than by the bank of the United States.

What was the immediate effect of the overthrow of that institution? The establishment of innumerable local banks, which sprung up every where, with a rapidity to which we cannot look back without amazement. A respectable document which I now hold in my hand, I believe correctly states, that 'in 1830 the aggregate banking capital of the union was one hundred and forty-five

million, one hundred and ninety thousand, two hundred and sixty-eight dollars. Within two years after the removal of the deposits, the banking capital has swollen to three hundred and thirty-one million, two hundred and fifty thousand, three hundred and thirty-seven dollars, and in 1837 it reached four hundred and forty million, one hundred and ninety-five thousand, seven hundred and ten dollars. Whilst the United States bank was in existence, the local banks, not aspiring to the regulation of the currency, were chartered with small capitals, as occasion and business required. After 1833 they were chartered without necessity, and multiplied beyond example. In December, 1837, there were no less than seven hundred and nine state banks. Nearly four hundred banks sprung up upon the ruins of the United States bank, and two hundred and fifty million dollars of capital was incorporated, to supply the uses formerly discharged by the thirty-five million dollars capital of the bank of the United States. The impulse given to extravagance and speculation by this enormous increase of banking capital, was quickened by the circulars of the treasury department to these pet state banks that were made the custodiers of the national revenue.'

A vast proportion of these new banks, more, I believe, than four fifths, were chartered by legislatures in which the democratic party had the undisputed ascendancy. I well remember that, in this state, the presses of that party made a grave charge against me, of being inimical to the establishment here of state banks; and I was opposed to their establishment, until all prospect vanished of getting a bank of the United States.

The effect upon the country of this sudden increase, to such an immense amount, of the banking capital of the country, could not fail to be very great, if not disastrous. It threw out, in the utmost profusion, bank notes, post notes, checks, drafts, bills, and so forth. The currency thus put forth, the people had been assured, was better than that supplied by the bank of the United States; and, after the removal of the deposits, the local banks were urged and stimulated, by the secretary of the treasury, freely to discount and accommodate, upon the basis of those deposits. Flooded as the country was, by these means and in this way, with all species of bank money and facilities, is it surprising that they should have rushed into speculation, and freely adventured in the most desperate enterprises? It would have been better to have avoided them; it would have been better that the people should have been wiser and more prudent than government; but who is most to blame, they who yielded to temptation so thrown before them — they who yielded confidence to their rulers — they who could not see when this inordinate issue of money was to cease, or to become vitiated — or government, that tempted, seduced, and betrayed them?

And now, fellow-citizens, do let us, in calmness and candor,

revert for a moment to some of the means which were employed to break down the bank of the United States, and to inflict upon the country all the sad consequences which ensued. I shall not stop to expose the motives of the assault upon that institution, and to show that it was because it refused to make itself basely and servilely instrumental to the promotion of political views and objects.

The bank was denounced as a monster, aiming, as was declared, to rob the people of their liberties, and to subvert the government of the country. The bank to subvert the government! Why, how could the bank continue to exist, after the overthrow of that government to which it was indebted for its existence, and in virtue of whose authority it could alone successfully operate? Convulsions, revolutions, civil wars, are not the social conditions most favorable to bank prosperity; but they flourish most when order, law, regularity, punctuality, and successful business prevail.

Rob the people of their liberties! And pray what would it do with them after the robbery was perpetrated? It could not put them in its vaults, or make interest or profit upon them — the leading, if not sole object of a bank. And how could it destroy the liberties of the people, without, at the same time, destroying the liberties of all persons interested or concerned in the bank? What is a bank? It is a corporation, the aggregate of whose capital is contributed by individual shareholders, and employed in pecuniary operations, under the management of official agents, called president, directors, cashier, tellers, and clerks. Now all these persons are usually citizens of the United States, just as much interested in the preservation of the liberties of the country as any other citizens. What earthly motive could prompt them to seek the destruction of the liberty of their fellow-citizens, and with it their own.

The fate of the bank of the United States clearly demonstrated where the real danger to the public liberty exists. It was not in the bank. Its popularity had been great, and the conviction of its utility strong and general, up to the period of the bank veto. Unbounded as was the influence of president Jackson, and undisguised as his hostility was to the bank, he could not prevent the passage through congress of a bill to recharter it. In such favor and esteem was it held, that the legislature of Pennsylvania, in which his friends had uncontrolled sway, almost unanimously recommended the recharter. But his veto came; he blew his whistle for its destruction; it was necessary to sustain his party, which could only be done by sustaining him, and instantly, and every where, down with the bank and huzzah for the veto, became the watch words and the rallying cry of his partisans. That same legislature of Pennsylvania, now, with equal unanimity, approved the destruction of an institution which they had believed to be so indispensable to the public prosperity, and deluded people felt as if they had fortunately escaped a great national calamity!

