BENTON THOMAS HART

THIRTY YEARS' VIEW (VOL. I OF 2)

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Thirty Years' View (Vol. I of 2) / or, A History of the Working of the American Government / for Thirty Years, from 1820 to 1850:

Содержание

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AUTO-BIOGRAPHICAL SKETCH

[The outlines of the life of the lately deceased Thomas H. Benton, which are contained in the following pages, were prepared by the author and subject of them whilst he was suffering excruciating pain from the disease that, a few weeks later, closed his earthly career. They were not intended for a Biography, properly so called, but rather to present some salient points of character and some chief incidents of life, and in respect of them, at least, to govern subsequent Biographies.]

Thomas Hart Benton, known as a senator for thirty years in Congress, and as the author of several works, was born in Orange County, near Hillsborough, North Carolina, March 14th,

1782; and was the son of Col. Jesse Benton, an able lawyer of that State, and of Ann Gooch, of Hanover county, Virginia, of the family of the Gooches of colonial residence in that State. By this descent, on the mother's side, he took his name from the head of the Hart family (Col. Thomas Hart, of Lexington, Kentucky), his mother's maternal uncle; and so became related to the numerous Hart family. He was cousin to Mrs. Clay, born Lucretia Hart, the wife of Henry Clay; and, by an easy mistake, was often quoted during his public life as the relative of Mr. Clay himself. He lost his father before he was eight years of age, and fell under the care of a mother still young, and charged with a numerous family, all of tender age – and devoting herself to them. She was a woman of reading and observation – solid reading, and observation of the men of the Revolution, brought together by course of hospitality of that time, in which the houses of friends, and not taverns, were the universal stopping places. Thomas was the oldest son, and at the age of ten and twelve was reading solid books with his mother, and studying the great examples of history, and receiving encouragement to emulate these examples. His father's library, among others, contained the famous State Trials, in the large folios of that time, and here he got a foundation of British history, in reading the treason, and other trials, with which these volumes abound. She was also a pious and religious woman, cultivating the moral and religious education of her children, and connected all her life with the Christian church; *first*, as a member of the English Episcopalian,

and when removal to the Great West, then in the wilderness, had broken that connection, then in the Methodist Episcopalian – in which she died. All the minor virtues, as well as the greater, were cherished by her; and her house, the resort of the eminent men of the time, was the abode of temperance, modesty, decorum. A pack of cards was never seen in her house. From such a mother all the children received the impress of future character; and she lived to see the fruits of her pious and liberal cares – living a widow above fifty years, and to see her eldest son half through his senatorial career, and taking his place among the historic men of the country for which she had begun so early to train him. These details deserve to be noted, though small in themselves, as showing how much the after life of the man may depend upon the early cares and guidance of a mother.

His scholastic education was imperfect: *first*, at a grammar school taught by Richard Stanford, Esq., then a young New England emigrant, soon after, and for many years, and until death, a representative in Congress, noted as the life-long friend of Macon and Randolph. Afterwards he was at Chapel Hill, the University of North Carolina, but finished no course of study there, his mother removing to Tennessee, where his father had acquired great landed property (40,000 acres), and intended to make Nashville his home; and now, as the eldest of the family, though not grown, the care and management of a new settlement, in a new country, fell upon him. The family went upon a choice tract of 3000 acres, on West Harpeth, twenty-five miles south of

Nashville, where for several years the main care was the opening a farm in the wilderness. Wilderness! for such was the state of the country at that time within half a day's ride of the city of Nashville. "The widow Benton's settlement" was the outside settlement between civilization and the powerful southern tribes which spread to the Gulf of Mexico. The Indian wars had just been terminated, and the boundary which these great tribes were enabled to exact brought their frontier almost to the gates of Nashville – within 25 miles! for the line actually touched the outside line of the estate. The Indians swarmed about it. Their great war trace (the trace on which they came for blood and plunder in time of war, for trade in time of peace) led through it. Such a position was not to be maintained by a small family alone – a widow, and every child under age, only some twenty odd slaves. It required strength! and found it in the idea of a little colony – leases to settlers without price, for seven years; moderate rents afterwards. The tract was well formed for the purpose, being four miles square, with every attraction for settlement – rich land fine wood, living streams. Settlers came; the ground was covered over: it was called "Benton Town," and retains the name to this day. A rude log school-house, a meeting house of the same primitive structure, with roads and mills, completed the rapid conversion of this wilderness into an abode of civilization. The scholastic education of her son had ceased, but reading continued; and books of solid instruction became his incessant companions. He has been heard to say that, in no period

of his life, has he ever read so much, nor with as much system and regularity, nor with the same profit and delight. History and geography was (what he considered) his light reading; national law, the civil law, the common law – and, finally, the law itself, so usually read by law students – constituted his studies. And all this reading, and study, was carried on during the active personal exertions which he gave to the opening of the farm and to the ameliorations upon it which comfort exacted.

Then came the law license, indulgently granted by the three Superior Court Judges – White, Overton, and Campbell – the former afterwards senator in Congress, Overton an eminent lawyer before he was a Superior Court judge, and Campbell, one of the respectable early settlers and lawyers of the State. The law license signed, practice followed, and successful – Gen. Jackson, Gen. James Robertson, Judge McNairy, Major Thomas Hardeman, and the old heads of the population giving him their support and countenance as a young man that might become useful to the State, and so deserved to be encouraged. Scarcely at the bar, and a legislative career was opened to him. He was elected to the General Assembly of the State; and, though serving but for a single session, left the impress of his mind and principles on the statute book, and on the public policy. He was the author of the Judicial Reform Act, by which the old system of Superior Courts was substituted by the circuit system, in which the administration of justice was relieved of great part of its delay, of its expense, and of much of its inconvenience to parties

and witnesses. And he was the author of a humane law, giving to slaves the same full benefit of jury trial which was the right of the white man under the same accusation – a law which still remains on the statute book, but has lost its effect under the fatal outside interference which has checked the progress of Southern slave policy amelioration, and turned back the current which was setting so strongly in favor of mitigating the condition of the slave.

Returning to the practice of the law, the war of 1812 broke out. Volunteers were called for, to descend the rivers to New Orleans, to meet the British, expected there in the winter of 1812-'13, but not coming until the winter of 1814-'15. Three thousand volunteers were raised! raised in a flash! under the *prestige* of Jackson's name – his patriotic proclamation – and the ardent addresses of Benton, flying from muster ground to muster ground, and stimulating the inherent courage and patriotism of the young men. They were formed into three regiments, of which Benton was colonel of one. He had been appointed aide-de-camp to Jackson (then a major-general in the Tennessee militia), on the first symptoms of war with Great Britain, and continued to perform many of the most intimate duties of that station, though, as colonel of a regiment, he could not hold the place. The force descended to the Lower Mississippi: the British did not come; the volunteers returned to Tennessee, were temporarily disbanded, but called again into service by Gen. Jackson at the breaking out of the Creek war. These volunteers were the foundation of

all Jackson's subsequent splendid career; and the way in which, through their means, he was enabled to get into the regular army, is a most curious piece of history, not told anywhere but by Col. Benton, as a member of the House of Representatives, on the presentation of Jackson's sword (Feb. 26th, 1855). That piece of unknown history, which could only come from one who was part and parcel of the transaction, deserves to be known, and to be studied by every one who is charged with the administration of government, and by every one who would see with what difficulties genius and patriotism may have to contend – with what chances they may have to wrestle – before they get an opportunity to fulfil a destiny for which they were born.

The volunteers disbanded, Col. Benton proceeded to Washington, and was appointed by Mr. Madison a lieutenant-colonel of infantry in the army (1813); and afterwards (1814-15) proceeding to Canada, where he had obtained service, he met the news of peace; and desiring no service in time of peace, he was within a few months on the west bank of the Mississippi, St. Louis his home, and the profession of the law ardently recommenced. In four years the State of Missouri was admitted into the Union, and Col. Benton was elected one of her first senators; and, continuously by successive elections, until 1851. From that time his life was in the public eye, and the bare enumeration of the measures of which he was the author, and the prime promoter, would be almost a history of Congress legislation. The enumeration is unnecessary here: the long list is

known throughout the length and breadth of the land – repeated with the familiarity of household words from the great cities on the seaboard to the lonely cabins on the frontier – and studied by the little boys who feel an honorable ambition beginning to stir within their bosoms, and a laudable desire to learn something of the history of their country.

Omitting this detail of well-known measures, we proceed to something else characteristic of Senator Benton's legislative life, less known, but necessary to be known to know the man. He never had a clerk, nor even a copyist; but did his own writing, and made his own copies. He never had office, or contract, for himself, or any one of his blood. He detested office seeking, and office hunting, and all changes in politics followed by demand for office. He was never in any Congress caucus, or convention to nominate a President or Vice-President, nor even suffered his name to go before such a body for any such nominations. He refused many offices which were pressed upon him – the mission to Russia, by President Jackson; war minister, by Mr. Van Buren; minister to France, by Mr. Polk. Three appointments were intended for him, which he would have accepted if the occasions had occurred – command of the army by General Jackson, if war took place with Mexico during his administration; the same command by the same President, if war had taken place with France, in 1836; the command of the army in Mexico, by President Polk, with the rank of lieutenant-general, if the bill for the rank had not been defeated in the Senate after having

passed the House by a general vote. And none of these military appointments could have wounded professional honor, as Col. Benton, at the time of his retiring from the army, ranked all those who have since reached its head.

Politically, Col. Benton always classed democratically, but with very little regard for modern democracy, founded on the platforms which the little political carpenters reconstruct about every four years, generally out of office-timber, sometimes green and sometimes rotten, and in either case equally good, as the platform was only wanted to last until after the election. He admitted no platform of political principles but the constitution, and viewed as impertinent and mischievous the attempt to expound the constitution, periodically, in a set of hurrah resolutions, juggled through the fag-end of a packed convention, and held to be the only test of political salvation during its brief day of supremacy.

His going to Missouri, then a Territory under the pupillage of Congress, was at a period of great interest both for the Territory and the Union. Violent parties were there, as usual in Territories, and great questions coming on upon which the future fate of the State, and perhaps of the Union, depended. The Missouri controversy soon raged in Congress, throughout the States, and into the Territory. An active restriction party was in the Territory, largely reinforced by outside aid, and a decided paper was wanting to give the proper tone to the public mind. Col. Benton had one set up, and wrote for it with such point and

vigor that the Territory soon presented a united front, and when the convention election came round there was but one single delegate elected on the side of restriction. This united front had an immense effect in saving the question in Congress.

Besides his legislative reports, bills and speeches, sufficient to fill many volumes, Col. Benton is known as the author of some literary works – the Thirty Years' View of the inside working of the Federal Government; the Abridgment of Debates of Congress from 1789 to (intended) 1856; and an examination of the political part (as he deemed it) of the Supreme Court's decision in the Dred Scott case, that part of it which pronounced the abrogation of the Missouri Compromise line and the self-extension of the Constitution to Territories carrying African slavery along with it, and keeping it there in defiance of Congress or the people of the Territory. There was also a class of speeches, of which he delivered many, which were out of the line of political or legislative discussion; and may be viewed as literary. They were the funeral eulogiums which the custom of Congress began to admit, though not to the degree at present practised, over deceased members. These eulogiums were universally admired, and were read over Europe, and found their charm in the *perception of character which they exhibited*; in the perception of the qualities which constituted the man, and gave him identity and individuality. These qualities, thus perceived (and it requires intimate acquaintance with the man, and some natural gift, to make the perception), and presented with truth and simplicity,

imparted the interest to these eulogiums which survives many readings, and will claim lasting places in biographies.

While in the early part of life, at Nashville and at St. Louis, duels and affrays were common; and the young Benton had his share of them: a very violent affray between himself and brother on one side, and Genl. Jackson and some friends on the other, in which severe pistol and dagger wounds were given, but fortunately without loss of life; and the only use for which that violent collision now finds a reference is in its total oblivion by the parties, and the cordiality with which they acted together for the public good in their subsequent long and intimate public career. A duel at St. Louis ended fatally, of which Col. Benton has not been heard to speak except among intimate friends, and to tell of the pang which went through his heart when he saw the young man fall, and would have given the world to see him restored to life. As the proof of the manner in which he looks upon all these scenes, and his desire to bury all remembrance of them forever, he has had all the papers burnt which relate to them, that no future curiosity or industry should bring to light what he wishes had never happened.

Col. Benton was married, after becoming Senator, to Elizabeth, daughter of Col. James McDowell, of Rockbridge county, Virginia, and of Sarah his wife, born Sarah Preston; and has surviving issue four daughters: Mrs. William Carey Jones, Mrs. Jessie Ann Benton Fremont, Mrs. Sarah Benton Jacob, and Madame Susan Benton Boilleau, now at Calcutta, wife of the

French consul general – all respectable in life and worthy of their mother, who was a woman of singular merit, judgment, elevation of character, and regard for every social duty, crowned by a life-long connection with the church in which she was bred, the Presbyterian old school. Following the example of their mother, all the daughters are members of some church. Mrs. Benton died in 1854, having been struck with paralysis in 1844, and from the time of that calamity her husband was never known to go to any place of festivity or amusement.

PREFACE

1. – MOTIVES FOR WRITING THIS WORK

Justice to the men with whom I acted, and to the cause in which we were engaged, is my chief motive for engaging in this work. A secondary motive is the hope of being useful to our republican form of government in after ages by showing its working through a long and eventful period; working well all the time, and thereby justifying the hope of its permanent good operation in all time to come, if maintained in its purity and integrity. Justice to the wise and patriotic men who established our independence, and founded this government, is another motive with me. I do not know how young I was when I first read in the speeches of Lord Chatham, the encomium which he pronounced in the House of Lords on these founders of our republic; but it sunk deep into my memory at the time, and, what is more, went deep into the heart: and has remained there ever since. "When your lordships look at the papers transmitted us from America; when you consider their decency, firmness, and wisdom, you cannot but respect their cause, and wish to make it your own. For myself, I must declare and avow, that in all

my reading and observation – and it has been my favorite study – I have read Thucydides, and have studied and admired the master states of the world – that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under such a complication of difficult circumstances, no nation, or body of men, can stand in preference to the general congress at Philadelphia." This encomium, so just and so grand, so grave and so measured, and the more impressive on account of its gravity and measure, was pronounced in the early part of our revolutionary struggle – in its first stage – and before a long succession of crowning events had come to convert it into history, and to show of how much more those men were capable than they had then done. If the great William Pitt – greater under that name than under the title he so long refused – had lived in this day, had lived to see these men making themselves exceptions to the maxim of the world, and finishing the revolution which they began – seen them found a new government and administer it in their day and generation, and until "gathered to their fathers," and all with the same wisdom, justice, moderation, and decorum, with which they began it: if he had lived to have seen all this, even his lofty genius might have recoiled from the task of doing them justice; – and, I may add, from the task of doing justice to the People who sustained such men. Eulogy is not my task; but gratitude and veneration is the debt of my birth and inheritance, and of the benefits which I have enjoyed from their labors; and I have proposed to acknowledge this debt – to discharge it is

impossible – in laboring to preserve their work during my day, and in now commending it, by the fruits it has borne, to the love and care of posterity. Another motive, hardly entitled to the dignity of being named, has its weight with me, and belongs to the rights of "self-defence." I have made a great many speeches, and have an apprehension that they may be published after I am gone – published in the gross, without due discrimination – and so preserve, or perpetuate, things said, both of men and of measures, which I no longer approve, and would wish to leave to oblivion. By making selections of suitable parts of these speeches, and weaving them into this work, I may hope to prevent a general publication – or to render it harmless if made. But I do not condemn all that I leave out.

2. – QUALIFICATIONS FOR THE WORK

Of these I have one, admitted by all to be considerable, but by no means enough of itself. Mr. Macaulay says of Fox and Mackintosh, speaking of their histories of the last of the Stuarts, and of the Revolution of 1688: "They had one eminent qualification for writing history; they had spoken history, acted history, lived history. The turns of political fortune, the ebb and flow of popular feeling, the hidden mechanism by which parties are moved, all these things were the subject of their constant thought, and of their most familiar conversation. Gibbon has remarked, that his history is much the better for his having been an officer in the militia, and a member of the House of Commons. The remark is most just. We have not the smallest doubt that his campaigns, though he never saw an enemy, and his parliamentary attendance, though he never made a speech, were of far more use to him than years of retirement and study would have been. If the time that he spent on parade and at mess in Hampshire, or on the Treasury bench and at Brooke's, during the storms which overthrew Lord North and Lord Shelburne, had been passed in the Bodleian Library, he might have avoided some inaccuracies; he might have enriched his notes with a greater number of references; but he never could have produced so lively a picture of the court, the camp, and the senate-house. In this

respect Mr. Fox and Sir James Mackintosh had great advantages over almost every English historian since the time of Burnet." – I can say I have these advantages. I was in the Senate the whole time of which I write – an active business member, attending and attentive – in the confidence of half the administrations, and a close observer of the others – had an inside view of transactions of which the public only saw the outside, and of many of which the two sides were very different – saw the secret springs and hidden machinery by which men and parties were to be moved, and measures promoted or thwarted – saw patriotism and ambition at their respective labors, and was generally able to discriminate between them. So far, I have one qualification; but Mr. Macaulay says that Lord Lyttleton had the same, and made but a poor history, because unable to use his material. So it may be with me; but in addition to my senatorial means of knowledge, I have access to the unpublished papers of General Jackson, and find among them some that he intended for publication, and which will be used according to his intention.

3. – THE SCOPE OF THE WORK

I do not propose a regular history, but a political work, to show the practical working of the government, and speak of men and events in subordination to that design, and to illustrate the character of Institutions which are new and complex – the first of their kind, and upon the fate of which the eyes of the world are now fixed. Our duplicate form of government, State and Federal, is a novelty which has no precedent, and has found no practical imitation, and is still believed by some to be an experiment. I believe in its excellence, and wish to contribute to its permanence, and believe I can do so by giving a faithful account of what I have seen of its working, and of the trials to which I have seen it subjected.

4. – THE SPIRIT OF THE WORK

I write in the spirit of Truth, but not of unnecessary or irrelevant truth, only giving that which is essential to the object of the work, and the omission of which would be an imperfection, and a subtraction from what ought to be known. I have no animosities, and shall find far greater pleasure in bringing out the good and the great acts of those with whom I have differed, than in noting the points on which I deemed them wrong. My ambition is to make a veracious work, reliable in its statements, candid in its conclusions, just in its views, and which cotemporaries and posterity may read without fear of being misled.

PRELIMINARY VIEW.
FROM 1815 TO 1820

The war with Great Britain commenced in 1812 and ended in 1815. It was a short war, but a necessary and important one, and introduced several changes, and made some new points of departure in American policy, which are necessary to be understood in order to understand the subsequent working of the government, and the VIEW of that working which is proposed to be given.

1. It struggled and labored under the state of the finances and the currency, and terminated without any professed settlement of the cause for which it began. There was no national currency – no money, or its equivalent, which represented the same value in all places. The first Bank of the United States had ceased to exist in 1811. Gold, from being undervalued, had ceased to be a currency – had become an article of merchandise, and of export – and was carried to foreign countries. Silver had been banished by the general use of bank notes, had been reduced to a small quantity, insufficient for a public demand; and, besides, would have been too cumbrous for a national currency. Local banks overspread the land; and upon these the federal government, having lost the currency of the constitution, was thrown for a currency and for loans. They, unequal to the task, and having

removed their own foundations by banishing specie with profuse paper issues, sunk under the double load of national and local wants, and stopped specie payments – all except those of New England, which section of the Union was unfavorable to the war. Treasury notes were then the resort of the federal government. They were issued in great quantities; and not being convertible into coin at the will of the holder, soon began to depreciate. In the second year of the war the depreciation had already become enormous, especially towards the Canada frontier, where the war raged, and where money was most wanted. An officer setting out from Washington with a supply of these notes found them sunk one-third by the time he arrived at the northern frontier – his every three dollars counting but two. After all, the treasury notes could not be used as a currency, neither legally, nor in fact: they could only be used to obtain local bank paper – itself greatly depreciated. All government securities were under par, even for depreciated bank notes. Loans were obtained with great difficulty – at large discount – almost on the lender's own terms; and still attainable only in depreciated local bank notes. In less than three years the government, paralyzed by the state of the finances, was forced to seek peace, and to make it, without securing, by any treaty stipulation, the object for which war had been declared. Impressment was the object – the main one, with the insults and the outrages connected with it – and without which there would have been no declaration of war. The treaty of peace did not mention or allude to the subject – the first

time, perhaps, in modern history, in which a war was terminated by treaty without any stipulation derived from its cause. Mr. Jefferson, in 1807, rejected upon his own responsibility, without even its communication to the Senate, the treaty of that year negotiated by Messrs. Monroe and Pinkney, because it did not contain an express renunciation of the practice of impressment – because it was silent on that point. It was a treaty of great moment, settled many troublesome questions, was very desirable for what it contained; but as it was silent on the main point, it was rejected, without even a reference to the Senate. Now we were in a like condition after a war. The war was struggling for its own existence under the state of the finances, and had to be stopped without securing by treaty the object for which it was declared. The object was obtained, however, by the war itself. It showed the British government that the people of the United States would fight upon that point – that she would have war again if she impressed again: and there has been no impressment since. Near forty years without a case! when we were not as many days, oftentimes, without cases before, and of the most insulting and outrageous nature. The spirit and patriotism of the people in furnishing the supplies, volunteering for the service, and standing to the contest in the general wreck of the finances and the currency, without regard to their own losses – and the heroic courage of the army and navy, and of the militia and volunteers, made the war successful and glorious in spite of empty treasuries; and extorted from a proud empire that security in point of fact

which diplomacy could not obtain as a treaty stipulation. And it was well. Since, and now, and henceforth, we hold exemption from impressment as we hold our independence – by right, and by might – and now want the treaty acknowledgment of no nation on either point. But the glorious termination of the war did not cure the evil of a ruined currency and defective finances, nor render less impressive the financial lesson which it taught. A return to the currency of the constitution – to the hard-money government which our fathers gave us – no connection with banks – no bank paper for federal uses – the establishment of an independent treasury for the federal government; this was the financial lesson which the war taught. The new generation into whose hands the working of the government fell during the Thirty Years, eventually availed themselves of that lesson: – with what effect, the state of the country since, unprecedentedly prosperous; the state of the currency, never deranged; of the federal treasury, never polluted with "unavailable funds," and constantly crammed to repletion with solid gold; the issue of the Mexican war, carried on triumphantly without a national bank, and with the public securities constantly above par – sufficiently proclaim. No other tongue but these results is necessary to show the value of that financial lesson, taught us by the war of 1812.

2. The establishment of the second national bank grew out of this war. The failure of the local banks was enough to prove the necessity of a national currency, and the re-establishment of a national bank was the accepted remedy. No one seemed

to think of the currency of the constitution – especially of that gold currency upon which the business of the world had been carried on from the beginning of the world, and by empires whose expenses for a week were equal to those of the United States for a year, and which the framers of the constitution had so carefully secured and guarded for their country. A national bank was the only remedy thought of. Its constitutionality was believed by some to have been vindicated by the events of the war. Its expediency was generally admitted. The whole argument turned upon the word "necessary," as used in the grant of implied powers at the end of the enumeration of powers expressly granted to Congress; and this *necessity* was affirmed and denied on each side at the time of the establishment of the first national bank, with a firmness and steadiness which showed that these fathers of the constitution knew that the whole field of argument lay there. Washington's queries to his cabinet went to that point; the close reasoning of Hamilton and Jefferson turned upon it. And it is worthy of note, in order to show how much war has to do with the working of government, and the trying of its powers, that the strongest illustration used by General Hamilton, and the one, perhaps, which turned the question in Washington's mind, was the state of the Indian war in the Northwest, then just become a charge upon the new federal government, and beginning to assume the serious character which it afterward attained. To carry on war at that time, with such Indians as were then, supported by the British traders, themselves countenanced

by their government, at such a distance in the wilderness, and by the young federal government, was a severe trial upon the finances of the federal treasury, as well as upon the courage and discipline of the troops; and General Hamilton, the head of the treasury, argued that with the aid of a national bank, the war would be better and more successfully conducted: and, therefore, that it was "*necessary*," and might be established as a means of executing a granted power, to wit, the power of making war. That war terminated well; and the bank having been established in the mean time, got the credit of having furnished its "sinews." The war of 1812 languished under the state of the finances and the currency, no national bank existing; and this want seemed to all to be the cause of its difficulties, and to show the necessity for a bank. The second national bank was then established – many of its old, most able, and conscientious opponents giving in to it, Mr. Madison at their head. Thus the question of a national bank again grew up – grew up out of the events of the war – and was decided against the strict construction of the constitution – to the weakening of a principle which was fundamental in the working of the government, and to the damage of the party which stood upon the doctrine of a strict construction of the constitution. But in the course of the "Thirty Years" of which it is proposed to take a "View," some of the younger generation became impressed with the belief that the constitutional currency had not had a fair trial in that war of 1812! that, in fact, it had had no trial at all! that it was not even in the field! not

even present at the time when it was supposed to have failed! and that it was entitled to a trial before it was condemned. That trial has been obtained. The second national bank was left to expire upon its own limitation. The gold currency and the independent treasury were established. The Mexican war tried them. They triumphed. And thus a national bank was shown to be "unnecessary," and therefore unconstitutional. And thus a great question of constitutional construction, and of party division, three times decided by the events of war, and twice against the constitution and the strict constructionists, was decided the last time in their favor; and is entitled to stand, being the last, and the only one in which the constitutional currency had a trial.

3. The protection of American industry, as a substantive object, independent of the object of revenue, was a third question growing out of the war. Its incidental protection, under the revenue clause in the constitution, had been always acknowledged, and granted; but protection as a substantive object was a new question growing out of the state of things produced by the war. Domestic manufactures had taken root and grown up during the non-importation periods of the embargo, and of hostilities with Great Britain, and under the temporary double duties which ensued the war, and which were laid for revenue. They had grown up to be a large interest, and a new one, classing in importance after agriculture and commerce. The want of articles necessary to national defence, and of others essential to individual comfort – then neither imported

nor made at home – had been felt during the interruption of commerce occasioned by the war; and the advantage of a domestic supply was brought home to the conviction of the public mind. The question of protection for the sake of protection was brought forward, and carried (in the year 1816); and very unequivocally in the *minimum* provision in relation to duties on cotton goods. This reversed the old course of legislation – made protection the object instead of the incident, and revenue the incident instead of the object; and was another instance of constitutional construction being made dependent, not upon its own words but upon extrinsic, accidental and transient circumstances. It introduced a new and a large question of constitutional law, and of national expediency, fraught with many and great consequences, which fell upon the period of the Thirty Years' View to settle, or to grapple with.

4. The question of internal improvement within the States, by the federal government, took a new and large development after the war. The want of facilities of transportation had been felt in our military operations. Roads were bad, and canals few; and the question of their construction became a prominent topic in Congress common turnpike roads – for railways had not then been invented, nor had MacAdam yet given his name to the class of roads which has since borne it. The power was claimed as an incident to the granted powers – as a means of doing what was authorized – as a means of accomplishing an end: and the word "necessary" at the end of the enumerated powers,

was the phrase in which this incidental power was claimed to have been found. It was the same derivation which was found for the creation of a national bank, and involved very nearly the same division of parties. It greatly complicated the national legislation from 1820 to 1850, bringing the two parts of our double system of government – State and Federal – into serious disagreement, and threatening to compromise their harmonious action. Grappled with by a strong hand, it seemed at one time to have been settled, and consistently with the rights of the States; but sometimes returns to vex the deliberations of Congress. To territories the question did not extend. They have no political rights under the constitution, and are governed by Congress according to its discretion, under that clause which authorizes it to "dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." The improvement of rivers and harbors, was a branch of the internal improvement question, but resting on a different clause in the constitution – the commercial and revenue clause – and became complex and difficult from its extension to small and local objects. The party of strict construction contend for its restriction to national objects – rivers of national character, and harbors yielding revenue.

5. The boundaries between the treaty-making and the legislative departments of the government, became a subject of examination after the war, and gave rise to questions deeply affecting the working of these two departments. A treaty is the

supreme law of the land, and as such it becomes obligatory on the House of Representatives to vote the money which it stipulates, and to co-operate in forming the laws necessary to carry it into effect. That is the broad proposition. The qualification is in the question whether the treaty is confined to the business of the treaty-making power? to the subjects which fall under its jurisdiction? and does not encroach upon the legislative power of Congress? This is the qualification, and a vital one: for if the President and Senate, by a treaty with a foreign power, or a tribe of Indians, could exercise ordinary legislation, and make it supreme, a double injury would have been done, and to the prejudice of that branch of the government which lies closest to the people, and emanates most directly from them. Confinement to their separate jurisdictions is the duty of each; but if encroachments take place, which is to judge? If the President and Senate invade the legislative field of Congress, which is to judge? or who is to judge between them? or is each to judge for itself? The House of Representatives, and the Senate in its legislative capacity, but especially the House, as the great constitutional depository of the legislative power, becomes its natural guardian and defender, and is entitled to deference, in the event of a difference of opinion between the two branches of the government. The discussions in Congress between 1815 and 1820 greatly elucidated this question; and while leaving unimpugned the obligation of the House to carry into effect a treaty duly made by the President and Senate within the limits

of the treaty making power – upon matters subject to treaty regulation – yet it belongs to the House to judge when these limits have been transcended, and to preserve inviolate the field of legislation which the constitution has intrusted to the immediate representatives of the people.

6. The doctrine of secession – the right of a State, or a combination of States, to withdraw from the Union, was born of that war. It was repugnant to the New England States, and opposed by them, not with arms, but with argument and remonstrance, and refusal to vote supplies. They had a convention, famous under the name of Hartford, to which the design of secession was imputed. That design was never avowed by the convention, or authentically admitted by any leading member; nor is it the intent of this reference to decide upon the fact of that design. The only intent is to show that the existence of that convention raised the question of secession, and presented the first instance of the greatest danger in the working of the double form of our government – that of a collision between a part of the States and the federal government. This question, and this danger, first arose then – grew out of the war of 1812 – and were hushed by its sudden termination; but they have reappeared in a different quarter, and will come in to swell the objects of the Thirty Years' View. At the time of its first appearance the right of secession was repulsed and repudiated by the democracy generally, and in a large degree by the federal party – the difference between a Union and a League being

better understood at that time when so many of the fathers of the new government were still alive. The leading language in respect to it south of the Potomac was, that no State had a right to withdraw from the Union – that it required the same power to dissolve as to form the Union – and that any attempt to dissolve it, or to obstruct the action of constitutional laws, was treason. If, since that time, political parties and sectional localities, have exchanged attitudes on this question, it cannot alter the question of right, and may receive some interest from the development of causes which produce such changes. Secession, a question of speculation during the war of 1812, has become a practical question (almost) during the Thirty Years; and thus far has been "compromised," not settled.

7. Slavery agitation took its rise during this time (1819-'20), in the form of attempted restriction on the State of Missouri – a prohibition to hold slaves, to be placed upon her as a condition of her admission into the Union, and to be binding upon her afterwards. This agitation came from the North, and under a federal lead, and soon swept both parties into its vortex. It was quieted, so far as that form of the question was concerned, by admitting the State without restriction, and imposing it on the remainder of the Louisiana territory north and west of that State, and above the parallel of 36 degrees, 30 minutes; which is the prolongation of the southern boundary line of Virginia and Kentucky. This was called a "compromise," and was all clear gain to the antislavery side of the question, and was done

under the lead of the united slave state vote in the Senate, the majority of that vote in the House of Representatives, and the undivided sanction of a Southern administration. It was a Southern measure, and divided free and slave soil far more favorably to the North than the ordinance of 1787. That divided about equally: this of 1820 gave about all to the North. It abolished slavery over an immense extent of territory where it might then legally exist, over nearly the whole of Louisiana, left it only in Florida and Arkansas territory, and opened no new territory to its existence. It was an immense concession to the non-slaveholding States; but the genius of slavery agitation was not laid. It reappeared, and under different forms, first from the North, in the shape of petitions to Congress to influence legislation on the subject; then from the South, as a means of exciting one half the Union against the other, and laying the foundation for a Southern confederacy. With this new question, in all its forms, the men of the new generation have had to grapple for the whole period of the "Thirty Years."

8. The war had created a debt, which, added to a balance of that of the Revolution, the purchase of Louisiana, and some other items, still amounted to ninety-two millions of dollars at the period of the commencement of this "View;" and the problem was to be solved, whether a national debt could be paid and extinguished in a season of peace, leaving a nation wholly free from that encumbrance; or whether it was to go on increasing, a burthen in itself, and absorbing with its interest and changes an

annual portion of the public revenues. That problem was solved, contrary to the experience of the world, and the debt paid; and the practical benefit added to the moral, of a corresponding reduction in the public taxes.

9. Public distress was a prominent feature of the times to be embraced in this Preliminary View. The Bank of the United States was chartered in 1816, and before 1820 had performed one of its cycles of delusive and bubble prosperity, followed by actual and wide-spread calamity. The whole paper system, of which it was the head and the citadel, after a vast expansion, had suddenly collapsed, spreading desolation over the land, and carrying ruin to debtors. The years 1819 and '20 were a period of gloom and agony. No money, either gold or silver: no paper convertible into specie: no measure, or standard of value, left remaining. The local banks (all but those of New England), after a brief resumption of specie payments, again sank into a state of suspension. The Bank of the United States, created as a remedy for all those evils, now at the head of the evil, prostrate and helpless, with no power left but that of suing its debtors, and selling their property, and purchasing for itself at its own nominal price. No price for property, or produce. No sales but those of the sheriff and the marshal. No purchasers at execution sales but the creditor, or some hoarder of money. No employment for industry – no demand for labor – no sale for the product of the farm – no sound of the hammer, but that of the auctioneer, knocking down property. Stop laws –

property laws – replevin laws – stay laws – loan office laws – the intervention of the legislator between the creditor and the debtor: this was the business of legislation in three-fourths of the States of the Union – of all south and west of New England. No medium of exchange but depreciated paper: no change even, but little bits of foul paper, marked so many cents, and signed by some tradesman, barber, or innkeeper: exchanges deranged to the extent of fifty or one hundred per cent. Distress, the universal cry of the people: Relief, the universal demand thundered at the doors of all legislatures, State and federal. It was at the moment when this distress had reached its maximum – 1820-'21 – and had come with its accumulated force upon the machine of the federal government, that this "View" of its working begins. It is a doleful starting point, and may furnish great matter for contrast, or comparison, at its concluding period in 1850.

Such were some of the questions growing out of the war of 1812, or immediately ensuing its termination. That war brought some difficulties to the new generation, but also great advantages, at the head of them the elevation of the national character throughout the world. It immensely elevated the national character, and, as a consequence, put an end to insults and outrages to which we had been subject. No more impressments: no more searching our ships: no more killing: no more carrying off to be forced to serve on British ships against their own country. The national flag became respected. It became the Ægis of those who were under it. The national

character appeared in a new light abroad. We were no longer considered as a people so addicted to commerce as to be insensible to insult: and we reaped all the advantages, social, political, commercial, of this auspicious change. It was a war necessary to the honor and interest of the United States, and was bravely fought, and honorably concluded, and makes a proud era in our history. I was not in public life at the time it was declared, but have understood from those who were, that, except for the exertions of two men (Mr. Monroe in the Cabinet, and Mr. Clay in Congress), the declaration of war could not have been obtained. Honor to their memories!

CHAPTER I.
PERSONAL ASPECT OF THE GOVERNMENT

All the departments of the government appeared to great advantage in the personal character of their administrators at the time of my arrival as Senator at Washington. Mr. Monroe was President; Governor Tompkins, Vice-President; Mr. John Quincy Adams, Secretary of State; Mr. William H. Crawford, Secretary of the Treasury; Mr. John C. Calhoun, Secretary at War; Mr. Smith Thompson, of New-York, Secretary of the Navy; Mr. John McLean, Postmaster General; William Wirt, Esq., Attorney General. These constituted the Executive Department, and it would be difficult to find in any government, in any country, at any time, more talent and experience, more dignity and decorum, more purity of private life, a larger mass of information, and more addiction to business, than was comprised in this list of celebrated names. The legislative department was equally impressive. The Senate presented a long list of eminent men who had become known by their services in the federal or State governments, and some of them connected with its earliest history. From New-York there were Mr. Rufus King and Nathan Sanford; from Massachusetts, Mr. Harrison Gray Otis; from North Carolina, Mr. Macon and Governor Stokes;

from Virginia, the two Governors, James Barbour and James Pleasants; from South Carolina, Mr. John Gaillard, so often and so long President, *pro tempore*, of the Senate, and Judge William Smith; from Rhode Island, Mr. William Hunter; from Kentucky, Colonel Richard M. Johnson; from Louisiana, Mr. James Brown and Governor Henry Johnson; from Maryland, Mr. William Pinkney and Governor Edward Lloyd from New Jersey, Mr. Samuel L. Southard; Colonel John Williams, of Tennessee; William R. King and Judge Walker, from Alabama; and many others of later date, afterwards becoming eminent, and who will be noted in their places. In the House of Representatives there was a great array of distinguished and of business talent. Mr. Clay, Mr. Randolph, Mr. Lowndes were there. Mr. Henry Baldwin and Mr. John Sergeant, from Pennsylvania; Mr. John W. Taylor, Speaker, and Henry Storrs, from New-York; Dr. Eustis, of revolutionary memory, and Nathaniel Silsbee, of Massachusetts; Mr. Louis McLane, from Delaware; General Samuel Smith, from Maryland; Mr. William S. Archer, Mr. Philip P. Barbour, General John Floyd, General Alexander Smythe, Mr. John Tyler, Charles Fenton Mercer, George Tucker, from Virginia; Mr. Lewis Williams, who entered the House young, and remained long enough to be called its "Father," Thomas H. Hall, Weldon N. Edwards, Governor Hutchins G. Burton, from North Carolina; Governor Earle and Mr. Charles Pinckney, from South Carolina; Mr. Thomas W. Cobb and Governor George Gilmer, from Georgia; Messrs. Richard C.

Anderson, Jr., David Trimble, George Robertson, Benjamin Hardin, and Governor Metcalfe, from Kentucky; Mr. John Rhea, of revolutionary service, Governor Newton Cannon, Francis Jones, General John Cocke, from Tennessee; Messrs. John W. Campbell, John Sloan and Henry Bush, from Ohio; Mr. William Hendricks, from Indiana; Thomas Butler, from Louisiana; Daniel P. Cook, from Illinois; John Crowell, from Alabama; Mr. Christopher Rankin, from Mississippi; and a great many other business men of worth and character from the different States, constituting a national representation of great weight, efficiency and decorum. The Supreme Court was still presided over by Chief Justice Marshall, almost septuagenarian, and still in the vigor of his intellect, associated with Mr. Justice Story, Mr. Justice Johnson, of South Carolina, Mr. Justice Duval, and Mr. Justice Washington, of Virginia. Thus all the departments, and all the branches of the government, were ably and decorously filled, and the friends of popular representative institutions might contemplate their administration with pride and pleasure, and challenge their comparison with any government in the world.

CHAPTER II.
ADMISSION OF THE STATE OF MISSOURI

This was the exciting and agitating question of the session of 1820-'21. The question of restriction, that is, of prescribing the abolition of slavery within her limits, had been "compromised" the session before, by agreeing to admit the State without restriction, and abolishing it in all the remainder of the province of Louisiana, north and west of the State of Missouri, and north of the parallel of 36 degrees, 30 minutes. This "compromise" was the work of the South, sustained by the united voice of Mr. Monroe's cabinet, the united voices of the Southern senators, and a majority of the Southern representatives. The unanimity of the cabinet has been shown, impliedly, by a letter of Mr. Monroe, and positively by the Diary of Mr. John Quincy Adams. The unanimity of the slave States in the Senate, where the measure originated, is shown by its journal, not on the motion to insert the section constituting the compromise (for on that motion the yeas and nays were not taken), but on the motion to strike it out, when they were taken, and showed 30 votes for the compromise, and 15 against it – every one of the latter from non-slaveholding States – the former comprehending every slave State vote present, and a few from the North. As the

constitutionality of this compromise, and its binding force, have, in these latter times, begun to be disputed, it is well to give the list of the senators names voting for it, that it may be seen that they were men of judgment and weight, able to know what the constitution was, and not apt to violate it. They were Governor Barbour and Governor Pleasants, of Virginia; Mr. James Brown and Governor Henry Johnson, of Louisiana; Governor Edwards and Judge Jesse B. Thomas, of Illinois; Mr. Elliott and Mr. Walker, of Georgia; Mr. Gaillard, President, *pro tempore*, of the Senate and Judge William Smith, from South Carolina; Messrs. Horsey and Van Dyke, of Delaware; Colonel Richard M. Johnson and Judge Logan, from Kentucky; Mr. William R. King, since Vice-President of the United States, and Judge John W. Walker, from Alabama; Messrs. Leake and Thomas H. Williams, of Mississippi; Governor Edward Lloyd, and the great jurist and orator, William Pinkney, from Maryland; Mr. Macon and Governor Stokes, from North Carolina; Messrs. Walter Lowrie and Jonathan Roberts, from Pennsylvania; Mr. Noble and Judge Taylor, from Indiana; Mr. Palmer, from Vermont; Mr. Parrott, from New Hampshire. This was the vote of the Senate for the compromise. In the House, there was some division among Southern members; but the whole vote in favor of it was 134, to 42 in the negative – the latter comprising some Northern members, as the former did a majority of the Southern – among them one whose opinion had a weight never exceeded by that of any other American statesman, William Lowndes, of South

Carolina. This array of names shows the Missouri compromise to have been a Southern measure, and the event put the seal upon that character by showing it to be acceptable to the South. But it had not allayed the Northern feeling against an increase of slave States, then openly avowed to be a question of political power between the two sections of the Union. The State of Missouri made her constitution, sanctioning slavery, and forbidding the legislature to interfere with it. This prohibition, not usual in State constitutions, was the effect of the Missouri controversy and of foreign interference, and was adopted for the sake of peace – for the sake of internal tranquillity – and to prevent the agitation of the slave question, which could only be accomplished by excluding it wholly from the forum of elections and legislation. I was myself the instigator of that prohibition, and the cause of its being put into the constitution – though not a member of the convention – being equally opposed to slavery agitation and to slavery extension. There was also a clause in it, authorizing the legislature to prohibit the emigration of free people of color into the State; and this clause was laid hold of in Congress to resist the admission of the State. It was treated as a breach of that clause in the federal constitution, which guarantees equal privileges in all the States to the citizens of every State, of which privileges the right of emigration was one; and free people of color being admitted to citizenship in some of the States, this prohibition of emigration was held to be a violation of that privilege in their persons. But the real point of objection was the

slavery clause, and the existence of slavery in the State, which it sanctioned, and seemed to perpetuate. The constitution of the State, and her application for admission, was presented by her late delegate and representative elect, Mr. John Scott; and on his motion, was referred to a select committee. Mr. Lowndes, of South Carolina, Mr. John Sergeant, of Pennsylvania, and General Samuel Smith, of Maryland, were appointed the committee; and the majority being from slave States, a resolution was quickly reported in favor of the admission of the State. But the majority of the House being the other way, the resolution was rejected, 79 to 83 – and by a clear slavery and anti-slavery vote, the exceptions being but three, and they on the side of admission, and contrary to the sentiment of their own State. They were Mr. Henry Shaw, of Massachusetts, and General Bloomfield and Mr. Bernard Smith, of New-Jersey. In the Senate, the application of the State shared a similar fate. The constitution was referred to a committee of three, Messrs. Judge William Smith, of South Carolina, Mr. James Burrill, of Rhode Island, and Mr. Macon, of North Carolina, a majority of whom being from slave States, a resolution of admission was reported, and passed the Senate – Messrs. Chandler and Holmes, of Maine, voting with the friends of admission; but was rejected in the House of Representatives. A second resolution to the same effect passed the Senate, and was again rejected in the House. A motion was then made in the House by Mr. Clay to raise a committee to act jointly with any committee which might be

appointed by the Senate, "to consider and report to the Senate and the House respectively, whether it be expedient or not, to make provision for the admission of Missouri into the Union on the same footing as the original States, and for the due execution of the laws of the United States within Missouri? and if not, whether any other, and what provision adapted to her actual condition ought to be made by law." This motion was adopted by a majority of nearly two to one – 101 to 55 – which shows a large vote in its favor from the non-slaveholding States. Twenty-three, being a number equal to the number of the States, were then appointed on the part of the House, and were: Messrs. Clay, Thomas W. Cobb, of Georgia; Mark Langdon Hill, of Massachusetts; Philip P. Barbour, of Virginia; Henry R. Storrs, of New-York; John Cocke, of Tennessee; Christopher Rankin, of Mississippi; William S. Archer, of Virginia; William Brown, of Kentucky; Samuel Eddy, from Rhode Island; William D. Ford, of New-York; William Culbreth, Aaron Hackley, of New-York; Samuel Moore, of Pennsylvania; James Stevens, of Connecticut; Thomas J. Rogers, from Pennsylvania; Henry Southard, of New-Jersey; John Randolph; James S. Smith, of North Carolina; William Darlington, of Pennsylvania; Nathaniel Pitcher, of New-York; John Sloan, of Ohio, and Henry Baldwin, of Pennsylvania. The Senate by a vote almost unanimous – 29 to 7 – agreed to the joint committee proposed by the House of Representatives; and Messrs. John Holmes, of Maine; James Barbour, of Virginia; Jonathan Roberts, of Pennsylvania; David

L. Morril, of New-Hampshire; Samuel L. Southard, of New-Jersey; Colonel Richard M. Johnson, of Kentucky; and Rufus King, of New-York, to be a committee on its part. The joint committee acted, and soon reported a resolution in favor of the admission of the State, upon the condition that her legislature should first declare that the clause in her constitution relative to the free colored emigration into the State, should never be construed to authorize the passage of any act by which any citizen of either of the States of the Union should be excluded from the enjoyment of any privilege to which he may be entitled under the constitution of the United States; and the President of the United States being furnished with a copy of said act, should, by proclamation, declare the State to be admitted. This resolution was passed in the House by a close vote – 86 to 82 – several members from non-slaveholding States voting for it. In the Senate it was passed by two to one – 28 to 14; and the required declaration having been soon made by the General Assembly of Missouri, and communicated to the President, his proclamation was issued accordingly, and the State admitted. And thus ended the "Missouri controversy," or that form of the slavery question which undertook to restrict a State from the privilege of having slaves if she chose. The question itself, under other forms, has survived, and still survives, but not under the formidable aspect which it wore during that controversy, when it divided Congress geographically, and upon the slave line. The real struggle was political, and for the balance of power, as frankly declared

by Mr. Rufus King, who disdained dissimulation; and in that struggle the non-slaveholding States, though defeated in the State of Missouri, were successful in producing the "compromise," conceived and passed as a Southern measure. The resistance made to the admission of the State on account of the clause in relation to free people of color, was only a mask to the real cause of opposition, and has since shown to be so by the facility with which many States, then voting in a body against the admission of Missouri on that account, now exclude the whole class of the free colored emigrant population from their borders, and without question, by statute, or by constitutional amendment. For a while this formidable Missouri question threatened the total overthrow of all political parties upon principle, and the substitution of geographical parties discriminated by the slave line, and of course destroying the just and proper action of the federal government, and leading eventually to a separation of the States. It was a federal movement, accruing to the benefit of that party, and at first was overwhelming, sweeping all the Northern democracy into its current, and giving the supremacy to their adversaries. When this effect was perceived the Northern democracy became alarmed, and only wanted a turn or abatement in the popular feeling at home, to take the first opportunity to get rid of the question by admitting the State, and re-establishing party lines upon the basis of political principle. This was the decided feeling when I arrived at Washington, and many of the old Northern democracy took early opportunities

to declare themselves to me to that effect, and showed that they were ready to vote the admission of the State in any form which would answer the purpose, and save themselves from going so far as to lose their own States, and give the ascendant to their political adversaries. In the Senate, Messrs. Lowrie and Roberts, from Pennsylvania; Messrs. Morril and Parrott, from New-Hampshire; Messrs. Chandler and Holmes, from Maine; Mr. William Hunter, from Rhode Island; and Mr. Southard, from New-Jersey, were of that class; and I cannot refrain from classing with them Messrs. Horsey and Vandyke, from Delaware, which, though counted as a slave State, yet from its isolated and salient position, and small number of slaves, seems more justly to belong to the other side. In the House the vote of nearly two to one in favor of Mr. Clay's resolution for a joint committee, and his being allowed to make out his own list of the House committee (for it was well known that he drew up the list of names himself, and distributed it through the House to be voted), sufficiently attest the temper of that body, and showed the determination of the great majority to have the question settled. Mr. Clay has been often complimented as the author of the "compromise" of 1820, in spite of his repeated declaration to the contrary, that measure coming from the Senate; but he is the undisputed author of the final settlement of the Missouri controversy in the actual admission of the State. He had many valuable coadjutors from the North – Baldwin, of Pennsylvania; Storrs and Meigs, of New-York; Shaw, of Massachusetts: and he had also some

opponents from the South – members refusing to vote for the "conditional" admission of the State, holding her to be entitled to absolute admission – among them Mr. Randolph. I have been minute in stating this controversy, and its settlement, deeming it advantageous to the public interest that history and posterity should see it in the proper point of view; and that it was a political movement for the balance of power, balked by the Northern democracy, who saw their own overthrow, and the eventual separation of the States, in the establishment of geographical parties divided by a slavery and anti-slavery line.