The veto notwithstanding, the house of representatives, by a large majority, resolved that the public deposits were safe in the custody of the bank of the United States, where they were placed, under the sanction and by the command of the law; and it was well known at Washington, that this resolution was passed in anticipation, and to prevent the possibility of their removal. In the face and in contempt of this decision of the representatives of the people, and in violation of a positive law, the removal was ordered by the president a few months after, the secretary of the treasury having been previously himself removed, to accomplish the object. And this brings me to consider the effect produced upon the business and interests of the country, by the

Second event to which I alluded. It is well known to be the usage of banks, to act upon the standing average amount of their deposits, as upon a permanent fund. The bank of the United States had so regulated its transactions upon the deposits of the United States, and had granted accommodations and extended facilities, as far as could be safely done on that basis. The deposits were removed and dispersed among various local banks, which were urged by an authority not likely to be disregarded, especially when seconding, as it did, their own pecuniary interests, to discount and accommodate freely on them. They did so, and thus these deposits performed a double office, by being the basis of bank facilities, first in the hands of the bank of the United States, and afterwards in the possession of the local banks. A vast addition to the circulation of the country ensued, adding to that already so copiously put forth and putting forth, by the multitude of new banks which were springing up like mushrooms. That speculation and overtrading should have followed, were to have been naturally expected. It is surprising that there were not more. Prices rose enormously, as another consequence; and thousands were tempted, as is always the case in an advancing market, to hold on or to make purchases, under the hope of prices rising still higher. A rush of speculators was made upon the public lands, and the money invested in their purchase, coming back to the deposit banks, was again and again loaned out to the same or other speculators, to make other and other purchases.

Who was to blame for this artificial and inflated state of things? Who for the speculation, which was its natural offspring? The policy of government, which produced it, or the people? The seducer or the seduced? The people, who only used the means so abundantly supplied, in virtue of the public authority, or our rulers, whose unwise policy tempted them into the ruinous speculation?

Third. There was a measure, the passage of which would have greatly mitigated this unnatural state of things. It was not difficult to foresee, after the veto of the bank, some of the consequences

that would follow — the multiplication of banks, a superabundant currency, rash and inordinate speculation, and a probable ultimate suspension of specie payments. And the public domain was too brilliant and tempting a prize, not to be among the first objects that would attract speculation. In March, 1833, a bill passed both houses of congress, to distribute among the states the proceeds of sales of the public lands. It was a measure of strict justice to the states, and one of sound policy, as it respects the revenue of the United States; but the view which I now propose to take of it, applies altogether to the influence which it would have exerted upon circulation and speculation. It was the constitutional duty of the president to have returned the bill to congress with his objections, if he were opposed to it, or with his sanction, if he approved it; but the bill fell by his arbitrarily withholding it from congress.

Let us here pause and consider what would have been the operation of that most timely and salutary measure, if it had not been arrested. The bill passed in 1833, and in a short time after, the sales of the public lands were made to an unprecedented extent; in so much, that in one year they amounted to about twenty-five millions of dollars, and in a few years, to an aggregate of about fifty millions of dollars. It was manifest, that if this fund, so rapidly accumulating, remained in the custody of the local banks, in conformity with the treasury circular, and with their interests, it would be made the basis of new loans, new accommodations, fresh bank facilities. It was manifest that the same identical sum of money might, as it in fact did, purchase many tracts of land, by making the circuit from the land offices to the banks, and from the banks to the land offices, besides stimulating speculation in other forms.

Under the operation of the measure of distribution, that great fund would have been semi-annually returned to the states, and would have been applied, under the direction of their respective legislatures, to various domestic and useful purposes. It would have fallen upon the land, like the rains of heaven, in gentle, genial, and general showers, passing through a thousand rills, and fertilizing and beautifying the country. Instead of being employed in purposes of speculation, it would have been applied to the common benefit to the whole people. Finally, when the fund had accumulated and was accumulating in an alarming degree, it was distributed among the states by the deposit act, but so suddenly distributed, in such large masses, and in a manner so totally in violation of all the laws and rules of finance, that the crisis of suspension in 1837 was greatly accelerated. This would have been postponed, if not altogether avoided, if the land bill of 1833 had been approved and executed.

To these three causes, fellow-citizens, the veto of the bank of

the United States, with the consequent creation of innumerable local banks, the removal of the deposits of the United States from the bank of the United States, and their subsequent free use, and the failure of the land bill of 1833, I verily believe, all, or nearly all, of the pecuniary embarrassments of the country are plainly attributable. If the bank had been rechartered, the public deposits suffered to remain undisturbed where the law required them to be made, and the land bill had gone into operation, it is my firm conviction that we should have had no more individual distress and ruin than is common, in ordinary and regular times, to a trading and commercial community.

And do just now take a rapid review of the experiments of our rulers. They began with incontestably the *best* currency in the world, and promised a *better*. That better currency was to be supplied by the local banks; and in the first stages of the experiment, after the removal of the deposits, they were highly commended from high authority, for their beneficial and extensive operations in exchange, the financial facilities which they afforded to the government, and so forth. But the day of trouble and difficulty, which had been predicted, for the want of a United States bank, came. They could not stand the shock, but gave way, and the suspension of 1837 took place. Then what was the course of those same rulers? They had denounced and put down the bank of the United States. It was a monster. They had extolled and lavished praises on the local banks. Now, they turned round against the objects of their own creation and commendation. Now they were a brood of little monsters, corrupt and corrupting with separate privileges, preying upon the vitals of the states. They vehemently call out for a divorce of state and bank. And meanly retreating under the sub-treasury, from the storm which themselves had raised, leaving the people to suffer under all its pelting and pitiless rage, they add insult to injury, by telling them that they unreasonably expect too much from government, that they must take care of themselves, and that it is the highest and most patriotic duty of a free government to take care of itself, without regard to the sufferings and distresses of the people.

They began with the best currency, promised a better, and end with giving none! For we might as well resort to the costumes of our original parents in the garden of Eden, as, in this enlightened age, with the example of the commercial world before us, to cramp this energetic and enterprising people, by a circulation exclusively of the precious metals. Let us see how the matter stands with us here in Kentucky, and I believe we stand as well as the people do in most of the states. We have a circulation in bank notes amounting to about two millions and a half, founded upon specie in their vaults amounting to one million and a quarter, half the actual circulation. Have we too much money? [No!

no! exclaimed many voices.] If all banks were put down, and all bank paper were annihilated, we should have just one half the money that we now have. I am quite sure that one of the immediate causes of our present difficulties, is a defect in quantity as well as the quality of the circulating medium. And it would be impossible, if we were reduced to such a regimen as is proposed by the hard money theorists, to avoid stop laws, relief laws, repudiation, bankruptcies, and perhaps civil commotion.

I have traced the principal causes of the present embarrassed condition of the country, I hope with candor and fairness, and without giving offence to any of my fellow citizens, who may have differed in political opinion from me. It would have been far more agreeable to my feelings to have dwelt, as I did in 1832, during the third year of the first term of president Jackson's administration, upon bright and cheering prospects of general prosperity. I thought it useful to contrast that period with the present one, and to inquire into the causes which have brought upon us such a sad and dismal reverse. A much more important object remains to me to attempt, and that is to point out remedies for existing evils and disorders.

And the first I would suggest, requires the coöperation of the government and the people; it is economy and frugality, strict and persevering economy, both in public and private affairs. Government should incur or continue no expense that can be justly and honorably avoided, and individuals should do the same. The prosperity of the country has been impaired by causes operating throughout several years, and it will not be restored in a day or a year, perhaps not in a period less than it has taken to destroy it. But we must not only be economical, we must be industrious, indefatigably industrious. An immense amount of capital has been wasted and squandered in visionary or unprofitable enterprises, public and private. It can only be reproduced by labor and saving.

The second remedy which I would suggest, and that without which all others must prove abortive or ineffectual, is a sound currency, of uniform value throughout the union, and redeemable in specie upon the demand of the holder. I know of but one mode in which that object can be accomplished, and that has stood the test of time and practical experience. If any other can be devised than a bank of the United States, which should be safe and certain, and free from the influence of government, and especially under the control of the executive department, I should for one gladly see it embraced. I am not exclusively wedded to a bank of the United States, nor do I desire to see one established against the will and without the consent of the people. But all my observation and reflection have served to strengthen and confirm my conviction, that such an institution, emanating from the authority

of the general government, properly restricted and guarded, with such improvements as experience has pointed out, can alone supply a reliable currency.

Accordingly, at the extra session, a bill passed both houses of congress, which, in my opinion, contained an excellent charter, with one or two slight defects, which it was intended to cure by a supplemental bill, if the veto had not been exercised. That charter contained two new, and I think admirable features; one was to separate the operation of issuing a circulation from that of banking, confiding these faculties to different boards; and the other was to limit the dividends of the bank, bringing the excess beyond the prescribed amount, into the public treasury. In the preparation of the charter, every sacrifice was made that could be made to accommodate it, especially in regard to the president. But instead of meeting as in a mutual spirit of conciliation, he fired, as was aptly said by a Virginia editor, upon the flag of truce sent from the capitol.

Congress anxious to fulfil the expectations of the people, another bank bill was prepared, in conformity with the plan of a bank sketched by the acting president in his veto message, after a previous consultation between him and some distinguished members of congress, and two leading members of his cabinet. The bill was shaped in precise conformity to his views, as communicated by those members of the cabinet, and as communicated to others, and was submitted to his inspection after it was so prepared; and he gave his assurances that he would approve such a bill. I was no party to the transaction, but I do not entertain a doubt of what I state. The bill passed both houses of congress without any alteration or amendment whatever, and the veto was nevertheless again employed.

It is painful for me to advert to a grave occurrence, marked by such dishonor and bad faith. Although the president, through his recognized organ, derides and denounces the whigs, and disowns being one; although he administers the executive branch of the government in contempt of their feelings and in violation of their principles; and although all whom he chooses to have denominated as ultra whigs, that is to say the great body of the whig party, have come under his ban, and those of them in office are threatened with his expulsion, I wish not to say of him one word that is not due to truth and to the country. I will, however, say that, in my opinion, the whigs cannot justly be held responsible for his administration of the executive department, for the measures he may recommend, or his failure to recommend others, nor especially for the manner in which he distributes the public patronage. They will do their duty, I hope, towards the country, and render all good and proper support to government; but they ought not to be held accountable for his conduct. They elected him, it is true, but for

another office, and he came into the present one by a lamentable visitation of providence. There had been no such instance occurring under the government. If the whigs were bound to scrutinize his opinions, in reference to an office which no one ever anticipated he would fill, he was bound in honor and good faith to decline the Harrisburgh nomination, if he could not conscientiously coöperate with the principles that brought him into office. Had the president who was elected lived, had that honest and good man, on whose face, in that picture, we now gaze, been spared, I feel perfectly confident that all the measures which the principles of the whigs authorized the country to expect, including a bank of the United States, would have been carried.

But it may be said that a sound currency, such as I have described, is unattainable during the administration of Mr. Tyler. It will be, if it can only be obtained through the instrumentality of a bank of the United States, unless he changes his opinion, as he has done in regard to the land bill.

Unfortunately, our chief magistrate possesses more powers, in some respects, than a king or queen of England. The crown is never separated from the nation, but is obliged to conform to its will. If the ministry holds opinions adverse to the nation, and is thrown into the minority in the house of commons, the crown is constrained to dismiss the ministry, and appoint one whose opinions coincide with the nation. This queen Victoria has recently been obliged to do: and not merely to change her ministry, but to dismiss the official attendants upon her person. But here, if the president holds an opinion adverse to that of congress and the nation upon important public measures, there is no remedy but upon the periodical return of the rights of the ballot box.