CHAPTER III.
FINANCES. – REDUCTION OF THE ARMY

The distress of the country became that of the government. Small as the government expenditure then was, only about twenty-one millions of dollars (including eleven millions for permanent or incidental objects), it was still too great for the revenues of the government at this disastrous period. Reductions of expense, and loans, became the resort, and economy – that virtuous policy in all times – became the obligatory and the forced policy of this time. The small regular army was the first, and the largest object on which the reduction fell. Small as it was, it was reduced nearly one-half – from 10,000 to 6,000 men. The navy felt it next – the annual appropriation of one million for its increase being reduced to half a million. The construction and armament of fortifications underwent the like process. Reductions of expense took place at many other points, and even the abolition of a clerkship of $800 in the office of the Attorney General, was not deemed an object below the economical attention of Congress. After all a loan became indispensable, and the President was authorized to borrow five millions of dollars. The sum of twenty-one millions then to be raised for the service of the government, small as it now

appears, was more than double the amount required for the actual expenses of the government – for the actual expense of its administration, or the working its machinery. More than half went to permanent or incidental objects, to wit: principal and interest of the public debt, five and a half millions; gradual increase of the navy, one million; pensions, one and a half millions; fortifications, $800,000; arms, munitions, ordnance, and other small items, about two millions; making in the whole about eleven millions, and leaving for the expense of keeping the machinery of government in operation, about ten millions of dollars; and which was reduced to less than nine millions after the reductions of this year were effected. A sum of one million of dollars, over and above the estimated expenditure of the government, was always deemed necessary to be provided and left in the treasury to meet contingencies – a sum which, though small in itself, was absolutely unnecessary for that purpose, and the necessity for which was founded in the mistaken idea that the government expends every year, within the year, the amount of its income. This is entirely fallacious, and never did and never can take place; for a large portion of the government payments accruing within the latter quarters of any year are not paid until the next year. And so on in every quarter of every year. The sums becoming payable in each quarter being in many instances, and from the nature of the service, only paid in the next quarter, while new revenue is coming in. This process regularly going on always leaves a balance in the treasury at the end of the year, not

called for until the beginning of the next year, and when there is a receipt of money to meet the demand, even if there had been no balance in hand. Thus, at the end of the year 1820, one of the greatest depression, and when demands pressed most rapidly upon the treasury, there was a balance of above two millions of dollars in the treasury – to be precise, $2,076,607 14, being one-tenth of the annual revenue. In prosperous years the balance is still larger, sometimes amounting to the fourth, or the fifth of the annual revenue; as may be seen in the successive annual reports of the finances. There is, therefore, no necessity to provide for keeping any balance as a reserve in the treasury, though in later times this provision has been carried up to six millions – a mistake which economy, the science of administration, and the purity of the government, requires to be corrected.

CHAPTER IV.
RELIEF OF PUBLIC LAND DEBTORS

Distress was the cry of the day; relief the general demand. State legislatures were occupied in devising measures of local relief; Congress in granting it to national debtors. Among these was the great and prominent class of the public land purchasers. The credit system then prevailed, and the debt to the government had accumulated to twenty-three millions of dollars – a large sum in itself, but enormous when considered in reference to the payors, only a small proportion of the population, and they chiefly the inhabitants of the new States and territories, whose resources were few. Their situation was deplorable. A heavy debt to pay, and lands already partly paid for to be forfeited if full payment was not made. The system was this: the land was sold at a minimum price of two dollars per acre, one payment in hand and the remainder in four annual instalments, with forfeiture of all that had been paid if each successive instalment was not delivered to the day. In the eagerness to procure fresh lands, and stimulated by the delusive prosperity which multitudes of banks created after the war, there was no limit to purchasers except in the ability to make the first payment. That being accomplished, it was left to the future to provide for the remainder. The banks

failed; money vanished; instalments were becoming due which could not be met; and the opening of Congress in November, 1820, was saluted by the arrival of memorials from all the new States, showing the distress, and praying relief to the purchasers of the public lands. The President, in his annual message to Congress, deemed it his duty to bring the subject before that body, and in doing so recommended indulgence in consideration of the unfavorable change which had occurred since the sales. Both Houses of Congress took up the subject, and a measure of relief was devised by the Secretary of the Treasury, Mr. Crawford, which was equally desirable both to the purchaser and the government. The principle of the relief was to change all future sales from the credit to the cash system, and to reduce the minimum price of the lands to one dollar, twenty-five cents per acre, and to give all present debtors the benefit of that system, by allowing them to consolidate payments already made on different tracts on any particular one, relinquishing the rest; and allowing a discount for ready pay on all that had been entered, equal to the difference between the former and present minimum price. This released the purchasers from debt, and the government from the inconvenient relation of creditor to its own citizens. A debt of twenty-three millions of dollars was quietly got rid of; and purchasers were enabled to save lands, at the reduced price, to the amount of their payments already made: and thus saved in all cases their homes and fields, and as much more of their purchases as they were able to pay

for at the reduced rate. It was an equitable arrangement of a difficult subject, and lacked but two features to make it perfect; *first*, a pre-emptive right to all first settlers; and, *secondly*, a periodical reduction of price according to the length of time the land should have been in market, so as to allow of different prices for different qualities, and to accomplish in a reasonable time the sale of the whole. Applications were made at that time for the establishment of the pre-emptive system; but without effect, and, apparently without the prospect of eventual success. Not even a report of a committee could be got in its favor – nothing more than temporary provisions, as special favors, in particular circumstances. But perseverance was successful. The new States continued to press the question, and finally prevailed; and now the pre-emptive principle has become a fixed part of our land system, permanently incorporated with it, and to the equal advantage of the settler and the government. The settler gets a choice home in a new country, due to his enterprise, courage, hardships and privations in subduing the wilderness: the government gets a body of cultivators whose labor gives value to the surrounding public lands, and whose courage and patriotism volunteers for the public defence whenever it is necessary. The second, or graduation principle, though much pressed, has not yet been established, but its justice and policy are self-evident, and the exertions to procure it should not be intermitted until successful. The passage of this land relief bill was attended by incidents which showed the delicacy of members at that time,

in voting on questions in which they might be interested. Many members of Congress were among the public land debtors, and entitled to the relief to be granted. One of their number, Senator William Smith, from South Carolina, brought the point before the Senate on a motion to be excused from voting on account of his interest. The motion to excuse was rejected, on the ground that his interest was general, in common with the country, and not particular, in relation to himself: and that his constituents were entitled to the benefit of his vote.

CHAPTER V.
OREGON TERRITORY

The session of 1820-21 is remarkable as being the first at which any proposition was made in Congress for the occupation and settlement of our territory on the Columbia River – the only part then owned by the United States on the Pacific coast. It was made by Dr. Floyd, a representative from Virginia, an ardent man, of great ability, and decision of character, and, from an early residence in Kentucky, strongly imbued with western feelings. He took up this subject with the energy which belonged to him, and it required not only energy, but courage, to embrace a subject which, at that time, seemed more likely to bring ridicule than credit to its advocate. I had written and published some essays on the subject the year before, which he had read. Two gentlemen (Mr. Ramsay Crooks, of New-York, and Mr. Russell Farnham, of Massachusetts), who had been in the employment of Mr. John Jacob Astor in founding his colony of Astoria, and carrying on the fur trade on the northwest coast of America, were at Washington that winter, and had their quarters at the same hotel (Brown's), where Dr. Floyd and I had ours. Their acquaintance was naturally made by Western men like us – in fact, I knew them before; and their conversation, rich in information upon a new and interesting country, was eagerly

devoured by the ardent spirit of Floyd. He resolved to bring forward the question of occupation, and did so. He moved for a select committee to consider and report upon the subject. The committee was granted by the House, more through courtesy to a respected member, than with any view to business results. It was a committee of three, himself chairman, according to parliamentary rule, and Thomas Metcalfe, of Kentucky (since Governor of the State), and Thomas V. Swearingen, from Western Virginia, for his associates – both like himself ardent men, and strong in western feeling. They reported a bill within six days after the committee was raised, "to authorize the occupation of the Columbia River, and to regulate trade and intercourse with the Indian tribes thereon," accompanied by an elaborate report, replete with valuable statistics, in support of the measure. The fur trade, the Asiatic trade, and the preservation of our own territory, were the advantages proposed. The bill was treated with the parliamentary courtesy which respect for the committee required: it was read twice, and committed to a committee of the whole House for the next day – most of the members not considering it a serious proceeding. Nothing further was done in the House that session, but the first blow was struck: public attention was awakened, and the geographical, historical, and statistical facts set forth in the report, made a lodgment in the public mind which promised eventual favorable consideration. I had not been admitted to my seat in the Senate at the time, but was soon after, and quickly came to the support of Dr. Floyd's

measure (who continued to pursue it with zeal and ability); and at a subsequent session presented some views on the subject which will bear reproduction at this time. The danger of a contest with Great Britain, to whom we had admitted a joint possession, and who had already taken possession, was strongly suggested, if we delayed longer our own occupation; "and a vigorous effort of policy, and perhaps of arms, might be necessary to break her hold." Unauthorized, or individual occupation was intimated as a consequence of government neglect, and what has since taken place was foreshadowed in this sentence: "mere adventurers may enter upon it, as Æneas entered upon the Tiber, and as our forefathers came upon the Potomac, the Delaware and the Hudson, and renew the phenomenon of individuals laying the foundation of a future empire." The effect upon Asia of the arrival of an American population on the coast of the Pacific Ocean was thus exhibited: "Upon the people of Eastern Asia the establishment of a civilized power on the opposite coast of America, could not fail to produce great and wonderful benefits. Science, liberal principles in government, and the true religion, might cast their lights across the intervening sea. The valley of the Columbia might become the granary of China and Japan, and an outlet to their imprisoned and exuberant population. The inhabitants of the oldest and the newest, the most despotic and the freest governments, would become the neighbors, and the friends of each other. To my mind the proposition is clear, that Eastern Asia and the two Americas, as they become neighbors

should become friends and I for one had as lief see American ministers going to the emperors of China and Japan, to the king of Persia, and even to the Grand Turk, as to see them dancing attendance upon those European legitimates who hold every thing American in contempt and detestation." Thus I spoke; and this I believe was the first time that a suggestion for sending ministers to the Oriental nations was publicly made in the United States. It was then a "wild" suggestion: it is now history. Besides the preservation of our own territory on the Pacific, the establishment of a port there for the shelter of our commercial and military marine, the protection of the fur trade and aid to the whaling vessels, the accomplishment of Mr. Jefferson's idea of a commercial communication with Asia through the heart of our own continent, was constantly insisted upon as a consequence of planting an American colony at the mouth of the Columbia. That man of large and useful ideas – that statesman who could conceive measures useful to all mankind, and in all time to come – was the first to propose that commercial communication, and may also be considered the first discoverer of the Columbia River. His philosophic mind told him that where a snow-clad mountain, like that of the Rocky Mountains, shed the waters on one side which collected into such a river as the Missouri, there must be a corresponding shedding and collection of waters on the other; and thus he was perfectly assured of the existence of a river where the Columbia has since been found to be, although no navigator had seen its mouth and no explorer trod

its banks. His conviction was complete; but the idea was too grand and useful to be permitted to rest in speculation. He was then minister to France, and the famous traveller Ledyard, having arrived at Paris on his expedition of discovery to the Nile, was prevailed upon by Mr. Jefferson to enter upon a fresher and more useful field of discovery. He proposed to him to change his theatre from the Old to the New World, and, proceeding to St. Petersburg upon a passport he would obtain for him, he should there obtain permission from the Empress Catharine to traverse her dominions in a high northern latitude to their eastern extremity – cross the sea from Kamschatka, or at Behring's Straits, and descending the northwest coast of America, come down upon the river which must head opposite the head of the Missouri, ascend it to its source in the Rocky Mountains, and then follow the Missouri to the French settlements on the Upper Mississippi; and thence home. It was a magnificent and a daring project of discovery, and on that account the more captivating to the ardent spirit of Ledyard. He undertook it – went to St. Petersburg – received the permission of the Empress – and had arrived in Siberia when he was overtaken by a revocation of the permission, and conducted as a spy out of the country. He then returned to Paris, and resumed his original design of that exploration of the Nile to its sources which terminated in his premature death, and deprived the world of a young and adventurous explorer, from whose ardour, courage, perseverance and genius, great and useful results were to have been expected.

Mr. Jefferson was balked in that, his first attempt, to establish the existence of the Columbia River. But a time was coming for him to undertake it under better auspices. He became President of the United States, and in that character projected the expedition of Lewis and Clark, obtained the sanction of Congress, and sent them forth to discover the head and course of the river (whose mouth was then known), for the double purpose of opening an inland commercial communication with Asia, and enlarging the boundaries of geographical science. The commercial object was placed first in his message, and as the object to legitimate the expedition. And thus Mr. Jefferson was the first to propose the North American road to India, and the introduction of Asiatic trade on that road; and all that I myself have either said or written on that subject from the year 1819, when I first took it up, down to the present day when I still contend for it, is nothing but the fruit of the seed planted in my mind by the philosophic hand of Mr. Jefferson. Honor to all those who shall assist in accomplishing his great idea.

CHAPTER VI.
FLORIDA TREATY AND CESSION OF TEXAS

I was a member of the bar at St. Louis, in the then territory of Missouri, in the year 1818, when the Washington City newspapers made known the progress of that treaty with Spain, which was signed on the 22d day of February following, and which, in acquiring Florida, gave away Texas. I was shocked at it – at the cession of Texas, and the new boundaries proposed for the United States on the southwest. The acquisition of Florida was a desirable object, long sought, and sure to be obtained in the progress of events; but the new boundaries, besides cutting off Texas, dismembered the valley of the Mississippi, mutilated two of its noblest rivers, brought a foreign dominion (and it non-slave-holding), to the neighborhood of New Orleans, and established a wilderness barrier between Missouri and New Mexico – to interrupt their trade, separate their inhabitants, and shelter the wild Indian depredators upon the lives and property of all who undertook to pass from one to the other. I was not then in politics, and had nothing to do with political affairs; but I saw at once the whole evil of this great sacrifice, and instantly raised my voice against it in articles published in the St. Louis newspapers, and in which were given, in advance, all the national reasons against

giving away the country, which were afterwards, and by so many tongues, and at the expense of war and a hundred millions, given to get it back. I denounced the treaty, and attacked its authors and their motives, and imprecated a woe on the heads of those who should continue to favor it. "The magnificent valley of the Mississippi is ours, with all its fountains, springs and floods; and woe to the statesman who shall undertake to surrender one drop of its water, one inch of its soil, to any foreign power." In these terms I spoke, and in this spirit I wrote, before the treaty was even ratified. Mr. John Quincy Adams, the Secretary of State, negotiator and ostensible author of the treaty, was the statesman against whom my censure was directed, and I was certainly sincere in my belief of his great culpability. But the declaration which he afterwards made on the floor of the House, absolved him from censure on account of that treaty, and placed the blame on the majority in Mr. Monroe's cabinet, southern men, by whose vote he had been governed in ceding Texas and fixing the boundary which I so much condemned. After this authoritative declaration, I made, in my place in the Senate, the honorable amends to Mr. Adams, which was equally due to him and to myself. The treaty was signed on the anniversary of the birth-day of Washington, and sent to the Senate the same day, and unanimously ratified on the next day, with the general approbation of the country, and the warm applause of the newspaper press. This unanimity of the Senate, and applause of the press, made no impression upon me. I continued to assail the

treaty and its authors, and the more bitterly, because the official correspondence, when published, showed that this great sacrifice of territory, rivers, and proper boundaries, was all gratuitous and voluntary on our part – "*that the Spanish government had offered us more than we accepted*;" and that it was our policy, and not hers, which had deprived us of Texas and the large country, in addition to Texas, which lay between the Red River and Upper Arkansas. This was an enigma, the solution of which, in my mind, strongly connected itself with the Missouri controversy then raging (1819) with its greatest violence, threatening existing political parties with subversion, and the Union with dissolution. My mind went there – to that controversy – for the solution, but with a misdirection of its application. I blamed the northern men in Mr. Monroe's cabinet: the private papers of General Jackson, which have come to my hands, enable me to correct that error, and give me an inside view of that which I could only see on the outside before. In a private letter from Mr. Monroe to General Jackson, dated at Washington, May 22d, 1820 – more than one year after the negotiation of the treaty, written to justify it, and evidently called out by Mr. Clay's attack upon it – are these passages: "Having long known the repugnance with which the eastern portion of our Union, or rather some of those who have enjoyed its confidence (for I do not think that the people themselves have any interest or wish of that kind), have seen its aggrandizement to the West and South, I have been decidedly of opinion that we ought to be content with Florida for

the present, and until the public opinion in that quarter shall be reconciled to any further change. I mention these circumstances to show you that our difficulties are not with Spain alone, but are likewise internal, proceeding from various causes, which certain men are prompt to seize and turn to the account of their own ambitious views." This paragraph from Mr. Monroe's letter lifts the curtain which concealed the secret reason for ceding Texas – that secret which explains what was incomprehensible – our having refused to accept as much as Spain had offered. Internal difficulties, it was thus shown, had induced that refusal; and these difficulties grew out of the repugnance of leading men in the northeast to see the further aggrandizement of the Union upon the South and West. This repugnance was then taking an operative form in the shape of the Missouri controversy; and, as an immediate consequence, threatened the subversion of political party lines, and the introduction of the slavery question into the federal elections and legislation, and bringing into the highest of those elections – those of President and Vice-President – a test which no southern candidate could stand. The repugnance in the northeast was not merely to territorial aggrandizement in the southwest, but to the consequent extension of slavery in that quarter; and to allay that repugnance, and to prevent the slavery extension question from becoming a test in the presidential election, was the true reason for giving away Texas, and the true solution of the enigma involved in the strange refusal to accept as much as Spain offered. The treaty

was disapproved by Mr. Jefferson, to whom a similar letter was written to that sent to General Jackson, and for the same purpose – to obtain his approbation; but he who had acquired Louisiana, and justly gloried in the act, could not bear to see that noble province mutilated, and returned his dissent to the act, and his condemnation of the policy on which it was done. General Jackson had yielded to the arguments of Mr. Monroe, and consented to the cession of Texas as a temporary measure. The words of his answer to Mr. Monroe's letter were: "I am clearly of your opinion, that, for the present, we ought to be contented with the Floridas." But Mr. Jefferson would yield to no temporary views of policy, and remained inflexibly opposed to the treaty; and in this he was consistent with his own conduct in similar circumstances. Sixteen years before, he had been in the same circumstances – at the time of the acquisition of Louisiana – when he had the same repugnance to southwestern aggrandizement to contend with, and the same bait (Florida) to tempt him. Then eastern men raised the same objections; and as early as August 1803 – only four months after the purchase of Louisiana – he wrote to Dr. Breckenridge: "Objections are raising to the eastward to the vast extent of our boundaries, and propositions are made to exchange Louisiana, or a part of it, for the Floridas; but as I have said, we shall get the Floridas without; and I would not give one inch of the waters of the Mississippi to any foreign nation." So that Mr. Jefferson, neither in 1803 nor in 1819, would have mutilated Louisiana to obtain

the cession of Florida, which he knew would be obtained without that mutilation; nor would he have yielded to the threatening discontent in the east. I have a gratification that, without knowing it, and at a thousand miles from him, I took the same ground that Mr. Jefferson stood on, and even used his own words: "Not an inch of the waters of the Mississippi to any nation." But I was mortified at the time, that not a paper in the United States backed my essays. It was my first experience in standing "solitary and alone;" but I stood it without flinching, and even incurred the imputation of being opposed to the administration – had to encounter that objection in my first election to the Senate, and was even viewed as an opponent by Mr. Monroe himself, when I first came to Washington. He had reason to know before his office expired, and still more after it expired, that no one (of the young generation) had a more exalted opinion of his honesty, patriotism, firmness and general soundness of judgment; or would be more ready, whenever the occasion permitted, to do justice to his long and illustrious career of public service. The treaty, as I have said, was promptly and unanimously ratified by the American Senate; not so on the part of Spain. She hesitated, delayed, procrastinated; and finally suffered the time limited for the exchange of ratifications to expire, with out having gone through that indispensable formality. Of course this put an end to the treaty, unless it could be revived; and, thereupon, new negotiations and vehement expostulations against the conduct which refused to ratify a treaty negotiated upon full powers

and in conformity to instructions. It was in the course of this renewed negotiation, and of these warm expostulations, that Mr. Adams used the strong expressions to the Spanish ministry, so enigmatical at the time, "That Spain had offered more than we accepted, and that she dare not deny it." Finally, after the lapse of a year or so, the treaty was ratified by Spain. In the mean time Mr. Clay had made a movement against it in the House of Representatives, unsuccessful, of course, but exciting some sensation, both for the reasons he gave and the vote of some thirty-odd members who concurred with him. This movement very certainly induced the letters of Mr. Monroe to General Jackson and Mr. Jefferson, as they were contemporaneous (May, 1820), and also some expressions in the letter to General Jackson, which evidently referred to Mr. Clay's movement. The ratification of Spain was given October, 1820, and being after the time limited, it became necessary to submit it again to the American Senate, which was done at the session of 1820-21. It was ratified again, and almost unanimously, but not quite, four votes being given against it, and all by western senators, namely: Colonel Richard M. Johnson, of Kentucky; Colonel John Williams, of Tennessee; Mr. James Brown, of Louisiana, and Colonel Trimble, of Ohio. I was then in Washington, and a senator elect, though not yet entitled to a seat, in consequence of the delayed admission of the new State of Missouri into the Union, and so had no opportunity to record my vote against the treaty. But the progress of events soon gave me an opportunity

to manifest my opposition, and to appear in the parliamentary history as an enemy to it. The case was this: While the treaty was still encountering Spanish procrastination in the delay of exchanging ratifications, Mexico (to which the amputated part of Louisiana and the whole of Texas was to be attached), itself ceased to belong to Spain. She established her independence, repulsed all Spanish authority, and remained at war with the mother country. The law for giving effect to the treaty by providing for commissioners to run and mark the new boundary, had not been passed at the time of the ratification of the treaty; it came up after I took my seat, and was opposed by me. I opposed it, not only upon the grounds of original objections to the treaty, but on the further and obvious ground, that the revolution in Mexico – her actual independence – had superseded the Spanish treaty in the whole article of the boundaries, and that it was with Mexico herself that we should now settle them. The act was passed, however, by a sweeping majority, the administration being for it, and senators holding themselves committed by previous votes; but the progress of events soon justified my opposition to it. The country being in possession of Mexico, and she at war with Spain, no Spanish commissioners could go there to join ours in executing it; and so the act remained a dead letter upon the statute-book. Its futility was afterwards acknowledged by our government, and the misstep corrected by establishing the boundary with Mexico herself. This was done by treaty in the year 1828, adopting the boundaries previously agreed upon with

Spain, and consequently amputating our rivers (the Red and the Arkansas), and dismembering the valley of the Mississippi, to the same extent as was done by the Spanish treaty of 1819. I opposed the ratification of the treaty with Mexico for the same reason that I opposed its original with Spain, but without success. Only two senators voted with me, namely, Judge William Smith, of South Carolina, and Mr. Powhatan Ellis, of Mississippi. Thus I saw this treaty, which repulsed Texas, and dismembered the valley of the Mississippi – which placed a foreign dominion on the upper halves of the Red River and the Arkansas – placed a foreign power and a wilderness between Missouri and New Mexico, and which brought a non-slaveholding empire to the boundary line of the State of Louisiana, and almost to the southwest corner of Missouri – saw this treaty three times ratified by the American Senate, as good as unanimously every time, and with the hearty concurrence of the American press. Yet I remained in the Senate to see, within a few years, a political tempest sweeping the land and overturning all that stood before it, to get back this very country which this treaty had given away; and menacing the Union itself with dissolution, if it was not immediately done, and without regard to consequences. But of this hereafter. The point to be now noted of this treaty of 1819, is, that it completed, very nearly, the extinction of slave territory within the limits of the United States, and that it was the work of southern men, with the sanction of the South. It extinguished or cut off the slave territory beyond the Mississippi, below 36 degrees, 30 minutes,

all except the diagram in Arkansas, which was soon to become a State. The Missouri compromise line had interdicted slavery in all the vast expanse of Louisiana north of 36 degrees, 30 minutes; this treaty gave away, first to Spain, and then to Mexico, nearly all the slave territory south of that line; and what little was left by the Spanish treaty was assigned in perpetuity by laws and by treaties to different Indian tribes. These treaties (Indian and Spanish), together with the Missouri compromise line – a measure contemporaneous with the treaty – extinguished slave soil in all the United States territory west of the Mississippi, except in the diagram which was to constitute the State of Arkansas; and, including the extinction in Texas consequent upon its cession to a non-slaveholding power, constituted the largest territorial abolition of slavery that was ever effected by the political power of any nation. The ordinance of 1787 had previously extinguished slavery in all the northwest territory – all the country east of the Mississippi, above the Ohio, and out to the great lakes; so that, at this moment – era of the second election of Mr. Monroe – slave soil, except in Arkansas and Florida, was extinct in the territory of the United States. The growth of slave States (except of Arkansas and Florida) was stopped; the increase of free States was permitted in all the vast expanse from Lake Michigan and the Mississippi River to the Rocky Mountains, and to Oregon; and there was not a ripple of discontent visible on the surface of the public mind at this mighty transformation of slave into free territory. No talk then

about dissolving the Union, if every citizen was not allowed to go with all his "property," that is, all his slaves, to all the territory acquired by the "common blood and treasure" of all the Union. But this belongs to the chapter of 1844, whereof I have the material to write the true and secret history, and hope to use it with fairness, with justice, and with moderation. The outside view of the slave question in the United States at this time, which any chronicler can write, is, that the extension of slavery was then arrested, circumscribed, and confined within narrow territorial limits, while free States were permitted an almost unlimited expansion. That is the outside view; the inside is, that all this was the work of southern men, candidates for the presidency, some in abeyance, some in *præsenti*; and all yielding to that repugnance to territorial aggrandizement, and slavery extension in the southwest, which Mr. Monroe mentioned in his letter to General Jackson as the "internal difficulty" which occasioned the cession of Texas to Spain. This chapter is a point in the history of the times which will require to be understood by all who wish to understand and appreciate the events and actors of twenty years later.

CHAPTER VII.
DEATH OF MR. LOWNDES

I had but a slight acquaintance with Mr. Lowndes. He resigned his place on account of declining health soon after I came into Congress; but all that I saw of him confirmed the impression of the exalted character which the public voice had ascribed to him. Virtue, modesty, benevolence, patriotism were the qualities of his heart; a sound judgment, a mild persuasive elocution were the attributes of his mind; his manners gentle, natural, cordial, and inexpressibly engaging. He was one of the galaxy, as it was well called, of the brilliant young men which South Carolina sent to the House of Representatives at the beginning of the war of 1812 – Calhoun, Cheves, Lowndes; – and was soon the brightest star in that constellation. He was one of those members, rare in all assemblies, who, when he spoke, had a cluster around him, not of friends, but of the House – members quitting their distant seats, and gathering up close about him, and showing by their attention, that each one would feel it a personal loss to have missed a word that he said. It was the attention of affectionate confidence. He imparted to others the harmony of his own feelings, and was the moderator as well as the leader of the House and was followed by its sentiment in all cases in which inexorable party feeling, or some powerful interest, did not rule the action of the members;

and even then he was courteously and deferentially treated. It was so the only time I ever heard him speak – session of 1820-21 – and on the inflammable subject of the admission of the State of Missouri – a question on which the inflamed passions left no room for the influence of reason and judgment, and in which the members voted by a geographical line. Mr. Lowndes was of the democratic school, and strongly indicated for an early elevation to the presidency – indicated by the public will and judgment, and not by any machinery or individual or party management – from the approach of which he shrunk, as from the touch of contamination. He was nominated by the legislature of his native State for the election of 1824; but died before the event came round. It was he who expressed that sentiment, so just and beautiful in itself, and so becoming in him because in him it was true, "That the presidency was an office neither to be sought, nor declined." He died at the age of forty-two; and his death at that early age, and in the impending circumstances of the country, was felt by those who knew him as a public and national calamity. I do not write biographies, but note the death and character of some eminent deceased contemporaries, whose fame belongs to the country, and goes to make up its own title to the respect of the world.

CHAPTER VIII.
DEATH OF WILLIAM PINKNEY

He died at Washington during the session of the Congress of which he was a member, and of the Supreme Court of which he was a practitioner. He fell like the warrior, in the plenitude of his strength, and on the field of his fame – under the double labors of the Supreme Court and of the Senate, and under the immense concentration of thought which he gave to the preparation of his speeches. He was considered in his day the first of American orators, but will hardly keep that place with posterity, because he spoke more to the hearer than to the reader – to the present than to the absent – and avoided the careful publication of his own speeches. He labored them hard, but it was for the effect of their delivery, and the triumph of present victory. He loved the admiration of the crowded gallery – the trumpet-tongued fame which went forth from the forum – the victory which crowned the effort; but avoided the publication of what was received with so much applause, giving as a reason that the published speech would not sustain the renown of the delivered one. His *forte* as a speaker lay in his judgment, his logic, his power of argument; but, like many other men of acknowledged pre-eminence in some great gift of nature, and who are still ambitious of some inferior gift, he courted his imagination too much, and laid too much

stress upon action and delivery – so potent upon the small circle of actual hearers, but so lost upon the national audience which the press now gives to a great speaker. In other respects Mr. Pinkney was truly a great orator, rich in his material, strong in his argument – clear, natural and regular in the exposition of his subject, comprehensive in his views, and chaste in his diction. His speeches, both senatorial and forensic, were fully studied and laboriously prepared – all the argumentative parts carefully digested under appropriate heads, and the showy passages often fully written out and committed to memory. He would not speak at all except upon preparation; and at sexagenarian age – that at which I knew him – was a model of study and of labor to all young men. His last speech in the Senate was in reply to Mr. Rufus King, on the Missouri question, and was the master effort of his life. The subject, the place, the audience, the antagonist, were all such as to excite him to the utmost exertion. The subject was a national controversy convulsing the Union and menacing it with dissolution; the place was the American Senate; the audience was Europe and America; the antagonist was Princeps Senatus, illustrious for thirty years of diplomatic and senatorial service, and for great dignity of life and character. He had ample time for preparation, and availed himself of it. Mr. King had spoken the session before, and published the "Substance" of his speeches (for there were two of them), after the adjournment of Congress. They were the signal guns for the Missouri controversy. It was to these published speeches that

Mr. Pinkney replied, and with the interval between two sessions to prepare. It was a dazzling and overpowering reply, with the prestige of having the union and the harmony of the States for its object, and crowded with rich material. The most brilliant part of it was a highly-wrought and splendid amplification (with illustrations from Greek and Roman history), of that passage in Mr. Burke's speech upon "Conciliation with the Colonies," in which, and in looking to the elements of American resistance to British power, he looks to the spirit of the slaveholding colonies as a main ingredient, and attributes to the masters of slaves, who are not themselves slaves, the highest love of liberty and the most difficult task of subjection. It was the most gorgeous speech ever delivered in the Senate, and the most applauded; but it was only a magnificent exhibition, as Mr. Pinkney knew, and could not sustain in the reading the plaudits it received in delivery; and therefore he avoided its publication. He gave but little attention to the current business of the Senate, only appearing in his place when the "Salaminian galley was to be launched," or some special occasion called him – giving his time and labor to the bar, where his pride and glory was. He had previously served in the House of Representatives, and his first speech there was attended by an incident illustrative of Mr. Randolph's talent for delicate intimation, and his punctilious sense of parliamentary etiquette. Mr. Pinkney came into the House with a national reputation, in the fulness of his fame, and exciting a great expectation – which he was obliged to fulfil. He

spoke on the treaty-making power – a question of diplomatic and constitutional law; and he having been minister to half the courts of Europe, attorney general of the United States, and a jurist by profession, could only speak upon it in one way – as a great master of the subject; and, consequently, appeared as if instructing the House. Mr. Randolph – a veteran of twenty years' parliamentary service – thought a new member should serve a little apprenticeship before he became an instructor, and wished to signify that to Mr. Pinkney. He had a gift, such as man never had, at a delicate intimation where he desired to give a hint, without offence; and he displayed it on this occasion. He replied to Mr. Pinkney, referring to him by the parliamentary designation of "the member from Maryland;" and then pausing, as if not certain, added, "I believe he is from Maryland." This implied doubt as to where he came from, and consequently as to who he was, amused Mr. Pinkney, who understood it perfectly, and taking it right, went over to Mr. Randolph's seat, introduced himself, and assured him that he was "from Maryland." They became close friends for ever after; and it was Mr. Randolph who first made known his death in the House of Representatives, interrupting for that purpose an angry debate, then raging, with a beautiful and apt quotation from the quarrel of Adam and Eve at their expulsion from paradise. The published debates give this account of it: "Mr. Randolph rose to announce to the House an event which he hoped would put an end, at least for this day, to all further jar or collision, here or elsewhere, among the members

of this body. Yes, for this one day, at least, let us say, as our first mother said to our first father —

> 'While yet we live, scarce one short hour perhaps,
> Between us two let there be peace.'

"I rise to announce to the House the not unlooked for death of a man who filled the first place in the public estimation, in the first profession in that estimation, in this or in any other country. We have been talking of General Jackson, and a greater than him is, not here, but gone for ever. I allude, sir, to the boast of Maryland, and the pride of the United States – the pride of all of us, but more particularly the pride and ornament of the profession of which you, Mr. Speaker (Mr. Philip P. Barbour), are a member, and an eminent one."

Mr. Pinkney was kind and affable in his temper, free from every taint of envy or jealousy, conscious of his powers, and relying upon them alone for success. He was a model, as I have already said, and it will bear repetition, to all young men in his habits of study and application, and at more than sixty years of age was still a severe student. In politics he classed democratically, and was one of the few of our eminent public men who never seemed to think of the presidency. Oratory was his glory, the law his profession, the bar his theatre; and his service in Congress was only a brief episode, dazzling each House, for he was a momentary member of each, with a single

and splendid speech.

CHAPTER IX.
ABOLITION OF THE INDIAN FACTORY SYSTEM

The experience of the Indian factory system, is an illustration of the unfitness of the federal government to carry on any system of trade, the liability of the benevolent designs of the government to be abused, and the difficulty of detecting and redressing abuses in the management of our Indian affairs. This system originated in the year 1796, under the recommendation of President Washington, and was intended to counteract the influence of the British traders, then allowed to trade with the Indians of the United States within our limits; also to protect the Indians from impositions from our own traders, and for that purpose to sell them goods at cost and carriage, and receive their furs and peltries at fair and liberal prices; and which being sold on account of the United States, would defray the expenses of the establishment, and preserve the capital undiminished – to be returned to the treasury at the end of the experiment. The goods were purchased at the expense of the United States – the superintendent and factors were paid out of the treasury, and the whole system was to be one of favor and benevolence to the Indians, guarded by the usual amount of bonds and oaths prescribed by custom in such cases. Being an experiment, it

was first established by a temporary act, limited to two years – the usual way in which equivocal measures get a foothold in legislation. It was soon suspected that this system did not work as disinterestedly as had been expected – that it was of no benefit to the Indians – no counteraction to British traders – an injury to our own fur trade – and a loss to the United States; and many attempts were made to get rid of it, but in vain. It was kept up by continued temporary renewals for a quarter of a century – from 1796 to 1822 – the name of Washington being always invoked to continue abuses which he would have been the first to repress and punish. As a citizen of a frontier State, I had seen the working of the system – seen its inside working, and knew its operation to be entirely contrary to the benevolent designs of its projectors. I communicated all this, soon after my admission to a seat in the Senate, to Mr. Calhoun, the Secretary at War, to whose department the supervision of this branch of service belonged, and proposed to him the abolition of the system; but he had too good an opinion of the superintendent (then Mr. Thomas L. McKinney), to believe that any thing was wrong in the business, and refused his countenance to my proposition. Confident that I was right, I determined to bring the question before the Senate – did so – brought in a bill to abolish the factories, and throw open the fur trade to individual enterprise, and supported the bill with all the facts and reasons of which I was master. The bill was carried through both Houses, and became a law; but not without the strenuous opposition which the

attack of every abuse for ever encounters – not that any member favored the abuse, but that those interested in it were vigilant and active, visiting the members who would permit such visits, furnishing them with adverse statements, lauding the operation of the system, and constantly lugging in the name of Washington as its author. When the system was closed up, and the inside of it seen, and the balance struck, it was found how true all the representations were which had been made against it. The Indians had been imposed upon in the quality and prices of the goods sold them; a general trade had been carried on with the whites as well as with the Indians; large per centums had been charged upon every thing sold; and the total capital of three hundred thousand dollars was lost and gone. It was a loss which, at that time (1822), was considered large, but now (1850) would be considered small; but its history still has its uses, in showing how differently from its theory a well intended act may operate – how long the Indians and the government may be cheated without knowing it – and how difficult it is to get a bad law discontinued (where there is an interest in keeping it up), even though first adopted as a temporary measure, and as a mere experiment. It cost me a strenuous exertion – much labor in collecting facts, and much speaking in laying them before the Senate – to get this two years' law discontinued, after twenty-five years of injurious operation and costly experience. Of all the branches of our service, that of the Indian affairs is most liable to abuse, and its abuses the most difficult of detection.

CHAPTER X.
INTERNAL IMPROVEMENT

The Presidential election of 1824 was approaching, the candidates in the field, their respective friends active and busy, and popular topics for the canvass in earnest requisition. The New-York canal had just been completed, and had brought great popularity to its principal advocate (De Witt Clinton), and excited a great appetite in public men for that kind of fame. Roads and canals – meaning common turnpike, for the steam car had not then been invented, nor McAdam impressed his name on the new class of roads which afterwards wore it – were all the vogue; and the candidates for the Presidency spread their sails upon the ocean of internal improvements. Congress was full of projects for different objects of improvement, and the friends of each candidate exerted themselves in rivalry of each other, under the supposition that their opinions would stand for those of their principals. Mr. Adams, Mr. Clay, and Mr. Calhoun, were the avowed advocates of the measure, going thoroughly for a general national system of internal improvement: Mr. Crawford and General Jackson, under limitations and qualifications. The Cumberland road, and the Chesapeake and Ohio canal, were the two prominent objects discussed; but the design extended to a general system, and an act was finally passed, intended

to be annual and permanent, to appropriate $30,000 to make surveys of national routes. Mr. Monroe signed this bill as being merely for the collection of information, but the subject drew from him the most elaborate and thoroughly considered opinion upon the general question which has ever been delivered by any of our statesmen. It was drawn out by the passage of an act to provide for the preservation and repair of the Cumberland road, and was returned by him to the House in which it originated, with his objections, accompanied by a state paper, in exposition of his opinions upon the whole subject; for the whole subject was properly before him. The act which he had to consider, though modestly entitled for the "preservation" and "repair" of the Cumberland road, yet, in its mode of accomplishing that purpose, assumed the whole of the powers which were necessary to the execution of a general system. It passed with singular unanimity through both Houses, in the Senate, only seven votes against it, of which I afterwards felt proud to have been one. He denied the power; but before examining the arguments for and against it, very properly laid down the amount and variety of jurisdiction and authority which it would require the federal government to exercise within the States, in order to execute a system, and that in each and every part – in every mile of each and every canal road – it should undertake to construct. He began with acquiring the right of way, and pursued it to its results in the construction and preservation of the work, involving jurisdiction, ownership, penal laws, and administration. Commissioners, he

said, must first be appointed to trace a route, and to acquire a right to the ground over which the road or canal was to pass, with a sufficient breadth for each. The ground could only be acquired by voluntary grants from individuals, or by purchases, or by condemnation of the property, and fixing its value through a jury of the vicinage, if they refused to give or sell, or demanded an exorbitant price. After all this was done, then came the repairs, the care of which was to be of perpetual duration, and of a kind to provide against criminal and wilful injuries, as well as against the damages of accident, and deterioration from time and use. There are persons in every community capable of committing voluntary injuries, of pulling down walls that are made to sustain the road; of breaking the bridges over water-courses, and breaking the road itself. Some living near it might be disappointed that it did not pass through their lands, and commit these acts of violence and waste from revenge. To prevent these crimes Congress must have a power to pass laws to punish the offenders, wherever they may be found. Jurisdiction over the road would not be sufficient, though it were exclusive. There must be power to follow the offenders wherever they might go. It would seldom happen that the parties would be detected in the act. They would generally commit it in the night, and fly far off before the sun appeared. Right of pursuit must attach, or the power of punishing become nugatory. Tribunals, State or federal, must be invested with power to execute the law. Wilful injuries would require all this assumption of power, and

machinery of administration, to punish and prevent them. Repair of natural deteriorations would require the application of a different remedy. Toll gates, and persons to collect the tolls, were the usual resort for repairing this class of injuries, and keeping the road in order. Congress must have power to make such an establishment, and to enact a code of regulations for it, with fines and penalties, and agents to execute it. To all these exercises of authority the question of the constitutionality of the law may be raised by the prosecuted party. But opposition might not stop with individuals. States might contest the right of the federal government thus to possess and to manage all the great roads and canals within their limits; and then a collision would be brought on between two governments, each claiming to be sovereign and independent in its actions over the subject in dispute.

Thus did Mr. Monroe state the question in its practical bearings, traced to their legitimate results, and the various assumptions of power, and difficulties with States or individuals which they involved; and the bare statement which he made – the bare presentation of the practical working of the system, constituted a complete argument against it, as an invasion of State rights, and therefore unconstitutional, and, he might have added, as complex and unmanageable by the federal government, and therefore inexpedient. But, after stating the question, he examined it under every head of constitutional derivation under which its advocates claimed the power, and found it to be granted by no one of them, and virtually prohibited by some of them.

These were, *first*, the right to establish post-offices and post-roads; *second*, to declare war; *third*, to regulate commerce among the States; *fourth*, the power to pay the debts and provide for the common defence and general welfare of the United States; *fifth*, to make all laws necessary and proper to carry into effect the granted (enumerated) powers; *sixth*, from the power to dispose of, and make all needful rules and regulations respecting the territory or other property of the United States. Upon this long enumeration of these claimed sources of power, Mr. Monroe well remarked that their very multiplicity was an argument against them, and that each one was repudiated by some of the advocates for each of the others: that these advocates could not agree among themselves upon any one single source of the power; and that it was sought for from place to place, with an assiduity which proclaimed its non-existence any where. Still he examined each head of derivation in its order, and effectually disposed of each in its turn. 1. The post-office and post-road grant. The word "establish" was the ruling term: roads and offices were the subjects on which it was to act. And how? Ask any number of enlightened citizens, who had no connection with public affairs, and whose minds were unprejudiced, what was the meaning of the word "establish," and the extent of the grant it controls, and there would not be a difference of opinion among them. They would answer that it was a power given to Congress to legalize existing roads as post routes, and existing places as post-offices – to fix on the towns, court-houses, and other places throughout the

Union, at which there should be post-offices; the routes by which the mails should be carried; to fix the postages to be paid; and to protect the post-offices and mails from robbery, by punishing those who commit the offence. The idea of a right to lay off roads to take the soil from the proprietor against his will; to establish turnpikes and tolls; to establish a criminal code for the punishment of injuries to the road; to do what the protection and repair of a road requires: these are things which would never enter into his head. The use of the existing road would be all that would be thought of; the jurisdiction and soil remaining in the State, or in those authorized by its legislature to change the road at pleasure.

2. The war power. Mr. Monroe shows the object of this grant of power to the federal government – the terms of the grant itself – its incidents as enumerated in the constitution – the exclusion of constructive incidents – and the pervading interference with the soil and jurisdiction of the States which the assumption of the internal improvement power by Congress would carry along with it. He recites the grant of the power to make war, as given to Congress, and prohibited to the States, and enumerates the incidents granted along with it, and necessary to carrying on war: which are, to raise money by taxes, duties, excises, and by loans; to raise and support armies and a navy; to provide for calling out, arming, disciplining, and governing the militia, when in the service of the United States; establishing fortifications, and to exercise exclusive jurisdiction over the places granted by

the State legislatures for the sites of forts, magazines, arsenals, dock-yards, and other needful buildings. And having shown this enumeration of incidents, he very naturally concludes that it is an exclusion of constructive incidents, and especially of one so great in itself, and so much interfering with the soil and jurisdiction of the States, as the federal exercise of the road-making power would be. He exhibits the enormity of this interference by a view of the extensive field over which it would operate. The United States are exposed to invasion through the whole extent of their Atlantic coast (to which may now be added seventeen degrees of the Pacific coast) by any European power with whom we might be engaged in war: on the northern and northwestern frontier, on the side of Canada, by Great Britain, and on the southern by Spain, or any power in alliance with her. If internal improvements are to be carried on to the full extent to which they may be useful for military purposes, the power, as it exists, must apply to all the roads of the Union, there being no limitation to it. Wherever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations, or mitigate the calamities of war along the coast, or in the interior, they would be useful for military purposes, and might therefore be made. They must be coextensive with the Union. The power following as an incident to another power can be measured, as to its extent, by reference only to the obvious extent of the power to which it is incidental. It has been shown, after the most liberal construction of all the enumerated powers

of the general government, that the territory within the limits of the respective States belonged to them; that the United States had no right, under the powers granted to them (with the exceptions specified), to any the smallest portion of territory within a State, all those powers operating on a different principle, and having their full effect without impairing, in the slightest degree, this territorial right in the States. By specifically granting the right, as to such small portions of territory as might be necessary for these purposes (forts, arsenals, magazines, dock-yards and other needful *buildings*), and, on certain conditions, minutely and well defined, it is manifest that it was not intended to grant it, as to any other portion, for any purpose, or in any manner whatever. The right of the general government must be complete, if a right at all. It must extend to every thing necessary to the enjoyment and protection of the right. It must extend to the seizure and condemnation of the property, if necessary; to the punishment of the offenders for injuries to the roads and canals; to the establishment and enforcement of tolls; to the unobstructed construction protection, and preservation of the roads. It must be a complete right, to the extent above stated, or it will be of no avail. That right does not exist.

3. The commercial power. Mr. Monroe argues that the sense in which the power to regulate commerce was understood and exercised by the States, was doubtless that in which it was transferred to the United States; and then shows that their regulation of commerce was by the imposition of duties and

imposts; and that it was so regulated by them (before the adoption of the constitution), equally in respect to each other, and to foreign powers. The goods, and the vessels employed in the trade, are the only subject of regulation. It can act on none other. He then shows the evil out of which that grant of power grew, and which evil was, in fact, the predominating cause in the call for the convention which framed the federal constitution. Each State had the right to lay duties and imposts, and exercised the right on narrow, jealous, and selfish principles. Instead of acting as a nation in regard to foreign powers, the States, individually, had commenced a system of restraint upon each other, whereby the interests of foreign powers were promoted at their expense. This contracted policy in some of the States was counteracted by others. Restraints were immediately laid on such commerce by the suffering States; and hence grew up a system of restrictions and retaliations, which destroyed the harmony of the States, and threatened the confederacy with dissolution. From this evil the new constitution relieved us; and the federal government, as successors to the States in the power to regulate commerce, immediately exercised it as they had done, by laying duties and imposts, to act upon goods and vessels: and that was the end of the power.

4. To pay the debts and provide for the common defence and general welfare of the Union. Mr. Monroe considers this "common defence" and "general welfare" clause as being no grant of power, but, in themselves, only an object and end to

be attained by the exercise of the enumerated powers. They are found in that sense in the preamble to the constitution, in company with others, as inducing causes to the formation of the instrument, and as benefits to be obtained by the powers granted in it. They stand thus in the preamble: "In order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution." These are the objects to be accomplished, but not by allowing Congress to do what it pleased to accomplish them (in which case there would have been no need for investing it with specific powers), but to be accomplished by the exercise of the powers granted in the body of the instrument. Considered as a distinct and separate grant, the power to provide for the "common defence" and the "general welfare," or either of them, would give to Congress the command of the whole force, and of all the resources of the Union – absorbing in their transcendental power all other powers, and rendering all the grants and restrictions nugatory and vain. The idea of these words forming an original grant, with unlimited power, superseding every other grant, is (must be) abandoned. The government of the United States is a limited government, instituted for great national purposes, and for those only. Other interests are left to the States individually, whose duty it is to provide for them. Roads and canals fall into this class, the powers of the General Government being utterly incompetent to the

exercise of the rights which their construction, and protection, and preservation require. Mr. Monroe examines the instances of roads made in territories, and through the Indian countries, and the one upon Spanish territory below the 31st degree of north latitude (with the consent of Spain), on the route from Athens in Georgia to New Orleans, before we acquired the Floridas; and shows that there was no objection to these territorial roads, being all of them, to the States, ex-territorial. He examines the case of the Cumberland road, made within the States, and upon compact, but in which the United States exercised no power, founded on any principle of "jurisdiction or right." He says of it: This road was founded on an article of compact between the United States and the State of Ohio, under which that State came into the Union, and by which the expense attending it was to be defrayed by the application of a certain portion of the money arising from the sales of the public lands within the State. And, in this instance, the United States have exercised no act of jurisdiction or sovereignty within either of the States through which the road runs, by taking the land from the proprietors by force – by passing acts for the protection of the road – or to raise a revenue from it by the establishment of turnpikes and tolls – or any other act founded on the principles of jurisdiction or right. And I can add, that the bill passed by Congress, and which received his veto, died under his veto message, and has never been revised, or attempted to be revised, since; and the road itself has been abandoned to the States.

5. The power to make all laws which shall be necessary and proper to carry into effect the powers specifically granted to Congress. This power, as being the one which chiefly gave rise to the latitudinarian constructions which discriminated parties, when parties were founded upon principle, is closely and clearly examined by Mr. Monroe, and shown to be no grant of power at all, nor authorizing Congress to do any thing which might not have been done without it, and only added to the enumerated powers, through caution, to secure their complete execution. He says: I have always considered this power as having been granted on a principle of greater caution, to secure the complete execution of all the powers which had been vested in the General Government. It contains no distinct and specific power, as every other grant does, such as to lay and collect taxes, to declare war, to regulate commerce, and the like. Looking to the whole scheme of the General Government, it gives to Congress authority to make all laws which should be deemed necessary and proper for carrying all its powers into effect. My impression has invariably been, that this power would have existed, substantially, if this grant had not been made. It results, by necessary implication (such is the tenor of the argument), from the granted powers, and was only added from caution, and to leave nothing to implication. To act under it, it must first be shown that the thing to be done is already specified in one of the enumerated powers. This is the point and substance of Mr. Monroe's opinion on this incidental grant, and which has been the source of division

between parties from the foundation of the government – the fountain of latitudinous construction – and which, taking the judgment of Congress as the rule and measure of what was "necessary and proper" in legislation, takes a rule which puts an end to the limitations of the constitution, refers all the powers of the body to its own discretion, and becomes as absorbing and transcendental in its scope as the "general welfare" and "common defence clauses" would be themselves.

6. The power to dispose of, and make all needful rules and regulations respecting the territory or other property of the United States. This clause, as a source of power for making roads and canals within a State, Mr. Monroe disposes of summarily, as having no relation whatever to the subject. It grew out of the cessions of territory which different States had made to the United States, and relates solely to that territory (and to such as has been acquired since the adoption of the constitution), and which lay without the limits of a State. Special provision was deemed necessary for such territory, the main powers of the constitution operating internally, not being applicable or adequate thereto; and it follows that this power gives no authority, and has even no bearing on the subject.

Such was this great state paper, delivered at a time when internal improvement by the federal government, having become an issue in the canvass for the Presidency, and ardently advocated by three of the candidates, and qualifiedly by two others, had an immense current in its favor, carrying many of the old strict

constitutionists along with it. Mr. Monroe stood firm vetoed the bill which assumed jurisdiction over the Cumberland road, and drew up his sentiments in full, for the consideration of Congress and the country. His argument is abridged and condensed in this view of it; but his positions and conclusions preserved in full, and with scrupulous correctness. And the whole paper, as an exposition of the differently understood parts of the constitution, by one among those most intimately acquainted with it, and as applicable to the whole question of constructive powers, deserves to be read and studied by every student of our constitutional law. The only point at which Mr. Monroe gave way, or yielded in the least, to the temper of the times, was in admitting the power of appropriation – the right of Congress to appropriate, but not to apply money – to internal improvements; and in that he yielded against his earlier, and, as I believe, better judgment. He had previously condemned the appropriation as well as the application, but finally yielded on this point to the counsels that beset him; but nugatorially, as appropriation without application was inoperative, and a balk to the whole system. But an act was passed soon after for surreys – for making surveys of routes for roads and canals of general and national importance, and the sum of $30,000 was appropriated for that purpose. The act was as carefully guarded as words could do so, in its limitation to objects of national importance, but only presented another to the innumerable instances of the impotency of words in securing the execution of a law. The selection of routes under the act,

rapidly degenerated from national to sectional, from sectional to local, and from local to mere neighborhood improvements. Early in the succeeding administration, a list of some ninety routes were reported to Congress, from the Engineer Department, in which occurred names of places hardly heard of before outside of the State or section in which they were found. Saugatuck, Amounisuck, Pasumic, Winnispiseogee, Piscataqua, Titonic Falls, Lake Memphramagog, Conneaut Creek, Holmes' Hole, Lovejoy's Narrows, Steele's Ledge, Cowhegan, Androscoggin, Cobbiesconte, Ponceaupechaux, alias Soapy Joe, were among the objects which figured in the list for national improvement. The bare reading of the list was a condemnation of the act under which they were selected, and put an end to the annual appropriations which were in the course of being made for these surveys. No appropriation was made after the year 1827. Afterwards the veto message of President Jackson put an end to legislation upon local routes, and the progress of events has withdrawn the whole subject – the subject of a *system* of national internal improvement, once so formidable and engrossing in the public mind – from the halls of Congress, and the discussions of the people. Steamboats and steam-cars have superseded turnpikes and canals; individual enterprise has dispensed with national legislation. Hardly a great route exists in any State which is not occupied under State authority. Even great works accomplished by Congress, at vast cost and long and bitter debates in Congress, and deemed eminently national at the time,

have lost that character, and sunk into the class of common routes. The Cumberland road, which cost $6,670,000 in money, and was a prominent subject in Congress for thirty-four years – from 1802, when it was conceived to 1836, when it was abandoned to the States: this road, once so absorbing both of public money and public attention, has degenerated into a common highway, and is entirely superseded by the parallel railroad route. The same may be said, in a less degree, of the Chesapeake and Ohio canal, once a national object of federal legislation intended, as its name imports, to connect the tide water of the Atlantic with the great rivers of the West; now a local canal, chiefly used by some companies, very beneficial in its place, but sunk from the national character which commanded for it the votes of Congress and large appropriations from the federal treasury. Mr. Monroe was one of the most cautious and deliberate of our public men, thoroughly acquainted with the theory and the working of the constitution, his opinions upon it entitled to great weight; and on this point (of internal improvement within the States by the federal government) his opinion has become law. But it does not touch the question of improving national rivers or harbors yielding revenue – appropriations for the Ohio and Mississippi and other large streams, being easily had when unincumbered with local objects, as shown by the appropriation, in a separate bill, in 1824, of $75,000 for the improvement of these two rivers, and which was approved and signed by Mr. Monroe.

CHAPTER XI.
GENERAL REMOVAL OF INDIANS

The Indian tribes in the different sections of the Union, had experienced very different fates – in the northern and middle States nearly extinct – in the south and west they remained numerous and formidable. Before the war of 1812, with Great Britain, these southern and western tribes held vast, compact bodies of land in these States, preventing the expansion of the white settlements within their limits, and retaining a dangerous neighbor within their borders. The victories of General Jackson over the Creeks, and the territorial cessions which ensued made the first great breach in this vast Indian domain; but much remained to be done to free the southern and western States from a useless and dangerous population – to give them the use and jurisdiction of all the territory within their limits, and to place them, in that respect, on an equality with the northern and middle States. From the earliest periods of the colonial settlements, it had been the policy of the government, by successive purchases of their territory, to remove these tribes further and further to the west; and that policy, vigorously pursued after the war with Great Britain, had made much progress in freeing several of these States (Kentucky entirely, and Tennessee almost) from this population, which so greatly hindered the expansion of their

settlements and so much checked the increase of their growth and strength. Still there remained up to the year 1824 – the last year of Mr. Monroe's administration – large portions of many of these States, and of the territories, in the hands of the Indian tribes; in Georgia, nine and a half millions of acres; in Alabama, seven and a half millions; in Mississippi, fifteen and three quarter millions; in the territory of Florida, four millions; in the territory of Arkansas, fifteen and a half millions; in the State of Missouri, two millions and three quarters; in Indiana and Illinois, fifteen millions; and in Michigan, east of the lake, seven millions. All these States and territories were desirous, and most justly and naturally so, to get possession of these vast bodies of land, generally the best within their limits. Georgia held the United States bound by a compact to relieve her. Justice to the other States and territories required the same relief; and the applications to the federal government, to which the right of purchasing Indian lands, even within the States, exclusively belonged, were incessant and urgent. Piecemeal acquisitions, to end in getting the whole, were the constant effort; and it was evident that the encumbered States and territories would not, and certainly ought not to be satisfied, until all their soil was open to settlement, and subject to their jurisdiction. To the Indians themselves it was equally essential to be removed. The contact and pressure of the white race was fatal to them. They had dwindled under it, degenerated, become depraved, and whole tribes extinct, or reduced to a few individuals, wherever they

attempted to remain in the old States; and could look for no other fate in the new ones.

"What," exclaimed Mr. Elliott, senator from Georgia, in advocating a system of general removal – "what has become of the immense hordes of these people who once occupied the soil of the older States? In New England, where numerous and warlike tribes once so fiercely contended for supremacy with our forefathers, but two thousand five hundred of their descendants remain, and they are dispirited and degraded. Of the powerful league of the Six Nations, so long the scourge and terror of New-York, only about five thousand souls remain. In New Jersey, Pennsylvania, and Maryland, the numerous and powerful tribes once seen there, are either extinct, or so reduced as to escape observation in any enumeration of the States' inhabitants. In Virginia, Mr. Jefferson informs us that there were at the commencement of its colonization (1607), in the comparatively small portion of her extent which lies between the sea-coast and the mountains, and from the Potomac to the most southern waters of James River, upwards of forty tribes of Indians: now there are but forty-seven individuals in the whole State! In North Carolina none are counted: in South Carolina only four hundred and fifty. While in Georgia, where thirty years since there were not less than thirty thousand souls, there now remain some fifteen thousand – the one half having disappeared in a single generation. That many of these people have removed, and others perished by the sword in the frequent wars which have occurred

in the progress of our settlements, I am free to admit. But where are the hundreds of thousands, with their descendants, who neither removed, nor were thus destroyed? Sir, like a promontory of sand, exposed to the ceaseless encroachments of the ocean, they have been gradually wasting away before the current of the advancing white population which set in upon them from every quarter; and unless speedily removed beyond the influence of this cause, of the many tens of thousands now within the limits of the southern and western States, a remnant will not long be found to point you to the graves of their ancestors, or to relate the sad story of their disappearance from earth."

Mr. Jefferson, that statesman in fact as well as in name, that man of enlarged and comprehensive views, whose prerogative it was to foresee evils and provide against them, had long foreseen the evils both to the Indians and to the whites, in retaining any part of these tribes within our organized limits; and upon the first acquisition of Louisiana – within three months after the acquisition – proposed it for the future residence of all the tribes on the east of the Mississippi; and his plan had been acted upon in some degree, both by himself and his immediate successor. But it was reserved for Mr. Monroe's administration to take up the subject in its full sense, to move upon it as a system, and to accomplish at a single operation the removal of all the tribes from the east to the west side of the Mississippi – from the settled States and territories, to the wide and wild expanse of Louisiana. Their preservation and civilization, and

permanency in their new possessions, were to be their advantages in this removal – delusive, it might be, but still a respite from impending destruction if they remained where they were. This comprehensive plan was advocated by Mr. Calhoun, then Secretary of War, and charged with the administration of Indian affairs. It was a plan of incalculable value to the southern and western States, but impracticable without the hearty concurrence of the northern and non-slaveholding States. It might awaken the slavery question, hardly got to sleep after the alarming agitations of the Missouri controversy. The States and territories to be relieved were slaveholding. To remove the Indians would make room for the spread of slaves. No removal could be effected without the double process of a treaty and an appropriation act – the treaty to be ratified by two thirds of the Senate, where the slave and free States were equal, and the appropriation to be obtained from Congress, where free States held the majority of members. It was evident that the execution of the whole plan was in the hands of the free States; and nobly did they do their duty by the South. Some societies, and some individuals, no doubt, with very humane motives, but with the folly, and blindness, and injury to the objects of their care which generally attend a gratuitous interference with the affairs of others, attempted to raise an outcry, and made themselves busy to frustrate the plan; but the free States themselves, in their federal action, and through the proper exponents of their will – their delegations in Congress – cordially concurred in it, and faithfully lent it a

helping and efficient hand. The President, Mr. Monroe, in the session 1824-'25, recommended its adoption to Congress, and asked the necessary appropriation to begin from the Congress. A bill was reported in the Senate for that purpose, and unanimously passed that body. What is more, the treaties made with the Kansas and Osage tribes in 1825, for the cession to the United States of all their vast territory west of Missouri and Arkansas, except small reserves to themselves, and which treaties had been made without previous authority from the government, and for the purpose of acquiring new homes for all the Indians east of the Mississippi, were duly and readily ratified. Those treaties were made at St. Louis by General Clarke, without any authority, so far as this large acquisition was concerned, at my instance, and upon my assurance that the Senate would ratify them. It was done. They were ratified: a great act of justice was rendered to the South. The foundation was laid for the future removal of the Indians, which was followed up by subsequent treaties and acts of Congress, until the southern and western States were as free as the northern from the incumbrance of an Indian population; and I, who was an actor in these transactions, who reported the bills and advocated the treaties which brought this great benefit to the south and west, and witnessed the cordial support of the members from the free States, without whose concurrence they could not have been passed – I, who wish for harmony and concord among all the States, and all the sections of this Union, owe it to the cause of truth and justice, and to the cultivation of fraternal feelings,

to bear this faithful testimony to the just and liberal conduct of the non-slaveholding States, in relieving the southern and western States from so large an incumbrance, and aiding the extension of their settlement and cultivation. The recommendation of Mr. Monroe, and the treaties of 1825, were the beginning of the system of total removal; but it was a beginning which assured the success of the whole plan, and was followed up, as will be seen, in the history of each case, until the entire system was accomplished.

CHAPTER XII.
VISIT OF LAFAYETTE TO THE UNITED STATES

In the summer of this year General Lafayette, accompanied by his son, Mr. George Washington Lafayette, and under an invitation from the President, revisited the United States after a lapse of forty years. He was received with unbounded honor, affection, and gratitude by the American people. To the survivors of the Revolution, it was the return of a brother; to the new generation, born since that time, it was the apparition of an historical character, familiar from the cradle; and combining all the titles to love, admiration, gratitude, enthusiasm, which could act upon the heart and the imagination of the young and the ardent. He visited every State in the Union, doubled in number since, as the friend and pupil of Washington, he had spilt his blood, and lavished his fortune, for their independence. His progress through the States was a triumphal procession, such as no Roman ever led up – a procession not through a city, but over a continent – followed, not by captives in chains of iron, but by a nation in the bonds of affection. To him it was an unexpected and overpowering reception. His modest estimate of himself had not allowed him to suppose that he was to electrify a continent. He expected kindness, but not enthusiasm. He expected to meet

with surviving friends – not to rouse a young generation. As he approached the harbor of New-York, he made inquiry of some acquaintance to know whether he could find a hack to convey him to a hotel? Illustrious man, and modest as illustrious! Little did he know that all America was on foot to receive him – to take possession of him the moment he touched her soil – to fetch and to carry him – to feast and applaud him – to make him the guest of cities, States, and the nation, as long as he could he detained. Many were the happy meetings which he had with old comrades, survivors for near half a century of their early hardships and dangers; and most grateful to his heart it was to see them, so many of them, exceptions to the maxim which denies to the beginners of revolutions the good fortune to conclude them (and of which maxim his own country had just been so sad an exemplification), and to see his old comrades not only conclude the one they began, but live to enjoy its fruits and honors. Three of his old associates he found ex-presidents (Adams, Jefferson, and Madison), enjoying the respect and affection of their country, after having reached its highest honors. Another, and the last one that *Time* would admit to the Presidency (Mr. Monroe), now in the Presidential chair, and inviting him to revisit the land of his adoption. Many of his early associates seen in the two Houses of Congress – many in the State governments, and many more in all the walks of private life, patriarchal sires, respected for their characters, and venerated for their patriotic services. It was a grateful spectacle, and the more

impressive from the calamitous fate which he had seen attend so many of the revolutionary patriots of the Old World. But the enthusiasm of the young generation astonished and excited him, and gave him a new view of himself – a future glimpse of himself – and such as he would be seen in after ages. Before *them*, he was in the presence of posterity; and in their applause and admiration he saw his own future place in history, passing down to the latest time as one of the most perfect and beautiful characters which one of the most eventful periods of the world had produced. Mr. Clay, as Speaker of the House of Representatives, and the organ of their congratulations to Lafayette (when he was received in the hall of the House), very felicitously seized the idea of his present confrontation with posterity, and adorned and amplified it with the graces of oratory. He said: "The vain wish has been sometimes indulged, that Providence would allow the patriot, after death, to return to his country, and to contemplate the intermediate changes which had taken place – to view the forests felled, the cities built, the mountains levelled, the canals cut, the highways opened, the progress of the arts, the advancement of learning, and the increase of population. General! your present visit to the United States is the realization of the consoling object of that wish, hitherto vain. You are in the midst of posterity! Every where you must have been struck with the great changes, physical and moral, which have occurred since you left us. Even this very city, bearing a venerated name, alike endearing to you and to us, has since emerged from the forest which then

covered its site. In one respect you behold us unaltered, and that is, in the sentiment of continued devotion to liberty, and of ardent affection and profound gratitude to your departed friend, the father of his country, and to your illustrious associates in the field and in the cabinet, for the multiplied blessings which surround us, and for the very privilege of addressing you, which I now have." He was received in both Houses of Congress with equal honor; but the Houses did not limit themselves to honors: they added substantial rewards for long past services and sacrifices – two hundred thousand dollars in money, and twenty-four thousand acres of fertile land in Florida. These noble grants did not pass without objection – objection to the principle, not to the amount. The ingratitude of republics is the theme of any declaimer: it required a *Tacitus* to say, that gratitude was the death of republics, and the birth of monarchies; and it belongs to the people of the United States to exhibit an exception to that profound remark (as they do to so many other lessons of history), and show a young republic that knows how to be grateful without being unwise, and is able to pay the debt of gratitude without giving its liberties in the discharge of the obligation. The venerable Mr. Macon, yielding to no one in love and admiration of Lafayette, and appreciation of his services and sacrifices in the American cause, opposed the grants in the Senate, and did it with the honesty of purpose and the simplicity of language which distinguished all the acts of his life. He said: "It was with painful reluctance that he felt himself obliged to oppose his

voice to the passage of this bill. He admitted, to the full extent claimed for them, the great and meritorious services of General Lafayette, and he did not object to the precise sum which this bill proposed to award him; but he objected to the bill on this ground: he considered General Lafayette, to all intents and purposes, as having been, during our revolution, a son adopted into the family, taken into the household, and placed, in every respect, on the same footing with the other sons of the same family. To treat him as others were treated, was all, in this view of his relation to us, that could be required, and this had been done. That General Lafayette made great sacrifices, and spent much of his money in the service of this country (said Mr. M.), I as firmly believe as I do any other thing under the sun. I have no doubt that every faculty of his mind and body were exerted in the Revolutionary war, in defence of this country; but this was equally the case with all the sons of the family. Many native Americans spent their all, made great sacrifices, and devoted their lives in the same cause. This was the ground of his objection to this bill, which, he repeated, it was as disagreeable to him to state as it could be to the Senate to hear. He did not mean to take up the time of the Senate in debate upon the principle of the bill, or to move any amendment to it. He admitted that, when such things were done, they should be done with a free hand. It was to the principle of the bill, therefore, and not to the sum proposed to be given by it, that he objected."

The ardent Mr. Hayne, of South Carolina, reporter of the bill

in the Senate, replied to the objections, and first showed from history (not from Lafayette, who would have nothing to do with the proposed grant), his advances, losses, and sacrifices in our cause. He had expended for the American service, in six years, from 1777 to 1783, the sum of 700,000 francs ($140,000), and under what circumstances? – a foreigner, owing us nothing, and throwing his fortune into the scale with his life, to be lavished in our cause. He left the enjoyments of rank and fortune, and the endearments of his family, to come and serve in our almost destitute armies, and without pay. He equipped and armed a regiment for our service, and freighted a vessel to us, loaded with arms and munitions. It was not until the year 1794, when almost ruined by the French revolution, and by his efforts in the cause of liberty, that he would receive the naked pay, without interest, of a general officer for the time he had served with us. He was entitled to land as one of the officers of the Revolution, and 11,500 acres was granted to him, to be located on any of the public lands of the United States. His agent located 1000 acres adjoining the city of New Orleans; and Congress afterwards, not being informed of the location, granted the same ground to the city of New Orleans. His location was valid, and he was so informed; but he refused to adhere to it, saying that he would have no contest with any portion of the American people, and ordered the location to be removed; which was done, and carried upon ground of little value – thus giving up what was then worth $50,000, and now $500,000. These were his moneyed advances, losses, and sacrifices, great in

themselves, and of great value to our cause, but perhaps exceeded by the moral effect of his example in joining us, and his influence with the king and ministry, which procured us the alliance of France.

The grants were voted with great unanimity, and with the general concurrence of the American people. Mr. Jefferson was warmly for them, giving as a reason, in a conversation with me while the grants were depending (for the bill was passed in the Christmas holidays, when I had gone to Virginia, and took the opportunity to call upon that great man), which showed his regard for liberty abroad as well as at home, and his far-seeing sagacity into future events. He said there would be a change in France and Lafayette would be at the head of it, and ought to be easy and independent in his circumstances, to be able to act efficiently in conducting the movement. This he said to me on Christmas day, 1824. Six years afterwards this view into futurity was verified. The old Bourbons had to retire: the Duke of Orleans, a brave general in the republican armies, at the commencement of the Revolution, was handed to the throne by Lafayette, and became the "citizen king, surrounded by republican institutions." And in this Lafayette was consistent and sincere. He was a republican himself, but deemed a constitutional monarchy the proper government for France, and labored for that form in the person of Louis XVI. as well as in that of Louis Philippe.

Loaded with honors, and with every feeling of his heart

gratified in the noble reception he had met in the country of his adoption, Lafayette returned to the country of his birth the following summer, still as the guest of the United States, and under its flag. He was carried back in a national ship of war, the new frigate Brandywine – a delicate compliment (in the name and selection of the ship) from the new President, Mr. Adams, Lafayette having wet with his blood the sanguinary battle-field which takes its name from the little stream which gave it first to the field, and then to the frigate. Mr. Monroe, then a subaltern in the service of the United States, was wounded at the same time. How honorable to themselves and to the American people, that nearly fifty years afterwards, they should again appear together, and in exalted station; one as President, inviting the other to the great republic, and signing the acts which testified a nation's gratitude; the other as a patriot hero, tried in the revolutions of two countries, and resplendent in the glory of virtuous and consistent fame.

CHAPTER XIII.
THE TARIFF, AND AMERICAN SYSTEM

The revision of the Tariff, with a view to the protection of home industry, and to the establishment of what was then called, "The American System," was one of the large subjects before Congress at the session 1823-24, and was the regular commencement of the heated debates on that question which afterwards ripened into a serious difficulty between the federal government and some of the southern States. The presidential election being then depending, the subject became tinctured with party politics, in which, so far as that ingredient was concerned, and was not controlled by other considerations, members divided pretty much on the line which always divided them on a question of constructive powers. The protection of domestic industry not being among the granted powers, was looked for in the incidental; and denied by the strict constructionists to be a substantive power, to be exercised for the direct purpose of protection; but admitted by all at that time, and ever since the first tariff act of 1789, to be an incident to the revenue raising power, and an incident to be regarded in the exercise of that power. Revenue the object, protection the incident, had been the rule in the earlier tariffs: now that rule was sought to be reversed,

and to make protection the object of the law, and revenue the incident. The revision, and the augmentation of duties which it contemplated, turned, not so much on the emptiness of the treasury and the necessity for raising money to fill it, as upon the distress of the country, and the necessity of creating a home demand for labor, provisions and materials, by turning a larger proportion of our national industry into the channel of domestic manufactures. Mr. Clay, the leader in the proposed revision, and the champion of the American System, expressly placed the proposed augmentation of duties on this ground; and in his main speech upon the question, dwelt upon the state of the country, and gave a picture of the public distress, which deserves to be reproduced in this View of the working of our government, both as the leading argument for the new tariff, and as an exhibition of a national distress, which those who were not cotemporary with the state of things which he described, would find it difficult to conceive or to realize. He said:

> "In casting our eyes around us, the most prominent circumstance which fixes our attention and challenges our deepest regret, is the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthreshed crops of grain perishing in our barns for want of a market; by the alarming diminution of the circulating medium;

by the numerous bankruptcies; by a universal complaint of the want of employment, and a consequent reduction of the wages of labor; by the ravenous pursuit after public situations, not for the sake of their honors, and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of paper money; by the intervention of legislation in the delicate relation between debtor and creditor; and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation, which has, on an average, sunk not less than about fifty per centum within a few years. This distress pervades every part of the Union, every class of society; all feel it, though it may be felt, at different places, in different degrees. It is like the atmosphere which surrounds us: all must inhale it, and none can escape from it. A few years ago, the planting interest consoled itself with its happy exemptions from the general calamity; but it has now reached this interest also, which experiences, though with less severity, the general suffering. It is most painful to me to attempt to sketch, or to dwell on the gloom of this picture. But I have exaggerated nothing. Perfect fidelity to the original would have authorized me to have thrown on deeper and darker hues."

Mr. Clay was the leading speaker on the part of the bill in the House of Representatives, but he was well supported by many able and effective speakers – by Messrs. Storrs, Tracy, John W. Taylor, from New-York; by Messrs. Buchanan, Todd, Ingham, Hemphill, Andrew Stewart, from Pennsylvania; by Mr.

Louis McLane, from Delaware; by Messrs. Buckner F. Johnson, Letcher, Metcalfe, Trimble, White Wickliffe, from Kentucky; by Messrs. Campbell, Vance, John W. Wright, Vinton, Whittlesey, from Ohio; Mr. Daniel P. Cook, from Illinois.

Mr. Webster was the leading speaker on the other side, and disputed the universality of the distress which had been described; claiming exemption from it in New England; denied the assumed cause for it where it did exist, and attributed it to over expansion and collapse of the paper system, as in Great Britain, after the long suspension of the Bank of England; denied the necessity for increased protection to manufactures, and its inadequacy, if granted, to the relief of the country where distress prevailed; and contested the propriety of high or prohibitory duties, in the present active and intelligent state of the world, to stimulate industry and manufacturing enterprise. He said:

> "Within my own observation, there is no cause for such gloomy and terrifying a representation. In respect to the New England States, with the condition of which I am best acquainted, they present to me a period of very general prosperity. Supposing the evil then to be a depression of prices, and a partial pecuniary pressure; the next inquiry is into the causes of that evil. A depreciated currency existed in a great part of the country – depreciated to such a degree as that, at one time, exchange between the centre and the north was as high as twenty per cent. The Bank of the United States was instituted to correct this evil; but, for causes which it is not now necessary to enumerate, it did not

for some years bring back the currency of the country to a sound state. In May, 1819, the British House of Commons, by an unanimous vote, decided that the resumption of cash payments by the Bank of England should not be deferred beyond the ensuing February (it had then been in a state of suspension near twenty-five years). The paper system of England had certainly communicated an artificial value to property. It had encouraged speculation, and excited overtrading. When the shock therefore came, and this violent pressure for money acted at the same moment on the Continent and in England, inflated and unnatural prices could be kept up no longer. A reduction took place, which has been estimated to have been at least equal to a fall of thirty, if not forty, per cent. The depression was universal; and the change was felt in the United States severely, though not equally so in every part of them. About the time of these foreign events, our own bank system underwent a change; and all these causes, in my view of the subject, concurred to produce the great shock which took place in our commercial cities, and through many parts of the country. The year 1819 was a year of numerous failures, and very considerable distress, and would have furnished far better grounds than exist at present for that gloomy representation which has been presented. Mr. Speaker (Clay) has alluded to the strong inclination which exists, or has existed, in various parts of the country, to issue paper money, as a proof of great existing difficulties. I regard it rather as a very productive cause of those difficulties; and we cannot fail to observe, that there is at this moment much the loudest

complaint of distress precisely where there has been the greatest attempt to relieve it by a system of paper credit. Let us not suppose that we are *beginning* the protection of manufactures by duties on imports. Look to the history of our laws; look to the present state of our laws. Consider that our whole revenue, with a trifling exception, is collected from the custom-house, and always has been; and then say what propriety there is in calling on the government for protection, as if no protection had heretofore been afforded. On the general question, allow me to ask if the doctrine of prohibition, as a general doctrine, be not preposterous? Suppose all nations to act upon it: they would be prosperous, then, according to the argument, precisely in the proportion in which they abolished intercourse with one another. The best apology for laws of prohibition and laws of monopoly, will be found in that state of society, not only unenlightened, but sluggish, in which they are most generally established. Private industry in those days, required strong provocatives, which government was seeking to administer by these means. Something was wanted to actuate and stimulate men, and the prospects of such profits as would, in our times, excite unbounded competition, would hardly move the sloth of former ages. In some instances, no doubt, these laws produced an effect which, in that period, would not have taken place without them. (Instancing the protection to the English woollen manufactures in the time of the Henrys and the Edwards). But our age is wholly of a different character, and its legislation takes another turn. Society is full of excitement: competition comes in place of monopoly;

and intelligence and industry ask only for fair play and an open field."

With Mr. Webster were numerous and able speakers on the side of free trade: From his own State, Mr. Baylies; from New-York, Mr. Cambreling; from Virginia, Messrs. Randolph, Philip P. Barbour, John S. Barbour, Garnet, Alexander Smythe, Floyd, Mercer, Archer, Stevenson, Rives, Tucker, Mark Alexander; from North Carolina, Messrs. Mangum, Saunders, Spaight, Lewis Williams, Burton, Weldon N. Edwards; from South Carolina, Messrs. McDuffie, James Hamilton, Poinsett; from Georgia, Messrs. Forsyth, Tatnall, Cuthbert, Cobb; from Tennessee, Messrs. Blair, Isaaks, Reynolds; from Louisiana, Mr. Edward Livingston; from Alabama, Mr. Owen; from Maryland, Mr. Warfield; from Mississippi, Mr. Christopher Rankin.

The bill was carried in the House, after a protracted contest of ten weeks, by the lean majority of five – 107 to 102 – only two members absent, and the voting so zealous that several members were brought in upon their sick couches. In the Senate the bill encountered a strenuous resistance. Mr. Edward Lloyd, of Maryland, moved to refer it to the committee on finance – a motion considered hostile to the bill; and which was lost by one vote – 22 to 23. It was then, on the motion of Mr. Dickerson, of New Jersey, referred to the committee on manufactures; a reference deemed favorable to the bill, and by which committee it was soon returned to the Senate without any proposed amendment. It gave rise to a most earnest debate,

and many propositions of amendment, some of which, of slight import, were carried. The bill itself was carried by the small majority of four votes – 25 to 21. The principal speakers in favor of the bill were: Messrs. Dickerson, of New Jersey; D'Wolf, of Rhode Island; Holmes, of Maine; E. M. Johnson, of Kentucky; Lowrie, of Pennsylvania; Talbot, of Kentucky; Van Buren. Against it the principal speakers were: Messrs. James Barbour and John Taylor, of Virginia (usually called John Taylor of Caroline); Messrs. Branch, of North Carolina; Hayne, of South Carolina; Henry Johnson and Josiah Johnston, of Louisiana; Kelly and King, of Alabama; Rufus King, of New-York; James Lloyd, of Massachusetts; Edward Lloyd and Samuel Smith, of Maryland; Macon, of North Carolina; Van Dyke, of Delaware. The bill, though brought forward avowedly for the protection of domestic manufactures, was not entirely supported on that ground. An increase of revenue was the motive with some, the public debt being still near ninety millions, and a loan of five millions being authorized at that session. An increased protection to the products of several States, as lead in Missouri and Illinois, hemp in Kentucky, iron in Pennsylvania, wool in Ohio and New-York, commanded many votes for the bill; and the impending presidential election had its influence in its favor. Two of the candidates, Messrs. Adams and Clay, were avowedly for it; General Jackson, who voted for the bill, was for it, as tending to give a home supply of the articles necessary in time of war, and as raising revenue to pay the

public debt. Mr. Crawford was opposed to it; and Mr. Calhoun had been withdrawn from the list of presidential candidates, and become a candidate for the Vice-Presidency. The Southern planting States were extremely dissatisfied with the passage of the bill, believing that the new burdens upon imports which it imposed fell upon the producers of the exports, and tended to enrich one section of the Union at the expense of another. The attack and support of the bill took much of a sectional aspect; Virginia, the two Carolinas, Georgia, and some others being nearly unanimous against it. Pennsylvania, New-York, Ohio, Kentucky being nearly unanimous for it. Massachusetts, which up to this time had a predominating interest in commerce, voted all, except one member, against it. With this sectional aspect, a tariff for protection also began to assume a political aspect, being taken under the care of the party since discriminated as Whig, which drew from Mr. Van Buren a sagacious remark, addressed to the manufacturers themselves; that if they suffered their interests to become identified with a political party (any one), they would share the fate of that party, and go down with it whenever it sunk. Without the increased advantages to some States, the pendency of the presidential election, and the political tincture which the question began to receive, the bill would not have passed – so difficult is it to prevent national legislation from falling under the influence of extrinsic and accidental causes. The bill was approved by Mr. Monroe – a proof that that careful and strict constructionist of the Constitution did not consider it

as deprived of its revenue character by the degree of protection which it extended.

CHAPTER XIV.
THE A. B. PLOT

On Monday, the 19th of April, the Speaker of the House (Mr. Clay) laid before that body a note just received from Ninian Edwards, Esq., late Senator in Congress, from Illinois, and then Minister to Mexico, and then on his way to his post, requesting him to present to the House a communication which accompanied the note, and which charged illegalities and misconduct on the Secretary of the Treasury, Mr. William H. Crawford. The charges and specifications, spread through a voluminous communication, were condensed at its close into six regular heads of accusation, containing matter of impeachment; and declaring them all to be susceptible of proof, if the House would order an investigation. The communication was accompanied by ten numbers of certain newspaper publications, signed A. B., of which Mr. Edwards avowed himself to be the author, and asked that they might be received as a part of his communication, and printed along with it, and taken as the specifications under the six charges. Mr. Crawford was then a prominent candidate for the Presidency, and the A. B. papers, thus communicated to the House, were a series of publications made in a Washington City paper, during the canvass, to defeat his election, and would doubtless have shared the usual fate

of such publications, and sunk into oblivion after the election was over, had it not been for this formal appeal to the House (the grand inquest of the nation) and this call for investigation. The communication, however, did not seem to contemplate an early investigation, and certainly not at the then session of Congress. Congress was near its adjournment; the accuser was on his way to Mexico; the charges were grave; the specifications under them numerous and complex; and many of them relating to transactions with the remote western banks. The evident expectation of the accuser was, that the matter would lie over to the next session, before which time the presidential election would take place, and all the mischief be done to Mr. Crawford's character, resulting from unanswered accusations of so much gravity, and so imposingly laid before the impeaching branch of Congress. The friends of Mr. Crawford saw the necessity of immediate action; and Mr. Floyd of Virginia, instantly, upon the reading of the communication, moved that a committee be appointed to take it into consideration, and that it be empowered to send for persons and papers – to administer oaths – take testimony – and report it to the House; with leave to sit after the adjournment, if the investigation was not finished before; and publish their report. The committee was granted, with all the powers asked for, and was most unexceptionably composed by the speaker (Mr. Clay); a task of delicacy and responsibility, the Speaker being himself a candidate for the Presidency, and every member of the House a friend to some one of the candidates,

including the accused. It consisted of Mr. Floyd, the mover; Mr. Livingston, of Louisiana; Mr. Webster, of Massachusetts; Mr. Randolph, of Virginia; Mr. J. W. Taylor, of New-York; Mr. Duncan McArthur, of Ohio; and Mr. Owen, of Alabama.

The sergeant-at-arms of the House was immediately dispatched by the committee in pursuit of Mr. Edwards: overtook him at fifteen hundred miles; brought him back to Washington; but did not arrive until Congress had adjourned. In the mean time, the committee sat, and received from Mr. Crawford his answer to the six charges: an answer pronounced by Mr. Randolph to be "a triumphant and irresistible vindication; the most temperate, passionless, mild, dignified, and irrefragable exposure of falsehood that ever met a base accusation; and without one harsh word towards their author." This was the true character of the answer; but Mr. Crawford did not write it. He was unable at that time to write any thing. It was written and read to him as it went on, by a treasury clerk, familiar with all the transactions to which the accusations related – Mr. Asbury Dickens, since secretary of the Senate. This Mr. Crawford told himself at the time, with his accustomed frankness. His answer being mentioned by a friend, as a proof that his paralytic stroke had not affected his strength, he replied, that was no proof – that Dickens wrote it. The committee went on with the case (Mr. Edwards represented by his son-in-law, Mr. Cook), examined all the evidence in their reach, made a report unanimously concurred in, and exonerating Mr. Crawford from every dishonorable or

illegal imputation. The report was accepted by the House; but Mr. Edwards, having far to travel on his return journey, had not yet been examined; and to hear him the committee continued to sit after Congress had adjourned. He was examined fully, but could prove nothing; and the committee made a second report, corroborating the former, and declaring it as their unanimous opinion – the opinion of every one present – "that nothing had been proved to impeach the integrity of the Secretary, or to bring into doubt the general correctness and ability of his administration of the public finances."

The committee also reported all the testimony taken, from which it appeared that Mr. Edwards himself had contradicted all the accusations in the A. B. papers; had denied the authorship of them; had applauded the conduct of Mr. Crawford in the use of the western banks, and their currency in payment of the public lands, as having saved farmers from the loss of their homes; and declared his belief, that no man in the government could have conducted the fiscal and financial concerns of the government with more integrity and propriety than he had done. This was while his nomination as minister to Mexico was depending in the Senate, and to Mr. Noble, a Senator from Indiana, and a friend to Mr. Crawford. He testified:

> "That he had had a conversation with Mr. Edwards, introduced by Mr. E. himself, concerning Mr. Crawford's management of the western banks, and the authorship of the A. B. letters. That it was pending his nomination made

by the President to the Senate, as minister to Mexico. He (Mr. E.) stated that he was about to be attacked in the Senate, for the purpose of defeating his nomination: that party and political spirit was now high; that he understood that charges would be exhibited against him, and that it had been so declared in the Senate. He further remarked, that he knew me to be the decided friend of William H. Crawford, and said, I am considered as being his bitter enemy; and I am charged with being the author of the numbers signed A. B.; but (raising his hand) I pledge you my honor, I am not the author, nor do I know who the author is. Crawford and I, said Mr. Edwards, have had a little difference; but I have always considered him a high-minded, honorable, and vigilant officer of the government. He has been abused about the western banks and the unavailable funds. Leaning forward, and extending his hand, he added, now damn it, you know we both live in States where there are many poor debtors to the government for lands, together with a deranged currency. The notes on various banks being depreciated, after the effect and operation of the war in that portion of the Union, and the banks, by attempting to call in their paper, having exhausted their specie, the notes that were in circulation became of little or no value. Many men of influence in that country, said he, have united to induce the Secretary of the Treasury to select certain banks as banks of deposit, and to take the notes of certain banks in payment for public land. Had he (Mr. Crawford) not done so, many of our inhabitants would have been turned out of doors, and lost their land;

and the people of the country would have had a universal disgust against Mr. Crawford. And I will venture to say, said Mr. Edwards, notwithstanding I am considered his enemy, that no man in this government could have managed the fiscal and financial concerns of the government with more integrity and propriety than Mr. Crawford did. He (Mr. Noble) had never repeated this conversation to any body until the evening of the day that I (he) was informed that Gov. Edwards' 'address' was presented to the House of Representatives. On that evening, in conversation with several members of the House, amongst whom were Mr. Reid and Mr. Nelson, some of whom said that Governor Edwards had avowed himself to be the author of A. B., and others said that he had not done so, I remarked, that they must have misunderstood the 'address,' for Gov. Edwards had pledged his honor to me that he was not the author of A. B."

Other witnesses testified to his denials, while the nomination was depending, of all authorship of these publications: among them, the editors of the National Intelligencer, – friends to Mr. Crawford. Mr. Edwards called at their office at that time (the first time he had been there within a year), to exculpate himself from the imputed authorship; and did it so earnestly that the editors believed him, and published a contradiction of the report against him in their paper, stating that they had a "good reason" to know that he was not the author of these publications. That "good reason," they testified, was his own voluntary denial in this

unexpected visit to their office, and his declarations in what he called a "frank and free" conversation with them on the subject. Such testimony, and the absence of all proof on the other side, was fatal to the accusations, and to the accuser. The committee reported honorably and unanimously in favor of Mr. Crawford; the Congress and the country accepted it; Mr. Edwards resigned his commission, and disappeared from the federal political theatre: and that was the end of the A. B. plot, which had filled some newspapers for a year with publications against Mr. Crawford, and which might have passed into oblivion, as the current productions and usual concomitants of a Presidential canvass, had it not been for their formal communication to Congress as ground of impeachment against a high officer. That communication carried the "six charges," and their ten chapters of specifications, into our parliamentary history, where their fate becomes one of the instructive lessons which it is the province of history to teach. The newspaper in which the A. B. papers were published, was edited by a war-office clerk, in the interest of the war Secretary (Mr. Calhoun), to the serious injury of that gentleman, who received no vote in any State voting for Mr. Crawford.

CHAPTER XV.
AMENDMENT OF THE CONSTITUTION IN RELATION TO THE ELECTION OF PRESIDENT AND VICE-PRESIDENT

European writers on American affairs are full of mistakes on the working of our government; and these mistakes are generally to the prejudice of the democratic element. Of these mistakes, and in their ignorance of the difference between the theory and the working of our system in the election of the two first officers, two eminent French writers are striking instances: Messrs. de Tocqueville and Thiers. Taking the working and the theory of our government in this particular to be the same, they laud the institution of electors, to whom they believe the whole power of election belongs (as it was intended); – and hence attribute to the superior sagacity of these electors the merit of choosing all the eminent Presidents who have adorned the presidential chair. This mistake between theory and practice is known to every body in America, and should be known to enlightened men in Europe, who wish to do justice to popular government. The electors have no practical power over the election, and have had none since their institution. From the beginning they have stood pledged to

vote for the candidates indicated (in the early elections) by the public will; afterwards, by Congress caucuses, as long as those caucuses followed the public will; and since, by assemblages called conventions, whether they follow the public will or not. In every case the elector has been an instrument, bound to obey a particular impulsion; and disobedience to which would be attended with infamy, and with every penalty which public indignation could inflict. From the beginning these electors have been useless, and an inconvenient intervention between the people and the object of their choice; and, in time, may become dangerous: and being useless, inconvenient, and subject to abuse and danger; having wholly failed to answer the purpose for which they were instituted (and for which purpose no one would now contend); it becomes a just conclusion that the institution should be abolished, and the election committed to the direct vote of the people. And, to obviate all excuse for previous nominations by intermediate bodies, a second election to be held forthwith between the two highest or leading candidates, if no one had had a majority of the whole number on the first trial. These are not new ideas, born of a spirit of change and innovation; but old doctrine, advocated in the convention which framed the Constitution, by wise and good men; by Dr. Franklin and others, of Pennsylvania; by John Dickinson and others, of Delaware. But the opinion prevailed in the convention, that the mass of the people would not be sufficiently informed, discreet, and temperate to exercise with advantage so great a privilege as

that of choosing the chief magistrate of a great republic; and hence the institution of an intermediate body, called the electoral college – its members to be chosen by the people – and when assembled in conclave (I use the word in the Latin sense of *con* and *clavis*, under key), to select whomsoever they should think proper for President and Vice-President. All this scheme having failed, and the people having taken hold of the election, it became just and regular to attempt to legalize their acquisition by securing to them constitutionally the full enjoyment of the rights which they imperfectly exercised. The feeling to this effect became strong as the election of 1824 approached, when there were many candidates in the field, and Congress caucuses fallen into disrepute; and several attempts were made to obtain a constitutional amendment to accomplish the purpose. Mr. McDuffie, in the House of Representatives, and myself in the Senate, both proposed such amendments; the mode of taking the direct votes to be in districts, and the persons receiving the greatest number of votes for President or Vice-President in any district, to count one vote for such office respectively; which is nothing but substituting the candidates themselves for their electoral representatives, while simplifying the election, insuring its integrity, and securing the rights of the people. In support of my proposition in the Senate, I delivered some arguments in the form of a speech, from which I here add some extracts, in the hope of keeping the question alive, and obtaining for it a better success at some future day.

"The evil of a want of uniformity in the choice of presidential electors, is not limited to its disfiguring effect upon the face of our government, but goes to endanger the rights of the people, by permitting sudden alterations on the eve of an election, and to annihilate the right of the small States, by enabling the large ones to combine, and to throw all their votes into the scale of a particular candidate. These obvious evils make it certain that *any uniform rule* would be preferable to the present state of things. But, in fixing on one, it is the duty of statesmen to select that which is calculated to give to every portion of the Union its due share in the choice of the Chief Magistrate, and to every individual citizen, a fair opportunity of voting according to his will. This would be effected by adopting the *District System*. It would divide every State into districts, equal to the whole number of votes to be given, and the people of each district would be governed by its own majority, and not by a majority existing in some remote part of the State. This would be agreeable to the *rights* of individuals: for, in entering into society, and submitting to be bound by the decision of the majority, each individual retained the right of voting for himself wherever it was practicable, and of being governed by a majority of the vicinage, and not by majorities brought from remote sections to overwhelm him with their accumulated numbers. It would be agreeable to the *interests* of all parts of the States; for each State may have different interests in different parts; one part may be agricultural, another manufacturing, another commercial; and it would be unjust that the strongest should govern, or

that two should combine and sacrifice the third. The district system would be agreeable to the *intention* of our present constitution, which, in giving to each elector a separate vote, instead of giving to each State a consolidated vote, composed of all its electoral suffrages, clearly intended that each mass of persons entitled to one elector, should have the right of giving one vote, according to their own sense of their own interest.

"The general ticket system now existing in ten States, was the offspring of policy, and not of any disposition to give fair play to the will of the people. It was adopted by the leading men of those States, to enable them to consolidate the vote of the State. It would be easy to prove this by referring to facts of historical notoriety. It contributes to give power and consequence to the leaders who manage the elections, but it is a departure from the intention of the constitution; violates the rights of the minorities, and is attended with many other evils. The intention of the constitution is violated, because it was the intention of that instrument to give to each mass of persons, entitled to one elector, the power of giving an electoral vote to any candidate they preferred. The rights of minorities are violated, because a majority of *one* will carry the vote of the whole State. This principle is the same, whether the elector is chosen by general ticket or by legislative ballot; a majority of *one*, in either case, carries the vote of the whole State. In New-York, thirty-six electors are chosen; nineteen is a majority, and the candidate receiving this majority is fairly entitled to count nineteen votes; but he counts in reality, thirty-six: because the minority of

seventeen are added to the majority. Those seventeen votes belong to seventeen masses of people, of 40,000 souls each, in all 680,000 people, whose votes are seized upon, taken away, and presented to whom the majority pleases. Extend the calculation to the seventeen States now choosing electors by general ticket or legislative ballot, and it will show that three millions of souls, a population equal to that which carried us through the Revolution, may have their votes taken from them in the same way. To *lose* their votes, is the fate of all minorities, and it is their duty to submit; but this is not a case of votes *lost*, but of votes *taken away*, added to those of the majority, and given to a person to whom the minority was opposed.