Another remedy, powerfully demanded by the necessities of the times, and requisite to maintaining the currency in a sound state, is a tariff which will lessen importations from abroad, and tend to increase supplies at home from domestic industry. I have so often expressed my views on this subject, and so recently in the senate of the United States, that I do not think there is any occasion for my enlarging upon it at this time. I do not think that an exorbitant or very high tariff is necessary; but one that shall insure an adequate revenue and reasonable protection; and it so happens that the interests of the treasury and the wants of the people now perfectly coincide. Union is our highest and greatest interest. No one can look beyond its dissolution without horror and dismay. Harmony is essential to the preservation of the union. It was a leading, although not the only motive in proposing the compromise act, to preserve that harmony. The power of protecting the interests of our own country, can never be abandoned or surrendered to foreign nations, without a culpable dereliction of duty. Of this truth, all parts of the nation are every day becom-

ing more and more sensible. In the mean time this indispensable power should be exercised with a discretion and moderation, and in a form least calculated to revive prejudices, or to check the progress of reforms now going on in public opinion.

In connection with a system of remedial measures, I shall only allude to, without stopping to dwell on, the distribution bill, that just and equitable settlement of a great national question, which sprung up during the revolutionary war, which has seriously agitated the country, and which it is deeply to be regretted had not been settled ten years ago, as then proposed. Independent of all other considerations, the fluctuation in the receipts from sales of the public lands is so great and constant that it is a resource on which the general government ought not to rely for revenue. It is far better that the advice of a democratic land committee of the senate, at the head of which was the experienced and distinguished Mr. King, of Alabama, given some years ago, should be followed, that the federal treasury be replenished with duties on imports, without bringing into it any part of the land fund.

I have thus suggested measures of relief adapted to the present state of the country, and I have noticed some of the differences which unfortunately exist between the two leading parties into which our people are unhappily divided. In considering the question whether the counsels of the one or the other of these parties are wisest, and best calculated to advance the interest, the honor, and the prosperity of the nation, which every citizen ought to do, we should discard all passion and prejudice, and exercise, as far as possible, a perfect impartiality. And we should not confine our attention merely to the particular measures which those parties respectively espouse or oppose, but extend it to their general course and conduct, and to the spirit and purposes by which they are animated. We should anxiously inquire, whither shall we be led by following in the lead of one or the other of those parties; shall we be carried to the achievement of the glorious destiny, which patriots here, and the liberal portion of mankind every where, have fondly hoped awaits us? or shall we ingloriously terminate our career, by adding another melancholy example of the instability of human affairs, and the folly with which self-government is administered?

I do not arrogate to myself more impartiality, or greater freedom from party bias, than belongs to other men; but, unless I deceive myself, I think I have reached a time of life, and am now in a position of retirement, from which I can look back with calmness, and speak, I hope, with candor and justice. I do not intend to attempt a general contrast between the two parties, as to their course, doctrines, and spirit. That would be too extensive and laborious an undertaking for this occasion; but I propose to specify a few recent instances, in which I think our political opponents

have exhibited a spirit and bearing disorganizing and dangerous to the permanency and stability of our institutions, and I invoke the serious and sober attention to them, of all who are here assembled.

The first I would notice, is the manner in which territories have been lately admitted as states, into the union. The early and regular practice of the government, was for congress to pass previously a law authorizing a convention, regulating the appointment of members to it; specifying the qualification of voters, and so forth. In that way most of the states were received. Of late, without any previous sanction or authority from congress, several territories have proceeded of themselves to call conventions, form constitutions, and demand admission into the union; and they were admitted. I do not deny that their population and condition entitled them to admission; but I insist that it should have been done in the regular and established mode. In the case of Michigan, aliens were allowed to vote, as aliens have been allowed to become preëmptioners in the public lands. And a majority in congress sanctioned the proceeding. When foreigners are naturalized and incorporated as citizens in our community, they are entitled to all the privileges, within the limits of the constitution, which belong to a native born citizen; and, if necessary, they should be protected, at home and abroad — the thunder of our artillery should roar as loud and as effectually in their defence as if their birth were upon American soil. But I cannot but think it wrong and hazardous, to allow aliens, who have just landed upon our shores, who have not yet renounced their allegiance to foreign potentates, nor sworn fidelity to our constitution, with all the influences of monarchy and anarchy about them, to participate in our elections, and affect our legislation.

Second, the New Jersey election case, in which the great seal of the state, and the decision of the local authorities were put aside by the house of representatives, and a majority thus secured to the democratic party.

Third, nullification, which is nothing more nor less than an assumption by one state to abrogate within its limits a law passed by the twenty-six states in congress assembled.

Fourth, a late revolutionary attempt in Maryland to subvert the existing government, and set up a new one, without any authority of law.

Fifth, the refusal of a minority in the legislature of Tennessee, to coöperate with the majority, (their constitution requiring the presence of two thirds of the members,) to execute a positive injunction of the United States to appoint two United States senators. In principle, that refusal was equivalent to announcing the willingness of that minority to dissolve the union. For if thirteen or fourteen of the twenty-six states were to refuse altogether to elect senators, a dissolution of the union would be the

consequence. That majority, for weeks together, and time after time, deliberately refused to enter upon the election. And if the union is not in fact dissolved, it is not because the principle involved would not yield to a dissolution, but because twelve or thirteen other states have not like themselves refused to perform a high constitutional duty. And why did they refuse? Simply because they apprehended the election to the senate of political opponents. The seats of the two Tennessee senators in the United States senate, are now vacant, and Tennessee has no voice in that branch of congress, in the general legislation. One of the highest compliments which I ever received, was to have been appointed, at a popular meeting in Tennessee, one of her senators, in conjunction with a distinguished senator from South Carolina, with all the authority that such an appointment could bestow. I repeat here an expression of my acknowledgments for the honor, which I most *ambitiously* resigned, when I gave up my dictatorship, and my seat as a Kentucky senator. [A general laugh.]