"He said, this objection (to the direct vote of the people) had a weight in the year 1787, to which it is not entitled in the year 1824. Our government was then young, schools and colleges were scarce, political science was then confined to few, and the means of diffusing intelligence were both inadequate and uncertain. The experiment of a popular government was just beginning; the people had been just released from subjection to an hereditary king, and were not yet practised in the art of choosing a temporary chief for themselves. But thirty-six years have reversed this picture. Thirty-six years, which have produced so many wonderful changes in America, have accomplished the work of many centuries upon the intelligence of its inhabitants. Within that period, school, colleges, and universities have multiplied to an amazing extent. The means of diffusing intelligence have

been wonderfully augmented by the establishment of six hundred newspapers, and upwards of five thousand post-offices. The whole course of an American's life, civil, social, and religious, has become one continued scene of intellectual and of moral improvement. Once in every week, more than eleven thousand men, eminent for learning and for piety, perform the double duty of amending the hearts, and enlightening the understandings, of more than eleven thousand congregations of people. Under the benign influence of a free government, both our public institutions and private pursuits, our juries, elections, courts of justice, the liberal professions and the mechanic arts, have each become a school of political science and of mental improvement. The federal legislature, in the annual message of the President, in reports from heads of departments, and committees of Congress, and speeches of members, pours forth a flood of intelligence which carries its waves to the remotest confines of the republic. In the different States, twenty-four State executives and State legislatures are annually repeating the same process within a more limited sphere. The habit of universal travelling, and the practice of universal interchange of thought, are continually circulating the intelligence of the country, and augmenting its mass. The face of our country itself, its vast extent, its grand and varied features, contribute to expand the human intellect, and to magnify its power. Less than half a century of the enjoyment of liberty has given practical evidence of the great moral truth, that, under a free government, the power of the intellect is the only power which rules

the affairs of men; and virtue and intelligence the only durable passports to honor and preferment. The conviction of this great truth has created an universal taste for learning and for reading, and has convinced every parent that the endowments of the mind, and the virtues of the heart, are the only imperishable, the only inestimable riches which he can leave to his posterity.

"This objection (the danger of tumults and violence at the elections) is taken from the history of the ancient republics; from the tumultuary elections of Rome and Greece. But the justness of the example is denied. There is nothing in the laws of physiology which admits a parallel between the sanguinary Roman, the volatile Greek, and the phlegmatic American. There is nothing in the state of the respective countries, or in their manner of voting, which makes one an example for the other. The Romans voted in a mass, at a single voting place, even when the qualified voters amounted to millions of persons. They came to the polls armed, and divided into classes, and voted, not by heads, but by centuries. In the Grecian Republics all the voters were brought together in one great city, and decided the contest in one great struggle. In such assemblages, both the inducement to violence, and the means of committing it, were prepared by the government itself. In the United States all this is different. The voters are assembled in small bodies, at innumerable voting places, distributed over a vast extent of country. They come to the polls without arms, without odious distinctions, without any temptation to violence, and with every inducement to harmony. If heated

during the day of election, they cool off upon returning to their homes, and resuming their ordinary occupations.

"But let us admit the truth of the objection. Let us admit that the American people would be as tumultuary at their presidential elections, as were the citizens of the ancient republics at the election of their chief magistrates. What then? Are we thence to infer the inferiority of the officers thus elected, and the consequent degradation of the countries over which they presided? I answer no. So far from it, that I assert the superiority of these officers over all others ever obtained for the same countries, either by hereditary succession, or the most select mode of election. I affirm those periods of history to be the most glorious in arms, the most renowned in arts, the most celebrated in letters, the most useful in practice, and the most happy in the condition of the people, in which the whole body of the citizens voted direct for the chief officer of their country. Take the history of that commonwealth which yet shines as the leading star in the firmament of nations. Of the twenty-five centuries that the Roman state has existed, to what period do we look for the generals and statesmen, the poets and orators, the philosophers and historians, the sculptors, painters, and architects, whose immortal works have fixed upon their country the admiring eyes of all succeeding ages? Is it to the reigns of the seven first kings? – to the reigns of the emperors, proclaimed by the prætorian bands? – to the reigns of the Sovereign Pontiffs, chosen by a select body of electors in a conclave of most holy cardinals? No – We look to none of these, but to that short interval of four centuries

and a half which lies between the expulsion of the Tarquins, and the re-establishment of monarchy in the person of Octavius Cæsar. It is to this short period, during which the consuls, tribunes, and prætors, were annually elected by a direct vote of the people, to which we look ourselves, and to which we direct the infant minds of our children, for all the works and monuments of Roman greatness; for roads, bridges, and aqueducts, constructed; for victories gained, nations vanquished, commerce extended, treasure imported, libraries founded, learning encouraged, the arts flourishing, the city embellished, and the kings of the earth humbly suing to be admitted into the friendship, and taken under the protection, of the Roman people. It was of this magnificent period that Cicero spoke, when he proclaimed the people of Rome to be the masters of kings, and the conquerors and commanders of all the nations of the earth. And, what is wonderful, during this whole period, in a succession of four hundred and fifty annual elections, the people never once preferred a citizen to the consulship who did not carry the prosperity and the glory of the Republic to a point beyond that at which he had found it.

"It is the same with the Grecian Republics. Thirty centuries have elapsed since they were founded; yet it is to an ephemeral period of one hundred and fifty years only, the period of popular elections which intervened between the dispersion of a cloud of petty tyrants, and the coming of a great one in the person of Philip, king of Macedon, that we are to look for that galaxy of names which shed so much lustre upon their country, and in which we are to find the

first cause of that intense sympathy which now burns in our bosoms at the name of Greece.

"These short and brilliant periods exhibit the great triumph of popular elections; often tumultuary, often stained with blood, but always ending gloriously for the country. Then the right of suffrage was enjoyed; the sovereignty of the people was no fiction. Then a sublime spectacle was seen, when the Roman citizen advanced to the polls and proclaimed: '*I vote for Cato to be Consul*;' the Athenian, '*I vote for Aristides to be Archon*;' the Theban, '*I vote for Pelopidas to be Bœotrach*;' the Lacedemonian, '*I vote for Leonidas to be first of the Ephori*.' And why may not an American citizen do the same? Why may not he go up to the poll and proclaim, '*I vote for Thomas Jefferson to be President of the United States?*' Why is he compelled to put his vote in the hands of another, and to incur all the hazards of an irresponsible agency, when he himself could immediately give his own vote for his own chosen candidate, without the slightest assistance from agents or managers?

"But, said Mr. Benton, I have other objections to these intermediate electors. They are the peculiar and favorite institution of aristocratic republics, and elective monarchies. I refer the Senate to the late republics of Venice and Genoa; of France, and her litter; to the kingdom of Poland; the empire of Germany, and the Pontificate of Rome. On the contrary, a direct vote by the people is the peculiar and favorite institution of democratic republics; as we have just seen in the governments of Rome, Athens,

Thebes, and Sparta; to which may be added the principal cities of the Amphyctionic and Achaian leagues, and the renowned republic of Carthage when the rival of Rome.

"I have now answered the objections which were brought forward in the year '87. I ask for no judgment upon their validity at that day, but I affirm them to be without force or reason in the year 1824. Time and experience have so decided. Yes, *time* and *experience*, the only infallible tests of good or bad institutions, have now shown that the continuance of the electoral system will be both useless and dangerous to the liberties of the people; and that '*the only effectual mode of preserving our government from the corruptions which have undermined the liberty of so many nations, is, to confide the election of our chief magistrate to those who are farthest removed from the influence of his patronage*;'[1] that is to say, to the whole body of American citizens!

"The electors are not independent; they have no superior intelligence; they are not left to their own judgment in the choice of President; they are not above the control of the people; on the contrary, every elector is pledged, before he is chosen, to give his vote according to the will of those who choose him. He is nothing but an agent, tied down to the execution of a precise trust. Every reason which induced the convention to institute electors has failed. They are no longer of any use, and may be dangerous to the liberties of the people. They are not useful, because

[1] Report of a Committee of the House of Representatives on Mr. McDuffie's proposition.

they have no power over their own vote, and because the people can vote for a President as easily as they can vote for an elector. They are dangerous to the liberties of the people, because, in the *first* place, they introduce extraneous considerations into the election of President; and, in the *second* place, they may sell the vote which is intrusted to their keeping. They introduce extraneous considerations, by bringing their own character and their own exertions into the presidential canvass. Every one sees this. Candidates for electors are now selected, not for the reasons mentioned in the Federalist, but for their devotion to a particular party, for their manners, and their talent at electioneering. The elector may betray the liberties of the people, by selling his vote. The operation is easy, because he votes by ballot; detection is impossible, because he does not sign his vote; the restraint is nothing but his own conscience, for there is no legal punishment for his breach of trust. If a swindler defrauds you out of a few dollars in property or money, he is whipped and pilloried, and rendered infamous in the eye of the law; but, if an elector should defraud 40,000 people of their vote, there is no remedy but to abuse him in the newspapers, where the best men in the country may be abused, as much as Benedict Arnold, or Judas Iscariot. Every reason for instituting electors has failed, and every consideration of prudence requires them to be discontinued. They are nothing but agents, in a case which requires no agent; and no prudent man would, or ought, to employ an agent to take care of his money, his property, or his liberty, when he is equally capable to take care of them himself.

"But, if the plan of the constitution had not failed – if we were now deriving from electors all the advantages expected from their institution – I, for one, said Mr. B., would still be in favor of getting rid of them. I should esteem the incorruptibility of the people, their disinterested desire to get the best man for President, to be more than a counterpoise to all the advantages which might be derived from the superior intelligence of a more enlightened, but smaller, and therefore, more corruptible body. I should be opposed to the intervention of electors, because the double process of electing a man to elect a man, would paralyze the spirit of the people, and destroy the life of the election itself. Doubtless this machinery was introduced into our constitution for the purpose of softening the action of the democratic element; but it also softens the interest of the people in the result of the election itself. It places them at too great a distance from their first servant. It interposes a body of men between the people and the object of their choice, and gives a false direction to the gratitude of the President elected. He feels himself indebted to the electors who collected the votes of the people, and not to the people, who gave their votes to the electors. It enables a few men to govern many, and, in time, it will transfer the whole power of the election into the hands of a few, leaving to the people the humble occupation of confirming what has been done by superior authority.

"Mr Benton referred to historical examples to prove the correctness of his opinion.

"He mentioned the constitution of the French Republic,

of the year III. of French liberty. The people to choose electors; these to choose the Councils of Five Hundred, and of Ancients; and these, by a further process of filtration, to choose the Five Directors. The effect was, that the people had no concern in the election of their Chief Magistrates, and felt no interest in their fate. They saw them enter and expel each other from the political theatre, with the same indifference with which they would see the entrance and the exit of so many players on the stage. It was the same thing in all the subaltern Republics of which the French armies were delivered, while overturning the thrones of Europe. The constitutions of the Ligurian, Cisalpine, and Parthenopian Republics, were all duplicates of the mother institution, at Paris; and all shared the same fate. The French consular constitution of the year VIII. (the last year of French liberty) preserved all the vices of the electoral system; and from this fact, alone, that profound observer, Neckar, from the bosom of his retreat, in the midst of the Alps, predicted and proclaimed the death of Liberty in France. He wrote a book to prove that 'Liberty would be ruined by providing any kind of substitute for popular elections:' and the result verified his prediction in four years."

CHAPTER XVI.
INTERNAL TRADE WITH NEW MEXICO

The name of Mexico, the synonyme of gold and silver mines, possessed always an invincible charm for the people of the western States. Guarded from intrusion by Spanish jealousy and despotic power, and imprisonment for life, or labor in the mines, the inexorable penalty for every attempt to penetrate the forbidden country, still the dazzled imaginations and daring spirits of the Great West adventured upon the enterprise; and failure and misfortune, chains and labor, were not sufficient to intimidate others. The journal of (the then lieutenant, afterwards) General Pike inflamed this spirit, and induced new adventurers to hazard the enterprise, only to meet the fate of their predecessors. It was not until the Independence of Mexico, in the year 1821, that the frontiers of this vast and hitherto sealed up country, were thrown open to foreign ingress, and trade and intercourse allowed to take their course. The State of Missouri, from her geographical position, and the adventurous spirit of her inhabitants, was among the first to engage in it; and the "Western Internal Provinces" – the vast region comprehending New Mexico, El Paso del Norte, New Biscay, Chihuahua, Sonora, Sinaloa, and all the wide slope spreading down towards

the Gulf of California, the ancient "Sea of Cortez" – was the remote theatre of their courageous enterprise – the further off and the less known, so much the more attractive to their daring spirits. It was the work of individual enterprise, without the protection or countenance of the government – without even its knowledge – and exposed to constant danger of life and property from the untamed and predatory savages, Arabs of the New World, which roamed over the intermediate country of a thousand miles, and considered the merchant and his goods their lawful prey. In three years it had grown up to be a new and regular branch of interior commerce, profitable to those engaged in it, valuable to the country from the articles it carried out, and for the silver, the furs, and the mules which it brought back; and well entitled to the protection and care of the government. That protection was sought, and in the form which the character of the trade required – a right of way through the countries of the tribes between Missouri and New Mexico, a road marked out and security in travelling it, stipulations for good behavior from the Indians, and a consular establishment in the provinces to be traded with. The consuls could be appointed by the order of the government; but the road, the treaty stipulations, and the substantial protection against savages, required the aid of the federal legislative power, and for that purpose a Bill was brought into the Senate by me in the session of 1824-25; and being a novel and strange subject, and asking for extraordinary legislation, it became necessary to lay a foundation of facts, and

to furnish a reason and an argument for every thing that was asked. I produced a statement from those engaged in the trade, among others from Mr. Augustus Storrs, late of New Hampshire, then of Missouri – a gentleman of character and intelligence, very capable of relating things as they were, and incapable of relating them otherwise; and who had been personally engaged in the trade. In presenting his statement, and moving to have it printed for the use of the Senate, I said:

> "This gentleman had been one of a caravan of eighty persons, one hundred and fifty-six horses, and twenty-three wagons and carriages, which had made the expedition from Missouri to Santa Fé (of New Mexico), in the months of May and June last. His account was full of interest and novelty. It sounded like romance to hear of caravans of men, horses, and wagons, traversing with their merchandise the vast plain which lies between the Mississippi and the *Rio del Norte*. The story seemed better adapted to Asia than to North America. But, romantic as it might seem, the reality had already exceeded the visions of the wildest imagination. The journey to New Mexico, but lately deemed a chimerical project, had become an affair of ordinary occurrence. Santa Fé, but lately the *Ultima Thule* of American enterprise, was now considered as a stage only in the progress, or rather, a new point of departure to our invincible citizens. Instead of turning back from that point, the caravans broke up there, and the subdivisions branched off in different directions in search of new theatres for their enterprise. Some proceeded down the river to the *Paso del Norte*; some

to the mines of Chihuahua and Durango, in the province of New Biscay; some to Sonora and Sinaloa, on the Gulf of California; and some, seeking new lines of communication with the Pacific, had undertaken to descend the western slope of our continent, through the unexplored regions of the Colorado. The fruit of these enterprises, for the present year, amounted to $190,000 in gold and silver bullion, and coin, and precious furs; a sum considerable, in itself, in the commerce of an infant State, but chiefly deserving a statesman's notice, as an earnest of what might be expected from a regulated and protected trade. The principal article given in exchange, is that of which we have the greatest abundance, and which has the peculiar advantage of making the circuit of the Union before it departs from the territories of the republic – cotton – which grows in the South, is manufactured in the North, and exported from the West.

"That the trade will be beneficial to the inhabitants of the Internal Provinces, is a proposition too plain to be argued. They are a people among whom all the arts are lost – the ample catalogue of whose wants may be inferred from the lamentable details of Mr. Storrs. No books! no newspapers! iron a dollar a pound! cultivating the earth with wooden tools! and spinning upon a stick! Such is the picture of a people whose fathers wore the proud title of "*Conquerors*;" whose ancestors, in the time of Charles the Fifth, were the pride, the terror, and the model of Europe; and such has been the power of civil and religious despotism in accomplishing the degradation of the human species! To a people thus abased, and so lately arrived at

the possession of their liberties, a supply of merchandise, upon the cheapest terms, is the least of the benefits to be derived from a commerce with the people of the United States. The consolidation of their republican institutions, the improvement of their moral and social condition, the restoration of their lost arts, and the development of their national resources, are among the grand results which philanthropy anticipates from such a commerce.

"To the Indians themselves, the opening of a road through their country is an object of vital importance. It is connected with the preservation and improvement of their race. For two hundred years the problem of Indian civilization has been successively presented to each generation of the Americans, and solved by each in the same way. Schools have been set up, colleges founded, and missions established; a wonderful success has attended the commencement of every undertaking; and, after some time, the schools, the colleges, the missions, and the Indians, have all disappeared together. In the south alone have we seen an exception. There the nations have preserved themselves, and have made a cheering progress in the arts of civilization. Their advance is the work of twenty years. It dates its commencement from the opening of roads through their country. Roads induced separate families to settle at the crossing of rivers, to establish themselves at the best springs and tracts of land, and to begin to sell grain and provisions to the travellers, whom, a few years before, they would kill and plunder. This imparted the idea of exclusive property in the soil, and created an attachment

for a fixed residence. Gradually, fields were opened, houses built, orchards planted, flocks and herds acquired, and slaves bought. The acquisition of these comforts, relieving the body from the torturing wants of cold and hunger, placed the mind in a condition to pursue its improvement. – This, Mr. President, is the true secret of the happy advance which the southern tribes have made in acquiring the arts of civilization; this has fitted them for the reception of schools and missions; and doubtless, the same cause will produce the same effects among the tribes beyond, which it has produced among the tribes on this side of the Mississippi.

"The right of way is indispensable, and the committee have begun with directing a bill to be reported for that purpose. Happily, there are no constitutional objections to it. State rights are in no danger! The road which is contemplated will trespass upon the soil, or infringe upon the jurisdiction of no State whatsoever. It runs a course and a distance to avoid all that; for it begins upon the outside line of the outside State, and runs directly off towards the setting sun – far away from all the States. The Congress and the Indians are alone to be consulted, and the statute book is full of precedents. Protesting against the necessity of producing precedents for an act in itself pregnant with propriety, I will yet name a few in order to illustrate the policy of the government, and show its readiness to make roads through Indian countries to facilitate the intercourse of its citizens, and even upon foreign territory to promote commerce and national communications."

Precedents were then shown. 1, A road from Nashville,

Tennessee, through the Chicasaw and Choctaw tribes, to Natchez, 1806; 2, a road through the Creek nations, from Athens, in Georgia, to the 31st degree of north latitude, in the direction to New Orleans, 1806, and continued by act of 1807, with the consent of the Spanish government, through the then Spanish territory of West Florida to New Orleans; 3, three roads through the Cherokee nation, to open an intercourse between Georgia, Tennessee, and the lower Mississippi; and more than twenty others upon the territory of the United States. But the precedent chiefly relied upon was that from Athens through the Creek Indian territory and the Spanish dominions to New Orleans. It was up to the exigency of the occasion in every particular – being both upon Indian territory within our dominions, and upon foreign territory beyond them. The road I wanted fell within the terms of both these qualifications. It was to pass through tribes within our own territory, until it reached the Arkansas River: there it met the foreign boundary established by the treaty of 1819, which gave away, not only Texas, but half the Arkansas besides; and the bill which I brought in provided for continuing the road, with the assent of Mexico, from this boundary to Santa Fé, on the Upper del Norte. I deemed it fair to give additional emphasis to this precedent, by showing that I had it from Mr. Jefferson, and said:

> "For a knowledge of this precedent, I am indebted to a conversation with Mr. Jefferson himself. In a late excursion to Virginia, I availed myself of a broken day to call and pay

my respects to that patriarchal statesman. The individual must manage badly, Mr. President, who can find himself in the presence of that great man, and retire from it without bringing off some fact, or some maxim, of eminent utility to the human race. I trust that I did not so manage. I trust that, in bringing off a fact which led to the discovery of the precedent, which is to remove the only serious objection to the road in question, I have done a service, if not to the human family, at least to the citizens of the two greatest Republics in the world. It was on the evening of Christmas day that I called upon Mr. Jefferson. The conversation, among other things, turned upon roads. He spoke of one from Georgia to New Orleans, made during the last term of his own administration. He said there was a manuscript map of it in the library of Congress (formerly his own), bound up in a certain volume of maps, which he described to me. On my return to Washington, I searched the statute book, and I found the acts which authorized the road to be made: they are the same which I have just read to the Senate. I searched the Congress Library, and I found the volume of maps which he had described; and here it is (presenting a huge folio), and there is the map of the road from Georgia to New Orleans, more than two hundred miles of which, marked in blue ink, is traced through the then dominions of the King of Spain!"

The foreign part of the road was the difficulty and was not entirely covered by the precedent. That was a road to our own city, and no other direct territorial way from the Southern

States than through the Spanish province of West Florida: this was a road to be, not only on foreign territory, but to go to a foreign country. Some Senators, favorable to the bill, were startled at it, and Mr. Lloyd, of Massachusetts, moved to strike out the part of the section which provided for this ex-territorial national highway; but not in a spirit of hostility to the bill itself providing for protection to a branch of commerce. Mr. Lowrie, of Pennsylvania, could not admit the force of the objection, and held it to be only a modification of what was now done for the protection of commerce – the substitution of land for water; and instanced the sums annually spent in maintaining a fleet in the Mediterranean Sea, and in the most remote oceans for the same purpose. Mr. Van Buren, thought the government was bound to extend the same protection to this branch of trade as to any other; and the road upon the foreign territory was only to be marked out, not made. Mr. Macon thought the question no great matter. Formerly Indian traders followed "*traces*" now they must have roads. He did not care for precedents: they are generally good or bad as they suit or cross our purposes. The case of the road made by Mr. Jefferson was different. That road was made among Indians comparatively civilized, and who had some notions of property. But the proposed road now to be marked out would pass through wild tribes who think of nothing but killing and robbing a white man the moment they see him, and would not be restrained by treaty obligations even if they entered into them. Col. Johnson, of Kentucky, had never hesitated to

vote the money which was necessary to protect the lives or property of our sea-faring men, or for Atlantic fortifications, or to suppress piracies. We had, at this session voted $500,000 to suppress piracy in the West Indies. We build ships of war, erect light-houses, spend annual millions for the protection of ocean commerce; and he could not suppose that the sum proposed in this bill for the protection of an inland branch of trade so valuable to the West could be denied. Mr. Kelly, of Alabama, said the great object of the bill was to cherish and foster a branch of commerce already in existence. It is carried on by land through several Indian tribes. To be safe, a road must be had – a right of way – "*a trace*," if you please. To answer its purpose, this road, or "*trace*," must pass the boundary of the United States, and extend several hundred miles through the wilderness country, in the Mexican Republic to the settlements with which the traffic must be carried on. It may be well to remember that the Mexican government is in the germ of its existence, struggling with difficulties that we have long since surmounted, and may not feel it convenient to make the road, and that it is enough to permit us to mark it out upon her soil; which is all that this bill proposes to do within her limits. Mr. Smith, of Maryland, would vote for the bill. The only question with him was, whether commerce could be carried on to advantage on the proposed route; and, being satisfied that it could be, he should vote for the bill. Mr. Brown, of Ohio (Ethan A.), was very glad to hear such sentiments from the Senator from Maryland,

and hoped that a reciprocal good feeling would always prevail between different sections of the Union. He thought there could be no objection to the bill, and approved the policy of getting the road upon Mexican territory with the consent of the Mexican government. The bill passed the Senate by a large vote – 30 to 12; and these are the names of the Senators voting for and against it:

Yeas. – Messrs. Barton, Benton, Bouligny, Brown, D'Wolf, Eaton, Edwards, Elliott, Holmes of Miss., Jackson (the General), Johnson of Kentucky, Johnston of Lou., Kelly, Knight, Lanman, Lloyd of Mass., Lowrie, McIlvaine, McLean, Noble, Palmer, Parrott, Ruggles, Seymour, Smith, Talbot, Taylor, Thomas, Van Buren, Van Dyke – 30.

Nays. – Messrs. Branch, Chandler, Clayton, Cobb, Gaillard, Hayne, Holmes of Maine, King of Ala., King of N. Y., Macon, Tazewell, Williams – 12.

It passed the House of Representatives by a majority of thirty – received the approving signature of Mr. Monroe, among the last acts of his public life – was carried into effect by his successor, Mr. John Quincy Adams – and this road has remained a thoroughfare of commerce between Missouri and New Mexico, and all the western internal provinces ever since.

CHAPTER XVII.
PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTION IN THE ELECTORAL COLLEGES

Four candidates were before the people for the office of President – General Jackson, Mr. John Quincy Adams, Mr. William H. Crawford, and Mr. Henry Clay. Mr. Crawford had been nominated in a caucus of democratic members of Congress; but being a minority of the members, and the nomination not in accordance with public opinion, it carried no authority along with it, and was of no service to the object of its choice. General Jackson was the candidate of the people, brought forward by the masses. Mr. Adams and Mr. Clay were brought forward by bodies of their friends in different States. The whole number of electoral votes was 261 of which it required 131 to make an election. No one had that number. General Jackson was the highest on the list, and had 99 votes; Mr. Adams 84; Mr. Crawford 41; Mr. Clay 37. No one having a majority of the whole of electors, the election devolved upon the House of Representatives; of which an account will be given in a separate chapter.

In the vice-presidential election it was different. Mr. John

C. Calhoun (who in the beginning of the canvass had been a candidate for the Presidency, but had been withdrawn by his friends in Pennsylvania, and put forward for Vice-President), received 182 votes in the electoral college, and was elected. Mr. Nathan Sandford, Senator in Congress from New-York, had been placed on the ticket with Mr. Clay, and received 30 votes. The 24 votes of Virginia were given to Mr. Macon, as a compliment, he not being a candidate, and having refused to become one. The nine votes of Georgia were given to Mr. Van Buren, also as a compliment, he not being on the list of candidates. Mr. Albert Gallatin had been nominated in the Congress caucus with Mr. Crawford, but finding the proceedings of that caucus unacceptable to the people he had withdrawn from the canvass. Mr. Calhoun was the only substantive vice-presidential candidate before the people, and his election was an evidence of good feeling in the North towards southern men – he receiving the main part of his votes from that quarter – 114 votes from the non-slaveholding States, and only 68 from the slaveholding. A southern man, and a slaveholder, Mr. Calhoun was indebted to northern men and non-slaveholders, for the honorable distinction of an election in the electoral colleges – the only one in the electoral colleges – the only one on all the lists of presidential and vice-presidential candidates who had that honor. Surely there was no disposition in the free States at that time to be unjust, or unkind to the South.

CHAPTER XVIII.
DEATH OF JOHN TAYLOR, OF CAROLINE

For by that designation was discriminated, in his own State, the eminent republican statesman of Virginia, who was a Senator in Congress in the first term of General Washington's administration, and in the last term of Mr. Monroe – and who, having voluntarily withdrawn himself from that high station during the intermediate thirty years, devoted himself to the noble pursuits of agriculture, literature, the study of political economy, and the service of his State or county when called by his fellow-citizens. Personally I knew him but slightly, our meeting in the Senate being our first acquaintance, and our senatorial association limited to the single session of which he was a member – 1823-24; – at the end of which he died. But all my observation of him, and his whole appearance and deportment, went to confirm the reputation of his individuality of character, and high qualities of the head and the heart. I can hardly figure to myself the ideal of a republican statesman more perfect and complete than he was in reality: – plain and solid, a wise counsellor, a ready and vigorous debater, acute and comprehensive, ripe in all historical and political knowledge, innately republican – modest, courteous, benevolent, hospitable

– a skilful, practical farmer, giving his time to his farm and his books, when not called by an emergency to the public service – and returning to his books and his farm when the emergency was over. His whole character was announced in his looks and deportment, and in his uniform (senatorial) dress – the coat, waistcoat, and pantaloons of the same "London brown," and in the cut of a former fashion – beaver hat with ample brim – fine white linen – and a gold-headed cane, carried not for show, but for use and support when walking and bending under the heaviness of years. He seemed to have been cast in the same mould with Mr. Macon, and it was pleasant to see them together, looking like two Grecian sages, and showing that regard for each other which every one felt for them both. He belonged to that constellation of great men which shone so brightly in Virginia in his day, and the light of which was not limited to Virginia, or our America, but spread through the bounds of the civilized world. He was the author of several works, political and agricultural, of which his *Arator* in one class, and his *Construction Construed* in another, were the principal – one adorning and exalting the plough with the attributes of science; the other exploring the confines of the federal and the State governments, and presenting a mine of constitutional law very profitably to be examined by the political student who will not be repulsed from a banquet of rich ideas, by the quaint Sir Edward Coke style – (the only point of resemblance between the republican statesman, and the crown officer of Elizabeth and James) – in which it is dressed.

Devotion to State rights was the ruling feature of his policy; and to keep both governments, State and federal, within their respective constitutional orbits, was the labor of his political life.

In the years 1798 and '99, Mr. Taylor was a member of the General Assembly of his State, called into service by the circumstances of the times; and was selected on account of the dignity and gravity of his character, his power and readiness in debate, and his signal devotion to the rights of the States, to bring forward those celebrated resolutions which Mr. Jefferson conceived, which his friends sanctioned, which Mr. Madison drew up, and which "John Taylor, of Caroline," presented; – which are a perfect exposition of the principles of our duplicate form of government, and of the limitations upon the power of the federal government; – and which, in their declaration of the unconstitutionality of the alien and sedition laws, and appeal to other States for their co-operation, had nothing in view but to initiate a State movement by two-thirds of the States (the number required by the fifth article of the federal constitution), to amend, or authoritatively expound the constitution; – the idea of forcible resistance to the execution of any act of Congress being expressly disclaimed at the time.

CHAPTER XIX.
PRESIDENTIAL ELECTION IN THE HOUSE OF REPRESENTATIVES

It has already been shown that the theory of the constitution, and its practical working, was entirely different in the election of President and Vice-President – that by the theory, the people were only to choose electors, to whose superior intelligence the choice of fit persons for these high stations was entirely committed – and that, in practice, this theory had entirely failed from the beginning. From the very first election the electors were made subordinate to the people, having no choice of their own, and pledged to deliver their votes for a particular person, according to the will of those who elected them. Thus the theory had failed in its application to the electoral college; but there might be a second or contingent election, and has been; and here the theory of the constitution has failed again. In the event of no choice being made by the electors, either for want of a majority of electoral votes being given to any one, or on account of an equal majority for two, the House of Representatives became an electoral college for the occasion, limited to a choice out of the five highest (before the constitution was amended), or

the two highest having an equal majority. The President and Vice-President were not then voted for separately, or with any designation of their office. All appeared upon the record as presidential nominees – the highest on the list having a majority, to be President; the next highest, also having a majority, to be Vice-President; but the people, from the beginning, had discriminated between the persons for these respective places, always meaning one on their ticket for President, the other for Vice-President. But, by the theory of the constitution and its words, those intended Vice-Presidents might be elected President in the House of Representatives, either by being among the five highest when there was no majority, or being one of two in an equal majority. This theory failed in the House of Representatives from the first election, the *demos krateo* principle – the people to govern – prevailing there as in the electoral colleges, and overruling the constitutional design in each.

The first election in the House of Representatives was that of Mr. Jefferson and Mr. Burr, in the session of 1800-1801. These gentlemen had each a majority of the whole number of electoral votes, and an equal majority – 73 each – Mr. Burr being intended for Vice-President. One of the contingencies had then occurred in which the election went to the House of Representatives. The federalists had acted more wisely, one of their State electoral colleges (that of Rhode Island), having withheld a vote from the intended Vice-President on their side, Mr. Charles Colesworth

Pinckney, of South Carolina; and so prevented an equality of votes between him and Mr. John Adams. It would have been entirely constitutional in the House of Representatives to have elected Mr. Burr President, but at the same time, a gross violation of the democratic principle, which requires the will of the majority to be complied with. The federal States undertook to elect Mr. Burr, and kept up the struggle for seven days and nights, and until the thirty-sixth ballot. There were sixteen States, and it required the concurrence of nine to effect an election. Until the thirty-sixth Mr. Jefferson had eight, Mr. Burr six, and two were divided. On the thirty-sixth ballot Mr. Jefferson had ten States and was elected. General Hamilton, though not then in public life, took a decided part in this election, rising above all personal and all party considerations, and urging the federalists from the beginning to vote for Mr. Jefferson. Thus the democratic principle prevailed. The choice of the people was elected by the House of Representatives; and the struggle was fatal to those who had opposed that principle. The federal party was broken down, and at the ensuing Congress elections, was left in a small minority. Its candidate at the ensuing presidential election received but fourteen votes out of one hundred and seventy-six. Burr, in whose favor, and with whose connivance the struggle had been made, was ruined – fell under the ban of the republican party, disappeared from public life, and was only seen afterwards in criminal enterprises, and ending his life in want and misery. The constitution itself, in that particular (the

mode of election), was broken down, and had to be amended so as to separate the presidential from the vice-presidential ticket, giving each a separate vote; and in the event of no election by the electoral colleges, sending each to separate houses – the three highest on the presidential lists to the House of Representatives, – the two highest on the vice-presidential, to the Senate. And thus ended the first struggle in the House of Representatives (in relation to the election of President), between the theory of the constitution and the democratic principle – triumph to the principle, ruin to its opposers, and destruction to the clause in the constitution, which permitted such a struggle.

The second presidential election in the House of Representatives was after the lapse of a quarter of a century, and under the amended constitution, which carried the three highest on the list to the House when no one had a majority of the electoral votes. General Jackson, Mr. John Quincy Adams, and Mr. William H. Crawford, were the three, their respective votes being 99, 84, 41; and in this case a second struggle took place between the theory of the constitution and the democratic principle; and with eventual defeat to the opposers of that principle, though temporarily successful. Mr. Adams was elected, though General Jackson was the choice of the people, having received the greatest number of votes, and being undoubtedly the second choice of several States whose votes had been given to Mr. Crawford and Mr. Clay (at the general election). The representatives from some of these States gave

the vote of the State to Mr. Adams, upon the argument that he was best qualified for the station, and that it was dangerous to our institutions to elect a military chieftain – an argument which assumed a guardianship over the people, and implied the necessity of a superior intelligence to guide them for their own good. The election of Mr. Adams was perfectly constitutional, and as such fully submitted to by the people; but it was also a violation of the *demos krateo* principle; and that violation was signally rebuked. All the representatives who voted against the will of their constituents, lost their favor, and disappeared from public life. The representation in the House of Representatives was largely changed at the first general election, and presented a full opposition to the new President. Mr. Adams himself was injured by it, and at the ensuing presidential election was beaten by General Jackson more than two to one – 178 to 83. Mr. Clay, who took the lead in the House for Mr. Adams, and afterwards took upon himself the mission of reconciling the people to his election in a series of public speeches, was himself crippled in the effort, lost his place in the democratic party, joined the whigs (then called national republicans), and has since presented the disheartening spectacle of a former great leader figuring at the head of his ancient foes in all their defeats, and lingering on their rear in their victories. The democratic principle was again victor over the theory of the constitution, and great and good were the results that ensued. It vindicated the *demos* in their right and their power, and showed that the prefix to the constitution, "We,

the people, do ordain and establish," &c., may also be added to its administration, showing them to be as able to administer as to make that instrument. It re-established parties upon the basis of principle, and drew anew party lines, then almost obliterated under the fusion of parties during the "era of good feeling," and the efforts of leading men to make personal parties for themselves. It showed the conservative power of our government to lie in the people, more than in its constituted authorities. It showed that they were capable of exercising the function of self-government. It assured the supremacy of the democracy for a long time, and until temporarily lost by causes to be shown in their proper place. Finally, it was a caution to all public men against future attempts to govern presidential elections in the House of Representatives.

It is no part of the object of this "Thirty Years' View" to dwell upon the conduct of individuals, except as showing the causes and the consequences of events; and, under this aspect, it becomes the gravity of history to tell that, in these two struggles for the election of President, those who struggled against the democratic principle lost their places on the political theatre, – the mere voting members being put down in their States and districts, and the eminent actors for ever ostracised from the high object of their ambition. A subordinate cause may have had its effect, and unjustly, in prejudicing the public mind against Mr. Adams and Mr. Clay. They had been political adversaries, had co-operated in the election, and went into the administration together. Mr.

Clay received the office of Secretary of State from Mr. Adams, and this gave rise to the imputation of a bargain between them.

It came within my knowledge (for I was then intimate with Mr. Clay), long before the election, and probably before Mr. Adams knew it himself, that Mr. Clay intended to support him against General Jackson; and for the reasons afterward averred in his public speeches. I made this known when occasions required me to speak of it, and in the presence of the friends of the impugned parties. It went into the newspapers upon the information of these friends, and Mr. Clay made me acknowledgments for it in a letter, of which this is the exact copy:

"*I have received a paper published on the 20th ultimo, at Lemington, in Virginia, in which is contained an article stating that you had, to a gentleman of that place, expressed your disbelief of a charge injurious to me, touching the late presidential election, and that I had communicated to you unequivocally, before the 15th of December, 1824, my determination to vote for Mr. Adams and not for General Jackson. Presuming that the publication was with your authority, I cannot deny the expression of proper acknowledgments for the sense of justice which has prompted you to render this voluntary and faithful testimony.*"

This letter, of which I now have the original, was dated at Washington City, December 6th, 1827 – that is to say, in the very heat and middle of the canvass in which Mr. Adams was beaten by General Jackson, and when the testimony could be of most service to him. It went the rounds of the papers, and was

quoted and relied upon in debates in Congress, greatly to the dissatisfaction of many of my own party. There was no mistake in the date, or the fact. I left Washington the 15th of December, on a visit to my father-in-law, Colonel James McDowell, of Rockbridge county, Virginia, where Mrs. Benton then was; and it was before I left Washington that I learned from Mr. Clay himself that his intention was to support Mr. Adams. I told this at *that* time to Colonel McDowell, and any friends that chanced to be present, and gave it to the public in a letter which was copied into many newspapers, and is preserved in Niles' Register. I told it as my *belief* to Mr. Jefferson on Christmas evening of the same year, when returning to Washington and making a call on that illustrious man at his seat, Monticello; and believing then that Mr. Adams would be elected, and, from the necessity of the case, would have to make up a mixed cabinet, I expressed that belief to Mr. Jefferson, using the term, familiar in English history, of "*broad bottomed*;" and asked him how it would do? He answered, "Not at all – would never succeed – would ruin all engaged in it." Mr. Clay told his intentions to others of his friends from an early period, but as they remained his friends, their testimony was but little heeded. Even my own, in the violence of party, and from my relationship to Mrs. Clay, seemed to have but little effect. The imputation of "bargain" stuck, and doubtless had an influence in the election. In fact, the circumstances of the whole affair – previous antagonism between the parties, actual support in the election, and acceptance of high office, made up a case against

Messrs. Adams and Clay which it was hardly safe for public men to create and to brave, however strong in their own consciousness of integrity. Still, the great objection to the election of Mr. Adams was in the violation of the principle *demos krateo*; and in the question which it raised of the capacity of the *demos* to choose a safe President for themselves. A letter which I wrote to the representative from Missouri, before he gave the vote of the State to Mr. Adams, and which was published immediately afterwards, placed the objection upon this high ground; and upon it the battle was mainly fought, and won. It was a victory of principle, and should not be disparaged by the admission of an unfounded and subordinate cause.

This presidential election of 1824 is remarkable under another aspect – as having put an end to the practice of caucus nominations for the Presidency by members of Congress. This mode of concentrating public opinion began to be practised as the eminent men of the Revolution, to whom public opinion awarded a preference, were passing away, and when new men, of more equal pretensions, were coming upon the stage. It was tried several times with success and general approbation, public sentiment having been followed, and not led, by the caucus. It was attempted in 1824, and failed, the friends of Mr. Crawford only attending – others not attending, not from any repugnance to the practice, as their previous conduct had shown, but because it was known that Mr. Crawford had the largest number of friends in Congress, and would assuredly receive

the nomination. All the rest, therefore, refused to go into it: all joined in opposing the "caucus candidate," as Mr. Crawford was called; all united in painting the intrigue and corruption of these caucus nominations, and the anomaly of members of Congress joining in them. By their joint efforts they succeeded, and justly in the fact though not in the motive, in rendering these Congress caucus nominations odious to the people, and broke them down. They were dropped, and a different mode of concentrating public opinion was adopted – that of party nominations by conventions of delegates from the States. This worked well at first, the will of the people being strictly obeyed by the delegates, and the majority making the nomination. But it quickly degenerated, and became obnoxious to all the objections to Congress caucus nominations, and many others besides. Members of Congress still attended them, either as delegates or as lobby managers. Persons attended as delegates who had no constituency. Delegates attended upon equivocal appointments. Double sets of delegates sometimes came from the State, and either were admitted or repulsed, as suited the views of the majority. Proxies were invented. Many delegates attended with the sole view of establishing a claim for office, and voted accordingly. The two-thirds rule was invented, to enable the minority to control the majority; and the whole proceeding became anomalous and irresponsible, and subversive of the will of the people, leaving them no more control over the nomination than the subjects of kings have over the birth of the child which

is born to rule over them. King Caucus is as potent as any other king in this respect; for whoever gets the nomination – no matter how effected – becomes the candidate of the party, from the necessity of union against the opposite party, and from the indisposition of the great States to go into the House of Representatives to be balanced by the small ones. This is the mode of making Presidents, practised by both parties now. It is the virtual election! and thus the election of the President and Vice-President of the United States has passed – not only from the college of electors to which the constitution confided it, and from the people to whom the practice under the constitution gave it, and from the House of Representatives which the constitution provided as ultimate arbiter – but has gone to an anomalous, irresponsible body, unknown to law or constitution, unknown to the early ages of our government, and of which a large proportion of the members composing it, and a much larger proportion of interlopers attending it, have no other view either in attending or in promoting the nomination of any particular man, than to get one elected who will enable them to eat out of the public crib – who will give them a key to the public crib.

The evil is destructive to the rights and sovereignty of the people, and to the purity of elections. The remedy is in the application of the democratic principle – the people to vote direct for President and Vice-President; and a second election to be held immediately between the two highest, if no one has a majority of the whole number on the first trial. But this would require

an amendment of the constitution, not to be effected but by a concurrence of two thirds of each house of Congress, and the sanction of three fourths of the States – a consummation to which the strength of the people has not yet been equal, but of which there is no reason to despair. The great parliamentary reform in Great Britain was only carried after forty years of continued, annual, persevering exertion. Our constitutional reform, in this point of the presidential election, may require but a few years; in the meanwhile I am for the people to *select*, as well as *elect*, their candidates, and for a reference to the House to choose one out of three presented by the people, instead of a caucus nomination of whom it pleased. The House of Representatives is no longer the small and dangerous electoral college that it once was. Instead of thirteen States we now have thirty-one; instead of sixty-five representatives, we have now above two hundred. Responsibility in the House is now well established, and political ruin, and personal humiliation, attend the violation of the will of the State. No man could be elected now, or endeavor to be elected (after the experience of 1800 and 1824), who is not at the head of the list, and the choice of a majority of the Union. The lesson of those times would deter imitation, and the democratic principle would again crush all that were instrumental in thwarting the public will. There is no longer the former danger from the House of Representatives, nor any thing in it to justify a previous resort to such assemblages as our national conventions have got to be. The House is legal and responsible, which the convention is not, with

a better chance for integrity, as having been actually elected by the people; and more restrained by position, by public opinion, and a clause in the constitution from the acceptance of office from the man they elect. It is the constitutional umpire; and until the constitution is amended, I am for acting upon it as it is.

CHAPTER XX.
THE OCCUPATION OF THE COLUMBIA

This subject had begun to make a lodgment in the public mind, and I brought a bill into the Senate to enable the President to possess and retain the country. The joint occupation treaty of 1818 was drawing to a close, and it was my policy to terminate such occupation, and hold the Columbia (or Oregon) exclusively, as we had the admitted right to do while the question of title was depending. The British had no title, and were simply working for a division – for the right bank of the river, and the harbor at its mouth – and waiting on *time* to ripen their joint occupation into a claim for half. I knew this, and wished to terminate a joint tenancy which could only be injurious to ourselves while it lasted, and jeopard our rights when it terminated. The bill which I brought in proposed an appropriation to enable the President to act efficiently, with a detatchment of the army and navy; and in the discussion of this bill the whole question of title and of policy came up; and, in a reply to Mr. Dickerson, of New Jersey, I found it to be my duty to defend both. I now give some extracts from that reply, as a careful examination of the British pretension, founded upon her own exhibition of title, and showing that she had none south of forty-nine degrees, and that we were only

giving her a claim, by putting her possession on an equality with our own. These extracts will show the history of the case as it then stood – as it remained invalidated in all subsequent discussion – and according to which, and after twenty years, and when the question had assumed a war aspect, it was finally settled. The bill did not pass, but received an encouraging vote – fourteen senators voting favorably to it. They were:

Messrs. Barbour, Benton, Bouligny, Cobb, Hayne, Jackson (the General), Johnson of Kentucky, Johnston of Louisiana, Lloyd of Massachusetts, Mills, Noble, Ruggles, Talbot, Thomas.

> "Mr. Benton, in reply to Mr. Dickerson, said that he had not intended to speak to this bill. Always unwilling to trespass upon the time and patience of the Senate, he was particularly so at this moment, when the session was drawing to a close, and a hundred bills upon the table were each demanding attention. The occupation of the Columbia River was a subject which had engaged the deliberations of Congress for four years past, and the minds of gentlemen might be supposed to be made up upon it. Resting upon this belief, Mr. B., as reporter of the bill, had limited himself to the duty of watching its progress, and of holding himself in readiness to answer any inquiries which might be put. Inquiries he certainly expected; but a general assault, at this late stage of the session, upon the principle, the policy, and the details of the bill, had not been anticipated. Such an assault had, however, been made by the senator from New Jersey (Mr. D.), and Mr. B. would be unfaithful to his duty if he did not repel it. In discharging this duty, he would lose

no time in going over the gentleman's calculations about the expense of getting a member of Congress from the Oregon to the Potomac; nor would he solve his difficulties about the shortest and best route – whether Cape Horn should be doubled, a new route explored under the north pole, or mountains climbed, whose aspiring summits present twelve feet of defying snow to the burning rays of a July sun. Mr. B. looked upon these calculations and problems as so many dashes of the gentleman's wit, and admitted that wit was an excellent article in debate, equally convenient for embellishing an argument, and concealing the want of one. For which of these purposes the senator from New Jersey had amused the Senate with the wit in question, it was not for Mr. B. to say, nor should he undertake to disturb him in the quiet enjoyment of the honor which he had won thereby, and would proceed directly to speak to the merits of the bill.

"It is now, Mr. President, continued Mr. B., precisely two and twenty years since a contest for the Columbia has been going on between the United States and Great Britain. The contest originated with the discovery of the river itself. The moment that we discovered it she claimed it; and without a color of title in her hand, she has labored ever since to overreach us in the arts of negotiation, or to bully us out of our discovery by menaces of war.

"In the year 1790, a citizen of the United States, Capt. Gray, of Boston, discovered the Columbia at its entrance into the sea; and in 1803, Lewis and Clarke were sent by the government of the United States to complete the discovery of the whole river, from its source downwards, and to take

formal possession in the name of their government. In 1793 Sir Alexander McKenzie had been sent from Canada by the British Government to effect the same object; but he missed the sources of the river, fell upon the *Tacoutche Tesse*, and struck the Pacific about five hundred miles to the north of the mouth of the Columbia.

"In 1803, the United States acquired Louisiana, and with it an open question of boundaries for that vast province. On the side of Mexico and Florida this question was to be settled with the King of Spain; on the north and northwest, with the King of Great Britain. It happened in the very time that we were signing a treaty in Paris for the acquisition of Louisiana, that we were signing another in London for the adjustment of the boundary line between the northwest possessions of the United States and the King of Great Britain. The negotiators of each were ignorant of what the others had done; and on remitting the two treaties to the Senate of the United States for ratification, that for the purchase of Louisiana was ratified without restriction; the other, with the exception of the fifth article. It was this article which adjusted the boundary line between the United States and Great Britain, from the Lake of the Woods to the head of the Mississippi; and the Senate refused to ratify it, because, by possibility, it might jeopard the northern boundary of Louisiana. The treaty was sent back to London, the fifth article expunged; and the British Government, acting then as upon a late occasion, rejected the whole treaty, when it failed in securing the precise advantage of which it was in search.

"In the year 1807, another treaty was negotiated between the United States and Great Britain. The negotiators on both sides were then possessed of the fact that Louisiana belonged to the United States, and that her boundaries to the north and west were undefined. The settlement of this boundary was a point in the negotiation, and continued efforts were made by the British plenipotentiaries to overreach the Americans, with respect to the country west of the Rocky Mountains. Without presenting any claim, they endeavored to '*leave a nest egg for future pretensions in that quarter*.' (*State Papers*, 1822-3.) Finally, an article was agreed to. The forty-ninth degree of north latitude was to be followed west, as far as the territories of the two countries extended in that direction, with a proviso against its application to the country west of the Rocky Mountains. This treaty shared the fate of that of 1803. It was never ratified. For causes unconnected with the questions of boundary, it was rejected by Mr. Jefferson without a reference to the Senate.

"At Ghent, in 1814, the attempts of 1803 and 1807 were renewed. The British plenipotentiaries offered articles upon the subject of the boundary, and of the northwest coast, of the same character with those previously offered; but nothing could be agreed upon, and nothing upon the subject was inserted in the treaty signed at that place.

"At London, in 1818, the negotiations upon this point were renewed; and the British Government, for the first time, uncovered the ground upon which its pretensions rested. Its plenipotentiaries, Mr. Robinson and

Mr. Goulbourn, asserted (to give them the benefit of their own words, as reported by Messrs. Gallatin and Rush) 'That former voyages, and principally that of Captain Cook, gave to Great Britain the rights derived from discovery; and they alluded to purchases from the natives south of the river Columbia, which they alleged to have been made prior to the American Revolution. They did not make any formal proposition for a boundary, but intimated that the *river* itself was the most convenient that could be adopted, and that they would not agree to any which did not give them the *harbor* at the *mouth* of the *river* in common with the United States.'" —*Letter from Messrs. Gallatin and Rush*, *October* 20th, 1820.

To this the American plenipotentiaries answered, in a way better calculated to encourage than to repulse the groundless pretensions of Great Britain. 'We did not assert (continue these gentlemen in the same letter), we did not assert that the United States had a perfect right to that country, but insisted that their claim was at least good against Great Britain. We did not know with precision what value our government set on the country to the westward of these mountains; but we were not authorized to enter into any agreement which should be tantamount to an abandonment of the claim to it. It was at last agreed, but, as we thought, with some *reluctance* on the part of the *British* plenipotentiaries, that the country on the northwest coast, claimed by either party, should, without prejudice to the claims of either, and for a *limited* time, be opened for the purposes of trade to the inhabitants of both countries.'

"The substance of this agreement was inserted in the convention of October, 1818. It constitutes the third article of that treaty, and is the same upon which the senator from New Jersey (Mr. Dickerson) relies for excluding the United States from the occupation of the Columbia.

"In subsequent negotiations, the British agents further rested their claim upon the discoveries of McKenzie, in 1793, the seizure of Astoria during the late war, and the Nootka Sound Treaty, of 1790.

"Such an exhibition of title, said Mr. B., is ridiculous, and would be contemptible in the hands of any other power than that of Great Britain. Of the five grounds of claim which she has set up, not one of them is tenable against the slightest examination. Cook never saw, much less took possession of any part of the northwest coast of America, in the latitude of the Columbia River. All his discoveries were far north of that point, and not one of them was followed up by possession, without which the fact of discovery would confer no title. The Indians were not even named from whom the purchases are stated to have been made anterior to the Revolutionary War. Not a single particular is given which could identify a transaction of the kind. The only circumstance mentioned applies to the locality of the Indians supposed to have made the sale; and that circumstance invalidates the whole claim. They are said to have resided to the '*south*' of the Columbia; by consequence they did not reside *upon it*, and could have no right to sell a country of which they were not the possessors.

"McKenzie was sent out from Canada, in the year 1793,

to discover, at its head, the river which Captain Gray had discovered at its mouth, three years before. But McKenzie missed the object of his search, and struck the Pacific five hundred miles to the north, as I have already stated. The seizure of Astoria, during the war, was an operation of arms, conferring no more title upon Great Britain to the Columbia, than the capture of Castine and Detroit gave her to Maine and Michigan. This new ground of claim was set up by Mr. Bagot, his Britannic Majesty's minister to this republic, in 1817, and set up in a way to contradict and relinquish all their other pretended titles. Mr. Bagot was remonstrating against the occupation, by the United States, of the Columbia River, and reciting that it had been taken possession of, in his Majesty's name, during the late war, '*and had* SINCE *been* CONSIDERED *as forming a part of his Majesty's dominions*.' The word '*since*,' is exclusive of all previous pretension, and the Ghent Treaty, which stipulates for the restoration of all the captured posts, is a complete extinguisher to this idle pretension. Finally, the British negotiators have been driven to take shelter under the Nootka Sound Treaty of 1790. The character of that treaty was well understood at the time that it was made, and its terms will speak for themselves at the present day. It was a treaty of concession, and not of acquisition of rights, on the part of Great Britain. It was so characterized by the opposition, and so admitted to be by the ministry, at the time of its communication to the British Parliament.

[Here Mr. B. read passages from the speeches of Mr. Fox and

Mr. Pitt, to prove the character of this Treaty.]

"Mr. Fox said, 'What, then, was the extent of our rights before the convention – (whether admitted or denied by Spain was of no consequence) – and to what extent were they now secured to us? We possessed and exercised the free navigation of the Pacific Ocean, without restraint or limitation. We possessed and exercised the right of carrying on fisheries in the South Seas equally unlimited. This was no barren right, but a right of which we had availed ourselves, as appeared by the papers on the table, which showed that the produce of it had increased, in five years, from twelve to ninety-seven thousand pounds sterling. This estate we had, and were daily improving; it was not to be disgraced by the name of an acquisition. The admission of part of these rights by Spain, was all we had obtained. Our right, before, was to settle in any part of the South or Northwest Coast of America, not fortified against us by previous occupancy; and we were now restricted to settle in certain places only, and under certain restrictions. This was an important concession on our part. Our rights of fishing extended to the whole ocean, and now it, too, was limited, and to be carried on within certain distances of the Spanish settlements. Our right of making settlements was not, as now, a right to build huts, but to plant colonies, if we thought proper. Surely these were not acquisitions, or rather conquests, as they must be considered, if we were to judge by the triumphant language respecting them, but great and important concessions. By the third article, we are authorized to navigate the Pacific

Ocean and South Seas, unmolested, for the purpose of carrying on our fisheries, and to land on the unsettled coasts, for the purpose of trading with the natives; but, after this pompous recognition of right to navigation, fishery, and commerce, comes another article, the sixth, which takes away the right of landing, and erecting even temporary huts, for any purpose but that of carrying on the fishery, and amounts to a complete dereliction of all right to settle in any way for the purpose of commerce with the natives.' —*British Parliamentary History*, Vol. 28, p. 990.

"Mr. Pitt, in reply. 'Having finished that part of Mr. Fox's speech which referred to the reparation, Mr. Pitt proceeded to the next point, namely, that gentleman's argument to prove, that the other articles of the convention were mere concessions, and not acquisitions. In answer to this, Mr. Pitt maintained, that, though what this country had gained consisted not of new rights, it certainly did of new advantages. We had, before, a right to the Southern whale fishery, and a right to navigate and carry on fisheries in the Pacific Ocean, and to trade on the coasts of any part of Northwest America; but that right not only had not been acknowledged, but disputed and resisted: whereas, by the convention, it was secured to us – a circumstance which, though no new right, was a new advantage.' —*Same*– p. 1002.

"But, continued Mr. Benton, we need not take the character of the treaty even from the high authority of these rival leaders in the British Parliament. The treaty will speak for itself. I have it in my hand, and will read the article relied

upon to sustain the British claim to the Columbia River.

"'ARTICLE THIRD OF THE NOOTKA SOUND TREATY

"'In order to strengthen the bonds of friendship, and to preserve, in future, a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested, either in navigating or carrying on their fisheries in the Pacific Ocean, or in the South Seas, or in landing on the coasts of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there; the whole subject, nevertheless, to the restrictions and provisions specified in the three following articles.'

"The particular clause of this article, relied upon by the advocates for the British claim, is that which gives the right of *landing* on parts of the Northwest Coast, not already *occupied*, for the purpose of carrying on *commerce* and making *settlements*. The first inquiry arising upon this clause is, whether the coast, in the latitude of the Columbia River, was unoccupied at the date of the Nootka Sound Treaty? The answer is in the affirmative. The second is, whether the English landed upon this coast while it was so unoccupied? The answer is in the negative; and this answer puts an end to all pretension of British claim founded

upon this treaty, without leaving us under the necessity of recurring to the fact that the permission to *land*, and to *make settlements*, so far from contemplating an acquisition of territory, was limited by subsequent restrictions, to the erection of temporary huts for the personal accommodation of fishermen and traders only.

"Mr. B. adverted to the inconsistency, on the part of Great Britain, of following the 49th parallel to the Rocky Mountains, and refusing to follow it any further. He affirmed that the principle which would make that parallel a boundary to the top of the mountain, would carry it out to the Pacific Ocean. He proved this assertion by recurring to the origin of that line. It grew out of the treaty of Utrecht, that treaty which, in 1704, put an end to the wars of Queen Anne and Louis the XIVth and fixed the boundaries of their respective dominions in North America. The tenth article of that treaty was applicable to Louisiana and to Canada. It provided that commissioners should be appointed by the two powers to adjust the boundary between them. The commissioners were appointed, and did fix it. The parallel of 49 degrees was fixed upon as the common boundary from the Lake of the Woods, "*indefinitely to the West.*" This boundary was acquiesced in for a hundred years. By proposing to follow it to the Rocky Mountains, the British Government admits its validity; by refusing to follow it out, they become obnoxious to the charge of inconsistency, and betray a determination to encroach upon the territory of the United States, for the undisguised purpose of selfish aggrandizement.

"The truth is, Mr. President, continued Mr. B., Great Britain has no color of title to the country in question. She sets up none. There is not a paper upon the face of the earth in which a British minister has stated a claim. I speak of the king's ministers, and not of the agents employed by them. The claims we have been examining are thrown out in the conversations and notes of diplomatic agents. No English minister has ever put his name to them, and no one will ever risk his character as a statesman by venturing to do so. The claim of Great Britain is nothing but a naked pretension, founded on the double prospect of benefiting herself and injuring the United States. The fur trader, Sir Alexander McKenzie, is at the bottom of this policy. Failing in his attempt to explore the Columbia River, in 1793, he, nevertheless, urged upon the British Government the advantages of taking it to herself, and of expelling the Americans from the whole region west of the Rocky Mountains. The advice accorded too well with the passions and policy of that government, to be disregarded. It is a government which has lost no opportunity, since the peace of '83, of aggrandizing itself at the expense of the United States. It is a government which listens to the suggestions of its experienced subjects, and thus an individual, in the humble station of a fur trader, has pointed out the policy which has been pursued by every Minister of Great Britain, from Pitt to Canning, and for the maintenance of which a war is now menaced.

"For a boundary line between the United States and Great Britain, west of the Mississippi, McKenzie proposes

the latitude of 45 degrees, because that latitude is necessary to give the Columbia River to Great Britain. His words are: 'Let the line begin where it may on the Mississippi, it must be continued west, till it terminates in the Pacific Ocean, *to the south of the Columbia*.'

"Mr. B. said it was curious to observe with what closeness every suggestion of McKenzie had been followed up by the British Government. He recommended that the Hudson Bay and Northwest Company should be united; and they have been united. He proposed to extend the fur trade of Canada to the shore of the Pacific Ocean; and it has been so extended. He proposed that a chain of trading posts should be formed through the continent, from sea to sea; and it has been formed. He recommended that no boundary line should be agreed upon with the United States, which did not give the Columbia River to the British; and the British ministry declare that none other shall be formed. He proposed to obtain the command of the fur trade from latitude 45 degrees north; and they have it even to the Mandan villages, and the neighborhood of the Council Bluffs. He recommended the expulsion of American traders from the whole region west of the Rocky Mountains, and they are expelled from it. He proposed to command the commerce of the Pacific Ocean; and it will be commanded the moment a British fleet takes position in the mouth of the Columbia. Besides these specified advantages, McKenzie alludes to other '*political considerations*,' which it was not necessary for him to particularize. Doubtless it was not. They were sufficiently understood. They are the same

which induced the retention of the northwestern posts, in violation of the treaty of 1783; the same which induced the acquisition of Gibraltar, Malta, the Cape of Good Hope, the Islands of Ceylon and Madagascar; the same which makes Great Britain covet the possession of every commanding position in the four quarters of the globe."

I do not argue the question of title on the part of the United States, but only state it as founded upon – 1. Discovery of the Columbia River by Capt. Gray, in 1790; 2. Purchase of Louisiana in 1803; 3. Discovery of the Columbia from its head to its mouth, by Lewis and Clarke, in 1803; 4. Settlement of Astoria, in 1811; 5. Treaty with Spain, 1819; 6. Contiguity and continuity of settlement and possession. Nor do I argue the question of the advantages of retaining the Columbia, and refusing to divide or alienate our territory upon it. I merely state them, and leave their value to result from the enumeration. 1. To keep out a foreign power; 2. To gain a seaport with a military and naval station, on the coast of the Pacific; 3. To save the fur trade in that region, and prevent our Indians from being tampered with by British traders; 4. To open a communication for commercial purposes between the Mississippi and the Pacific; 5. To send the lights of science and of religion into eastern Asia.

CHAPTER XXI.
COMMENCEMENT OF MR. ADAMS'S ADMINISTRATION

On the 4th of March he delivered his inaugural address, and took the oath of office. That address – the main feature of the inauguration of every President, as giving the outline of the policy of his administration – furnished a topic against Mr. Adams, and went to the reconstruction of parties on the old line of strict, or latitudinous, construction of the constitution. It was the topic of internal national improvement by the federal government. The address extolled the value of such works, considered the constitutional objection as yielding to the force of argument, expressed the hope that every speculative (constitutional) scruple would be solved in a practical blessing; and declared the belief that, in the execution of such works posterity would derive a fervent gratitude to the founders of our Union, and most deeply feel and acknowledge the beneficent action of our government. The declaration of principles which would give so much power to the government; and the danger of which had just been so fully set forth by Mr. Monroe in his veto message on the Cumberland road bill, alarmed the old republicans, and gave a new ground of opposition to Mr. Adams's administration, in addition to the strong one growing

out of the election in the House of Representatives, in which the fundamental principle of representative government had been disregarded. This new ground of opposition was greatly strengthened at the delivery of the first annual message, in which the topic of internal improvement was again largely enforced, other subjects recommended which would require a liberal use of constructive powers, and Congress informed that the President had accepted an invitation from the American States of Spanish origin, to send ministers to their proposed Congress on the Isthmus of Panama. It was, therefore, clear from the beginning that the new administration was to have a settled and strong opposition, and that founded in principles of government – the same principles, under different forms, which had discriminated parties at the commencement of the federal government. Men of the old school – survivors of the contest of the Adams and Jefferson times, with some exceptions, divided accordingly – the federalists going for Mr. Adams, the republicans against him, with the mass of the younger generation.

In the Senate a decided majority was against him, comprehending (not to speak of younger men afterwards become eminent,) Mr. Macon of North Carolina, Mr. Tazewell of Virginia, Mr. Van Buren of New-York, General Samuel Smith of Maryland, Mr. Gaillard of South Carolina (the long-continued temporary President of the Senate), Dickerson of New Jersey, Governor Edward Lloyd of Maryland, Rowan of Kentucky, and Findlay of Pennsylvania. In the House of Representatives there

was a strong minority opposed to the new President, destined to be increased at the first election to a decided majority: so that no President could have commenced his administration under more unfavorable auspices, or with less expectation of a popular career.

The cabinet was composed of able and experienced men – Mr. Clay, Secretary of State; Mr. Richard Rush, of Pennsylvania, Secretary of the Treasury, recalled from the London mission for that purpose; Mr. James Barbour, of Virginia, Secretary at War; Mr. Samuel L. Southard, of New Jersey, Secretary of the Navy under Mr. Monroe, continued in that place; the same of Mr. John McLean, of Ohio, Postmaster General, and of Mr. Wirt, Attorney General – both occupying the same places respectively under Mr. Monroe, and continued by his successor. The place of Secretary of the Treasury was offered by Mr. Adams to Mr. William H. Crawford, and declined by him – an offer which deserves to be commemorated to show how little there was of personal feeling between these two eminent citizens, who had just been rival candidates for the Presidency of the United States. If Mr. Crawford had accepted the Treasury department, the administration of Mr. John Quincy Adams would have been entirely composed of the same individuals which composed that of Mr. Monroe, with the exception of the two (himself and Mr. Calhoun) elected President and Vice-President; – a fact which ought to have been known to Mons. de Tocqueville, when he wrote, that "Mr. Quincy Adams, on his entry into

office, discharged the majority of the individuals who had been appointed by his predecessor."

There was opposition in the Senate to the confirmation of Mr. Clay's nomination to the State department, growing out of his support of Mr. Adams in the election of the House of Representatives, and acceptance of office from him; but overruled by a majority of two to one. The affirmative votes were Messrs. Barton and Benton of Missouri; Mr. Bell of New Hampshire; Messrs. Bouligny and Josiah F. Johnston of Louisiana; Messrs. Chandler and Holmes of Maine; Messrs. Chase and Seymour of Vermont; Messrs. Thomas Clayton and Van Dyke of Delaware; Messrs. DeWolf and Knight of Rhode Island; Mr. Mahlon Dickerson of New Jersey; Mr. Henry W. Edwards of Connecticut; Mr. Gaillard of South Carolina; Messrs. Harrison (the General) and Ruggles of Ohio; Mr. Hendrics of Indiana; Mr. Elias Kent Kane of Illinois; Mr. William R. King of Alabama; Messrs. Edward Lloyd and General Samuel Smith from Maryland; Messrs. James Lloyd and Elijah H. Mills from Massachusetts; Mr. John Rowan of Kentucky; Mr. Van Buren of New-York – 27. The negatives were: Messrs. Berrien and Thos. W. Cobb of Georgia; Messrs. Branch and Macon of North Carolina; Messrs. Jackson (the General) and Eaton of Tennessee; Messrs. Findlay and Marks of Pennsylvania; Mr. Hayne of South Carolina; Messrs. David Holmes and Thomas A. Williams of Mississippi; Mr. McIlvaine of New Jersey; Messrs. Littleton W. Tazewell and John Randolph

of Virginia; Mr. Jesse B. Thomas of Illinois. Seven senators were absent, one of whom (Mr. Noble of Indiana) declared he should have voted for the confirmation of Mr. Clay, if he had been present; and of those voting for him about the one half were his political opponents.

CHAPTER XXII.
CASE OF MR. LANMAN – TEMPORARY SENATORIAL APPOINTMENT FROM CONNECTICUT

Mr. Lanman had served a regular term as senator from Connecticut. His term of service expired on the 3d of March of this year, and the General Assembly of the State having failed to make an election of senator in his place, he received a temporary appointment from the governor. On presenting himself to take the oath of office, on the 4th day of March, being the first day of the special senatorial session convoked by the retiring President (Mr. Monroe), according to usage, for the inauguration of his successor; his appointment was objected to, as not having been made in a case in which a governor of a State could fill a vacancy by making a temporary appointment. Mr. Tazewell was the principal speaker against the validity of the appointment, arguing against it both on the words of the constitution, and the reason for the provision. The words of the constitution are: "If vacancies happen (in the Senate) by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments, until the

next meeting of the legislature." "Happen" was held by Mr. Tazewell to be the governing word in this provision, and it always implied a contingency, and an unexpected one. It could not apply to a foreseen event, bound to occur at a fixed period. Here the vacancy was foreseen; there was no contingency in it. It was regular and certain. It was the right of the legislature to fill it, and if they failed, no matter from what cause, there was no right in the governor to supply their omission. The reason of the phraseology was evident. The Assembly was the appointing body. It was the regular authority to elect senators. It was a body of more or less members, but always representing the whole body of the State, and every county in the State, and on that account vested by the constitution with the power of choosing senators. The terms choose and elect are the words applied to the legislative election of senators. The term appoint is the word applied to a gubernatorial appointment. The election was the regular mode of the constitution, and was not to be superseded by an appointment in any case in which the legislature could act, whether they acted or not. Some debate took place, and precedents were called for. On motion of Mr. Eaton, a committee was appointed to search for them and found several. The committee consisted of Mr. Eaton, of Tennessee; Mr. Edwards, of Connecticut; and Mr. Tazewell, of Virginia. They reported the cases of William Cooke, of Tennessee, appointed by the governor of the State, in April, 1797, to fill the vacancy occasioned by the expiration of his own term, the 3d of March

preceding; of Uriah Tracy, of Connecticut, appointed by the governor of the State, in February, 1801, to fill the vacancy to occur upon the expiration of his own term, on the 3d of March following; of Joseph Anderson, of Tennessee, appointed by the governor of the State, in February, 1809, to fill the vacancy which the expiration of his own term would make on the 4th of March following; of John Williams, of Tennessee, appointed by the governor of the State, in January, 1817, to fill the vacancy to occur from the expiration of his term, on the ensuing 3d of March; and in all these cases the persons so appointed had been admitted to their seats, and all of them, except in the case of Mr. Tracy, without any question being raised; and in his case by a vote of 13 to 10. These precedents were not satisfactory to the Senate; and after considering Mr. Lanman's case, from the 4th to the 7th of March, the motion to admit him to a seat was rejected by a vote of 23 to 18. The senators voting in favor of the motion were Messrs. Bell, Bouligny, Chase, Clayton, DeWolf, Edwards, Harrison (General), Hendricks, Johnston of Louisiana, Kane, Knight, Lloyd of Massachusetts, McIlvaine, Mills, Noble, Rowan, Seymour, Thomas – 10. Those voting against it were Messrs. Barton, Benton, Berrien, Branch, Chandler, Dickerson, Eaton, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson (General), King of Alabama, Lloyd of Maryland, Marks, Macon, Ruggles, Smith of Maryland, Tazewell, Van Buren, Vandyke, Williams, of Mississippi – 23; and with this decision, the subsequent practice of the Senate

has conformed, leaving States in part or in whole unrepresented, when the legislature failed to fill a regular vacancy.

CHAPTER XXIII.
RETIRING OF MR. RUFUS KING

In the summer of this year, this gentleman terminated a long and high career in the legislative department of the federal government, but not entirely to quit its service. He was appointed by the new President, Mr. John Quincy Adams, to the place of Minister Plenipotentiary and Envoy Extraordinary to the Court of St. James, the same place to which he had been appointed thirty years before, and from the same place (the Senate) by President Washington; and from which he had *not* been removed by President Jefferson, at the revolution of parties, which took place in 1800. He had been connected with the government forty years, having served in the Congress of the Confederation, and in the convention which framed the federal constitution (in both places from his native State of Massachusetts), in the Senate from the State of New-York, being one of the first senators from that State, elected in 1789, with General Philip Schuyler, the father-in-law of General Hamilton. He was afterwards minister to Great Britain, – again senator, and again minister – having, in the mean time, declined the invitation of President Washington to be his Secretary of State. He was a federalist of the old school, and the head of that party after the death of General Hamilton; and when the name discriminated a party, with whose views on government

and systems of policy, General Washington greatly coincided. As chief of that party, he was voted for as Vice-President in 1808, and as President in 1816. He was one of the federalists who supported the government in the war of 1812 against Great Britain. Opposed to its declaration, he went into its support as soon as it was declared, and in his place in the Senate voted the measures and supplies required; and (what was most essential) exerted himself in providing for the defence of his adopted State, New-York (on the strength and conduct of which so much then depended); assisting to raise and equip her volunteer regiments and militia quotas, and co-operating with the republican leaders (Gov. Tompkins and Mr. Van Buren), to maintain the great State of New-York in the strong and united position which the war in Canada and repugnance to the war in New England, rendered essential to the welfare of the Union. History should remember this patriotic conduct of Mr. King, and record it for the beautiful and instructive lesson which it teaches.

Like Mr. Macon and John Taylor of Carolina, Mr. King had his individuality of character, manners and dress, but of different type; they, of plain country gentlemen; and he, a high model of courtly refinement. He always appeared in the Senate in full dress; short small-clothes, silk stockings, and shoes, and was habitually observant of all the courtesies of life. His colleague in the Senate, during the chief time that I saw him there, was Mr. Van Buren: and it was singular to see a great State represented in the Senate, at the same time, by the chiefs of opposite

political parties; Mr. Van Buren was much the younger, and it was delightful to behold the deferential regard which he paid to his elder colleague, always returned with marked kindness and respect.

I felt it to be a privilege to serve in the Senate with three such senators as Mr. King, Mr. Macon, and John Taylor of Carolina, and was anxious to improve such an opportunity into a means of benefit to myself. With Mr. Macon it came easily, as he was the cotemporary and friend of my father and grandfather; with the venerable John Taylor there was no time for any intimacy to grow up, as we only served together for one session; with Mr. King it required a little system of advances on my part, which I had time to make, and which the urbanity of his manners rendered easy. He became kind to me; readily supplied me with information from his own vast stores, allowed me to consult him, and assisted me in the business of the State (of whose admission he had been the great opponent), whenever I could satisfy him that I was right, – even down to the small bills which were entirely local, or merely individual. More, he gave me proofs of real regard, and in that most difficult of all friendly offices, – admonition, counselling against a fault; one instance of which was so marked and so agreeable to me (reproof as it was), that I immediately wrote down the very words of it in a letter to Mrs. Benton (who was then absent from the city), and now copy it, both to do honor to an aged senator, who could thus act a "*father's*" part towards a young one, and because I am proud of the words he used to

me. The letter says:

> "Yesterday (May 20th, 1824), we carried $75,000 for improving the navigation of the Mississippi and the Ohio. I made a good speech, but no part of it will be published. I spoke in *reply*, and with force and animation. When it was over, Mr. King, of N. Y., came and sat down in a chair by me, and took hold of my hand and said he would speak to me as a father – that I had great powers, and that he felt a sincere pleasure in seeing me advance and rise in the world, and that he would take the liberty of warning me against an effect of my temperament when heated by opposition; that under these circumstances I took an authoritative manner, and a look and tone of defiance, which sat ill upon the older members; and advised me to moderate my manner."

This was real friendship, enhanced by the kindness of manner, and had its effect. I suppressed that speech, through compliment to him, and have studied moderation and forbearance ever since. Twenty-five years later I served in Congress with two of Mr. King's sons (Mr. James Gore King, representative from New-York, and Mr. John Alsop King, a representative from New Jersey); and was glad to let them both see the sincere respect which I had for the memory of their father.

In one of our conversations, and upon the formation of the constitution in the federal convention of 1787, he said some things to me which, I think ought to be remembered by future generations, to enable them to appreciate justly those founders of our government who were in favor of a stronger organization than

was adopted. He said: "You young men who have been born since the Revolution, look with horror upon the name of a King, and upon all propositions for a strong government. It was not so with us. We were born the subjects of a King, and were accustomed to subscribe ourselves 'His Majesty's most faithful subjects;' and we began the quarrel which ended in the Revolution, not against the King, but against his parliament; and in making the new government many propositions were submitted which would not bear discussion; and ought not to be quoted against their authors, being offered for consideration, and to bring out opinions, and which, though behind the opinions of this day, were in advance of those of that day." – These things were said chiefly in relation to General Hamilton, who had submitted propositions stronger than those adopted, but nothing like those which party spirit attributed to him. I heard these words, I hope, with profit; and commit them, in the same hope, to after generations.

CHAPTER XXIV.
REMOVAL OF THE CREEK INDIANS FROM GEORGIA

By an agreement with the State of Georgia in the year 1802, the United States became bound, in consideration of the cession of the western territory, now constituting the States of Alabama and Mississippi, to extinguish the remainder of the Indian title within her limits, and to remove the Indians from the State; of which large and valuable portions were then occupied by the Creeks and Cherokees. No time was limited for the fulfilment of this obligation, and near a quarter of a century had passed away without seeing its full execution. At length Georgia, seeing no end to this delay, became impatient, and justly so, the long delay being equivalent to a breach of the agreement; for, although no time was limited for its execution, yet a reasonable time was naturally understood, and that incessant and faithful endeavors should be made by the United States to comply with her undertaking. In the years 1824-'25 this had become a serious question between the United States and Georgia – the compact being but partly complied with – and Mr. Monroe, in the last year of his Administration, and among its last acts, had the satisfaction to conclude a treaty with the Creek Indians for a cession of all their claims in the State, and their removal from

it. This was the treaty of the Indian Springs, negotiated the 12th of February, 1825, the famous chief, Gen. Wm. McIntosh, and some fifty other chiefs signing it in the presence of Mr. Crowell, the United States Indian agent. It ceded all the Creek country in Georgia, and also several millions of acres in the State of Alabama. Complaints followed it to Washington as having been concluded by McIntosh without the authority of the nation. The ratification of the treaty was opposed, but finally carried, and by the strong vote of 34 to 4. Disappointed in their opposition to the treaty at Washington, the discontented party became violent at home, killed McIntosh and another chief, declared forcible resistance to the execution of the treaty, and prepared to resist. Georgia, on her part, determined to execute it by taking possession of the ceded territory. The Government of the United States felt itself bound to interfere. The new President, Mr. Adams, became impressed with the conviction that the treaty had been made without due authority, and that its execution ought not to be enforced; and sent Gen. Gaines with federal troops to the confines of Georgia. All Georgia was in a flame at this view of force, and the neighboring States sympathized with her. In the mean time the President, anxious to avoid violence, and to obtain justice for Georgia, treated further; and assembling the head men and chiefs of the Creeks at Washington City, concluded a new treaty with them (January, 1826); by which the treaty of Indian Springs was annulled, and a substitute for it negotiated, ceding all the Creek lands in Georgia, but none in Alabama. This treaty,

with a message detailing all the difficulties of the question, was immediately communicated by the President to the Senate, and by it referred to the Committee on Indian Affairs, of which I was chairman. The committee reported against the ratification of the treaty, earnestly deprecated a collision of arms between the federal government and a State, and recommended further negotiations – a thing the more easy as the Creek chiefs were still at Washington. The objections to the new treaty were:

1. That it annulled the McIntosh treaty; thereby implying its illegality, and apparently justifying the fate of its authors.

2. Because it did not cede the whole of the Creek lands in Georgia.

3. Because it ceded none in Alabama.

Further negotiations according to the recommendation of the Senate, were had by the President; and on the 31st of March of the same year, a supplemental article was concluded, by which all the Creek lands in Georgia were ceded to her; and the Creeks within her borders bound to emigrate to a new home beyond the Mississippi. The vote in the Senate on ratifying this new treaty, and its supplemental article, was full and emphatic – thirty to seven: and the seven negatives all Southern senators favorable to the object, but dissatisfied with the clause which annulled the McIntosh treaty and implied a censure upon its authors. Northern senators voted in a body to do this great act of justice to Georgia, restrained by no unworthy feeling against the growth and prosperity of a slave State. And thus was carried

into effect, after a delay of a quarter of a century, and after great and just complaint on the part of Georgia, the compact between that State and the United States of 1802. Georgia was paid at last for her great cession of territory, and obtained the removal of an Indian community out of her limits, and the use and dominion of all her soil for settlement and jurisdiction. It was an incalculable advantage to her, and sought in vain under three successive Southern Presidents – Jefferson, Madison, Monroe – (who could only obtain part concessions from the Indians) – and now accomplished under a Northern President, with the full concurrence and support of the Northern delegations in Congress: for the Northern representatives in the House voted the appropriations to carry the treaty into effect as readily as the senators had voted the ratification of the treaty itself. Candid men, friends to the harmony and stability of this Union, should remember these things when they hear the Northern States, on account of the conduct of some societies and individuals, charged with unjust and criminal designs towards the South.

An incident which attended the negotiation of the supplemental article to the treaty of January deserves to be commemorated, as an instance of the frauds which may attend Indian negotiations, and for which there is so little chance of detection by either of the injured parties, – by the Indians themselves, or by the federal government. When the President sent in the treaty of January, and after its rejection by the Senate became certain, thereby leaving the federal government and

Georgia upon the point of collision, I urged upon Mr. James Barbour, the Secretary at War (of whose department the Indian Office was then a branch) the necessity of a supplemental article ceding all the Creek lands in Georgia; and assured him that, with that additional article, the treaty would be ratified, and the question settled. The Secretary was very willing to do all this, but said it was impossible, – that the chiefs would not agree to it. I recommended to him to make them some presents, so as to overcome their opposition; which he most innocently declined, because it would savor of bribery. In the mean time it had been communicated, to me, that the treaty already made was itself the work of great bribery; the sum of $160,000 out of $247,000, which it stipulated to the Creek nation, as a first payment, being a fund for private distribution among the chiefs who negotiated it. Having received this information, I felt quite sure that the fear of the rejection of the treaty, and the consequent loss of these $160,000, to the negotiating chiefs, would insure their assent to the supplemental article without the inducement of further presents. I had an interview with the leading chiefs, and made known to them the inevitable fact that the Senate would reject the treaty as it stood, but would ratify it with a supplemental article ceding all their lands in Georgia. With this information they agreed to the additional article: and then the whole was ratified, as I have already stated. But a further work remained behind. It was to balk the fraud of the corrupt distribution of $160,000 among a few chiefs; and that was to be done in the appropriation

bill, and by a clause directing the whole treaty money to be paid to the nation instead of the chiefs. The case was communicated to the Senate in secret session, and a committee of conference appointed (Messrs. Benton, Van Buren, and Berrien) to agree with the House committee upon the proper clause to be put into the appropriation bill. It was also communicated to the Secretary at War. He sent in a report from Mr. McKinney, the Indian bureau clerk, and actual negotiator of the treaty, admitting the fact of the intended private distribution; which, in fact, could not be denied, as I held an original paper showing the names of all the intended recipients, with the sum allowed to each, beginning at $20,000 and ranging down to $5000: and that it was done with his cognizance.

Some extracts from speeches delivered on that occasion will well finish this view of a transaction which at one time threatened violence between a State and the federal government, and in which a great fraud in an Indian treaty Was detected and frustrated.

EXTRACTS FROM THE SPEECHES IN THE SENATE AND IN THE HOUSE OF REPRESENTATIVES

"Mr. Van Buren said he should state the circumstances of this case, and the views of the committee of conference. A treaty was made in this city, in which it was stipulated

on the part of the United States, that $247,000, together with an annuity of $20,000 a year, and other considerations, should be paid to the Creeks, as a consideration for the extinguishment of their title to lands in the State of Georgia, which the United States, under the cession of 1802, were under obligations to extinguish. The bill from the other House to carry this treaty into effect, directed that the money should be paid and distributed among the chiefs and warriors. That bill came to the Senate, and a confidential communication was made to the Senate, from which it appeared that strong suspicions were entertained that a design existed on the part of the chiefs who made the treaty, to practise a fraud on the Creek nation, by dividing the money amongst themselves and associates. An amendment was proposed by the Senate, which provided for the payment of those moneys in the usual way, and the distribution of them in the usual manner, and in the usual proportion to which the Indians were entitled. That amendment was sent to the other House, who, unadvised as to the facts which were known to the Senate, refused to concur in it, and asked a conference. The conferees, on the part of the Senate, communicated their suspicions to the conferees on the part of the House, and asked them to unite in an application to the Department of War, for information on the subject. This was accordingly done, and the documents sent, in answer, were a letter from the Secretary of War, and a report by Mr. McKenney. From that report it appeared clear and satisfactory, that a design thus existed on the part of the Indians, by whom the

treaty was negotiated, to distribute of the $247,000 to be paid for the cession by the United States, $159,750 among themselves, and a few favorite chiefs at home, and three Cherokee chiefs who had no interest in the property. Ridge and Vann were to receive by the original treaty $5000 each. By this agreement of the distribution of the money each was to receive $15,000 more, making $20,000 for each. Ridge, the father of Ridge who is here, was to receive $10,000. The other $100,000 was to be distributed, $5000, and, in some instances, $10,000 to the chiefs who negotiated the treaty here, varying from one to ten thousand dollars each.

"Mr. V. B. said, in his judgment, the character of the government was involved in this subject, and it would require, under the circumstances of this case, that they should take every step they could rightfully take to exculpate themselves from having, in any degree or form, concurred in this fraud. The sentiment of the American people where he resided was, and had been, highly excited on this subject; they had applauded, in the most ardent manner, the zeal manifested by the government to preserve themselves pure in their negotiations with the Indians; and though he was satisfied – though he deemed it impossible to suppose for a moment that government could have countenanced the practice of this fraud, yet there were circumstances in the case which required exculpation. Between the negotiation of the treaty and the negotiation of the supplementary article on which the treaty was finally adopted, all these circumstances were communicated to the Department of War by the two Cherokees. Mr. V. B. said it was not his

purpose, because the necessity of the case did not require it, to say what the Secretary of War ought to have done, or to censure what he did do, when the information was given to him. He had known him many years, and there was not an honester man, or a man more devoted to his country, than that gentleman was. Mr. V. B. said it was not for him to have said what should have been the course of the President of the United States, if the information had been given to him on the subject. It could not fail to make a mortifying and most injurious impression on the minds of the people of this country, to find that no means whatever were taken for the suppression of this fraud. There was, and there ought to be, an excitement on the subject in the public mind."

"Mr. Benton said, that after the explanation of the views of the committee of conference which had been given by the senator from New-York (Mr. Van Buren), he would limit himself to a statement of facts on two or three points, on which references had been made to his personal knowledge.

"The Secretary of War had referred to him, in his letter to the committee, as knowing the fact that the Secretary had refused to give private gratuities to the Creek chiefs to promote the success of the negotiation. The reference was correct. Mr. B. had himself recommended the Secretary to do so; it was, however, about forty days after the treaty had been signed. He referred to a paper which fixed the date to the 9th or 10th of March, and the treaty had been signed in the month of January preceding. It was done at the time that Mr. B. had offered his services to procure the supplemental article to be adopted. The Secretary entirely

condemned the practice of giving these gratuities. Mr. B. said he had recommended it as the only way of treating with barbarians; that, if not gratified in this way, the chiefs would prolong the negotiation, at a great daily expense to the government, until they got their gratuity in one way or other, or defeated the treaty altogether. He considered the practice to be sanctioned by the usage of the United States: he believed it to be common in all barbarous nations, and in many that were civilized; and referred to the article in the federal constitution against receiving "*presents*" from foreign powers, as a proof that the convention thought such a restriction to be necessary, even among ourselves.

"The *time* at which Mr. B. had offered his services to aid this negotiation, had appeared to him to be eminently critical, and big with consequences which he was anxious to avert. It was after this committee had resolved to report against the new treaty, and before they had made the report to the Senate. The decision, whatsoever it might be, and the consequent discussions, criminations, and recriminations, were calculated to bring on a violent struggle in the Senate itself; between the Senate and the Executive; perhaps between the two Houses (for a reference of the subject to both would have taken place); and between one or more States and the federal government. Mr. B. had concurred in the report against the new treaty, because it divested Georgia of vested rights; and, though objectionable in many other respects, he was willing, for the sake of peace, to ratify it, provided the vested rights of Georgia were not invaded. The supplemental article had relieved him

upon this point. He thought that *Georgia* had no further cause of dissatisfaction with the treaty; it was *Alabama* that was injured by the loss of some millions of acres, which she had acquired under the treaty of 1825, and lost under that of 1826. Her case commanded his regrets and sympathy. She had lost the right of jurisdiction over a considerable extent of territory; and the advantages of settling, cultivating, and taxing the same, were postponed; but, he hoped, not indefinitely. But these were *consequential* advantages, resulting from an act which the government was not *bound* to do; and, though the loss of them was an injury, yet this injury could not be considered as a violation of vested rights; but the circumstance certainly increased the strength of her claim to the total extinction of the Indian titles within her limits and, he trusted, would have its due effect upon the Government of the United States.

"The third and last point on which Mr. B. thought references to his name had made it proper for him to give a statement, related to the circumstance which had induced the Senate to make the amendment which had become the subject of the conference between the two Houses. He had himself come to the knowledge of that circumstance in the last days of April, some weeks after the supplemental article had been ratified. He had deemed it to be his duty to communicate it to the Senate, and do it in a way that would avoid a groundless agitation of the public feeling, or unjust reflections upon any individual, white or red, if, peradventure, his information should turn out to have been untrue. He therefore communicated it to the Senate in secret

session; and the effect of the information was immediately manifested in the unanimous determination of the Senate to adopt the amendment which was now under consideration. He deemed the amendment, or one that would effect the same object, to be called for by the circumstances of the case, and the relative state of the parties. It was apparent that a few chiefs were to have an undue proportion of the money – they had realized what he had foretold to the Secretary; and it was certain that the knowledge of this, whenever it should be found out by the nation, would occasion disturbances, and, perhaps, bloodshed. He thought that the United States should prevent these consequences, by preventing the cause of them, and, for this purpose, he would concur in any amendment that would effect a fair distribution of the money, or any distribution that was agreeable to the nation in open counsel."

Mr. Berrien: "You have arrived at the last scene in the present act of the great political drama of the Creek controversy. In its progress, you have seen two of the sovereign States of the American Confederation – especially, you have seen one of those States, which has always been faithful and forward in the discharge of her duties to this Union, driven to the wall, by the combined force of the administration and its allies consisting of a portion of the Creek nation, and certain Cherokee diplomatists. Hitherto, in the discussions before the Senate on this subject, I have imposed a restraint upon my own feelings under the influence of motives which have now ceased to operate. It was my first duty to obtain an

acknowledgment, on this floor, of the rights of Georgia, repressing, for that purpose, even the story of her wrongs. It was my first duty, sir, and I have sacrificed to it every other consideration. As a motive to forbearance it no longer exists. The rights of Georgia have been prostrated.

"Sir, in the progress of that controversy, which has grown out of the treaty of the Indian Springs, the people of Georgia have been grossly and wantonly calumniated, and the acts of the administration have assisted to give currency to these calumnies. Her chief magistrate has been traduced. The solemn act of her legislature has been set at naught by a rescript of the federal Executive. A military force has been quartered on her borders to coerce her to submission; and without a trial, without the privilege of being heard, without the semblance of evidence, she has been deprived of rights secured to her by the solemn stipulations of treaty.

"When, in obedience to the will of the legislature of Georgia, her chief magistrate had communicated to the President his determination to survey the ceded territory, his right to do so was admitted. It was declared by the President that the act would be 'wholly' on the responsibility of the government of Georgia, and that 'the Government of the United States would not be in any manner responsible for any consequences which might result from the measure.' When his willingness to encounter this responsibility was announced, it was met by the declaration that the President would 'not permit the survey to be made,' and he was referred to a major-general of the army of the United States, and one thousand regulars.

"The murder of McIntosh – the defamation of the chief magistrate of Georgia – the menace of military force to coerce her to submission – were followed by the traduction of two of her cherished citizens, employed as the agents of the General Government in negotiating the treaty – gentlemen whose integrity will not shrink from a comparison with that of the proudest and loftiest of their accusers. Then the sympathies of the people of the Union were excited in behalf of 'the children of the forest,' who were represented as indignantly spurning the gold, which was offered to entice them from the graves of their fathers, and resolutely determined never to abandon them. The incidents of the plot being thus prepared, the affair hastens to its consummation. A new treaty is negotiated here —*a pure and spotless treaty*. The rights of Georgia and of Alabama are sacrificed; the United States obtain a part of the lands, and pay double the amount stipulated by the old treaty; and those poor and noble, and unsophisticated sons of the forest, having succeeded in imposing on the simplicity of this government, next concert, under its eye, and with its knowledge, the means of defrauding their own constituents, the chiefs and warriors of the Creek nation.

"For their agency in exciting the Creeks to resist the former treaty, and in deluding this government to annul it, *three Cherokees – Ridge, Vann, and the father of the former*– are to receive forty thousand dollars of the money stipulated to be paid by the United States to the chiefs of the *Creek* nation; and the government, when informed of the projected fraud, deems itself powerless to avert it.

Nay, when apprised by your amendment, that you had also detected it, that government does not hesitate to interpose, by one of its high functionaries, to resist your proceeding, by a singular fatuity, thus giving its countenance and support to the commission of the fraud. Sir, I speak of what has passed before your eyes even in this hall.

"One fifth of the whole purchase money is to be given to *three Cherokees*. Ten thousand dollars reward one of the heroes of Fort Mims – a boon which it so well becomes us to bestow. A few chosen favorites divide among themselves upwards of one hundred and fifty thousand dollars, leaving a pittance for distribution among the great body of the chiefs and warriors of the nation.

"But the administration, though it condemns the fraud, thinks that we have no power to prevent its consummation. What, sir, have we no power to see that our own treaty is carried into effect? Have we no interest in doing so? Have we no power? We have stipulated for the payment of two hundred and forty-seven thousand dollars to the chiefs of the Creek nation, *to be distributed among the chiefs and warriors of that nation*. Is not the *distribution* part of the contract as well as the *payment*? We know that a few of those chiefs, in fraudulent violation of the rights secured by that treaty, are about to appropriate this money to themselves. Are we powerless to prevent it? Nay, must we, too, suffer ourselves to be made the conscious instruments of its consummation? We have made a bargain with a savage tribe which you choose to dignify with the name of a treaty concerning whom we legislate with their consent, or without

it, as it seems good in our eyes. We know that some ten or twenty of them are about to cheat the remainder. We have the means in our hands, without which their corrupt purpose cannot be effected. Have we not the right to see that our own bargain is honestly fulfilled? Consistently with common honesty, can we put the consideration money of the contract into the hands of those who we know are about to defraud the people who trusted them? Sir, the proposition is absurd.

"Mr. Forsyth (of the House of Representatives) said: A stupendous fraud, it seems, was intended by the delegation who had formed, with the Secretary of War, the new contract. The chiefs composing the Creek diplomatic train, assisted by their Cherokee secretaries of legation, had combined to put into their own pockets, and those of a few select friends, somewhere about three fourths of the first payment to be made for the second cession of the lands lying in Georgia. The facts connected with this transaction, although concealed from the Senate when the second contract was before them for ratification, and from the House when the appropriation bill to carry it into effect was under consideration, were perfectly understood at the War Department by the Secretary, and by his clerk, who is called the head of the Indian Bureau (Mr. Thomas L. McKinney). The Senate having, by some strange fortune, discovered the intended fraud, after the ratification of the contract, and before they acted on the appropriation bill, wished, by an amendment to the bill, to prevent the success of the profitable scheme of villany. The House,

entirely ignorant of the facts, and not suspecting the motive of the amendment, had rejected it, insisted upon their disagreement to it, and a committee of the two Houses, as usual, had conferred on the subject. Now, that the facts are ascertained by the separate reports of the Committees, there can be no difference of opinion on the great point of defeating the intended treachery of the delegation and secretaries to the Creek tribe. The only matter which can bear discussion, is, how shall the treachery be punished? – how shall the Creek tribe be protected from the abominable designs of their worthless and unprincipled agents? Will the amendment proposed by the committee reach their object? The plan is, to pay the money to the chiefs, to be divided among the chiefs and warriors, under the direction of the Secretary of War, in a full council of the nation, convened for the purpose. Suppose the council in solemn session, the money before them, and the division about to be made, under the direction of the Secretary of War – may not the chiefs and their secretaries claim the money, as promised to them under the treaty, and how will the Secretary or his agent resist the claim? They assented – the House will perceive that the only difficulty was the amount of the bribe. The Secretary was willing to go as high as five thousand dollars, but could not stretch to ten thousand dollars. Notwithstanding the assent of the Cherokees, and the declaration of the Secretary, that five thousand dollars each was the extent that they could be allowed, Ridge and Vann, after the treaty was signed, and before it was acted on by the Senate, or submitted to that body, brought a

paper, the precious list of the price of each traitor, for the inspection and information of the head of the bureau and the head of the department; and what answer did they receive from both? The head of the bureau said it was their own affair. The Secretary said he presumed it was their own affair. But I ask this House, if the engagement for the five thousand dollars, and the list of the sums to be distributed, may not be claimed as part of this new contract? If these persons have not a right to claim, in the face of the tribe, these sums, as promised to them by their Great Father? Ay, sir; and, if they are powerful enough in the tribe, they will enforce their claim. Under what pretext will your Secretary of War direct a different disposition or division of the money, after his often repeated declaration, 'it is their own affair' – the affair of the delegation? Yes, sir, so happily has this business been managed at the seat of government, under the Executive eye, that this division which the negotiators proposed to make of the spoil, may be termed a part of the consideration of the contract. It must be confessed that these exquisite ambassadors were quite liberal to themselves, their secretaries, and particular friends: one hundred and fifty-nine thousand seven hundred dollars, to be divided among some twenty persons, is pretty well! What name shall we give to this division of money among them? To call it a bribe, would shock the delicacy of the War Department, and possibly offend those gentle spirited politicians, who resemble Cowper's preachers, 'who could not mention hell to ears polite.' The transcendent criminality of this design cannot be well understood, without recalling to recollection

the dark and bloody scenes of the year past. The chief McIntosh, distinguished at all times by his courage and devotion to the whites, deriving his name of the White Warrior, from his mixed parentage, had formed, with his party, the treaty of the Indian Springs. He was denounced for it. His midnight sleep was broken by the crackling flames of his dwelling burning over his head. Escaping from the flames, he was shot down by a party acting under the orders of the persons who accused him of betraying, for his own selfish purposes, the interest of the tribe. Those who condemned that chief, the incendiaries and the murderers, are the negotiators of this new contract; the one hundred and fifty-nine thousand dollars, is to be the fruit of their victory over the assassinated chief. What evidence of fraud, and selfishness, and treachery, has red or white malice been able to exhibit against the dead warrior? A reservation of land for him, in the contract of 1821, was sold by him to the United States, for twenty-five thousand dollars; a price he could have obtained from individuals, if his title had been deemed secure. This sale of property given to him by the tribe, was the foundation of the calumnies that have been heaped upon his memory, and the cause which, in the eyes of our administration newspaper editors, scribblers, and reviewers, justified his execution. Now, sir, the executioners are to be rewarded by pillaging the public Treasury. I look with some curiosity for the indignant denunciations of this accidentally discovered treachery. Perhaps it will be discovered that all this new business of the Creeks is 'their own affair,' with which the white editors and reviewers have nothing to do.