Sixth. Then there is repudiation, that foul stain upon the American character, cast chiefly by the democrats of Mississippi, and which it will require years to efface from our bright escutcheon.

Seventh, the support given to executive usurpations, and the expunging the records of the senate of the United States.

Eighth, the recent refusal of state legislatures to pass laws to carry into effect the act of distribution, an act of congress passed according to all the forms of the constitution, after ample discussion and deliberate consideration, and after the lapse of ten years from the period it was first proposed. It is the duty of all to submit to the laws regularly passed. They may attempt to get them repealed; they have a right to test their validity before the judiciary; but whilst the laws remain in force unrepealed, and without any decision against their constitutional validity, submission to them is not merely a constitutional and legal, but a moral duty. In this case it is true that those who refuse to abide by them only bite their own noses. But it is the *principle* of the refusal to which I call your attention. If a minority may refuse compliance with one law, what is to prevent minorities from disregarding all law? Is this any thing but a modification of nullification? What right have the servants of the people, (the legislative bodies,) to withhold from their masters their assigned quotas of a great public fund?

Ninth. The last, though not least, instance of the manifestation of a spirit of disorganization which I shall notice, is the recent convulsion in Rhode Island. That little, but gallant and patriotic state had a charter derived from a British king, in operation between one and two hundred years. There had been engrafted upon it laws and usages, from time to time, and altogether a practical constitution sprung up, which carried the state as one of the glorious thirteen, through the revolution, and brought her safely

into the union. Under it, her Greens and Perrys and other distinguished men were born and rose to eminence. The legislature had called a convention to remedy whatever defects it had, and to adapt it to the progressive improvement of the age. In that work of reform the Dorr party might have coöperated; but not choosing so to coöperate, and in wanton defiance of all established authority, they undertook subsequently to call another convention. The result was two constitutions, not essentially differing on the principal point of controversy, the right of suffrage.

Upon submitting to the people that which was formed by the regular convention, a small majority voted against it, produced by a union in casting votes, between the Dorr party and some of the friends of the old charter, who were opposed to any change. The other constitution being also submitted to the people, an apparent majority voted for it, made up of every description of votes, legal and illegal, by proxy and otherwise, taken in the most irregular and unauthorized manner.

The Dorr party proceeded to put their constitution in operation, by electing him as the governor of the state, members to the mock legislature, and other officers. But they did not stop here; they proceeded to collect, to drill, and to marshal a military force, and pointed their cannon against the arsenal of the state.

The president was called upon to interpose the power of the union to preserve the peace of the state, in conformity with an express provision of the federal constitution. And I have as much pleasure in expressing my opinion that he faithfully performed his duty, in responding to that call, as it gave me pain to be obliged to animadvert on other parts of his conduct.

The leading presses of the democratic party at Washington, Albany, New York, Richmond, and elsewhere, came out in support of the Dorr party, encouraging them in their work of rebellion and treason. And when matters had got to a crisis, and the two parties were preparing for a civil war, and every hour it was expected to blaze out, a great Tammany meeting was held in the city of New York, headed by the leading men of the party, the Cambrelengs, the Vanderpools, the Allens, &c., with a perfect knowledge that the military power of the union was to be employed, if necessary, to suppress the insurrection, and, notwithstanding, they passed resolutions tending to awe the president, and to countenance and cheer the treason.

Fortunately, numbers of the Dorr party abandoned their chief; he fled, and Rhode Island, unaided by any actual force of the federal authority, proved herself able alone to maintain law, order, and government, within her borders.

I do not attribute to my fellow citizens here assembled, from whom I differ in opinion, any disposition to countenance the revolutionary proceedings in Rhode Island. I do not believe that they

approve it. I do not believe that their party generally could approve it, nor some of the other examples of a spirit of disorganization which I have enumerated; but the misfortune is, in time of high party excitement, that the leaders commit themselves, and finally commit the body of their party, who perceive that unless they stand by and sustain their leaders, a division, and perhaps destruction of the party, would be the consequence. Of all the springs of human action, party ties are perhaps the most powerful. Interest has been supposed to be more so; but party ties are more influential, unless they are regarded as a modification of imaginary interest. Under their sway, we have seen, not only individuals, but whole communities abandon their long cherished interests and principles, and turn round and oppose them with violence.

Did not the rebellion in Rhode Island find for its support a precedent established by the majority in congress, in the irregular admission of territories, as states, into the union, to which I have heretofore alluded? Is there not reason to fear that the example which congress had previously presented, encouraged the Rhode Island rebellion?

It has been attempted to defend that rebellion, upon the doctrines of the American Declaration of Independence; but no countenance to it can be fairly derived from them. That declaration asserts, it is true, that whenever a government becomes destructive of the ends of life, liberty, and the pursuit of happiness, for the security of which it was instituted, it is the right of the *people* to alter or abolish it, and institute new government; and so undoubtedly it is. But this is a right only to be exercised in grave and extreme cases. 'Prudence indeed will dictate,' says that venerated instrument, 'that governments long established should not be changed for light and transient causes.' 'But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, their duty, to throw off such government.'