Fortunately, Mr. F. said, Congress had something to do with this affair. We owe a justice to the tribe. This amendment, he feared, would not do justice. The power of Congress should be exerted, not only to keep the money out of the hands of these wretches, but to secure a faithful and equal distribution of it among the whole Creek nation. The whole tribe hold the land; their title by occupancy resides in all; all are rightfully claimants to equal portions of the price of their removal from it. The country is not aware how the Indian annuities are distributed, or the moneys paid to the tribes disposed of. They are divided according to the discretion of the Indian government, completely aristocratical – all the powers vested in a few chiefs. Mr. F. had it from authority he could not doubt, that the Creek annuities had, for years past, been divided in very unequal proportions, not among the twenty thousand souls of which the tribe was believed to be composed, but among about one thousand five hundred chiefs and warriors.

"Mr. Forsyth expressed his hope that the House would reject the report of the committee. Before taking his seat, he asked the indulgence of the House, while he made a few comments on this list of worthies, and the prices to be paid to each. At the head of the list stands Mr. Ridge, with the sum of $15,000 opposite to his elevated name. This man is no Creek, but a Cherokee, educated among the whites, allied to them by marriage – has received lessons in Christianity, morality, and sentiment – perfectly civilized, according to the rules and customs of Cornwall. This negotiation, of which he has been, either as actor or

instrument, the principal manager is an admirable proof of the benefits he has derived from his residence among a moral and religious people. Vann, another Cherokee, half savage and half civilized, succeeds him with $15,000 bounty. A few inches below comes another Ridge, the major, father to the secretary – a gallant old fellow, who did some service against the hostile Creeks, during the late war, for which he deserved and received acknowledgments – but what claims he had to this Creek money, Mr. F. could not comprehend. Probably his name was used merely to cover another gratuity for the son, whose modesty would not permit him to take more than $15,000 in his own name. These Cherokees were together to receive $40,000 of Creek money, and the Secretary of War is of opinion it is quite consistent with the contract, which provides for the distribution of it among the chiefs and warriors of the Creeks. Look, sir, at the distinction made for these exquisites. Yopothle Yoholo, whose word General Gaines would take against the congregated world, is set down for but $10,000. The Little Prince but $10,000. Even Menawee, distinguished as he is as the leader of the party who murdered McIntosh and Etome Tustunnuggee – as one of the accursed band who butchered three hundred men, women, and children, at Fort Mims – has but $10,000. A distinguished Red Stick, in these days, when kindness to Indians is shown in proportion to their opposition to the policy of the General Government, might have expected better treatment – only ten thousand dollars to our enemy in war and in peace! But, sir, I will not detain the House longer.

I should hold myself criminal if I had exposed these things unnecessarily or uselessly. That patriotism only is lovely which, imitating the filial piety of the sons of the Patriarch, seeks, with averted face, to cover the nakedness of the country from the eye of a vulgar and invidious curiosity. But the commands of public duty must be obeyed; let those who have imposed this duty upon us answer for it to the people."

"Mr. Tatnall, of Geo. (H. R.) He was as confident as his colleagues could be, that the foulest fraud had been projected by some of the individuals calling themselves a part of the Creek delegation, and that it was known to the department of war before the ratification of the treaty, and was not communicated by that department to the Senate, either before or during the pendency of the consideration of the treaty by that body. Mr. T. said he would not, however, for the reasons just mentioned, dwell on this ground, but would proceed to state, that he was in favor of the amendment offered by the committee of conference, (and therein he differed from his colleague), which, whilst it would effectually prevent the commission of the fraud intended, would, also, avoid a violation of the terms of 'the new treaty,' as it was styled. He stated, that the list which he held in his hand was, itself, conclusive evidence of a corrupt intention to divide the greater part of the money among the few persons named in it. In this list, different sums were written opposite the names of different individuals, such, for instance, as the following: 'John Ridge, $15,000 – Joseph Vann, 15,000' (both Cherokees, and not Creeks, and, therefore, not entitled to one cent). The next, a

long and barbarous Indian name, which I shall not attempt to pronounce. '$10,000' – next, John Stedham, '$10,000,' &c. This list, as it appears in the documents received from the Secretary of War, was presented to the war department by Ridge and Vann."

CHAPTER XXV.
THE PANAMA MISSION

The history of this mission, or attempted mission (for it never took effect, though eventually sanctioned by both Houses of Congress), deserves a place in this inside view of the working of our government. Though long since sunk into oblivion, and its name almost forgotten, it was a master subject on the political theatre during its day; and gave rise to questions of national, and of constitutional law, and of national policy, the importance of which survive the occasion from which they sprung; and the solution of which (as then solved), may be some guide to future action, if similar questions again occur. Besides the grave questions to which the subject gave rise, the subject itself became one of unusual and painful excitement. It agitated the people, made a violent debate in the two Houses of Congress, inflamed the passions of parties and individuals, raised a tempest before which Congress bent, made bad feeling between the President and the Senate; and led to the duel between Mr. Randolph and Mr. Clay. It was an administration measure, and pressed by all the means known to an administration. It was evidently relied upon as a means of acting upon the people – as a popular movement, which might have the effect of turning the tide which was then running high against Mr. Adams and Mr. Clay on

account of the election in the House of Representatives, and the broad doctrines of the inaugural address, and of the first annual message; and it was doubtless well imagined for that purpose. It was an American movement, and republican. It was the assembly of the American states of Spanish origin, counselling for their mutual safety and independence; and presenting the natural wish for the United States to place herself at their head, as the eldest sister of the new republics, and the one whose example and institutions the others had followed. The monarchies of Europe had formed a "Holy Alliance," to check the progress of liberty: it seemed just that the republics of the New World should confederate against the dangers of despotism. The subject had a charm in it; and the name and place of meeting recalled classic and cherished recollections. It was on an isthmus – the Isthmus of Panama – which connected the two Americas, the Grecian republics had their isthmus – that of Corinth – where their deputies assembled. All the advantages in the presentation of the question were on the side of the administration. It addressed itself to the imagination – to the passions – to the prejudices; – and could only be met by the cold and sober suggestions of reason and judgment. It had the prestige of name and subject, and was half victor before the contest began; and it required bold men to make head against it.

The debate began in the Senate, upon the nomination of ministers; and as the Senate sat with closed doors, their objections were not heard, while numerous presses, and popular

speakers, excited the public mind in favor of the measure, and inflamed it against the Senate for delaying its sanction. It was a plan conceived by the new Spanish American republics, and prepared as a sort of amphictyonic council for the settlement of questions among themselves; and, to which, in a manner which had much the appearance of our own procuring, we had received an invitation to send deputies. The invitation was most seductively exhibited in all the administration presses; and captivated all young and ardent imaginations. The people were roused: the majority in both Houses of Congress gave way (many against their convictions, as they frankly told me), while the project itself – our participation in it – was utterly condemned by the principles of our constitution, and by the policy which forbade "entangling alliances," and the proposed congress itself was not even a diplomatic body to which ministers could be sent under the law of nations. To counteract the effect of this outside current, the Senate, on the motion of Mr. Van Buren, adopted a resolve to debate the question with open doors, "unless, in the opinion of the President, the publication of documents necessary to be referred to in debate should be prejudicial to existing negotiations: " and a copy of the resolve was sent to Mr. Adams for his opinion on that point. He declined to give it, and left it to the Senate to decide for itself, "*the question of an unexampled departure from its own usages, and upon the motives of which not being himself informed, he did not feel himself competent to decide*." This reference to the motives of the

members, and the usages of the Senate, with its clear implication of the badness of one, and the violation of the other, gave great offence in the Senate, and even led to a proposition (made by Mr. Rowan of Kentucky), not to act on the nominations until the information requested should be given. In the end the Senate relinquished the idea of a public debate, and contented itself with its publication after it was over. Mr. John Sergeant of Pennsylvania, and Mr. Richard Clark Anderson of Kentucky, were the ministers nominated; and, the question turning wholly upon the mission itself, and not upon the persons nominated (to whose fitness there was no objection), they were confirmed by a close vote – 24 to 20. The negatives were: *Messrs.* Benton, Berrien, Branch, Chandler, Cobb (Thomas W. of Georgia), Dickerson, Eaton, Findlay, Hayne, Holmes of Maine, Kane, King of Alabama, Macon, Randolph, Tazewell, Rowan, Van Buren, White of Tennessee, Williams of Mississippi, Woodbury. The Vice-President, Mr. Calhoun, presiding in the Senate, had no vote, the constitutional contingency to authorize it not having occurred: but he was full and free in the expression of his opinion against the mission.

It was very nearly a party vote, the democracy as a party, being against it: but of those of the party who voted for it, the design of this history (which is to show the working of the government) requires it to be told that there was afterwards, either to themselves or relatives, some large dispensations of executive patronage. Their votes may have been conscientious;

but in that case, it would have been better to have vindicated the disinterestedness of the act, by the total refusal of executive favor. Mr. Adams commenced right, by asking the advice of the Senate, before he instituted the mission; but the manner in which the object was pursued, made it a matter of opposition to the administration to refuse it, and greatly impaired the harmony which ought to exist between the President and the Senate. After all, the whole conception of the Panama congress was an abortion. It died out of itself, without ever having been once held – not even by the states which had conceived it. It was incongruous and impracticable, even for them, – more apt to engender disputes among themselves than to harmonize action against Spain, – and utterly foreign to us, and dangerous to our peace and institutions. The basis of the agreement for the congress, was the existing state of war between all the new states and the mother country – Spanish pride and policy being slow to acknowledge the independence of revolted colonies, no matter how independent in fact; – and the wish to establish concert among themselves, in the mode of treating her commerce, and that of such of her American possessions (Cuba, Porto Rico), as had not thrown off their subjection. We were at peace with Spain, and could not go into any such council without compromising our neutrality, and impairing the integrity of our national character. Besides the difficulties it would involve with Spain, there was one subject specified in the treaties for discussion and settlement in that congress, namely, the considerations of future relations with

the government of Haiti, which would have been a firebrand in the southern half of our Union, – not to be handled or touched by our government any where. The publication of the secret debates in the Senate on the nomination of the ministers, and the public discussion in the House of Representatives on the appropriation clauses, to carry the mission into effect, succeeded, after some time, in dissipating all the illusions which had fascinated the public mind – turned the current against the administration – made the project a new head of objection to its authors; and in a short time it would have been impossible to obtain any consideration for it, either in Congress or before the people. It is now entirely forgotten, but deserves to be remembered in this View of the working of the government, to show the questions of policy, of national and constitutional law which were discussed – the excitement which can be got up without foundation, and against reason – how public men can bend before a storm – how all the departments of the government can go wrong: – and how the true conservative power in our country is in the people, in their judgment and reason, and in steady appeals to their intelligence and patriotism.

Mr. Adams communicated the objects of the proposed congress, so far as the United States could engage in them, in a special message to the Senate; in which, disclaiming all part in any deliberations of a belligerent character, or design to contract alliances, or to engage in any project importing hostility to any other nation, he enumerated, as the measures in which we

could well take part, 1. The establishment of liberal principles of commercial intercourse, which he supposed could be best done in an assembly of all the American states together. 2. The consentaneous adoption of principles of maritime neutrality. 3. The doctrine that free ships make free goods. 4. An agreement that the "Monroe doctrine," as it is called, should be adopted by the congress, each state to guard, by its own means, its own territory from future European colonization. The enunciation of this doctrine, so different from what it has of late been supposed to be, as binding the United States to guard all the territory of the New World from European colonization, makes it proper to give this passage from Mr. Adams's message in his own words. They are these: "An agreement between all the parties represented at the meeting, that each will guard, by its own means, against the establishment of any future European colony within its borders, may be found advisable. This was, more than two years since, announced by my predecessor to the world, as a principle resulting from the emancipation of both the American continents. It may be so developed to the new southern nations, that they may feel it as an essential appendage to their independence." These were the words of Mr. Adams, who had been a member of Mr. Monroe's cabinet, and filling the department from which the doctrine would emanate; written at a time when the enunciation of it was still fresh, and when he himself, in a communication to the American Senate, was laying it down for the adoption of all the American nations

in a general congress of their deputies. The circumstances of the communication render it incredible that Mr. Adams could be deceived in his understanding; and, according to him, this "Monroe doctrine" (according to which it has been of late believed that the United States were to stand guard over the two Americas, and repulse all intrusive colonists from their shores), was entirely confined to our own borders: that it was only proposed to get the other states of the New World to agree that, each for itself, and by its own means, should guard its own territories: and, consequently, that the United States, so far from extending gratuitous protection to the territories of other states, would neither give, nor receive, aid in any such enterprise, but that each should use its own means, within its own borders, for its own exemption from European colonial intrusion. 5. A fifth object proposed by Mr. Adams, in which he supposed our participation in the business of the Panama congress might be rightfully and beneficially admitted, related to the advancement of religious liberty: and as this was a point at which the message encountered much censure, I will give it in its own words. They are these "There is yet another subject upon which, with out entering into any treaty, the moral influence of the United States may, perhaps, be exerted with beneficial influence at such meeting – the advancement of religious liberty. Some of the southern nations are, even yet, so far under the dominion of prejudice, that they have incorporated, with their political constitutions, an exclusive Church, without toleration of

any other than the dominant sect. The abandonment of this last badge of religious bigotry and oppression, may be pressed more effectually by the united exertions of those who concur in the principles of freedom of conscience, upon those who are yet to be convinced of their justice and wisdom, than by the solitary efforts of a minister to any one of their separate governments." 6. The sixth and last object named by Mr. Adams was, to give proofs of our good will to all the new southern republics, by accepting their invitation to join them in the congress which they proposed of American nations. The President enumerated no others of the objects to which the discussions of the congress might be directed; but in the papers which he communicated with the invitations he had received, many others were mentioned, one of which was, "the basis on which the relations with Haiti should be placed;" and the other, "to consider and settle the future relations with Cuba and Porto Rico."

The message was referred to the Senate's Committee on Foreign Affairs, consisting of Mr. Macon, Mr. Tazewell, and Mr. Gaillard of South Carolina, Mr. Mills of Massachusetts, and Mr. Hugh L. White of Tennessee. The committee reported adversely to the President's recommendation, and replied to the message, point by point. It is an elaborate document, of great ability and research, and well expressed the democratic doctrines of that day. It was presented by Mr. Macon, the chairman of the committee, and was drawn, by Mr. Tazewell, and was the report of which Mr. Macon, when complimented upon it, was

accustomed to answer, "Yes: it is a good report. Tazewell wrote it." But it was his also; for no power could have made him present it, without declaring the fact, if he had not approved it. The general principle of the report was that of good will and friendship to all the young republics, and the cultivation of social, commercial and political relations with each one individually; but no entangling connection, and no internal interference with any one. On the suggestion of advancing religious freedom, the committee remark:

> "In the opinion of this committee, there is no proposition, concerning which the people of the United States are now and ever have been more unanimous, than that which denies, not merely the expediency, but the right of intermeddling with the internal affairs of other states; and especially of seeking to alter any provision they may have thought proper to adopt as a fundamental law, or may have incorporated with their political constitutions. And if there be any such subject more sacred and delicate than another, as to which the United States ought never to intermeddle, even by obtrusive advice, it is that which concerns religious liberty. The most cruel and devastating wars have been produced by such interferences; the blood of man has been poured out in torrents; and, from the days of the crusades to the present hour, no benefit has resulted to the human family, from discussions carried on by nations upon such subjects. Among the variety even of Christian nations which now inhabit the earth, rare indeed are the examples to be found of states who have not established

an exclusive church; and to far the greater number of these toleration is yet unknown. In none of the communications which have taken place, is the most distant allusion made to this delicate subject, by any of the ministers who have given this invitation; and the committee feel very confident in the opinion, that, if ever an intimation shall be made to the sovereignties they represent, that it was the purpose of the United States to discuss at the proposed congress, their plans of internal civil polity, or any thing touching the supposed interests of their religious establishments, the invitation given would soon be withdrawn."

On the subject of the "Monroe doctrine," the report shows that, one of the new republics (Colombia) proposed that this doctrine should be enforced "by the joint and united efforts of all the states to be represented in the congress, who should be bound by a solemn convention to secure this end. It was in answer to this proposition that the President in his message showed the extent of that doctrine to be limited to our own territories, and that all that we could do, would be to enter into agreement that each should guard, by its own means, against the establishment of any foreign colony within its borders. Even such an agreement the committee deemed unadvisable, and that there was no more reason for making it a treaty stipulation than there was for reducing to such stipulations any other of the "high, just, and universally admitted rights of all nations." The favorable commercial treaties which the President expected to obtain, the committee believed would be more readily obtained from each nation separately (in

which opinion their foresight has been justified by the event); and that each treaty would be the more easily kept in proportion to the smaller number of parties to it. The ameliorations of the laws of nations which the President proposed, in the adoption of principles of maritime neutrality, and that free ships should make free goods, and the restriction of paper blockades, were deemed by the committee objects beyond the enforcement of the American states alone; and the enforcement of which, if agreed to, might bring the chief burthen of enforcement upon the United States; and the committee doubted the policy of undertaking, by negotiation with these nations, to settle abstract propositions, as parts of public law. On the subject of Cuba and Porto Rico, the report declared that the United States could never regard with indifference their actual condition, or future destiny; – but deprecated any joint action in relation to them, or any action to which they themselves were not parties; and it totally discountenanced any joint discussion or action in relation to the future of Haïti. To the whole of the new republics, the report expressed the belief that, the retention of our present unconnected and friendly position towards them, would be most for their own benefit, and enable the United States to act most effectually for them in the case of needing our good offices. It said:

> "While the United States retain the position which they have hitherto occupied, and manifest a constant determination not to mingle their interests with those of

the other states of America, they may continue to employ the influence which they possess, and have already happily exerted, with the nations of Europe, in favor of these new republics. But, if ever the United States permit themselves to be associated with these nations in any general congress, assembled for the discussion of common plans, in the way affecting European interests, they will, by such an act, not only deprive themselves of the ability they now possess, of rendering useful assistance to the other American states, but also produce other effects, prejudicial to their own interests. Then, the powers of Europe, who have hitherto confided in the sagacity, vigilance, and impartiality of the United States, to watch, detect, announce, and restrain any disposition that the heat of the existing contest might excite in the new states of America, to extend their empires beyond their own limits, and who have, therefore, considered their possessions and commerce in America safe, while so guarded, would no longer feel this confidence."

The advantage of pursuing our old policy, and maintaining friendly relations with all powers, "entangling alliances with none," was forcibly presented in a brief and striking paragraph:

"And the United States, who have grown up in happiness, to their present prosperity, by a strict observance of their old well-known course of policy, and by manifesting entire good will and most profound respect for all other nations, must prepare to embark their future destinies upon an unknown and turbulent ocean, directed by little experience, and destined for no certain haven. In such a

> voyage the dissimilitude existing between themselves and their associates, in interest, character, language, religion, manners, customs, habits, laws, and almost every other particular: and the rivalship these discrepancies must surely produce amongst them, would generate discords, which, if they did not destroy all hope of its successful termination, would make even success itself the ultimate cause of new and direful conflicts between themselves. Such has been the issue of all such enterprises in past time; and we have therefore strong reasons to expect in the future, similar results from similar causes."

The committee dissented from the President on the point of his right to institute the mission without the previous advice and consent of the Senate. The President averred his right to do so: but deemed it advisable, under all the circumstances, to waive the right, and ask the advice. The committee averred the right of the Senate to decide directly upon the expedience of this *new mission*; grounding the right upon its originality, and holding that when a *new mission* is to be instituted it is the creation of an office, not the filling of a vacancy; and that the Senate have a right to decide upon the expediency of the *office itself*.

I spoke myself on this question, and to all the points which it presented, and on the subject of relations with Haiti (on which a uniform rule was to be determined on, or a rule with modifications, according to the proposition of Colombia) I held that our policy was fixed, and could be neither altered, nor discussed in any foreign assembly; and especially in the one

proposed; all the other parties to which had already placed the two races (black and white) on the basis of political equality. I said:

> "Our policy towards Haïti, the old San Domingo, has been fixed for three and thirty years. We trade with her, but no diplomatic relations have been established between us. We purchase coffee from her, and pay her for it; but we interchange no consuls or ministers. We receive no mulatto consuls, or black ambassadors from her. And why? Because the peace of eleven States in this Union will not permit the fruits of a successful negro insurrection to be exhibited among them. It will not permit black consuls and ambassadors to establish themselves in our cities, and to parade through our country, and give to their fellow blacks in the United States, proof in hand of the honors which await them, for a like successful effort on their part. It will not permit the fact to be seen, and told, that for the murder of their masters and mistresses, they are to find *friends* among the white people of these United States. No, this is a question which has been *determined* HERE for three and thirty years; one which has never been open for discussion, at home or abroad, neither under the Presidency of Gen. Washington, of the first Mr. Adams, of Mr. Jefferson, Mr. Madison, or Mr. Monroe. It is one which cannot be discussed in *this* chamber on *this* day; and shall we go to Panama to discuss it? I take it in the mildest supposed character of this Congress – shall we go there to *advise* and *consult* in council about it? Who are to advise and sit

> in judgment upon it? Five nations who have already put the black man upon an equality with the white, not only in their constitutions but in real life: five nations who have at this moment (at least some of them) black generals in their armies and mulatto senators in their congresses!"

No question, in its day, excited more heat and intemperate discussion, or more feeling between a President and Senate, than this proposed mission to the congress of American nations at Panama; and no heated question ever cooled off, and died out so suddenly and completely. And now the chief benefit to be derived from its retrospect – and that indeed is a real one – is a view of the firmness with which was then maintained by a minority, the old policy of the United States, to avoid entangling alliances and interference with the affairs of other nations; – and the exposition of the Monroe doctrine, from one so competent to give it as Mr. Adams.

CHAPTER XXVI.
DUEL BETWEEN MR. CLAY AND MR. RANDOLPH

It was Saturday, the first day of April, towards noon, the Senate not being that day in session, that Mr. Randolph came to my room at Brown's Hotel, and (without explaining the reason of the question) asked me if I was a blood-relation of Mrs. Clay? I answered that I was, and he immediately replied that that put an end to a request which he had wished to make of me; and then went on to tell me that he had just received a challenge from Mr. Clay, had accepted it, was ready to go out, and would apply to Col. Tatnall to be his second. Before leaving, he told me he would make my bosom the depository of a secret which he should commit to no other person: it was, that he did not intend to fire at Mr. Clay. He told it to me because he wanted a witness of his intention, and did not mean to tell it to his second or any body else; and enjoined inviolable secrecy until the duel was over. This was the first notice I had of the affair. The circumstances of the delivery of the challenge I had from Gen. Jesup, Mr. Clay's second, and they were so perfectly characteristic of Mr. Randolph that I give them in detail, and in the General's own words:

"I was unable to see Mr. Randolph until the morning of the 1st of April, when I called on him for the purpose of delivering the note. Previous to presenting it however, I thought it proper to ascertain from Mr. Randolph himself whether the information which Mr. Clay had received – that he considered himself personally accountable for the attack on him – was correct. I accordingly informed Mr. Randolph that I was the bearer of a message from Mr. Clay, in consequence of an attack which he had made upon his private as well as public character in the Senate; that I was aware no one had the right to question him out of the Senate for any thing said in debate, unless he chose voluntarily to waive his privileges as a member of that body. Mr. Randolph replied, that the constitution did protect him, but he would never shield himself under such a subterfuge as the pleading of his privilege as a senator from Virginia; that he did hold himself accountable to Mr. Clay; but he said that gentleman had first two pledges to redeem: one that he had bound himself to fight any member of the House of Representatives, who should acknowledge himself the author of a certain publication in a Philadelphia paper; and the other that he stood pledged to establish certain facts in regard to a great man, whom he would not name; but, he added he could receive no verbal message from Mr. Clay – that any message from him must be in writing. I replied that I was not authorized by Mr. Clay to enter into or receive any verbal explanations – that the inquiries I had made were for my own satisfaction and upon my own responsibility – that the only message of which I was the bearer was in

writing. I then presented the note, and remarked that I knew nothing of Mr. Clay's pledges; but that if they existed as he (Mr. Randolph) understood them, and he was aware of them when he made the attack complained of, he could not avail himself of them – that by making the attack I thought he had waived them himself. He said he had not the remotest intention of taking advantage of the pledges referred to; that he had mentioned them merely to remind me that he was waiving his privilege, not only as a senator from Virginia, but as a private gentleman; that he was ready to respond to Mr. Clay, and would be obliged to me if I would bear his note in reply; and that he would in the course of the day look out for a friend. I declined being the bearer of his note, but informed him my only reason for declining was, that I thought he owed it to himself to consult his friends before taking so important a step. He seized my hand, saying, 'You are right, sir. I thank you for the suggestion: but as you do not take my note, you must not be impatient if you should not hear from me to-day. I now think of only two friends, and there are circumstances connected with one of them which may deprive me of his services, and the other is in bad health – he was sick yesterday, and may not be out to-day.' I assured him that any reasonable time which he might find necessary to take would be satisfactory. I took leave of him; and it is due to his memory to say that his bearing was, throughout the interview, that of a high-toned, chivalrous gentleman of the old school."

These were the circumstances of the delivery of the challenge,

and the only thing necessary to give them their character is to recollect that, with this prompt acceptance and positive refusal to explain, and this extra cut about the two pledges, there was a perfect determination not to fire at Mr. Clay. That determination rested on two grounds; first, an entire unwillingness to hurt Mr. Clay; and, next, a conviction that to return the fire would be to answer, and would be an implied acknowledgment of Mr. Clay's right to make him answer. This he would not do, neither by implication nor in words. He denied the right of any person to question him out of the Senate for words spoken within it. He took a distinction between man and senator. As senator he had a constitutional immunity, given for a wise purpose, and which he would neither surrender nor compromise; as individual he was ready to give satisfaction for what was deemed an injury. He would receive, but not return a fire. It was as much as to say: Mr. Clay may fire at me for what has offended him; I will not, by returning the fire, admit his right to do so. This was a subtle distinction, and that in case of life and death, and not very clear to the common intellect; but to Mr. Randolph both clear and convincing. His allusion to the "two pledges unredeemed," which he might have plead in bar to Mr. Clay's challenge, and would not, was another sarcastic cut at Mr. Adams and Mr. Clay, while rendering satisfaction for cuts already given. The "member of the House" was Mr. George Kremer, of Pennsylvania, who, at the time of the presidential election in the House of Representatives, had avowed himself to be the author

of an anonymous publication, the writer of which Mr. Clay had threatened to call to account if he would avow himself – and did not. The "great man" was President Adams, with whom Mr. Clay had had a newspaper controversy, involving a question of fact, – which had been postponed. The cause of this sarcastic cut, and of all the keen personality in the Panama speech, was the belief that the President and Secretary, the latter especially, encouraged the newspapers in their interest to attack him, which they did incessantly; and he chose to overlook the editors and retaliate upon the instigators, as he believed them to be. This he did to his heart's content in that speech – and to their great annoyance, as the coming of the challenge proved. The "two friends" alluded to were Col. Tatnall and myself, and the circumstances which might disqualify one of the two were those of my relationship to Mrs. Clay, of which he did not know the degree, and whether of affinity or consanguinity – considering the first no obstacle, the other a complete bar to my appearing as his second – holding, as he did, with the tenacity of an Indian, to the obligations of blood, and laying but little stress on marriage connections. His affable reception and courteous demeanor to Gen. Jesup were according to his own high breeding, and the decorum which belonged to such occasions. A duel in the circle to which he belonged was "an affair of honor;" and high honor, according to its code, must pervade every part of it. General Jesup had come upon an unpleasant business. Mr. Randolph determined to put him at his ease; and did it so effectually as to charm him into

admiration. The whole plan of his conduct, down to contingent details, was cast in his mind instantly, as if by intuition, and never departed from. The acceptance, the refusal to explain, the determination not to fire, the first and second choice of a friend, and the circumstances which might disqualify one and delay the other, the additional cut, and the resolve to fall, if he fell, on the soil of Virginia – was all, to his mind, a single emanation, the flash of an instant. He needed no consultations, no deliberations to arrive at all these important conclusions. I dwell upon these small circumstances because they are characteristic, and show the man – a man who belongs to history, and had his own history, and should be known as he was. That character can only be shown in his own conduct, his own words and acts: and this duel with Mr. Clay illustrates it at many points. It is in that point of view that I dwell upon circumstances which might seem trivial, but which are not so, being illustrative of character and significant to their smallest particulars.

The acceptance of the challenge was in keeping with the whole proceeding – prompt in the agreement to meet, exact in protesting against the *right* to call him out, clear in the waiver of his constitutional privilege, brief and cogent in presenting the case as one of some reprehension – the case of a member of an administration challenging a senator for words spoken in debate of that administration; and all in brief, terse, and superlatively decorous language. It ran thus:

"Mr. Randolph accepts the challenge of Mr. Clay. At

the same time he protests against the *right* of any minister of the Executive Government of the United States to hold him responsible for words spoken in debate, as a senator from Virginia, in crimination of such minister, or the administration under which he shall have taken office. Colonel Tatnall, of Georgia, the bearer of this letter, is authorized to arrange with General Jesup (the bearer of Mr. Clay's challenge) the terms of the meeting to which Mr. Randolph is invited by that note."

This *protest* which Mr. Randolph entered against the right of Mr. Clay to challenge him, led to an explanation between their mutual friends on that delicate point – a point which concerned the independence of debate, the privileges of the Senate, the immunity of a member, and the sanctity of the constitution. It was a point which Mr. Clay felt; and the explanation which was had between the mutual friends presented an excuse, if not a justification, for his proceeding. He had been informed that Mr. Randolph, in his speech, had avowed his responsibility to Mr. Clay, and waived his privilege – a thing which, if it had been done, would have been a defiance, and stood for an invitation to Mr. Clay to send a challenge. Mr. Randolph, through Col. Tatnall, disavowed that imputed avowal, and confined his waiver of privilege to the time of the delivery of the challenge, and in answer to an inquiry before it was delivered.

The following are the communications between the respective seconds on this point:

"In regard to the *protest* with which Mr. Randolph's note concludes, it is due to Mr. Clay to say that he had been informed Mr. Randolph did, and would, hold himself responsible to him for any observations he might make in relation to him; and that I (Gen. Jesup) distinctly understood from Mr. Randolph, before I delivered the note of Mr. Clay, that he waived his privilege as a senator."

To this Col. Tatnall replied:

"As this expression (did and would hold himself responsible, &c.) may be construed to mean that Mr. Randolph had given this intimation not only before called upon, but in such a manner as to throw out to Mr. Clay something like an invitation to make such a call, I have, on the part of Mr. Randolph, to disavow any disposition, when expressing his readiness to waive his privilege as a senator from Virginia, to invite, in any case, a call upon him for personal satisfaction. The concluding paragraph of your note, I presume, is intended to show merely that you did not present a note, such as that of Mr. Clay to Mr. Randolph, until you had ascertained his willingness to waive his privilege as a senator. This I infer, as it was in your recollection that the expression of such a readiness on the part of Mr. Randolph was in reply to an inquiry on that point made by yourself."

Thus an irritating circumstance in the affair was virtually negatived, and its offensive import wholly disavowed. For my part, I do not believe that Mr. Randolph used such language in his

speech. I have no recollection of having heard it. The published report of the speech, as taken down by the reporters and not revised by the speaker, contains nothing of it. Such gasconade was foreign to Mr. Randolph's character. The occasion was not one in which these sort of defiances are thrown out, which are either to purchase a cheap reputation when it is known they will be despised, or to get an advantage in extracting a challenge when there is a design to kill. Mr. Randolph had none of these views with respect to Mr. Clay. He had no desire to fight him, or to hurt him, or gain cheap character by appearing to bully him. He was above all that, and had settled accounts with him in his speech, and wanted no more. I do not believe it was said; but there was a part of the speech which might have received a wrong application, and led to the erroneous report: a part which applied to a quoted passage in Mr. Adams's Panama message, which he condemned and denounced, and dared the President and his friends to defend. His words were, as reported unrevised: "Here I plant my foot; here I fling defiance right into his (the President's) teeth; here I throw the gauntlet to him and the bravest of his compeers to come forward and defend these lines," &c. A very palpable defiance this, but very different from a summons to personal combat, and from what was related to Mr. Clay. It was an unfortunate report, doubtless the effect of indistinct apprehension, and the more to be regretted as, after having been a main cause inducing the challenge, the disavowal could not stop it.

Thus the agreement for the meeting was absolute; and, according to the expectation of the principals, the meeting itself would be immediately; but their seconds, from the most laudable feelings, determined to delay it, with the hope to prevent it, and did keep it off a week, admitting me to a participation in the good work, as being already privy to the affair and friendly to both parties. The challenge stated no specific ground of offence, specified no exceptionable words. It was peremptory and general, for an "unprovoked attack on his (Mr. Clay's) character," and it dispensed with explanations by alleging that the notoriety and indisputable existence of the injury superseded the necessity for them. Of course this demand was bottomed on a report of the words spoken – a verbal report, the full daily publication of the debates having not then begun – and that verbal report was of a character greatly to exasperate Mr. Clay. It stated that in the course of the debate Mr. Randolph said:

> "That a letter from General Salazar, the Mexican Minister at Washington, submitted by the Executive to the Senate, bore the ear-mark of having been manufactured or forged by the Secretary of State, and denounced the administration as a corrupt coalition between the puritan and blackleg; and added, at the same time, that he (Mr. Randolph) held himself personally responsible for all that he had said."

This was the report to Mr. Clay, and upon which he gave the absolute challenge, and received the absolute acceptance, which

shut out all inquiry between the principals into the causes of the quarrel. The seconds determined to open it, and to attempt an accommodation, or a peaceable determination of the difficulty. In consequence, General Jesup stated the complaint in a note to Col. Tatnall, thus:

> "The injury of which Mr. Clay complains consists in this, that Mr. Randolph has charged him with having forged or manufactured a paper connected with the Panama mission; also, that he has applied to him in debate the epithet of blackleg. The explanation which I consider necessary is, that Mr. Randolph declare that he had no intention of charging Mr. Clay, either in his public or private capacity, with forging or falsifying any paper, or misrepresenting any fact; and also that the term blackleg was not intended to apply to him."

To this exposition of the grounds of the complaint, Col. Tatnall answered:

> "Mr. Randolph informs me that the words used by him in debate were as follows: 'That I thought it would be in my power to show evidence sufficiently presumptive to satisfy a Charlotte (county) jury that this invitation was manufactured here – that Salazar's letter struck me as bearing a strong likeness in point of style to the other papers. I did not undertake to prove this, but expressed my suspicion that the fact was so. I applied to the administration the epithet, puritanic-diplomatic-black-legged administration.' Mr. Randolph, in giving these words as those uttered by him

in debate, is unwilling to afford any explanation as to their meaning and application."

In this answer Mr. Randolph remained upon his original ground of refusing to answer out of the Senate for words spoken within it. In other respects the statement of the words actually spoken greatly ameliorated the offensive report, the coarse and insulting words, "*forging and falsifying*," being disavowed, as in fact they were not used, and are not to be found in the published report. The speech was a bitter philippic, and intended to be so, taking for its point the alleged coalition between Mr. Clay and Mr. Adams with respect to the election, and their efforts to get up a popular question contrary to our policy of non-entanglement with foreign nations, in sending ministers to the congress of the American states of Spanish origin at the Isthmus of Panama. I heard it all, and, though sharp and cutting, I think it might have been heard, had he been present, without any manifestation of resentment by Mr. Clay. The part which he took so seriously to heart, that of having the Panama invitations manufactured in his office, was to my mind nothing more than attributing to him a diplomatic superiority which enabled him to obtain from the South American ministers the invitations that he wanted; and not at all that they were spurious fabrications. As to the expression, "*blackleg and puritan*," it was merely a sarcasm to strike by antithesis, and which, being without foundation, might have been disregarded. I presented these views to the parties, and if they had come from Mr. Randolph they might have been sufficient;

but he was inexorable, and would not authorize a word to be said beyond what he had written.

All hope of accommodation having vanished, the seconds proceeded to arrange for the duel. The afternoon of Saturday, the 8th of April, was fixed upon for the time; the right bank of the Potomac, within the State of Virginia, above the Little Falls bridge, was the place, – pistols the weapons, – distance ten paces; each party to be attended by two seconds and a surgeon, and myself at liberty to attend as a mutual friend. There was to be no practising with pistols, and there was none; and the words "one," "two," "three," "stop," after the word "fire," were, by agreement between the seconds, and for the humane purpose of reducing the result as near as possible to chance, to be given out in quick succession. The Virginia side of the Potomac was taken at the instance of Mr. Randolph. He went out as a Virginia senator, refusing to compromise that character, and, if he fell in defence of its rights, Virginia soil was to him the chosen ground to receive his blood. There was a statute of the State against duelling within her limits; but, as he merely went out to receive a fire without returning it, he deemed that no fighting, and consequently no breach of her statute. This reason for choosing Virginia could only be explained to me, as I alone was the depository of his secret.

The week's delay which the seconds had contrived was about expiring. It was Friday evening, or rather night, when I went to see Mr. Clay for the last time before the duel. There had been

some alienation between us since the time of the presidential election in the House of Representatives, and I wished to give evidence that there was nothing personal in it. The family were in the parlor – company present – and some of it staid late. The youngest child, I believe James, went to sleep on the sofa – a circumstance which availed me for a purpose the next day. Mrs. Clay was, as always since the death of her daughters, the picture of desolation, but calm, conversable, and without the slightest apparent consciousness of the impending event. When all were gone, and she also had left the parlor, I did what I came for, and said to Mr. Clay, that, notwithstanding our late political differences, my personal feelings towards him were the same as formerly, and that, in whatever concerned his life or honor my best wishes were with him. He expressed his gratification at the visit and the declaration, and said it was what he would have expected of me. We parted at midnight.

Saturday, the 8th of April – the day for the duel – had come, and almost the hour. It was noon, and the meeting was to take place at 41⁄2 o'clock. I had gone to see Mr. Randolph before the hour, and for a purpose; and, besides, it was so far on the way, as he lived half way to Georgetown, and we had to pass through that place to cross the Potomac into Virginia at the Little Falls bridge. I had heard nothing from him on the point of not returning the fire since the first communication to that effect, eight days before. I had no reason to doubt the steadiness of his determination, but felt a desire to have fresh assurance of it

after so many days' delay, and so near approach of the trying moment. I knew it would not do to ask him the question – any question which would imply a doubt of his word. His sensitive feelings would be hurt and annoyed at it. So I fell upon a scheme to get at the inquiry without seeming to make it. I told him of my visit to Mr. Clay the night before – of the late sitting – the child asleep – the unconscious tranquillity of Mrs. Clay; and added, I could not help reflecting how different all that might be the next night. He understood me perfectly, and immediately said, with a quietude of look and expression which seemed to rebuke an unworthy doubt, "*I shall do nothing to disturb the sleep of the child or the repose of the mother*," and went on with his employment – (his seconds being engaged in their preparations in a different room) – which was, making codicils to his will, all in the way of remembrance to friends; the bequests slight in value, but invaluable in tenderness of feeling and beauty of expression, and always appropriate to the receiver. To Mr. Macon he gave some English shillings, to keep the game when he played whist. His namesake, John Randolph Bryan, then at school in Baltimore, and since married to his niece, had been sent for to see him, but sent off before the hour for going out, to save the boy from a possible shock at seeing him brought back. He wanted some gold – that coin not being then in circulation, and only to be obtained by favor or purchase – and sent his faithful man, Johnny, to the United States Branch Bank to get a few pieces, American being the kind asked for. Johnny returned without the gold,

and delivered the excuse that the bank had none. Instantly Mr. Randolph's clear silver-toned voice was heard above its natural pitch, exclaiming, "Their name is legion! and they are liars from the beginning. Johnny, bring me my horse." His own saddle-horse was brought him – for he never rode Johnny's, nor Johnny his, though both, and all his hundred horses, were of the finest English blood – and rode off to the bank down Pennsylvania avenue, now Corcoran & Riggs's – Johnny following, as always, forty paces behind. Arrived at the bank, this scene, according to my informant, took place:

> "Mr. Randolph asked for the state of his account, was shown it, and found to be some four thousand dollars in his favor. He asked for it. The teller took up packages of bills, and civilly asked in what sized notes he would have it. 'I want money,' said Mr. Randolph, putting emphasis on the word; and at that time it required a bold man to intimate that United States Bank notes were not money. The teller, beginning to understand him, and willing to make sure, said, inquiringly, 'You want silver?' 'I want my money!' was the reply. Then the teller, lifting boxes to the counter, said politely: 'Have you a cart, Mr. Randolph, to put it in?' 'That is my business, sir,' said he. By that time the attention of the cashier (Mr. Richard Smith) was attracted to what was going on, who came up, and understanding the question, and its cause, told Mr. Randolph there was a mistake in the answer given to his servant; that they had gold, and he should have what he wanted."

In fact, he had only applied for a few pieces, which he wanted for a special purpose. This brought about a compromise. The pieces of gold were received, the cart and the silver dispensed with; but the account in bank was closed, and a check taken for the amount on New-York. He returned and delivered me a sealed paper, which I was to open if he was killed – give back to him if he was not; also an open slip, which I was to read before I got to the ground. This slip was a request to feel in his left breeches pocket, if he was killed, and find so many pieces of gold – I believe nine – take three for myself, and give the same number to Tatnall and Hamilton each, to make seals to wear in remembrance of him. We were all three at Mr. Randolph's lodgings then, and soon set out, Mr. Randolph and his seconds in a carriage, I following him on horseback.

I have already said that the count was to be quick after giving the word "fire," and for a reason which could not be told to the principals. To Mr. Randolph, who did not mean to fire, and who, though agreeing to be shot at, had no desire to be hit, this rapidity of counting out the time and quick arrival at the command "stop" presented no objection. With Mr. Clay it was different. With him it was all a real transaction, and gave rise to some proposal for more deliberateness in counting off the time; which being communicated to Col. Tatnall, and by him to Mr. Randolph, had an ill effect upon his feelings, and, aided by an untoward accident on the ground, unsettled for a moment the noble determination which he had formed not to fire at Mr. Clay. I now give the words

of Gen. Jesup:

> "When I repeated to Mr. Clay the 'word' in the manner in which it would be given, he expressed some apprehension that, as he was not accustomed to the use of the pistol, he might not be able to fire within the time, and for that reason alone desired that it might be prolonged. I mentioned to Col. Tatnall the desire of Mr. Clay. He replied, 'If you insist upon it, the time must be prolonged, but I should very much regret it.' I informed him I did not insist upon prolonging the time, and I was sure Mr. Clay would acquiesce. The original agreement was carried out."

I knew nothing of this until it was too late to speak with the seconds or principals. I had crossed the Little Falls bridge just after them, and come to the place where the servants and carriages had stopped. I saw none of the gentlemen, and supposed they had all gone to the spot where the ground was being marked off; but on speaking to Johnny, Mr. Randolph, who was still in his carriage and heard my voice, looked out from the window, and said to me: "Colonel, since I saw you, and since I have been in this carriage, I have heard something which *may* make me change my determination. Col. Hamilton will give you a note which will explain it." Col. Hamilton was then in the carriage, and gave me the note, in the course of the evening, of which Mr. Randolph spoke. I readily comprehended that this possible change of determination related to his firing; but the emphasis with which he pronounced the word "*may*"

clearly showed that his mind was undecided, and left it doubtful whether he would fire or not. No further conversation took place between us; the preparations for the duel were finished; the parties went to their places; and I went forward to a piece of rising ground, from which I could see what passed and hear what was said. The faithful Johnny followed me close, speaking not a word, but evincing the deepest anxiety for his beloved master. The place was a thick forest, and the immediate spot a little depression, or basin, in which the parties stood. The principals saluted each other courteously as they took their stands. Col. Tatnall had won the choice of position, which gave to Gen. Jesup the delivery of the word. They stood on a line east and west – a small stump just behind Mr. Clay; a low gravelly bank rose just behind Mr. Randolph. This latter asked Gen. Jesup to repeat the word as he would give it; and while in the act of doing so, and Mr. Randolph adjusting the butt of his pistol to his hand, the muzzle pointing downwards, and almost to the ground, it fired. Instantly Mr. Randolph turned to Col. Tatnall and said: "I protested against that hair trigger." Col. Tatnall took blame to himself for having sprung the hair. Mr. Clay had not then received his pistol. Senator Johnson, of Louisiana (Josiah), one of his seconds, was carrying it to him, and still several steps from him. This untimely fire, though clearly an accident, necessarily gave rise to some remarks, and a species of inquiry, which was conducted with the utmost delicacy, but which, in itself, was of a nature to be inexpressibly painful to a gentleman's feelings. Mr.

Clay stopped it with the generous remark that the fire was clearly an accident: and it was so unanimously declared. Another pistol was immediately furnished; and exchange of shots took place, and, happily, without effect upon the persons. Mr. Randolph's bullet struck the stump behind Mr. Clay, and Mr. Clay's knocked up the earth and gravel behind Mr. Randolph, and in a line with the level of his hips, both bullets having gone so true and close that it was a marvel how they missed. The moment had come for me to interpose. I went in among the parties and offered my mediation; but nothing could be done. Mr. Clay said, with that wave of the hand with which he was accustomed to put away a trifle, "*This is child's play!*" and required another fire. Mr. Randolph also demanded another fire. The seconds were directed to reload. While this was doing I prevailed on Mr. Randolph to walk away from his post, and renewed to him, more pressingly than ever, my importunities to yield to some accommodation; but I found him more determined than I had ever seen him, and for the first time impatient, and seemingly annoyed and dissatisfied at what I was doing. He was indeed annoyed and dissatisfied. The accidental fire of his pistol preyed upon his feelings. He was doubly chagrined at it, both as a circumstance susceptible in itself of an unfair interpretation, and as having been the immediate and controlling cause of his firing at Mr. Clay. He regretted this fire the instant it was over. He felt that it had subjected him to imputations from which he knew himself to be free – a desire to kill Mr. Clay, and a contempt for

the laws of his beloved State; and the annoyances which he felt at these vexatious circumstances revived his original determination, and decided him irrevocably to carry it out.

It was in this interval that he told me what he had heard since we parted, and to which he alluded when he spoke to me from the window of the carriage. It was to this effect: That he had been informed by Col. Tatnall that it was proposed to give out the words with more deliberateness, so as to prolong the time for taking aim. This information grated harshly upon his feelings. It unsettled his purpose, and brought his mind to the inquiry (as he now told me, and as I found it expressed in the note which he had immediately written in pencil to apprise me of his possible change), whether, under these circumstances, he might not "*disable*" his adversary? This note is so characteristic, and such an essential part of this affair, that I here give its very words, so far as relates to this point. It ran thus:

> "Information received from Col. Tatnall since I got into the carriage *may* induce me to change my mind, of not returning Mr. Clay's fire. I seek not his death. I would not have his blood upon my hands – it will not be upon my soul if shed in self-defence – for the world. He has determined, by the use of a long, preparatory caution by words, to get time to kill me. May I not, then, disable him? Yes, if I please."

It has been seen, by the statement of Gen. Jesup, already given, that this "*information*" was a misapprehension; that Mr. Clay had

not applied for a prolongation of time for the purpose of getting sure aim, but only to enable his unused hand, long unfamiliar with the pistol, to fire within the limited time; that there was no prolongation, in fact, either granted or insisted upon; but he was in doubt, and General Jesup having won the word, he was having him repeat it in the way he was to give it out, when his finger touched the hair-trigger. How unfortunate that I did not know of this in time to speak to General Jesup, when one word from him would have set all right, and saved the imminent risks incurred! This inquiry, "May I not disable him?" was still on Mr. Randolph's mind, and dependent for its solution on the rising incidents of the moment, when the accidental fire of his pistol gave the turn to his feelings which solved the doubt. But he declared to me that he had not aimed at the life of Mr. Clay; that he did not level as high as the knees – not higher than the knee-band; "for it was no mercy to shoot a man in the knee;" that his only object was to disable him and spoil his aim. And then added, with a beauty of expression and a depth of feeling which no studied oratory can ever attain, and which I shall never forget, these impressive words: "*I would not have seen him fall mortally, or even doubtfully wounded, for all the land that is watered by the King of Floods and all his tributary streams.*" He left me to resume his post, utterly refusing to explain out of the Senate any thing that he had said in it, and with the positive declaration that he would not return the next fire. I withdrew a little way into the woods, and kept my eyes fixed on Mr. Randolph, who I then

knew to be the only one in danger. I saw him receive the fire of Mr. Clay, saw the gravel knocked up in the same place, saw Mr. Randolph raise his pistol – discharge it in the air; heard him say, '*I do not fire at you, Mr. Clay*;' and immediately advancing and offering his hand. He was met in the same spirit. They met half way, shook hands, Mr. Randolph saying, jocosely, '*You owe me a coat, Mr. Clay*' – (the bullet had passed through the skirt of the coat, very near the hip) – to which Mr. Clay promptly and happily replied, '*I am glad the debt is no greater.*' I had come up, and was prompt to proclaim what I had been obliged to keep secret for eight days. The joy of all was extreme at this happy termination of a most critical affair; and we immediately left, with lighter hearts than we brought. I stopped to sup with Mr. Randolph and his friends – none of us wanted dinner that day – and had a characteristic time of it. A runner came in from the bank to say that they had overpaid him, by mistake, $130 that day. He answered, 'I believe *it is your rule not to correct mistakes, except at the time, and at your counter*.' And with that answer the runner had to return. When gone, Mr. Randolph said, '*I will pay it on Monday: people must be honest, if banks are not.*' He asked for the sealed paper he had given me, opened it, took out a check for $1,000, drawn in my favor, and with which I was requested to have him carried, if killed, to Virginia, and buried under his patrimonial oaks – not let him be buried at Washington, with an hundred hacks after him. He took the gold from his left breeches pocket, and said to us (Hamilton, Tatnall, and I), 'Gentlemen,

Clay's bad shooting shan't rob you of your seals. I am going to London, and will have them made for you;' which he did, and most characteristically, so far as mine was concerned. He went to the herald's office in London and inquired for the Benton family, of which I had often told him there was none, as we only dated on that side from my grandfather in North Carolina. But the name was found, and with it a coat of arms – among the quarterings a lion rampant. That is the family, said he; and had the arms engraved on the seal, the same which I have since habitually worn; and added the motto, *Factis non verbis*: of which he was afterwards accustomed to say the non should be changed into et. But, enough. I run into these details, not merely to relate an event, but to show character; and if I have not done it, it is not for want of material, but of ability to use it.

On Monday the parties exchanged cards, and social relations were formally and courteously restored. It was about the last high-toned duel that I have witnessed, and among the highest-toned that I have ever witnessed, and so happily conducted to a fortunate issue – a result due to the noble character of the seconds as well as to the generous and heroic spirit of the principals. Certainly duelling is bad, and has been put down, but not quite so bad as its substitute – revolvers, bowie-knives, blackguarding, and street-assassinations under the pretext of self-defence.

CHAPTER XXVII.
DEATH OF MR. GAILLARD

He was a senator from South Carolina, and had been continuously, from the year 1804. He was five times elected to the Senate – the first time for an unexpired term – and died in the course of a term; so that the years for which he had been elected were nearly thirty. He was nine times elected president of the Senate *pro tempore*, and presided fourteen years over the deliberations of that body, – the deaths of two Vice-Presidents during his time (Messrs. Clinton and Gerry), and the much absence of another (Gov. Tompkins), making long continued vacancies in the President's chair, – which he was called to fill. So many elections, and such long continued service, terminated at last only by death, bespeaks an eminent fitness both for the place of Senator, and that of presiding officer over the Senate. In the language of Mr. Macon, he seemed born for that station. Urbane in his manners, amiable in temper, scrupulously impartial, attentive to his duties, exemplary patience, perfect knowledge of the rules, quick and clear discernment, uniting absolute firmness of purpose, with the greatest gentleness of manners, setting young Senators right with a delicacy and amenity, which spared the confusion of a mistake – preserving order, not by authority of rules, but by the graces of deportment:

such were the qualifications which commended him to the presidency of the Senate, and which facilitated the transaction of business while preserving the decorum of the body. There was probably not an instance of disorder, or a disagreeable scene in the chamber, during his long continued presidency. He classed democratically in politics, but was as much the favorite of one side of the house as of the other, and that in the high party times of the war with Great Britain, which so much exasperated party spirit.

Mr. Gaillard was, as his name would indicate, of French descent, having issued from one of those Huguenot families, of which the bigotry of Louis XIV., dominated by an old woman, deprived France, for the benefit of other countries.

CHAPTER XXVIII.
AMENDMENT OF THE CONSTITUTION IN RELATION TO THE ELECTION OF PRESIDENT AND VICE-PRESIDENT

The attempt was renewed at the session of 1825-'26 to procure an amendment to the constitution, in relation to the election of the two first magistrates of the republic, so as to do away with all intermediate agencies, and give the election to the direct vote of the people. Several specific propositions were offered in the Senate to that effect, and all substituted by a general proposition submitted by Mr. Macon – "that a select committee be appointed to report upon the best and most practicable mode of electing the President and Vice-President: " and, on the motion of Mr. Van Buren, the number of the committee was raised to nine – instead of five – the usual number. The members of it were appointed by Mr. Calhoun, the Vice-President, and were carefully selected, both geographically as coming from different sections of the Union, and personally and politically as being friendly to the object and known to the country. They were: Mr. Benton, chairman, Mr. Macon, Mr. Van Buren, Mr. Hugh L. White of Tennessee, Mr. Findlay of Pennsylvania, Mr.

Dickerson of New Jersey, Mr. Holmes of Maine, Mr. Hayne of South Carolina, and Col. Richard M. Johnson of Kentucky. The committee agreed upon a proposition of amendment, dispensing with electors, providing for districts in which the direct vote of the people was to be taken; and obviating all excuse for caucuses and conventions to concentrate public opinion by proposing a second election between the two highest in the event of no one receiving a majority of the whole number of district votes in the first election. The plan reported was in these words:

> "That, hereafter the President and Vice-President of the United States shall be chosen by the People of the respective States, in the manner following: Each State shall be divided by the legislature thereof, into districts, equal in number to the whole number of senators and representatives, to which such State may be entitled in the Congress of the United States; the said districts to be composed of contiguous territory, and to contain, as nearly as may be, an equal number of persons, entitled to be represented, under the constitution, and to be laid off, for the first time, immediately after the ratification of this amendment, and afterwards at the session of the legislature next ensuing the appointment of representatives, by the Congress of the United States; or oftener, if deemed necessary by the State; but no alteration, after the first, or after each decennial formation of districts, shall take effect, at the next ensuing election, after such alteration is made. That, on the first Thursday, and succeeding Friday, in the month of August, of the year one thousand eight hundred

and twenty-eight, and on the same days in every fourth year thereafter, the citizens of each State, who possess the qualifications requisite for electors of the most numerous branch of the State Legislature, shall meet within their respective districts, and vote for a President and Vice-President of the United States, one of whom, at least, shall not be an inhabitant of the same State with himself: and the person receiving the greatest number of votes for President, and the one receiving the greatest number of votes for Vice-President in each district shall be holden to have received one vote: which fact shall be immediately certified to the Governor of the State, to each of the senators in Congress from such State, and to the President of the Senate. The right of affixing the places in the districts at which the elections shall be held, the manner of holding the same, and of canvassing the votes, and certifying the returns, is reserved, exclusively, to the legislatures of the States. The Congress of the United States shall be in session on the second Monday of October, in the year one thousand eight hundred and twenty-eight, and on the same day in every fourth year thereafter: and the President of the Senate, in the presence of the Senate and House of Representatives, shall open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President, shall be President, if such number be equal to a majority of the whole number of votes given; but if no person have such majority, then a second election shall be held, on the first Thursday and succeeding Friday, in the month of December, then next ensuing, between the

persons having the two highest numbers, for the office of President: which second election shall be conducted, the result certified, and the votes counted, in the same manner as in the first; and the person having the greatest number of votes for President, shall be the President. But, if two or more persons shall have received the greatest and equal number of votes, at the second election, the House of Representatives shall choose one of them for President, as is now prescribed by the constitution. The person having the greatest number of votes for Vice-President, at the first election, shall be the Vice-President, if such number be equal to a majority of the whole number of votes given, and, if no person have such majority, then a second election shall take place, between the persons having the two highest numbers, on the same day that the second election is held for President, and the person having the highest number of votes for Vice-President, shall be the Vice-President. But if two or more persons shall have received the greatest number of votes in the second election, then the Senate shall choose one of them for Vice-President, as is now provided in the constitution. But, when a second election shall be necessary, in the case of Vice-President, and not necessary in the case of President, then the Senate shall choose a Vice-President, from the persons having the two highest numbers in the first election, as is now prescribed in the constitution."

The prominent features of this plan of election are: 1. The abolition of electors, and the direct vote of the people; 2. A second election between the two highest on each list, when no

one has a majority of the whole; 3. Uniformity in the mode of election. – The advantages of this plan would be to get rid of all the machinery by which the *selection* of their two first magistrates is now taken out of the hands of the people, and usurped by self-constituted, illegal, and irresponsible bodies, – and place it in the only safe, proper, and disinterested hands – those of the people themselves. If adopted, there would be no pretext for caucuses or conventions, and no resort to the House of Representatives, – where the largest State is balanced by the smallest. If any one received a majority of the whole number of districts in the first election, then the democratic principle – the *demos krateo*– the majority to govern – is satisfied. If no one receives such majority, then the first election stands for a popular nomination of the two highest – a nomination by the people themselves – out of which two the election is sure to be made on the second trial. But to provide for a possible contingency – too improbable almost ever to occur – and to save in that case the trouble of a third popular election, a resort to the House of Representatives is allowed; it being *nationally* unimportant which is elected where the candidates were exactly equal in the public estimation. – Such was the plan the committee reported; and it is the perfect plan of a popular election, and has the advantage of being applicable to all elections, federal and State, from the highest to the lowest. The machinery of its operation is easy and simple, and it is recommended by every consideration of public good, which requires the abandonment of a defective

system, which has failed – the overthrow of usurping bodies, which have seized upon the elections – and the preservation to the people of the business of selecting, as well as electing, their own high officers. The plan was unanimously recommended by the whole committee, composed as it was of experienced men taken from every section of the Union. But it did not receive the requisite support of two-thirds of the Senate to carry it through that body; and a similar plan proposed in the House of Representatives received the same fate there – reported by a committee, and unsustained by two-thirds of the House: and such, there is too much reason to apprehend, may be the fate of future similar propositions, originating in Congress, without the powerful impulsion of the people to urge them through. Select bodies are not the places for popular reforms. These reforms are for the benefit of the people, and should begin with the people; and the constitution itself, sensible of that necessity in this very case, has very wisely made provision for the popular initiative of constitutional amendments. The fifth article of that instrument gives the power of beginning the reform of itself to the States, in their legislatures, as well as to the federal government in its Congress: and there is the place to begin, and before the people themselves in their elections to the general assembly. And there should be no despair on account of the failures already suffered. No great reform is carried suddenly. It requires years of persevering exertion to produce the unanimity of opinion which is necessary to a great popular reformation: but because

it is difficult, it is not impossible. The greatest reform ever effected by peaceful means in the history of any government was that of the parliamentary reform of Great Britain, by which the rotten boroughs were disfranchised, populous towns admitted to representation, the elective franchise extended, the House of Commons purified, and made the predominant branch – the master branch of the British government. And how was that great reform effected? By a few desultory exertions in the parliament itself? No, but by forty years of continued exertion, and by incessant appeals to the people themselves. The society for parliamentary reform, founded in 1792, by Earl Grey and Major Cartwright, succeeded in its efforts in 1832; and in their success there is matter for encouragement, as in their conduct there is an example for imitation. They carried the question to the people, and kept it there forty years, and saw it triumph – the two patriotic founders of the society living to see the consummation of their labors, and the country in the enjoyment of the inestimable advantage of a "Reformed Parliament."

CHAPTER XXIX.
REDUCTION OF EXECUTIVE PATRONAGE

In the session 1825-'26, Mr. Macon moved that the select committee, to which had been committed the consideration of the propositions for amending the constitution in relation to the election of President and Vice-President, should also be charged with an inquiry into the expediency of reducing Executive patronage, in cases in which it could be done by law consistently with the constitution, and without impairing the efficiency of the government. The motion was adopted, and the committee (Messrs. Benton, Macon, Van Buren, White of Tennessee, Findlay of Pennsylvania, Dickerson, Holmes, Hayne, and Johnson of Kentucky) made a report, accompanied by six bills; which report and bills, though not acted upon at the time, may still have their use in showing the democratic principles, on practical points of that day (when some of the fathers of the democratic church were still among us); – and in recalling the administration of the government, to the simplicity and economy of its early days. The six bills reported were. 1. To regulate the publication of the laws of the United States, and of the public advertisements. 2. To secure in office the faithful collectors and disbursers of the revenue, and to displace defaulters. 3.

To regulate the appointment of postmasters. 4. To regulate the appointment of cadets. 5. To regulate the appointment of midshipmen. 6. To prevent military and naval officers from being dismissed the service at the pleasure of the President. – In favor of the general principle, and objects of all the bills, the report accompanying them, said:

> "In coming to the conclusion that Executive patronage ought to be diminished and regulated, on the plan proposed, the committee rest their opinion on the ground that the exercise of great patronage in the hands of one man, has a constant tendency to sully the purity of our institutions, and to endanger the liberties of the country. This doctrine is not new. A jealousy of power, and of the influence of patronage, which must always accompany its exercise, has ever been a distinguished feature in the American character. It displayed itself strongly at the period of the formation, and of the adoption, of the federal constitution. At that time the feebleness of the old confederation had excited a much greater dread of anarchy than of power – 'of anarchy among the members than of power in the head' – and although the impression was nearly universal that a government of more energetic character had become indispensably necessary, yet, even under the influence of this conviction – such was the dread of power and patronage – that the States, with extreme reluctance, yielded their assent to the establishment of the federal government. Nor was this the effect of idle and visionary fears, on the part of an ignorant multitude, without knowledge of

the nature and tendency of power. On the contrary, it resulted from the most extensive and profound political knowledge, – from the heads of statesmen, unsurpassed, in any age, in sagacity and patriotism. Nothing could reconcile the great men of that day to a constitution of so much power, but the guards which were put upon it against the abuse of power. Dread and jealousy of this abuse displayed itself throughout the instrument. To this spirit we are indebted for the freedom of the press, trial by jury, liberty of conscience, freedom of debate, responsibility to constituents, power of impeachment, the control of the Senate over appointments to office; and many other provisions of a like character. But the committee cannot imagine that the jealous foresight of the time, great as it was, or that any human sagacity, could have foreseen, and placed a competent guard upon, every possible avenue to the abuse of power. The nature of a constitutional act excludes the possibility of combining minute perfection with general excellence. After the exertion of all possible vigilance, something of what ought to have been done, has been omitted; and much of what has been attempted, has been found insufficient and unavailing in practice. Much remains for us to do, and much will still remain for posterity to do – for those unborn generations to do, on whom will devolve the sacred task of guarding the temple of the constitution, and of keeping alive the vestal flame of liberty.

"The committee believe that they will be acting in the spirit of the constitution, in laboring to multiply the guards, and to strengthen the barriers, against the possible abuse

of power. If a community could be imagined in which the laws should execute themselves – in which the power of government should consist in the enactment of laws – in such a state the machine of government would carry on its operations without jar or friction. Parties would be unknown, and the movements of the political machine would but little more disturb the passions of men, than they are disturbed by the operations of the great laws of the material world. But this is not the case. The scene shifts from this imaginary region, where laws execute themselves, to the theatre of real life, wherein they are executed by civil and military officers, by armies and navies, by courts of justice, by the collection and disbursement of revenue, with all its train of salaries, jobs, and contracts; and in this aspect of the reality, we behold the working of PATRONAGE, and discover the reason why so many stand ready, in any country, and in all ages, to flock to the standard of POWER, wheresoever, and by whomsoever, it may be raised.

"The patronage of the federal government at the beginning, was founded upon a revenue of two millions of dollars. It is now operating upon twenty-two millions; and, within the lifetime of many now living, must operate upon fifty. The whole revenue must, in a few years, be wholly applicable to subjects of patronage. At present about one half, say ten millions of it, are appropriated to the principal and interest of the public debt, which, from the nature of the object, involves but little patronage. In the course of a few years, this debt, without great mismanagement, must be paid off. A short period of peace, and a faithful application

of the sinking fund, must speedily accomplish that most desirable object. Unless the revenue be then reduced, a work as difficult in republics as in monarchies, the patronage of the federal government, great as it already is, must, in the lapse of a few years, receive a vast accession of strength. The revenue itself will be doubled, and instead of one half being applicable to objects of patronage, the whole will take that direction. Thus, the reduction of the public debt, and the increase of revenue, will multiply in a four-fold degree the number of persons in the service of the federal government, the quantity of public money in their hands, and the number of objects to which it is applicable; but as each person employed will have a circle of greater or less diameter, of which he is the centre and the soul – a circle composed of friends and relations, and of individuals employed by himself on public or on private account – the actual increase of federal power and patronage by the duplication of the revenue, will be, not in the arithmetical ratio, but in geometrical progression – an increase almost beyond the power of the mind to calculate or to comprehend."

This was written twenty-five years ago. Its anticipations of increased revenue and patronage are more than realized. Instead of fifty millions of annual revenue during the lifetime of persons then living, and then deemed a visionary speculation, I saw it rise to sixty millions before I ceased to be a senator; and saw all the objects of patronage expanding and multiplying in the same degree, extending the circle of its influence, and, in many cases,

reversing the end of its creation. Government was instituted for the protection of individuals – not for their support. Office was to be given upon qualifications to fill it – not upon the personal wants of the recipient. Proper persons were to be sought out and appointed – (by the President in the higher appointments, and by the heads of the different branches of service in the lower ones); and importunate suppliants were not to beg themselves into an office which belonged to the public, and was only to be administered for the public good. Such was the theory of the government. Practice has reversed it. Now office is sought for support, and for the repair of dilapidated fortunes; applicants obtrude themselves, and prefer "claims" to office. Their personal condition and party services, not qualification, are made the basis of the demand: and the crowds which congregate at Washington, at the change of an administration, supplicants for office, are humiliating to behold, and threaten to change the contests of parties from a contest for principle into a struggle for plunder.

The bills which were reported were intended to control, and regulate different branches of the public service, and to limit some exercises of executive power. 1. The publication of the government advertisements had been found to be subject to great abuse – large advertisements, and for long periods, having been often found to be given to papers of little circulation, and sometimes of no circulation at all, in places where the advertisement was to operate – the only effect of that favor being to conciliate the support of the paper, or to sustain an efficient

one. For remedy, the bill for that purpose provided for the selection, and the limitation of the numbers, of the newspapers which were to publish the federal laws and advertisements, and for the periodical report of their names to Congress. 2. The four years' limitation law was found to operate contrary to its intent, and to have become the facile means of getting rid of faithful disbursing officers, instead of retaining them. The object of the law was to pass the disbursing officers every four years under the supervision of the appointing power, for the inspection of their accounts, in order that defaulters might be detected and dropped, while the faithful should be ascertained and continued. Instead of this wholesome discrimination, the expiration of the four years' term came to be considered as the termination and vacation of all the offices on which it fell, and the creation of vacancies to be filled by new appointments at the option of the President. The bill to remedy this evil gave legal effect to the original intention of the law by confining the vacation of office to actual defaulters. The power of the President to dismiss civil officers was not attempted to be curtailed, but the restraints of responsibility were placed upon its exercise by requiring the cause of dismission to be communicated to Congress in each case. The section of the bill to that effect was in these words: "*That in all nominations made by the President to the Senate, to fill vacancies occasioned by an exercise of the President's power to remove from office, the fact of the removal shall be stated to the Senate at the same time that the nomination*

is made, with a statement of the reasons for which such officer may have been removed." This was intended to operate as a restraint upon removals without cause, and to make legal and general what the Senate itself, and the members of the committee individually, had constantly refused to do in isolated cases. It was the recognition of a principle essential to the proper exercise of the appointing power, and entirely consonant to Mr. Jefferson's idea of removals; but never admitted by any administration, nor enforced by the Senate against any one – always waiting the legal enactment. The opinion of nine such senators as composed the committee who proposed to legalize this principle, all of them democratic, and most of them aged and experienced, should stand for a persuasive reason why this principle should be legalized. 3. The appointment of military cadets was distributed according to the Congressional representation, and which has been adopted in practice, and perhaps become the patronage of the member from a district instead of the President. 5. The selection of midshipmen was placed on the same footing, and has been followed by the same practical consequence. 6. To secure the independence of the army and navy officers, the bill proposed to do, what never has been done by law, – define the tenure by which they held their commissions, and substitute "good behavior" for the clause which now runs "during the pleasure of the President." The clause in the existing commission was copied from those then in use, derived from the British government; and, in making army and navy officers subject to dismission at the

will of the President, departs from the principle of our republican institutions, and lessens the independence of the officers.

CHAPTER XXX.
EXCLUSION OF MEMBERS OF CONGRESS FROM CIVIL OFFICE APPOINTMENTS

An inquiry into the expediency of amending the constitution so as to prevent the appointment of any member of Congress to any federal office of trust or profit, during the period for which he was elected, was moved at the session 1825-26, by Mr. Senator Thomas W. Cobb, of Georgia; and his motion was committed to the consideration of the same select committee to which had been referred the inquiries into the expediency of reducing executive patronage, and amending the constitution in relation to the election of President and Vice-President. The motion as submitted only applied to the term for which the senator or representative was elected – only carried the exclusion to the end of his constitutional term; but the committee were of opinion that such appointments were injurious to the independence of Congress and to the purity of legislation; and believed that the limitation on the eligibility of members should be more comprehensive than the one proposed, and should extend to the President's term under whom the member served as well as to his own – so as to cut off the possibility for a member

to receive an appointment from the President to whom he might have lent a subservient vote: and the committee directed their chairman (Mr. Benton) to report accordingly. This was done; and a report was made, chiefly founded upon the proceedings of the federal convention which framed the constitution, and the proceedings of the conventions of the States which adopted it – showing that the total exclusion of members of Congress from all federal appointments was actually adopted in the convention on a full vote, and struck out in the absence of some members; and afterwards modified so as to leave an inadequate, and easily evaded clause in the constitution in place of the full remedy which had been at first provided. It also showed that conventions of several of the States, and some of the earlier Congresses, endeavored to obtain amendments to the constitution to cut off members of Congress entirely from executive patronage. Some extracts from that report are here given to show the sense of the early friends of the constitution on this important point. Thus:

> "That, having had recourse to the history of the times in which the constitution was formed, the committee find that the proposition now referred to them, had engaged the deliberations of the federal convention which framed the constitution, and of several of the State conventions which ratified it.
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> "In an early stage of the session of the federal convention, it was resolved, as follows:
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> "'Article 6, section 9. The members of each House (of Congress) shall be ineligible to, and incapable of holding,

any office under the authority of the United States, during the time for which they shall respectively be elected; and the members of the Senate shall be ineligible to, and incapable of holding any such office for one year afterwards.'

"It further appears from the journal, that this clause, in the first draft of the constitution, was adopted with great unanimity; and that afterwards, in the concluding days of the session, it was altered, and its intention defeated, by a majority of a single vote, in the absence of one of the States by which it had been supported.

"Following the constitution into the State conventions which ratified it, and the committee find, that, in the New-York convention, it was recommended, as follows:

"'That no senator or representative shall, during the time for which he was elected, be appointed to any office under the authority of the United States.

"By the Virginia convention, as follows:

"'That the members of the Senate and House of Representatives shall be ineligible to, and incapable of holding, any civil office under the authority of the United States, during the term for which they shall respectively be elected.'

"By the North Carolina convention, the same amendment was recommended, in the same words.

"In the first session of the first Congress, which was held under the constitution, a member of the House of Representatives submitted a similar proposition of amendment; and, in the third session of the eleventh Congress, James Madison being President, a like

proposition was again submitted, and being referred to a committee of the House, was reported by them in the following words:

"'No senator or representative shall be appointed to any civil office, place, or emolument, under the authority of the United States, untill the expiration of the presidential term in which such person shall have served as a senator or representative.'

"Upon the question to adopt this resolution, the vote stood 71 yeas, 40 nays. – wanting but three votes of the constitutional number for referring it to the decision of the States.

"Having thus shown, by a reference to the venerable evidence of our early history, that the principle of the amendment now under consideration, has had the support and approbation of the first friends of the constitution, the committee will now declare their own opinion in favor of its correctness, and expresses its belief that the ruling principle in the organization of the federal government demands its adoption."

It is thus seen that in the formation of the constitution, and in the early ages of our government, there was great jealousy on this head – great fear of tampering between the President and the members – and great efforts made to keep each independent of the other. For the safety of the President, and that Congress should not have him in their power, he was made independent of them in point of salary. By a constitutional provision his compensation was neither to be diminished nor increased during

the term for which he was elected; – not diminished, lest Congress should starve him into acquiescence in their views; – not increased, lest Congress should seduce him by tempting his cupidity with an augmented compensation. That provision secured the independence of the President; but the independence of the two Houses was still to be provided for; and that was imperfectly effected by two provisions – the first, prohibiting office holders under the federal government from taking a seat in either House; the second, by prohibiting their appointment to any civil office that might have been created, or its emoluments increased, during the term for which he should have been elected. These provisions were deemed by the authors of the federalist (No. 55) sufficient to protect the independence of Congress, and would have been, if still observed in their spirit, as well as in their letter, as was done by the earlier Presidents. A very strong instance of this observance was the case of Mr. Alexander Smythe, of Virginia, during the administration of President Monroe. Mr. Smythe had been a member of the House of Representatives, and in that capacity had voted for the establishment of a judicial district in Western Virginia, and by which the office of judge was created. His term of service had expired: he was proposed for the judgeship: the letter of the constitution permitted the appointment: but its spirit did not. Mr. Smythe was entirely fit for the place, and Mr. Monroe entirely willing to bestow it upon him. But he looked to the spirit of the act, and the mischief it was intended to prevent,

as well as to its letter; and could see no difference between bestowing the appointment the day after, or the day before, the expiration of Mr. Smythe's term of service: and he refused to make the appointment. This was protecting the purity of legislation according to the intent of the constitution; but it has not always been so. A glaring case to the contrary occurred in the person of Mr. Thomas Butler King, under the presidency of Mr. Fillmore. Mr. King was elected a member of Congress for the term at which the office of collector of the customs at San Francisco had been created, and had resigned his place: but the resignation could not work an evasion of the constitution, nor affect the principle of its provision. He had been appointed in the recess of Congress, and sent to take the place before his two years had expired – and did take it; and that was against the words of the constitution. His nomination was not sent in until his term expired – the day after it expired – having been held back during the regular session; and was confirmed by the Senate. I had then ceased to be a member of the Senate, and know not whether any question was raised on the nomination; but if I had been, there should have been a question.

But the constitutional limitation upon the appointment of members of Congress, even when executed beyond its letter and according to its spirit, as done by Mr. Monroe, is but a very small restraint upon their appointment, only applying to the few cases of new offices created, or of compensation increased, during the period of their membership. The whole class of regular vacancies

remain open! All the vacancies which the President pleases to create, by an exercise of the removing power, are opened! and between these two sources of supply, the fund is ample for as large a commerce between members and the President – between subservient votes on one side, and executive appointments on the other – as any President, or any set of members, might choose to carry on. And here is to be noted a wide departure from the theory of the government on this point, and how differently it has worked from what its early friends and advocates expected. I limit myself now to Hamilton, Madison and Jay; and it is no narrow limit which includes three such men. Their names would have lived for ever in American history, among those of the wise and able founders of our government, without the crowning work of the "Essays" in behalf of the constitution which have been embodied under the name of "Federalist" – and which made that name so respectable before party assumed it. The defects of the constitution were not hidden from them in the depths of the admiration which they felt for its perfections; and these defects were noted, and as far as possible excused, in a work devoted to its just advocation. This point (of dangerous commerce between the executive and the legislative body) was obliged to be noticed – forced upon their notice by the jealous attacks of the "Anti-Federalists" – as the opponents of the constitution were called: and in the number 55 of their work, they excused, and diminished, this defect in these terms:

> "Sometimes we are told, that this fund of corruption

(Executive appointments) is to be exhausted by the President in subduing the virtue of the Senate. Now, the fidelity of the other House is to be the victim. The improbability of such a mercenary and perfidious combination of the several members of the government, standing on as different foundations as republican principles will well admit, and at the same time accountable to the society over which they are placed, ought alone to quiet this apprehension. But, fortunately, the constitution has provided a still further safeguard. The members of the Congress are rendered ineligible to any civil offices that may be created, or of which the emoluments may be increased, during the term of their election. No offices, therefore, can be dealt out to the existing members, but such as may become vacant by *ordinary casualties*; and to suppose that these would be sufficient to purchase the guardians of the people, selected by the people themselves, is to renounce every rule by which events ought to be calculated, and to substitute an indiscriminate and unbounded jealousy, with which all reasoning must be vain."

Such was their defence – the best which their great abilities, and ardent zeal, and patriotic devotion, could furnish. They could not deny the danger. To diminish its quantum, and to cover with a brilliant declamation the little that remained, was their resource. And, certainly if the working of the government had been according to their supposition, their defence would have been good, I have taken the liberty to mark in italics the ruling words contained in the quotation which I have made from their

works – "*ordinary casualties*." And what were they? deaths, resignations, removals upon impeachment, and dismissions by the President and Senate. This, in fact, would constitute a very small amount of vacancies during the presidential term; and as new offices, and those of increased compensation, were excluded, the answer was undoubtedly good, and even justified the visible contempt with which the objection was repulsed. But what has been the fact? what has been the working of the government at this point? and how stands this narrow limitation of vacancies to "*ordinary casualties*?" In the first place, the main stay of the argument in the Federalist was knocked from under it at the outset of the government; and so knocked by a side-blow from construction. In the very first year of the constitution a construction was put on that instrument which enabled the President to create as many vacancies as he pleased, and at any moment that he pleased. This was effected by yielding to him the kingly prerogative of dismissing officers without the formality of a trial, or the consent of the other part of the appointing power. The authors of the Federalist had not foreseen this construction: so far from it they had asserted the contrary: and arguing logically from the premises, "*that the dismissing power was appurtenant to the appointing power*," they had maintained in that able and patriotic work – (No. 77) – that, as the consent of the Senate was necessary to the appointment of an officer, so the consent of the same body would be equally necessary to his dismission from office. But this construction was overruled by

the first Congress which sat under the constitution. The power of dismission from office was abandoned to the President alone; and, with the acquisition of this prerogative, the power and patronage of the presidential office was instantly increased to an indefinite extent; and the argument of the Federalist against the capacity of the President to corrupt members of Congress, founded on the small number of places which he could use for that purpose, was totally overthrown. This is what has been done by construction. Now for the effects of legislation: and without going into an enumeration of statutes so widely extending and increasing executive patronage in the multiplication of offices, jobs, contracts, agencies, retainers, and sequiturs of all sorts, holding at the will of the President, it is enough to point to a single act – the four years' limitation act; which, by vacating almost the entire civil list – the whole "Blue Book" – the 40,000 places which it registers – in every period of a presidential term – puts more offices at the command of the President than the authors of the Federalist ever dreamed of; and enough to equip all the members and all their kin if they chose to accept his favors. But this is not the end. Large as it opens the field of patronage, it is not the end. There is a practice grown up in these latter times, which, upon every revolution of parties, makes a political exodus among the adversary office-holders, marching them off into the wilderness, and leaving their places for new-comers. This practice of itself, also unforeseen by the authors of the Federalist, again over-sets their whole argument, and leaves the mischief

from which they undertook to defend the constitution in a degree of vigor and universality of which the original opposers of that mischief had never formed the slightest conception.

Besides the direct commerce which may take place between the Executive and a member, there are other evils resulting from their appointment to office, wholly at war with the theory of our government, and the purity of its action. Responsibility to his constituents is the corner-stone and sheet-anchor, in the system of representative government. It is the substance without which representation is but a shadow. To secure that responsibility the constitution has provided that the members shall be periodically returned to their constituents – those of the House at the end of every two years, those of the Senate at the end of every six – to pass in review before them – to account for what may have been done amiss, and to receive the reward or censure of good or bad conduct. This responsibility is totally destroyed if the President takes a member out of the hands of his constituents, prevents his return home, and places him in a situation where he is independent of their censure. Again: the constitution intended that the three departments of the government, – the executive, the legislative, and the judicial – should be independent of each other: and this independence ceases, between the executive and legislative, the moment the members become expectants and recipients of presidential favor; – the more so if the President should have owed his office to their nomination. Then it becomes a commerce, upon the regular principle of trade – a commerce

of mutual benefit. For this reason Congress caucuses for the nomination of presidential candidates fell under the ban of public opinion, and were ostracised above twenty years ago – only to be followed by the same evil in a worse form, that of illegal and irresponsible "conventions;" in which the nomination is an election, so far as party power is concerned; and into which the member glides who no longer dares to go to a Congress caucus; – whom the constitution interdicts from being an elector – and of whom some do not blush to receive office, and even to demand it, from the President whom they have created. The framers of our government never foresaw – far-seeing as they were – this state of things, otherwise the exclusion of members from presidential appointments could never have failed as part of the constitution, (after having been first adopted in the original draught of that instrument); nor repulsed when recommended by so many States at the adoption of the constitution; nor rejected by a majority of one in the Congress of 1789, when proposed as an amendment, and coming so near to adoption by the House.

Thus far I have spoken of this abuse as a potentiality – as a possibility – as a thing which might happen: the inexorable law of history requires it to be written that it has happened, is happening, becomes more intense, and is ripening into a chronic disease of the body politic. When I first came to the Senate thirty years ago, aged members were accustomed to tell me that there were always members in the market, waiting to render votes, and to receive office; and that in any closely contested,

or nearly balanced question, in which the administration took an interest, they could turn the decision which way they pleased by the help of these marketable votes. It was a humiliating revelation to a young senator – but true; and I have seen too much of it in my time – seen members whose every vote was at the service of government – to whom a seat in Congress was but the stepping-stone to executive appointment – to whom federal office was the pabulum for which their stomachs yearned – and who to obtain it, were ready to forget that they had either constituents or country. And now, why this mortifying exhibition of a disgusting depravity? I answer – to correct it: – if not by law and constitutional amendment (for it is hard to get lawgivers to work against themselves), at least by the force of public opinion, and the stern rebuke of popular condemnation.

I have mentioned Mr. Monroe as a President who would not depart, even from the spirit of the constitution, in appointing, not a member, but an ex-member of Congress, to office. Others of the earlier Presidents were governed by the same principle, of whom I will only mention (for his example should stand for all) General Washington, who entirely condemned the practice. In a letter to General Hamilton (vol. 6, page 53, of Hamilton's Works), he speaks of his objections to these appointments as a thing well known to that gentleman, and which he was only driven to think of in a particular instance, from the difficulty of finding a Secretary of State, successor to Mr. Edmund Randolph. No less than four persons had declined the offer of it; and seeing no

other suitable person without going into the Senate, he offered it to Mr. Rufus King of that body – who did not accept it: and for this offer, thus made in a case of so much urgency, and to a citizen so eminently fit, Washington felt that the honor of his administration required him to show a justification. What would the Father of his country have thought if members had come to him to solicit office? and especially, if these members (a thing almost blasphemous to be imagined in connection with his name) had mixed in caucuses and conventions to procure his nomination for President? Certainly he would have given them a look which would have sent such suppliants for ever from his presence. And I, who was senator for thirty years, and never had office for myself or any one of my blood, have a right to condemn a practice which my conduct rebukes, and which the purity of the government requires to be abolished, and which the early Presidents carefully avoided.

CHAPTER XXXI.
DEATH OF THE EX-PRESIDENTS JOHN ADAMS AND THOMAS JEFFERSON

It comes within the scope of this View to notice the deaths and characters of eminent public men who have died during my time, although not my contemporaries, and who have been connected with the founding or early working of the federal government. This gives me a right to head a chapter with the names of Mr. John Adams and Mr. Jefferson – two of the most eminent political men of the revolution, who, entering public life together, died on the same day, – July 4th, 1826, – exactly fifty years after they had both put their hands to that Declaration of Independence which placed a new nation upon the theatre of the world. Doubtless there was enough of similitude in their lives and deaths to excuse the belief in the interposition of a direct providence, and to justify the feeling of mysterious reverence with which the news of their coincident demise was received throughout the country. The parallel between them was complete. Born nearly at the same time, Mr. Adams the elder, they took the same course in life – with the same success – and ended their earthly career at the same time, and in the same way:

– in the regular course of nature, in the repose and tranquillity of retirement, in the bosom of their families, and on the soil which their labors had contributed to make free.

Born, one in Massachusetts, the other in Virginia, they both received liberal educations, embraced the same profession (that of the law), mixed literature and science with their legal studies and pursuits, and entered early into the ripening contest with Great Britain – first in their counties and States, and then on the broader field of the General Congress of the Confederated Colonies. They were both members of the Congress which declared Independence – both of the committee which reported the Declaration – both signed it – were both employed in foreign missions – both became Vice Presidents – and both became Presidents. They were both working men; and, in the great number of efficient laborers in the cause of Independence which the Congresses of the Revolution contained, they were doubtless the two most efficient – and Mr. Adams the more so of the two. He was, as Mr. Jefferson styled him, "the Colossus" of the Congress – speaking, writing, counselling – a member of ninety different committees, and (during his three years' service) chairman of twenty five – chairman also of the board of war and board of appeals: his soul on fire with the cause, left no rest to his head, hands, or tongue. Mr. Jefferson drew the Declaration of Independence, but Mr. Adams was "the pillar of its support, and its ablest advocate and defender," during the forty days it was before the Congress. In the letter which he wrote that night

to Mrs. Adams (for, after all the labors of the day, and such a day, he could still write to her), he took a glowing view of the future, and used those expressions, "gloom" and "glory," which his son repeated in the paragraph of his message to Congress in relation to the deaths of the two ex-Presidents, which I have heard criticized by those who did not know their historical allusion, and could not feel the force and beauty of their application. They were words of hope and confidence when he wrote them, and of history when he died. "I am well aware of the toil, and blood, and treasure, that it will cost to maintain this Declaration, and to support and defend these States; yet through all the *gloom*, I can see the rays of light and *glory*!" and he lived to see it – to see the glory – with the bodily, as well as with the mental eye. And (for the great fact will bear endless repetition) it was he that conceived the idea of making Washington commander-in-chief, and prepared the way for his unanimous nomination.

In the division of parties which ensued the establishment of the federal government, Mr. Adams and Mr. Jefferson differed in systems of policy, and became heads of opposite divisions, but without becoming either unjust or unkind to each other. Mr. Adams sided with the party discriminated as federal; and in that character became the subject of political attacks, from which his competitor generously defended him, declaring that "a more perfectly honest man never issued from the hands of his Creator;" and, though opposing candidates for the presidency, neither would have any thing to do with the election, which

they considered a question between the systems of policy which they represented, and not a question between themselves. Mr. Jefferson became the head of the party then called republican – now democratic; and in that character became the founder of the political school which has since chiefly prevailed in the United States. He was a statesman: that is to say, a man capable of conceiving measures useful to the country and to mankind – able to recommend them to adoption, and to administer them when adopted. I have seen many politicians – a few statesmen – and, of these few, he their pre-eminent head. He was a republican by nature and constitution, and gave proofs of it in the legislation of his State, as well as in the policy of the United States. He was no speaker, but a most instructive and fascinating talker; and the Declaration of Independence, even if it had not been sistered by innumerable classic productions, would have placed him at the head of political writers. I never saw him but once, when I went to visit him in his retirement; and then I felt, for four hours, the charms of his bewitching talk. I was then a young senator, just coming on the stage of public life – he a patriarchal statesman just going off the stage of natural life, and evidently desirous to impress some views of policy upon me – a design in which he certainly did not fail. I honor him as a patriot of the Revolution – as one of the Founders of the Republic – as the founder of the political school to which I belong; and for the purity of character which he possessed in common with his compatriots, and which gives to the birth of the United States a beauty of parentage which

the genealogy of no other nation can show.

CHAPTER XXXII.
BRITISH INDEMNITY FOR DEPORTED SLAVES

In this year was brought to a conclusion the long-continued controversy with Great Britain in relation to the non-fulfilment of the first article of the treaty of Ghent (1814), for the restitution of slaves carried off by the British troops in the war of 1812. It was a renewal of the misunderstanding, but with a better issue, which grew up under the seventh article of the treaty of peace of 1783 upon the same subject. The power of Washington's administration was not able to procure the execution of that article, either by restoration of the slaves or indemnity. The slaves then taken away were carried to Nova Scotia, where, becoming an annoyance, they were transferred to Sierra Leone; and thus became the foundation of the British African colony there. The restitution of deported slaves, stipulated in the first article of the Ghent treaty, could not be accomplished between the two powers; they disagreed as to the meaning of words; and, after seven years of vain efforts to come to an understanding, it was agreed to refer the question to arbitrament. The Emperor Alexander accepted the office of arbitrator, executed it, and decided in favor of the United States. That decision was as unintelligible to Great Britain as all the previous

treaty stipulations on this same subject had been. She could not understand it. A second misunderstanding grew up, giving rise to a second negotiation, which was concluded by a final agreement to pay the value of the slaves carried off. In 1827 payment was made – twelve years after the injury and the stipulation to repair it, and after continued and most strenuous exertions to obtain redress.

The case was this: it was a part of the system of warfare adopted by the British, when operating in the slave States, to encourage the slaves to desert from their owners, promising them freedom; and at the end of the war these slaves were carried off. This carrying off was foreseen by the United States Commissioners at Ghent, and in the first article of the treaty was provided against in these words; "all places taken, &c. shall be restored without delay, &c., or carrying away any of the artillery, or other public property originally captured in the said posts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property." The British Government undertook to extend the limitation which applied to public property to that which was private also; and so to restore only such slaves as were originally captured within the forts, and which remained therein at the time of the exchange of ratifications – a construction which would have excluded all that were induced to run away, being nearly the whole; and all that left the forts before the exchange of ratifications, which would have included the rest. She adhered to

the construction given to the parallel article in the treaty of 1783, and by which all slaves taken during the war were held to be lawful prize of war, and free under the British proclamation, and not to be compensated for. The United States, on the contrary, confined this local limitation to things appurtenant to the forts; and held the slaves to be private property, subject to restitution, or claim for compensation, if carried away at all, no matter how acquired.

The point was solemnly carried before the Emperor Alexander, the United States represented by their minister, Mr. Henry Middleton, and Great Britain by Sir Charles Bagot – the Counts Nesselrode and Capo D'Istrias receiving the arguments to be laid before the Emperor. His Majesty's decision was peremptory; "that the United States of America are entitled to a just indemnification from Great Britain for all private property carried away by the British forces; and, as the question regards slaves more especially, for all such slaves as were carried away by the British forces from the places and territories of which the restitution was stipulated by the treaty, in quitting the said places and territories." This was explicit; but the British minister undertook to understand it as not applying to slaves who *voluntarily* joined the British troops to free themselves from bondage, and who came from places never in *possession* of the British troops; and he submitted a note to that effect to the Russian minister, Count Nesselrode, to be laid before the Emperor. To this note Alexander gave an answer which

is a model of categorical reply to unfounded dubitation. He said: "the Emperor having, by the mutual consent of the two plenipotentiaries, given an opinion, founded solely upon the sense which results from the text of the article in dispute, does not think himself called upon to decide here any question relative to what the laws of war permit or forbid to the belligerents; but, always faithful to the grammatical interpretation of the first article of the treaty of Ghent, his Imperial Majesty declares, a second time, that it appears to him, according to this interpretation, that, in quitting the places and territories of which the treaty of Ghent stipulates the restitution to the United States, his Britannic Majesty's forces had no right to carry away from the same places and territories, absolutely, any slave, by whatever means he had fallen or come into their power." This was the second declaration, the second decision of the point; and both parties having bound themselves to abide the decision, be it what it might, a convention was immediately concluded for the purpose of carrying the Emperor's decision into effect, by establishing a board to ascertain the number and value of the deported slaves. It was a convention formally drawn up, signed by the ministers of the three powers, done in triplicate, ratified, and ratifications exchanged, and the affair considered finished. Not so the fact! New misunderstanding, new negotiation, five years more consumed in diplomatic notes, and finally a new convention concluded! Certainly it was not the value of the property in controversy, not the amount of money to be paid, that led Great

Britain to that pertinacious resistance, bordering upon cavilling and bad faith. It was the loss of an advantage in war – the loss of the future advantage of operating upon the slave States through their slave property, and which advantage would be lost if this compensation was enforced, – which induced her to stand out so long against her own stipulations, and the decisions of her own accepted arbitrator.

This new or third treaty, making indemnity for these slaves, was negotiated at London, November, 1826, between Mr. Gallatin on the part of the United States, and Messrs. Huskisson and Addington on the part of Great Britain. It commenced with reciting that "difficulties having arisen in the execution of the convention concluded at St. Petersburg, July 12th, 1822, under the mediation of his majesty the Emperor of all the Russias, between the United States of America and Great Britain, for the purpose of carrying into effect the decision of his Imperial Majesty upon the differences which had arisen between the said United States and Great Britain as to the true construction and meaning of the first article of the treaty of Ghent, *therefore* the said parties agree to treat again," &c. The result of this third negotiation was to stipulate for the payment of a gross sum to the government of the United States, to be by it divided among those whose slaves had been carried off: and the sum of one million two hundred and four thousand nine hundred and sixty dollars was the amount agreed upon. This sum was satisfactory to the claimants, and was paid to the United States for their

benefit in the year 1827 – just twelve years after the conclusion of the war, and after two treaties had been made, and two arbitrations rendered to explain the meaning of the first treaty, and which fully explained itself. Twelve years of persevering exertion to obtain the execution of a treaty stipulation which solely related to private property, and which good faith and sheer justice required to have been complied with immediately! At the commencement of the session of Congress, 1827-28, the President, Mr. John Quincy Adams, was able to communicate the fact of the final settling and closing up of this demand upon the British government for the value of the slaves carried off by its troops. The sum received was large, and ample to pay the damages; but that was the smallest part of the advantage gained. The example and the principle were the main points – the enforcement of such a demand against a government so powerful, and after so much resistance, and the condemnation which it carried, and the responsibility which it implied – this was the grand advantage. Liberation and abduction of slaves was one of the modes of warfare adopted by the British, and largely counted on as a means of harassing and injuring one half of the Union. It had been practised during the Revolution, and indemnity avoided. If avoided a second time, impunity would have sanctioned the practice and rendered it inveterate; and in future wars, not only with Great Britain but with all powers, this mode of annoyance would have become an ordinary resort, leading to servile insurrections. The indemnity exacted

carried along with it the condemnation of the practice, as a spoliation of private property to be atoned for; and was both a compensation for the past and a warning for the future. It implied a responsibility which no power, or art, or time could evade, and the principle of which being established, there will be no need for future arbitrations.