Will it be pretended that the actual government of Rhode Island is destructive of life, liberty, or the pursuit of happiness? That it has perpetrated a long train of abuses and usurpations, pursuing the same invariable object, to reduce the people under absolute despotism? Or that any other cause of complaint existed, but such as might be peacefully remedied, without violence and without blood? Such as, in point of fact, the legitimate government had regularly summoned a convention to redress, but for the results of whose deliberations the restless spirit of disorder and rebellion had not patience to wait? Why, fellow-citizens, little Rhody (God bless and preserve her,) is one of the most prosperous, enterprising, and enlightened states in this whole union. No where are life, liberty, and property, more perfectly secure.

How is this right of the people to abolish an existing govern-

ment, and to set up a new one, to be practically exercised? Our revolutionary ancestors did not tell us by words, but they proclaimed it by gallant and noble deeds. Who are *the people* that are to tear up the whole fabric of human society, whenever and as often as caprice or passion may prompt them? When all the arrangements and ordinances of existing and organized society are prostrated and subverted, as must be supposed in such a lawless and irregular movement as that in Rhode Island, the established privileges and distinctions between the sexes, between the colors, between the ages, between natives and foreigners, between the sane and the insane, and between the innocent and the guilty convict, all the offspring of positive institutions, are cast down and abolished, and society is thrown into one heterogenous and unregulated mass. And is it contended that the major part of this Babel congregation is invested with the right to build up, at its pleasure, a new government? That as often, and whenever society can be drummed up and thrown into such a shapeless mass, the major part of it may establish another, and another new government, in endless succession? Why, this would overturn all social organization, make revolutions — the extreme and last resort of an oppressed people — the commonest occurrences of human life, and the standing order of the day. How such a principle would operate, in a certain section of this union, with a peculiar population, you will readily conceive. No community could endure such an intolerable state of things any where, and all would, sooner or later, take refuge from such ceaseless agitation, in the calm repose of absolute despotism.

I know of no mode by which an existing government can be overthrown and put aside, and a new one erected in its place, but by the consent or authority of that government, express or implied, or by forcible resistance, that is, revolution.

Fellow-citizens, I have enumerated these examples of a dangerous spirit of disorganization, and disregard of law, with no purpose of giving offence, or exciting bitter and unkind feelings, here or elsewhere, but to illustrate the principles, character, and tendency of the two great parties into which this country is divided. In all of these examples, the democratic party, as it calls itself, (a denomination to which I respectfully think it has not the least just pretension,) or large portions of that party, extending to whole states, united with apparent cordiality. To all of them the whig party was constantly and firmly opposed. And now let me ask you, in all candor and sincerity, to say truly and impartially to which of these two parties can the interests, the happiness, and the destinies of this great people be most safely confided? I appeal especially, and with perfect confidence, to the candor of the real, the ancient, and long-tried democracy — that old republican party with whom I stood, side by side, during some of the darkest days of the republic, in seasons of both war and peace.

Fellow-citizens of all parties! The present situation of our country is one of unexampled distress and difficulty; but there is no occasion for any despondency. A kind and bountiful Providence has never deserted us; punished us he perhaps has, for our neglect of his blessings and our misdeeds. We have a varied and fertile soil, a genial climate and free institutions. Our whole land is covered, in profusion, with the means of subsistence and the comforts of life. Our gallant ship, it is unfortunately true, lies helpless, tossed on a tempestuous sea, amidst the conflicting billows of contending parties, without a rudder and without a faithful pilot. But that ship is our country, embodying all our past glory, all our future hopes. Its crew is our whole people, by whatever political denomination they are known. If she goes down, we all go down together. Let us remember the dying words of the gallant and lamented Lawrence. Don't give up the ship. The glorious banner of our country, with its unstained stars and stripes, still proudly floats at its mast-head. With stout hearts and strong arms we can surmount all our dificulties. Let us all, all, rally round that banner, and firmly resolve to perpetuate our liberties and regain our lost prosperity.

Whigs! Arouse from the ignoble supineness which encompasses you; awake from the lethargy in which you lie bound; cast from you that unworthy apathy which seems to make you indifferent to the fate of your country. Arouse! awake! shake off the dew drops that glitter on your garments, and once more march to battle and to victory. You have been disappointed, deceived, betrayed; shamefully deceived and betrayed. But will you therefore also prove false and faithless to your country, or obey the impulses of a just and patriotic indignation? As for captain Tyler, he is a mere snap, a flash in the pan; pick your whig flints and try your rifles again.

[The conclusion of the speech was followed with general and tremendous cheering; and the largest, and one of the most respectable multitudes ever assembled in Kentucky, dispersed without a solitary instance of disorder or indecorum occurring.]

ON SLAVERY AND ABOLITION.

AT RICHMOND, INDIANA, OCTOBER 1, 1842.

[In the autumn of 1842, Mr. Clay being on a visit to the state of Indiana, the occasion of his meeting a large concourse of people, was seized upon, for the purpose of presenting him with a petition, signed by many of his political opponents, praying him to emancipate his slaves, in Kentucky. Instead of treating the matter with indignation, as was perhaps expected by some, Mr. Clay replied with good humor to Mr. Mendenhall, who had been selected to present him with the address, in the following words.]

I HOPE that Mr. Mendenhall may be treated with the greatest forbearance and respect. I assure my fellow-citizens here collected, that the presentation of the petition has not occasioned the slightest pain, nor excited one solitary disagreeable emotion. If it were to be presented to me, I prefer that it should be done in the face of this vast assemblage. I think I can give it such an answer as becomes me and the subject of which it treats. At all events, I entreat and beseech my fellow-citizens, for their sake, for my country's sake, for my sake, to offer no disrespect, no indignity, no violence, in word or deed, to Mr. Mendenhall.

I will now, sir, make to you and to this petition such a response as becomes me. Allow me to say that I think you have not conformed to the independent character of an American citizen in presenting a *petition* to *me*. I am, like yourself, but a private citizen. A petition, as the term implies, generally proceeds from an inferior in power or station to a superior; but between us there is entire equality. And what are the circumstances under which you have chosen to offer it? I am a total stranger, passing through your state, on my way to its capital, in consequence of an invitation with which I have been honored to visit it, to exchange friendly salutations with such of my fellow citizens of Indiana as think proper to meet me, and to accept of their hospitality. Anxious as I am to see them, and to view parts of this state which I had never seen, I came here with hesitation and reluctance, because I apprehended that the motives of my journey might be misconceived and perverted. But when the fulfilment of an old promise to visit Indianapolis was insisted upon, I yielded to the solicitations of friends, and have presented myself among you.

Such is the occasion which has been deliberately selected for tendering this petition to me. I am advanced in years, and neither myself nor the place of my residence is altogether unknown to the world. You might at any time within these last twenty-five or thirty years, have presented your petition to me at Ashland. If you had gone there for that purpose, you should have been received and treated with perfect respect and liberal hospitality.

Now, Mr. Mendenhall, let us reverse conditions, and suppose that you had been invited to Kentucky to partake of its hospitality; and that, previous to your arrival, I had employed such means as I understand have been used to get up this petition, to obtain the signatures of citizens of that state to a petition to present to you to relinquish your farm or other property, what would you have thought of such a proceeding? Would you have deemed it courteous and according to the rites of hospitality?

I know well, that you and those who think with you, controvert the legitimacy of slavery, and deny the right of property in slaves. But the law of my state and other states has otherwise ordained. The law may be wrong in your opinion, and ought to be repealed; but then you and your associates are not the law-makers for us, and unless you can show some authority to nullify our laws, we must continue to respect them. Until the law is repealed, we must be excused for asserting the rights — ay, the property in slaves — which it sanctions, authorizes, and vindicates.

And who are the petitioners whose organ you assume to be? I have no doubt that many of them are worthy, amiable, and humane persons, who, by erroneous representations, have been induced inconsiderately to affix their signatures to this petition, and that they will deeply regret it. Others, and not a few, I am told, are free blacks, men, women, and children, who have been artfully deceived and imposed upon. A very large portion, I have been credibly informed, are the political opponents of the party to which I belong — democrats, as they most undeservedly call themselves, who have eagerly seized this opportunity to wound, as they imagine, my feelings, and to aid the cause to which they are attached. In other quarters of the union, democrats claim to be the exclusive champions of southern interests, the only safe defenders of the rights in slave property, and unjustly accuse us Whigs with abolition designs wholly incompatible with its security. What ought those distant democrats to think of the course of their friends here, who have united in this petition?

And what is the foundation of this appeal to me in Indiana, to liberate the slaves under my care, in Kentucky? It is a general declaration in the act announcing to the world the independence of the thirteen American colonies, that all men are created equal. Now, as an abstract principle, there is no doubt of the truth of that declaration; and it is desirable, in the original construction of society,

and in organized societies, to keep it in view as a great fundamental principle. But, then, I apprehend that in no society that ever did exist, or ever shall be formed, was or can the equality asserted among the members of the human race, be practically enforced and carried out. There are portions of it, large portions, women, minors, insane, culprits, transient sojourners, that will always probably remain subject to the government of another portion of the community.

That declaration, whatever may be the extent of its import, was made by the delegations of the thirteen states. In most of them slavery existed, and had long existed, and was established by law. It was introduced and forced upon the colonies by the paramount law of England. Do you believe that, in making that declaration, the states that concurred in it intended that it should be tortured into a virtual emancipation of all the slaves within their respective limits? Would Virginia and the other southern states have ever united in a declaration which was to be interpreted into an abolition of slavery among them? Did any one of the thirteen states entertain such a design or expectation? To impute such a secret and unavowed purpose would be to charge a political fraud upon the noblest band of patriots that ever assembled in council; a fraud upon the confederacy of the revolution; a fraud upon the union of those states, whose constitution not only recognized the lawfulness of slavery, but permitted the importation of slaves from Africa, until the year 1808. And I am bold to say, that, if the doctrines of ultra political abolitionists had been seriously promulgated at the epoch of our revolution, our glorious independence would never have been achieved — never, never.

I know the predominant sentiment in the free states is adverse to slavery; but, happy in their own exemption from whatever evils may attend it, the great mass of our fellow-citizens there do not seek to violate the constitution, or to disturb the harmony of these states. I desire no concealment of my opinions in regard to the institution of slavery. I look upon it as a great evil, and deeply lament that we have derived it from the parental government, and from our ancestors. I wish every slave in the United States was in the country of his ancestors. But here they are, and the question is how they can be best dealt with? If a state of nature existed, and we were about to lay the foundations of society, no man would be more strongly opposed than I should be, to incorporate the institution of slavery among its elements. But there is an incalculable difference between the original formation of society and a long existing organized society, with its ancient laws, institutions, and establishments. Now, great as I acknowledge, in my opinion, the evils of slavery are, they are nothing, absolutely nothing, in comparison with the far greater evils which would inevitably flow from a sudden, general, and indiscriminate emancipation. In some of

the states the number of slaves approximates towards an equality with that of the whites; in one or two they surpass them. What would be the condition of the two races in those states, upon the supposition of an immediate emancipation? Does any man suppose that they would become blended into one homogeneous mass? Does any man recommend amalgamation — that revolting admixture, alike offensive to God and man; for those whom He, by their physical properties, has made unlike and put asunder, we may, without presumptuousness, suppose were never intended to be joined together in one of the holiest rites. And let me tell you, sir, if you do not already know it, that such are the feelings — prejudice, if you please, (and what man, claiming to be a statesman, will overlook or disregard the deep-seated and unconquerable prejudices of the people,) — in the slave states, that no human law would enforce a union between the two races.

What then would certainly happen? A struggle for political ascendancy; the blacks seeking to acquire, and the whites to maintain possession of the government. Upon the supposition of a general immediate emancipation in those states where the blacks outnumber the whites, they would have nothing to do but to insist upon another part of the same declaration of independence, as Dorr and his deluded democratic followers recently did in Rhode Island; according to which, an undefined majority have the right, at their pleasure, to subvert an existing government, and institute a new one in its place, and then the whites would be brought in complete subjection to the blacks! A contest would inevitably ensue between the two races — civil war, carnage, pillage, conflagration, devastation, and the ultimate extermination or expulsion of the blacks. Nothing is more certain. And are not these evils far greater than the mild and continually improving state of slavery which exists in this country? I say continually improving; for if this gratifying progress in the amelioration of the condition of the slaves has been checked in some of the states, the responsibility must attach to the unfortunate agitation of the subject of abolition. In consequence of it, increased rigor in the police, and further restraints have been imposed; and I do believe that gradual emancipation, (the only method of liberation that has ever been thought safe or wise by any body in any of the slave states,) has been postponed half a century.

Without any knowledge of the relation in which I stand to my slaves, or their individual condition, you, Mr. Mendenhall, and your associates, who have been active in getting up this petition, call upon me forthwith to liberate the whole of them. Now let me tell you, that some half a dozen of them, from age, decrepitude, or infirmity, are wholly unable to gain a livelihood for themselves, and are a heavy charge upon me. Do you think that I should conform to the dictates of humanity by ridding myself of

that charge, and sending them forth into the world, with the boon of liberty, to end a wretched existence in starvation? Another class is composed of helpless infants, with or without improvident mothers. Do you believe, as a christian, that I should perform my duty towards them by abandoning them to their fate? Then there is another class who would not accept their freedom if I would give it to them. I have for many years owned a slave that I wished would leave me, but he will not. What shall I do with that class?

What my treatment of my slaves is you may learn from Charles, who accompanies me on this journey, and who has travelled with me over the greater part of the United States, and in both the Canadas, and has had a thousand opportunities, if he had chosen to embrace them, to leave me. Excuse me, Mr. Mendenhall, for saying that my slaves are as well fed and clad, look as sleek and hearty, and are quite as civil and respectful in their demeanor, and as little disposed to wound the feelings of any one, as you are.

Let me recommend you, sir, to imitate the benevolent example of the society of Friends, in the midst of which you reside. Meek, gentle, imbued with the genuine spirit of our benign religion, while in principle they are firmly opposed to slavery, they do not seek to accomplish its extinction by foul epithets, coarse and vulgar abuse, and gross calumny. Their ways do not lead through blood, revolution, and disunion. Their broad and comprehensive philanthropy embraces, as they believe, the good and the happiness of the white as well as the black race; giving to one their commiseration, to the other their kindest sympathy. Their instruments are not those of detraction and of war, but of peace, persuasion, and earnest appeals to the charities of the human heart. Unambitious, they have no political objects or purposes to subserve. My intercourse with them throughout life has been considerable, interesting, and agreeable; and I venture to say, nothing could have induced them as a society, whatever a few individuals might have been tempted to do, to seize the occasion of my casual passage through this state to offer me a personal indignity.

I respect the motives of rational abolitionists, who are actuated by a sentiment of devotion to human liberty, although I deplore and deprecate the consequences of the agitation of the question. I have even many friends among them. But they are not monomaniacs, who, surrendering themselves to a single idea, look altogether to the black side of human life. They do not believe that the sum total of all our efforts and all our solicitude should be abolition. They believe that there are duties to perform towards the white man as well as the black. They want good government, good administration, and the general prosperity of their country.

I shall, Mr. Mendenhall, take your petition into respectful and deliberate consideration; but before I come to a final decision, I

should like to know what you and your associates are willing to do for the slaves in my possession, if I should think proper to liberate them. I own about fifty, who are probably worth fifteen thousand dollars. To turn them loose upon society without any means of subsistence or support would be an act of cruelty. Are you willing to raise and secure the payment of fifteen thousand dollars for their benefit, if I should be induced to free them? The security of the payment of that sum would materially lessen the obstacle in the way of their emancipation.

And now, Mr. Mendenhall, I must take respectful leave of you. We separate, as we have met, with no unkind feelings, no excited anger or dissatisfaction on my part, whatever may have been your motives, and these I refer to our common Judge above, to whom we are both responsible. Go home, and mind your own business, and leave other people to take care of theirs. Limit your benevolent exertions to your own neighborhood. Within that circle you will find ample scope for the exercise all your charities. Dry up the tears of the afflicted widows around you, console and comfort the helpless orphan, clothe the naked, and feed and help the poor, black and white, who need succor; and you will be a better and wiser man than you have this day shown yourself.

END.