I have said that this article in the treaty of Ghent for restitution, or compensation, for deported slaves was brought to a better issue than its parallel in the treaty of peace of 1783. By the seventh article of this treaty it was declared that the evacuation (by the British troops) should be made "without carrying away any negroes or other property belonging to the American inhabitants." Yet three thousand slaves were carried away (besides ten times that number – 27,000 in Virginia alone – perishing of disease in the British camps); and neither restitution nor compensation made for any part of them. Both were resisted – the restitution by Sir Guy Carleton in his letter of reply to Washington's demand, declaring it to be an impossible infamy in a British officer to give up those whom they had invited to their standard; but reserving the point for the consideration of his government, and, in the mean time, allowing and facilitating the taking of schedules of all slaves taken away – names, ages, sex, former owners, and States from which taken. The British government resisted compensation upon the ground of war captures; that, being taken in war, no matter how, they became, like other plunder, the property of the captors, who had a right

to dispose of it as they pleased, and had chosen to set it free; that the slaves, having become free, belonged to nobody, and consequently it was no breach of the treaty stipulation to carry them away. This ground was contested by the Congress of the confederation to the end of its existence, and afterwards by the new federal government, from its commencement until the claim for indemnity was waived or abandoned, at the conclusion of Jay's treaty, in 1796. The very first message of Washington to Congress when he became President, presented the inexecution of the treaty of peace in this particular, among others, as one of the complaints justly existing against Great Britain; and all the diplomacy of his administration was exerted to obtain redress – in vain. The treaties of '94 and '96 were both signed without allusion to the subject; and, being left unprovided for in these treaties, the claim sunk into the class of obsolete demands; and the stipulation remained in the treaty a dead letter, although containing the precise words, and the additional one "negroes," on which the Emperor Alexander took the stand which commanded compensation and dispensed with arguments founded in the laws of war. Not a shilling had been received for that immense depredation upon private property; although the Congress of the confederation adopted the strongest resolves, and even ordered each State to be furnished with copies of the schedules of the slaves taken from it; and hopes of indemnity were kept alive until extinguished by the treaty of '96. It was a bitter complaint against that treaty, as the Congress debates of

the time, and the public press, abundantly show.

Northern men did their duty to the South in getting compensation (and, what is infinitely more, establishing the principle that there shall be compensation in such cases) for the slaves carried away in the war of 1812. A majority of the commissioners at Ghent who obtained the stipulation for indemnity were Northern men – Adams, Russell, Gallatin, from the free, and Clay and Bayard from the slave States. A Northern negotiator (Mr. Gallatin), under a Northern President (Mr. John Quincy Adams), finally obtained it; and it is a coincidence worthy of remark that this Northern negotiator, who was finally successful, was the same debater in Congress, in '96, who delivered the best argument (in my opinion surpassing even that of Mr. Madison), against the grounds on which the British Government resisted the execution of this article of the treaty.

I am no man to stir up old claims against the federal government; and, I detest the trade which exhumes such claims, and deplore the facility with which they are considered – too often in the hands of speculators who gave nothing, or next to nothing, for them. But I must say that the argument on which the French spoliation claim is now receiving so much consideration, applies with infinitely more force to the planters whose slaves were taken during the war of the Revolution than in behalf of these French spoliation claims. They were contributing – some in their persons in the camp or council, all in their voluntary or tax contributions – to the independence of their country when

they were thus despoiled of their property. They depended upon these slaves to support their families while they were supporting their country. They were in debt to British merchants, and relied upon compensation for these slaves to pay those debts, at the very moment when compensation was abandoned by the same treaty which enforced the payment of the debts. They had a treaty obligation for indemnity, express in its terms, and since shown to be valid, when deprived of this stipulation by another treaty, in order to obtain general advantages for the whole Union. This is something like taking private property for public use. Three thousand slaves, the property of ascertained individuals, protected by a treaty stipulation, and afterwards abandoned by another treaty, against the entreaties and remonstrances of the owners, in order to obtain the British commercial treaty of '94, and its supplement of '96: such is the case which this revolutionary spoliation of slave property presents, and which puts it immeasurably ahead of the French spoliation claims prior to 1800. There is but four years' difference in their ages – in the dates of the two treaties by which they were respectively surrendered – and every other difference between the two cases is an argument of preference in favor of the losers under the treaty of 1796. Yet I am against both, and each, separately or together; and put them in contrast to make one stand as an argument against the other. But the primary reason for introducing the slave spoliation case of 1783, and comparing its less fortunate issue with that of 1812, was to show that Northern men will

do justice to the South; that Northern men obtained for the South an indemnity and security in our day which a Southern Administration, with Washington at its head, had not been able to obtain in the days of our fathers.

CHAPTER XXXIII.
MEETING OF THE FIRST CONGRESS ELECTED UNDER THE ADMINISTRATION OF MR. ADAMS

The nineteenth Congress, commencing its legal existence, March the 4th, 1825, had been chiefly elected at the time that Mr. Adams' administration commenced, and the two Houses stood divided with respect to him – the majority of the Representatives being favorable to him, while the majority of the Senate was in opposition. The elections for the twentieth Congress – the first under his administration – were looked to with great interest, both as showing whether the new President was supported by the country, and his election by the House sanctioned, and also as an index to the issue of the ensuing presidential election. For, simultaneously with the election in the House of Representatives did the canvass for the succeeding election begin – General Jackson being the announced candidate on one side, and Mr. Adams on the other; and the event involving not only the question of merits between the parties, but also the question of approved or disapproved conduct on the part of the representatives who elected Mr. Adams. The elections

took place, and resulted in placing an opposition majority in the House of Representatives, and increasing the strength of the opposition majority in the Senate. The state of parties in the House was immediately tested by the election of speaker, Mr. John W. Taylor, of New-York, the administration candidate, being defeated by Mr. Andrew Stevenson, of Virginia, in the opposition. The appointment of the majority of members on all the committees, and their chairmen, in both Houses adverse to the administration, was a regular consequence of the inflamed state of parties, although the proper conducting of the public business would demand for the administration the chairman of several important committees, as enabling it to place its measures fairly before the House. The speaker (Mr. Stevenson) could only yield to this just sense of propriety in the case of one of the committees, that of foreign relations, to which Mr. Edward Everett, classing as the political and personal friend of the President, was appointed chairman. In other committees, and in both Houses, the stern spirit of the times prevailed; and the organization of the whole Congress was adverse to the administration.

The presidential message contained no new recommendations, but referred to those previously made, and not yet acted upon; among which internal improvement, and the encouragement of home industry, were most prominent. It gave an account of the failure of the proposed congress of Panama; and, consequently, of the inutility of all our exertions to be

represented there. And, as in this final and valedictory notice by Mr. Adams of that once far-famed congress, he took occasion to disclaim some views attributed to him, I deem it just to give him the benefit of his own words, both in making the disclaimer, and in giving the account of the abortion of an impracticable scheme which had so lately been prosecuted, and opposed, with so much heat and violence in our own country. He said of it:

> "Disclaiming alike all right and all intention of interfering in those concerns which it is the prerogative of their independence to regulate as to them shall seem fit, we hail with joy every indication of their prosperity, of their harmony, of their persevering and inflexible homage to those principles of freedom and of equal rights, which are alone suited to the genius and temper of the American nations. It has been therefore with some concern that we have observed indications of intestine divisions in some of the republics of the South, and appearances of less union with one another, than we believe to be the interest of all. Among the results of this state of things has been that the treaties concluded at Panama do not appear to have been ratified by the contracting parties, and that the meeting of the Congress at Tacubaya has been indefinitely postponed. In accepting the invitations to be represented at this Congress, while a manifestation was intended on the part of the United States, of the most friendly disposition towards the Southern republics by whom it had been proposed, it was hoped that it would furnish an opportunity for bringing all the nations of this

hemisphere to the common acknowledgment and adoption of the principles, in the regulation of their international relations, which would have secured a lasting peace and harmony between them, and have promoted the cause of mutual benevolence throughout the globe. But as obstacles appear to have arisen to the reassembling of the Congress, one of the two ministers commissioned on the part of the United States has returned to the bosom of his country, while the minister charged with the ordinary mission to Mexico remains authorized to attend at the conferences of the Congress whenever they may be resumed."

This is the last that was heard of that so much vaunted Congress of American nations, and in the manner in which it died out of itself, among those who proposed it, without ever having been reached by a minister from the United States, we have the highest confirmation of the soundness of the objections taken to it by the opposition members of the two Houses of our Congress.

In stating the condition of the finances, the message, without intending it, gave proof of the paradoxical proposition, first, I believe, broached by myself, that an annual revenue to the extent of a fourth or a fifth below the annual expenditure, is sufficient to meet that annual expenditure; and consequently that there is no necessity to levy as much as is expended, or to provide by law for keeping a certain amount in the treasury when the receipts are equal, or superior to the expenditure. He said:

"The balance in the treasury on the first of January last was six millions three hundred and fifty-eight thousand

six hundred and eighty-six dollars and eighteen cents. The receipts from that day to the 30th of September last, as near as the returns of them yet received can show, amount to sixteen millions eight hundred and eighty-six thousand five hundred and eighty-one dollars and thirty-two cents. The receipts of the present quarter, estimated at four millions five hundred and fifteen thousand, added to the above, form an aggregate of twenty-one millions four hundred thousand dollars of receipts. The expenditures of the year may perhaps amount to twenty-two millions three hundred thousand dollars, presenting a small excess over the receipts. But of these twenty-two millions, upwards of six have been applied to the discharge of the principal of the public debt; the whole amount of which, approaching seventy-four millions on the first of January last, will on the first day of next year fall short of sixty-seven millions and a half. The balance in the treasury on the first of January next, it is expected, will exceed five millions four hundred and fifty thousand dollars; a sum exceeding that of the first of January, 1825, though falling short of that exhibited on the first of January last."

In this statement the expenditures of the year are shown to exceed the income, and yet to leave a balance, about equal to one fourth of the whole in the treasury at the end of the year; also that the balance was larger at the end of the preceding year, and nearly the same at the end of the year before. And the message might have added, that these balances were about the same at the end of every quarter of every year, and every day of every

quarter – all resulting from the impossibility of applying money to objects until there has been time to apply it. Yet in the time of those balances of which Mr. Adams speaks, there was a law to retain two millions in the treasury; and now there is a law to retain six millions; while the current balances, at the rate of a fourth or a fifth of the income, are many times greater than the sum ordered to be retained; and cannot be reduced to that sum, by regular payments from the treasury, until the revenue itself is reduced below the expenditure. This is a financial paradox, sustainable upon reason, proved by facts, and visible in the state of the treasury at all times; yet I have endeavored in vain to establish it; and Congress is as careful as ever to provide an annual income equal to the annual expenditure; and to make permanent provision by law to keep up a reserve in the treasury; which would be there of itself without such law as long as the revenue comes within a fourth or a fifth of the expenditure.

The following members composed the two Houses at this, the first session of the twentieth Congress:

SENATE

Maine – John Chandler, Albion K. Parris.
New Hampshire – Samuel Bell, Levi Woodbury.
Massachusetts – Nathaniel Silsbee, Daniel Webster.
Connecticut – Samuel A. Foot, Calvin Willey.
Rhode Island – Nehemiah R. Knight, Asher Robbins.

Vermont – Dudley Chase, Horatio Seymour.
New-York – Martin Van Buren, Nathan Sanford.
New Jersey – Mahlon Dickerson, Ephraim Bateman.
Pennsylvania – William Marks, Isaac D. Barnard.
Delaware – Louis M'Lane, Henry M. Ridgeley.
Maryland – Ezekiel F. Chambers, Samuel Smith.
Virginia – Littleton W. Tazewell, John Tyler.
North Carolina – John Branch, Nathaniel Macon.
South Carolina – William Smith, Robert Y. Hayne.
Georgia – John M'Pherson Berrien, Thomas W. Cobb.
Kentucky – Richard M. Johnson, John Rowan.
Tennessee – John H. Eaton, Hugh L. White.
Ohio – William H. Harrison, Benjamin Ruggles.
Louisiana – Dominique Bouligny, Josiah S. Johnston.
Indiana – William Hendricks, James Noble.
Mississippi – Powhatan Ellis, Thomas H. Williams.
Illinois – Elias K. Kane, Jesse B. Thomas.
Alabama – John McKinley, William R. King.
Missouri – David Barton, Thomas H. Benton.

HOUSE OF REPRESENTATIVES

Maine – John Anderson, Samuel Butman, Rufus M'Intire, Jeremiah O'Brien, James W. Ripley, Peleg Sprague, Joseph F. Wingate – 7.

New Hampshire – Ichabod Bartlett, David Barker, jr., Titus

Brown, Joseph Healey, Jonathan Harvey, Thomas Whipple, jr. – 6.

Massachusetts – Samuel C. Allen, John Bailey, Isaac C. Bates, B. W. Crowninshield, John Davis, Henry W. Dwight, Edward Everett, Benjamin Gorham, James L. Hodges, John Locke, John Reed, Joseph Richardson, John Varnum – 15.

Rhode Island – Tristam Burges; Dutee J. Pearce – 2.

Connecticut – John Baldwin, Noyes Barber, Ralph J. Ingersoll, Orange Merwin, Elisha Phelps, David Plant – 6.

Vermont – Daniel A. A. Buck, Jonathan Hunt, Rolin C. Mallary, Benjamin Swift, George E. Wales – 5.

New-York – Daniel D. Barnard, George O. Belden, Rudolph Bunner, C. C. Cambreleng, Samuel Chase, John C. Clark, John D. Dickinson, Jonas Earll, jr., Daniel G. Garnsey, Nathaniel Garrow, John I. De Graff, John Hallock, jr., Selah R. Hobbie, Michael Hoffman, Jeromus Johnson, Richard Keese, Henry Markell, H. C. Martindale, Dudley Marvin, John Magee, John Maynard, Thomas J. Oakley, S. Van Rensselaer, Henry R. Storrs, James Strong, John G. Stower, Phineas L. Tracy, John W. Taylor, G. C. Verplanck, Aaron Ward, John J. Wood, Silas Wood, David Woodcock, Silas Wright, jr. – 34.

New Jersey – Lewis Condict, George Holcombe, Isaac Pierson, Samuel Swan, Edge Thompson, Ebenezer Tucker – 6.

Pennsylvania – William Addams, Samuel Anderson, Stephen Barlow, James Buchanan, Richard Coulter, Chauncey Forward, Joseph Fry, jr., Innes Green, Samuel D. Ingham, George

Kremer, Adam King, Joseph Lawrence, Daniel H. Miller, Charles Miner, John Mitchell, Samuel M'Kean, Robert Orr, jr., William Ramsay, John Sergeant, James S. Stevenson, John B. Sterigere, Andrew Stewart, Joel B. Sutherland, Espy Van Horn, James Wilson, George Wolf – 26.

Delaware – Kensy Johns, jr. – 1.

Maryland – John Barney, Clement Dorsey, Levin Gale, John Leeds Kerr, Peter Little, Michael C. Sprigg, G. C. Washington, John C. Weems, Ephraim K. Wilson – 9.

Virginia – Mark Alexander, Robert Allen, Wm. S. Archer, Wm. Armstrong, jr., John S. Barbour, Philip P. Barbour, Burwell Bassett, N. H. Claiborne, Thomas Davenport, John Floyd, Isaac Leffler, Lewis Maxwell, Charles F. Mercer, William M'Coy, Thomas Newton, John Randolph, William C. Rives, John Roane, Alexander Smyth, A. Stevenson, John Talliaferro, James Trezvant – 22.

North Carolina – Willis Alston, Daniel L. Barringer, John H. Bryan, Samuel P. Carson, Henry W. Conner, John Culpeper, Thomas H. Hall, Gabriel Holmes, John Long, Lemuel Sawyer, A. H. Shepperd, Daniel Turner, Lewis Williams – 13.

South Carolina – John Carter, Warren R. Davis, William Drayton, James Hamilton, jr., George M'Duffie, William D. Martin, Thomas R. Mitchell, Wm. T. Nuckolls, Starling Tucker – 9.

Georgia – John Floyd, Tomlinson Fort, Charles E. Haynes, George R. Gilmer, Wilson Lumpkin, Wiley Thompson, Richard

H. Wilde – 7.

Kentucky – Richard A. Buckner, James Clark, Henry Daniel, Joseph Lecompte, Robert P. Letcher, Chittenden Lyon, Thomas Metcalfe, Robert M'Hatton, Thomas P. Moore, Charles A. Wickliffe, Joel Yancey, Thomas Chilton – 12.

Tennessee – John Bell, John Blair, David Crockett, Robert Desha, Jacob C. Isacks, Pryor Lea, John H. Marable, James C. Mitchell, James K. Polk – 9.

Ohio – Mordecai Bartley, Philemon Beecher, William Creighton, jr., John Davenport, James Findlay, Wm. M'Lean, William Russell, John Sloane, William Stanberry, Joseph Vance, Samuel F. Vinton, Elisha Whittlesey, John Woods, John C. Wright – 14.

Louisiana – William L. Brent, Henry H. Gurley, Edward Livingston – 3.

Indiana – Thomas H. Blake, Jonathan Jennings, Oliver H. Smith – 3.

Mississippi – William Haile – 1.

Illinois – Joseph Duncan – 1.

Alabama – Gabriel Moore, John M'Kee, George W. Owen – 3.

Missouri – Edward Bates – 1.

DELEGATES

Arkansas Territory – A. H. Sevier.

Michigan Territory – Austin E. Wing.

Florida Territory – Joseph M. White.

This list of members presents an immense array of talent, and especially of business talent; and in its long succession of respectable names, many will be noted as having attained national reputations – others destined to attain that distinction – while many more, in the first class of useful and respectable members, remained without national renown for want of that faculty which nature seems most capriciously to have scattered among the children of men – the faculty of fluent and copious speech; – giving it to some of great judgment – denying it to others of equal, or still greater judgment – and lavishing it upon some of no judgment at all. The national eyes are fixed upon the first of these classes – the men of judgment and copious speech; and even those in the third class obtain national notoriety; while the men in the second class – the men of judgment and few words – are extremely valued and respected in the bodies to which they belong and have great weight in the conduct of business. They are, in fact, the business men, often more practical and efficient than the great orators. This twentieth Congress, as all others that have been, contained a large proportion of these most useful and respectable members; and it will be the pleasant task of this work to do them the justice which their modest merit would not do for themselves.

CHAPTER XXXIV.
REVISION OF THE TARIFF

The tariff of 1828 is an era in our legislation, being the event from which the doctrine of "nullification" takes its origin, and from which a serious division dates between the North and the South. It was the work of politicians and manufacturers; and was commenced for the benefit of the woollen interest, and upon a bill chiefly designed to favor that branch of manufacturing industry. But, like all other bills of the kind, it required help from other interests to get itself along; and that help was only to be obtained by admitting other interests into the benefits of the bill. And so, what began as a special benefit, intended for the advantage of a particular interest, became general, and ended with including all manufacturing interests – or at least as many as were necessary to make up the strength necessary to carry it. The productions of different States, chiefly in the West, were favored by additional duties on their rival imports; as lead in Missouri and Illinois, and hemp of Kentucky; and thus, though opposed to the object of the bill, many members were necessitated to vote for it. Mr. Rowan, of Kentucky, well exposed the condition of others in this respect, in showing his own in some remarks which he made, and in which he said:

"He was not opposed to the tariff as a system of revenue,

honestly devoted to the objects and purposes of revenue – on the contrary, he was friendly to a tariff of that character; but when perverted by the ambition of political aspirants, and the secret influence of inordinate cupidity, to purposes of individual, and sectional ascendency, he could not be seduced by the captivation of names, or terms, however attractive, to lend it his individual support.

"It is in vain, Mr. President, said he, that it is called the American System – names do not alter things. There is but one American System, and that is delineated in the State and Federal constitutions. It is the system of equal rights and privileges secured by the representative principle – a system, which, instead of subjecting the proceeds of the labor of some to taxation, in the view to enrich others, secures to all the proceeds of their labor – exempts all from taxation, except for the support of the protecting power of the government. As a tax necessary to the support of the government, he would support it – call it by what name you please; – as a tax for any other purpose, and especially for the purposes to which he had alluded – it had his individual reprobation, under whatever name it might assume.

"It might, he observed, be inferred from what he had said, that he would vote against the bill. He did not wish any doubts to be entertained as to the vote he should give upon this measure, or the reasons which would influence him to give it. He was not at liberty to substitute his individual opinion for that of his State. He was one of the organs here, of a State, that had, by the tariff of 1824, been chained to the car of the Eastern manufacturers – a State that had

been from that time, and was now groaning under the pressure of that unequal and unjust measure – a measure from the pressure of which, owing to the prevailing illusion throughout the United States, she saw no hope of escape, by a speedy return to correct principles; – and seeing no hope of escaping from the ills of the system, she is constrained, on principles of self-defence, to avail herself of the mitigation which this bill presents, in the duties which it imposes upon foreign hemp, spirits, iron, and molasses. The hemp, iron, and distilled spirits of the West, will, like the woollens of the Eastern States, be encouraged to the extent of the tax indirectly imposed by this bill, upon those who shall buy and consume them. Those who may need, and buy those articles, must pay to the grower, or manufacturer of them, an increased price to the amount of the duties imposed upon the like articles of foreign growth or fabric. To this tax upon the labor of the consumer, his individual opinion was opposed. But, as the organ of the State of Kentucky, he felt himself bound to surrender his individual opinion, and express the opinion of his State."

Thus, this tariff bill, like every one admitting a variety of items, contains a vicious principle, by which a majority may be made up to pass a measure which they do not approve. But besides variety of agricultural and manufacturing items collected into this bill, there was another of very different import admitted into it, namely, that of party politics. A presidential election was approaching: General Jackson and Mr. Adams were the candidates – the latter in favor of the "American System" –

of which Mr. Clay (his Secretary of State) was the champion, and indissolubly connected with him in the public mind in the issue of the election. This tariff was made an administration measure, and became an issue in the canvass; and to this Mr. Rowan significantly alluded when he spoke of a tariff as being "perverted by the ambition of political aspirants." It was in vain that the manufacturers were warned not to mix their interests with the doubtful game of politics. They yielded to the temptation – yielded as a class, though with individual exceptions – for the sake of the temporary benefit, without seeming to realize the danger of connecting their interests with the fortunes of a political party. This tariff of '28, besides being remarkable for giving birth to "nullification," and heart-burning between the North and the South, was also remarkable for a change of policy in the New England States, in relation to the protective system. Being strongly commercial, these States had hitherto favored free trade; and Mr. Webster was the champion of that trade up to 1824. At this session a majority of those States, and especially those which classed politically with Mr. Adams and Mr. Clay, changed their policy: and Webster became a champion of the protective system. The cause of this change, as then alleged, was the fact that the protective system had become the established policy of the government, and that these States had adapted their industry to it; though it was insisted, on the other hand, that political calculation had more to do with the change than federal legislation: and, in fact, the question of this protection was one of

those which lay at the foundation of parties, and was advocated by General Hamilton in one of his celebrated reports of fifty years ago. But on this point it is right that New England should speak for herself, which she did at the time of the discussion of the tariff in '28; and through the member, now a senator (Mr. Webster), who typified in his own person the change which his section of the Union had undergone. He said:

> "New England, sir, has not been a leader in this policy. On the contrary, she held back, herself, and tried to hold others back from it, from the adoption of the constitution to 1824. Up to 1824, she was accused of sinister and selfish designs, because she discountenanced the progress of this policy. It was laid to her charge, then, that having established her manufactures herself, she wished that others should not have the power of rivalling her; and, for that reason, opposed all legislative encouragement. Under this angry denunciation against her, the act of 1824 passed. Now the imputation is precisely of an opposite character. The present measure is pronounced to be exclusively for the benefit of New England; to be brought forward by her agency, and designed to gratify the cupidity of her wealthy establishments.
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> "Both charges, sir, are equally without the slightest foundation. The opinion of New England, up to 1824, was founded in the conviction, that, on the whole, it was wisest and best, both for herself and others, that manufacturers should make haste slowly. She felt a reluctance to trust great interests on the foundation of government patronage; for

who could tell how long such patronage would last, or with what steadiness, skill, or perseverance, it would continue to be granted? It is now nearly fifteen years, since, among the first things which I ever ventured to say here, was the expression of a serious doubt, whether this government was fitted by its construction, to administer aid and protection to particular pursuits; whether, having called such pursuits into being by indications of its favor, it would not, afterwards, desert them, when troubles come upon them; and leave them to their fate. Whether this prediction, the result, certainly, of chance, and not of sagacity, will so soon be fulfilled, remains to be seen.

"At the same time it is true, that from the very first commencement of the government, those who have administered its concerns have held a tone of encouragement and invitation towards those who should embark in manufactures. All the Presidents, I believe, without exception, have concurred in this general sentiment; and the very first act of Congress, laying duties of impost, adopted the then unusual expedient of a preamble, apparently for little other purpose than that of declaring, that the duties, which it imposed, were imposed for the encouragement and protection of manufactures. When, at the commencement of the late war, duties were doubled, we were told that we should find a mitigation of the weight of taxation in the new aid and succor which would be thus afforded to our own manufacturing labor. Like arguments were urged, and prevailed, but not by the aid of New England votes, when the tariff was afterwards arranged at

the close of the war, in 1816. Finally, after a whole winter's deliberation, the act of 1824 received the sanction of both Houses of Congress, and settled the policy of the country. What, then, was New England to do? She was fitted for manufacturing operations, by the amount and character of her population, by her capital, by the vigor and energy of her free labor, by the skill, economy, enterprise, and perseverance of her people. I repeat, what was she, under these circumstances, to do? A great and prosperous rival in her near neighborhood, threatening to draw from her a part, perhaps a great part, of her foreign commerce; was she to use, or to neglect, those other means of seeking her own prosperity which belonged to her character and her condition? Was she to hold out, forever, against the course of the government, and see herself losing, on one side, and yet making no efforts to sustain herself on the other? No, sir. Nothing was left to New England, after the act of 1824, but to conform herself to the will of others. Nothing was left to her, but to consider that the government had fixed and determined its own policy; and that policy was protection."

The question of a protective tariff had now not only become political, but sectional. In the early years of the federal government it was not so. The tariff bills, as the first and the second, that were passed, declared in their preambles that they were for the encouragement of manufactures, as well as for raising revenue; but then the duties imposed were all moderate – such as a revenue system really required; and there were no "*minimums*" to make a false basis for the calculation of duties,

by enacting that all which cost less than a certain amount should be counted to have cost that amount; and be rated at the custom-house accordingly. In this early period the Southern States were as ready as any part of the Union in extending the protection to home industry which resulted from the imposition of revenue duties on rival imported articles, and on articles necessary to ourselves in time of war; and some of her statesmen were amongst the foremost members of Congress in promoting that policy. As late as 1816, some of her statesmen were still in favor of protection, not merely as an incident to revenue, but as a substantive object: and among these was Mr. Calhoun, of South Carolina – who even advocated the minimum provision – then for the first time introduced into a tariff bill, and upon his motion – and applied to the cotton goods imported. After that year (1816) the tariff bills took a sectional aspect – the Southern States, with the exception of Louisiana (led by her sugar-planting interest), against them: the New England States also against them: the Middle and Western States for them. After 1824 the New England States (always meaning the greatest portion when a section is spoken of) classed with the protective States – leaving the South alone, as a section, against that policy. My personal position was that of a great many others in the three protective sections – opposed to the policy, but going with it, on account of the interest of the State in the protection of some of its productions. I moved an additional duty upon lead, equal to one hundred per centum; and it was carried. I moved a duty

upon indigo, a former staple of the South, but now declined to a slight production; and I proposed a rate of duty in harmony with the protective features of the bill. No southern member would move that duty, because he opposed the principle: I moved it, that the "American System," as it was called, should work alike in all parts of our America. I supported the motion with some reasons, and some views of the former cultivation of that plant in the Southern States, and its present decline, thus:

> "Mr. Benton then proposed an amendment, to impose a duty of 25 cents per pound on imported indigo, with a progressive increase at the rate of 25 cents per pound per annum, until the whole duty amounted to $1 per pound. He stated his object to be two-fold in proposing this duty, first, to place the American System beyond the reach of its enemies, by procuring a home supply of an article indispensable to its existence; and next, to benefit the South by reviving the cultivation of one of its ancient and valuable staples.
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> "Indigo was first planted in the Carolinas and Georgia about the year 1740, and succeeded so well as to command the attention of the British manufacturers and the British parliament. An act was passed for the encouragement of its production in these colonies, in the reign of George the Second; the preamble to which Mr. B. read, and recommended to the consideration of the Senate. It recited that a regular, ample, and certain supply of indigo was indispensable to the success of British manufacturers; that these manufacturers were then dependent upon foreigners

for a supply of this article; and that it was the dictate of a wise policy to encourage the production of it at home. The act then went on to direct that a premium of sixpence sterling should be paid out of the British treasury for every pound of indigo imported into Great Britain, from the Carolinas and Georgia. Under the fostering influence of this bounty, said Mr. B., the cultivation of indigo became great and extensive. In six years after the passage of the act, the export was 217,000 lbs. and at the breaking out of the Revolution it amounted to 1,100,000 lbs. The Southern colonies became rich upon it; for the cultivation of cotton was then unknown; rice and indigo were the staples of the South. After the Revolution, and especially after the great territorial acquisitions which the British made in India, the cultivation of American indigo declined. The premium was no longer paid; and the British government, actuated by the same wise policy which made them look for a home supply of this article from the Carolinas, when they were a part of the British possessions, now looked to India for the same reason. The export of American indigo rapidly declined. In 1800 it had fallen to 400,000 lbs.; in 1814 to 40,000 lbs,; and in the last few years to 6 or 8,000 lbs. In the mean time our manufactories were growing up; and having no supply of indigo at home, they had to import from abroad. In 1826 this importation amounted to 1,150,000 lbs., costing a fraction less than two millions of dollars, and had to be paid for almost entirely in ready money, as it was chiefly obtained from places where American produce was in no demand. Upon this state of facts, Mr. B. conceived

it to be the part of a wise and prudent policy to follow the example of the British parliament in the reign of George II. and provide a home supply of this indispensable article. Our manufacturers now paid a high price for fine indigo, no less than $2 50 per pound, as testified by one of themselves before the Committee on Manufactures raised in the House of Representatives. The duty which he proposed was only 40 per cent. upon that value, and would not even reach that rate for four years. It was less than one half the duty which the same bill proposed to lay instanter upon the very cloth which this indigo was intended to dye. In the end it would make all indigo come cheaper to the manufacturer, as the home supply would soon be equal, if not superior to the demand; and in the mean time, it could not be considered a tax on the manufacturer, as he would levy the advance which he had to pay, with a good interest, upon the wearer of the cloth.

"Mr. B. then went into an exposition of the reasons for encouraging the home production of indigo, and showed that the life of the American System depended upon it. Neither cotton nor woollen manufactures could be carried on without indigo. The consumption of that article was prodigious. Even now, in the infant state of our manufactories, the importation was worth two millions of dollars: and must soon be worth double or treble that sum. For this great supply of an indispensable article, we were chiefly indebted to the jealous rival, and vigilant enemy, of these very manufactures, to Great Britain herself. Of the 1,150,000 lbs. of indigo imported, we bring 620,000

lbs. from the British East Indies; which one word from the British government would stop for ever; we bring the further quantity of 120,000 lbs. from Manilla, a Spanish possession, which British influence and diplomacy could immediately stop: and the remainder came from different parts of South America, and might be taken from us by the arts of diplomacy, or by a monopoly of the whole on the part of our rival. A stoppage of a supply of indigo for one year, would prostrate all our manufactories, and give them a blow from which they would not recover in many years. Great Britain could effect this stoppage to the amount of three fourths of the whole quantity by speaking a single word, and of the remainder by a slight exertion of policy, or the expenditure of a sum sufficient to monopolize for one year, the purchase of what South America sent into the market.

"Mr. B. said he expected a unanimous vote in favor of his amendment. The North should vote for it to secure the life of the American System; to give a proof of their regard for the South; to show that the country south of the Potomac is included in the bill for some other purpose besides that of oppression. The South itself, although opposed to the further increase of duties, should vote for this duty; that the bill, if it passes, may contain one provision favorable to its interests. The West should vote for it through gratitude for fifty years of guardian protection, generous defence, and kind assistance, which the South had given it under all its trials; and for the purpose of enlarging the market, increasing the demand in the South and its ability to purchase the horses, mules, and provisions which the West

can sell nowhere else. For himself he had personal reasons for wishing to do this little justice to the South. He was a native of one of these States (N. Carolina) – the bones of his father and his grandfathers rested there. Her Senators and Representatives were his early and his hereditary friends. The venerable Senator before him (Mr. Macon) had been the friend of him and his, through four generations in a straight line; the other Senator (Mr. Branch) was his schoolfellow: the other branch of the legislature, the House of Representatives, also showed him in the North Carolina delegation, the friends of him and his through successive generations. Nor was this all. He felt for the sad changes which had taken place in the South in the last fifty years. Before the Revolution it was the seat of wealth as well as of hospitality. Money, and all that it commanded, abounded there. But how now? All this is reversed.

"Wealth has fled from the South, and settled in the regions north of the Potomac, and this in the midst of the fact that the South, in four staples alone, in cotton, tobacco, rice and indigo (while indigo was one of its staples), had exported produce since the Revolution, to the value of eight hundred million of dollars, and the North had exported comparatively nothing. This sum was prodigious; it was nearly equal to half the coinage of the mint of Mexico since the conquest by Cortez. It was twice or thrice the amount of the product of the three thousand gold and silver mines of Mexico, for the same period of fifty years. Such an export would indicate unparalleled wealth; but what was the fact? In place of wealth, a universal pressure for money was felt;

not enough for current expenses; the price of all property down; the country drooping and languishing; towns and cities decaying; and the frugal habits of the people pushed to the verge of universal self-denial, for the preservation of their family estates. Such a result is a strange and wonderful phenomenon. It calls upon statesmen to inquire into the cause; and if they inquire upon the theatre of this strange metamorphosis, they will receive one universal answer from all ranks and all ages, that it is federal legislation which has worked this ruin. Under this legislation the exports of the South have been made the basis of the federal revenue. The twenty odd millions annually levied upon imported goods, are deducted out of the price of their cotton, rice and tobacco, either in the diminished price which they receive for these staples in foreign ports, or in the increased price which they pay for the articles they have to consume at home. Virginia, the two Carolinas and Georgia, may be said to defray three fourths of the annual expense of supporting the federal government; and of this great sum annually furnished by them, nothing, or next to nothing, is returned to them in the shape of government expenditure. That expenditure flows in an opposite direction; it flows northwardly, in one uniform, uninterrupted and perennial stream; it takes the course of trade and of exchange; and this is the reason why wealth disappears from the South and rises up in the North. Federal legislation does all this; it does it by the simple process of eternally taking away from the South, and returning nothing to it. If it returned to the South the whole, or even a good part of what it exacted, the four States

south of the Potomac might stand the action of this system, as the earth is enabled to stand the exhausting influence of the sun's daily heat by the refreshing dews which are returned to it at night; but as the earth is dried up, and all vegetation destroyed in regions where the heat is great, and no dews returned, so must the South be exhausted of its money and its property by a course of legislation which is for ever taking from it, and never returning any thing to it.

"Every new tariff increases the force of this action. No tariff has ever yet included Virginia, the two Carolinas, and Georgia, within its provisions, except to increase the burdens imposed upon them. This one alone, presents the opportunity to form an exception, by reviving and restoring the cultivation of one of its ancient staples, – one of the sources of its wealth before the Revolution. The tariff of 1828 owes this reparation to the South, because the tariff of 1816 contributed to destroy the cultivation of indigo; sunk the duty on the foreign article, from twenty-five to fifteen cents per pound. These are the reasons for imposing the duty on indigo, now proposed. What objections can possibly be raised to it? Not to the quality; for it is the same which laid the foundation of the British manufactures, and sustained their reputation for more than half a century; not to the quantity; for the two Carolinas and Georgia alone raised as much fifty years ago as we now import, and we have now the States of Louisiana, Alabama, and Mississippi, and the Territories of Florida and Arkansas, to add to the countries which produce it; not to the amount of the duty; for its maximum will be but forty per cent.,

only one half of the duty laid by this bill on the cloth it is to dye; and that maximum, not immediate, but attained by slow degrees at the end of four years, in order to give time for the domestic article to supply the place of the imported. And after all, it is not a duty on the manufacturer, but on the wearer of the goods; from whom he levies, with a good interest on the price of the cloths, all that he expends in the purchase of materials. For once, said Mr. B., I expect a unanimous vote on a clause in the tariff. This indigo clause must have the singular and unprecedented honor of an unanimous voice in its favor. The South must vote for it, to revive the cultivation of one of its most ancient and valuable staples; the West must vote for it through gratitude for past favors – through gratitude for the vote on hemp this night[2]– and to save, enlarge, and increase the market for its own productions; the North must vote for it to show their disinterestedness; to give one proof of just feeling towards the South; and, above all, to save their favorite American System from the deadly blow which Great Britain can at any moment give it by stopping or interrupting the supplies of foreign indigo; and the whole Union, the entire legislative body, must vote for it, and vote for it with joy and enthusiasm, because it is impossible that Americans can deny to sister States of the Confederacy what a British King and a British Parliament granted to these same States when they were colonies and dependencies of the British crown."

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[2] "The vote on hemp this night." In rejecting Mr. Webster's motion to strike out the duty on hemp, and a vote in which the South went unanimously with the West. —*Note by Mr. B.*

Mr. Hayne, of South Carolina, seconded my motion in a speech of which this is an extract:

> "Mr. Hayne said he was opposed to this bill in its principles as well as in its details. It could assume no shape which would make it acceptable to him, or which could prevent it from operating most oppressively and unjustly on his constituents. With these views, he had determined to make no motion to amend the bill in any respect whatever; but when such motions were made by others, and he was compelled to vote on them, he knew no better rule than to endeavor to make the bill consistent with itself. On this principle he had acted in all the votes he had given on this bill. He had endeavored to carry out to its legitimate consequences what gentlemen are pleased to miscall the 'American System.' With a fixed resolution to vote against the bill, he still considered himself at liberty to assist in so arranging the details as to extend to every great interest, and to all portions of the country, as far as may be practicable, equal protection, and to distribute the burdens of the system equally, in order that its benefits as well as its evils may be fully tested. On this principle, he should vote for the amendment of the gentleman from Missouri, because it was in strict conformity with all the principles of the bill. As a southern man, he would ask no boon for the South – he should propose nothing; but he must say that the protection of indigo rested on the same principles as every other article proposed to be protected by this bill, and he did not see how gentlemen could, consistently with their maxims, vote

against it. What was the principle on which this bill was professedly founded? If there was any principle at all in the bill, it was that, whenever the country had the capacity to produce an article with which any imported article could enter into competition, the domestic product was to be protected by a duty. Now, had the Southern States the capacity to produce indigo? The soil and climate of those States were well suited to the culture of the article. At the commencement of the Revolution our exports of the article amounted to no less than 1,100,000 lbs. The whole quantity now imported into the United States is only 1,150,000 lbs.; so that the capacity of the country to produce a sufficient quantity of indigo to supply the wants of the manufacturers is unquestionable. It is true that the quantity now produced in the country is not great.

"In 1818 only 700 lbs. of domestic indigo were exported.

"In 1825 9,955 do.

"In 1826 5,289 do.

"This proves that the attention of the country is now directed to the subject. The senator from Indiana, in some remarks which he made on this subject yesterday, stated that, according to the principles of the American System (so called), protection was not extended to any article which the country was not in the habit of exporting. This is entirely a mistake. Of the articles protected by the tariff of 1824, as well as those included in this bill, very few are exported at all. Among these are iron, woollens, hemp, flax, and several others. If indigo is to be protected at all, the duties proposed must surely be considered extremely reasonable,

the maximum proposed being much below that imposed by this bill on wool, woollens, and other articles. The duty on indigo till 1816, was 25 cents per pound. It was then (in favor of the manufacturers) reduced to 15 cents. The first increase of duty proposed here, is only to put back the old duty of 25 cents per pound, equal to an ad valorem duty of from 10 to 15 per cent. – and the maximum is only from 40 to 58 per cent. ad valorem, and that will not accrue for several years to come. With this statement of facts, Mr. H. said he would leave the question in the hands of those gentlemen who were engaged in giving this bill the form in which it is to be submitted to the final decision of the Senate."

The proposition for this duty on imported indigo did not prevail. In lieu of the amount proposed, and which was less than any protective duty in the bill, the friends of the "American System" (constituting a majority of the Senate) substituted a nominal duty of five cents on the pound – to be increased five cents annually for ten years – and to remain at fifty. This was only about twenty per centum on the cost of the article, and that only to be attained after a progression of ten years; while all other duties in the bill were from four to ten times that amount – and to take effect immediately. A duty so contemptible, so out of proportion to the other provisions of the bill, and doled out in such miserable drops, was a mockery and insult; and so viewed by the southern members. It increased the odiousness of the bill, by showing that the southern section of the Union was

only included in the "American System" for its burdens, and not for its benefits. Mr. McDuffie, in the House of Representatives, inveighed bitterly against it, and spoke the general feeling of the Southern States when he said:

> "Sir, if the union of these States shall ever be severed, and their liberties subverted, the historian who records these disasters will have to ascribe them to measures of this description. I do sincerely believe that neither this government nor any free government, can exist for a quarter of a century, under such a system of legislation. Its inevitable tendency is to corrupt, not only the public functionaries, but all those portions of the Union and classes of society who have an interest, real or imaginary, in the bounties it provides, by taxing other sections and other classes. What, sir, is the essential characteristic of a freeman? It is that independence which results from an habitual reliance upon his own resources and his own labor for his support. He is not in fact a freeman, who habitually looks to the government for pecuniary bounties. And I confess that nothing in the conduct of those who are the prominent advocates of this system, has excited more apprehension and alarm in my mind, than the constant efforts made by all of them, from the Secretary of the Treasury down to the humblest coadjutor, to impress upon the public mind, the idea that national prosperity and individual wealth are to be derived, not from individual industry and economy, but from government bounties. An idea more fatal to liberty could not be inculcated. I said,

on another occasion, that the days of Roman liberty were numbered when the people consented to receive bread from the public granaries. From that moment it was not the patriot who had shown the greatest capacity and made the greatest sacrifices to serve the republic, but the demagogue who would promise to distribute most profusely the spoils of the plundered provinces, that was elevated to office by a degenerate and mercenary populace. Every thing became venal, even in the country of Fabricius, until finally the empire itself was sold at public auction! And what, sir, is the nature and tendency of the system we are discussing? It bears an analogy, but too lamentably striking, to that which corrupted the republican purity of the Roman people. God forbid that it should consummate its triumph over the public liberty, by a similar catastrophe, though even that is an event by no means improbable, if we continue to legislate periodically in this way, and to connect the election of our Chief Magistrate with the question of dividing out the spoils of certain States – degraded into Roman provinces – among the influential capitalists of the other States of this Union! Sir, when I consider that, by a single act like the present, from five to ten millions of dollars may be transferred annually from one part of the community to another; when I consider the disguise of disinterested patriotism under which the basest and most profligate ambition may perpetrate such an act of injustice and political prostitution, I cannot hesitate, for a moment, to pronounce this very system of indirect bounties, the most stupendous instrument of corruption ever placed

in the hands of public functionaries. It brings ambition and avarice and wealth into a combination, which it is fearful to contemplate, because it is almost impossible to resist. Do we not perceive, at this very moment, the extraordinary and melancholy spectacle of less than one hundred thousand capitalists, by means of this unhallowed combination, exercising an absolute and despotic control over the opinions of eight millions of free citizens, and the fortunes and destinies of ten millions? Sir, I will not anticipate or forebode evil. I will not permit myself to believe that the Presidency of the United States will ever be bought and sold, by this system of bounties and prohibitions. But I must say that there are certain quarters of this Union in which, if a candidate for the Presidency were to come forward with the Harrisburg tariff in his hand, nothing could resist his pretensions, if his adversary were opposed to this unjust system of oppression. Yes, sir, that bill would be a talisman which would give a charmed existence to the candidate who would pledge himself to support it. And although he were covered with all the "multiplying villanies of nature," the most immaculate patriot and profound statesman in the nation could hold no competition with him, if he should refuse to grant this new species of imperial donative."

Allusions were constantly made to the combination of manufacturing capitalists and politicians in pressing this bill. There was evidently foundation for the imputation. The scheme of it had been conceived in a convention of manufacturers in

the State of Pennsylvania, and had been taken up by politicians, and was pushed as a party measure, and with the visible purpose of influencing the presidential election. In fact these tariff bills, each exceeding the other in its degree of protection, had become a regular appendage of our presidential elections – coming round in every cycle of four years, with that returning event. The year 1816 was the starting point: 1820, and 1824, and now 1828, having successively renewed the measure, with successive augmentations of duties. The South believed itself impoverished to enrich the North by this system; and certainly a singular and unexpected result had been seen in these two sections. In the colonial state, the Southern were the rich part of the colonies, and expected to do well in a state of independence. They had the exports, and felt secure of their prosperity: not so of the North, whose agricultural resources were few, and who expected privations from the loss of British favor. But in the first half century after Independence this expectation was reversed. The wealth of the North was enormously aggrandized: that of the South had declined. Northern towns had become great cities: Southern cities had decayed, or become stationary; and Charleston, the principal port of the South, was less considerable than before the Revolution. The North became a money-lender to the South, and southern citizens made pilgrimages to northern cities, to raise money upon the hypothecation of their patrimonial estates. And this in the face of a southern export since the Revolution to the value of eight hundred millions of dollars! –

a sum equal to the product of the Mexican mines since the days of Cortez! and twice or thrice the amount of their product in the same fifty years. The Southern States attributed this result to the action of the federal government – its double action of levying revenue upon the industry of one section of the Union and expending it in another – and especially to its protective tariffs. To some degree this attribution was just, but not to the degree assumed; which is evident from the fact that the protective system had then only been in force for a short time – since the year 1816; and the reversed condition of the two sections of the Union had commenced before that time. Other causes must have had some effect: but for the present we look to the protective system; and, without admitting it to have done all the mischief of which the South complained, it had yet done enough to cause it to be condemned by every friend to equal justice among the States – by every friend to the harmony and stability of the Union – by all who detested sectional legislation – by every enemy to the mischievous combination of partisan politics with national legislation. And this was the feeling with the mass of the democratic members who voted for the tariff of 1828, and who were determined to act upon that feeling upon the overthrow of the political party which advocated the protective system; and which overthrow they believed to be certain at the ensuing presidential election.

CHAPTER XXXV.
THE PUBLIC LANDS – THEIR PROPER DISPOSITION – GRADUATED PRICES – PRE-EMPTION RIGHTS – DONATIONS TO SETTLERS

About the year 1785 the celebrated Edmund Burke brought a bill into the British House of Commons for the sale of the crown lands, in which he laid down principles in political economy, in relation to such property, profoundly sagacious in themselves, applicable to all sovereign landed possessions, whether of kings or republics – applicable in all countries – and nowhere more applicable and less known or observed, than in the United States. In the course of the speech in support of his bill he said:

> "Lands sell at the current rate, and nothing can sell for more. But be the price what it may; a great object is always answered, whenever any property is transferred from hands which are not fit for that property, to those that are. The buyer and the seller must mutually profit by such a bargain; and, what rarely happens in matters of revenue, the relief of the subject will go hand in hand with the profit of the Exchequer. * * * The revenue to be derived from the sale

> of the forest lands will not be so considerable as many have imagined; and I conceive it would be unwise to screw it up to the utmost, or even to suffer bidders to enhance, according to their eagerness, the purchase of objects, wherein the expense of that purchase may weaken the capital to be employed in their cultivation. * * * The principal revenue which I propose to draw from these uncultivated wastes, is to spring from the improvement and population of the kingdom; events infinitely more advantageous to the revenues of the crown than the rents of the best landed estate which it can hold. * * * It is thus I would dispose of the unprofitable landed estates of the crown: *throw them into the mass of private property*: by which they will come, through the course of circulation and through the political secretions of the State into well-regulated revenue. * * * Thus would fall an expensive agency, with all the influence which attends it."

I do not know how old, or rather, how young I was, when I first took up the notion that sales of land by a government to its own citizens, and to the highest bidder, was false policy; and that gratuitous grants to actual settlers was the true policy, and their labor the true way of extracting national wealth and strength from the soil. It might have been in childhood, when reading the Bible, and seeing the division of the promised land among the children of Israel: it might have been later, and in learning the operation of the feudal system in giving lands to those who would defend them: it might have been in early life in Tennessee, in

seeing the fortunes and respectability of many families derived from the 640 acre head-rights which the State of North Carolina had bestowed upon the first settlers. It was certainly before I had read the speech of Burke from which the extract above is taken; for I did not see that speech until 1826; and seventeen years before that time, when a very young member of the General Assembly of Tennessee, I was fully imbued with the doctrine of donations to settlers, and acted upon the principle that was in me, as far as the case admitted, in advocating the pre-emption claims of the settlers on Big and Little Pigeon, French Broad, and Nolichucky. And when I came to the then Territory of Missouri in 1815, and saw land exposed to sale to the highest bidder, and lead mines and salt springs reserved from sale, and rented out for the profit of the federal treasury, I felt repugnance to the whole system, and determined to make war upon it whenever I should have the power. The time came round with my election to the Senate of the United States in 1820: and the years 1824, '26, and '28, found me doing battle for an ameliorated system of disposing of our public lands; and with some success. The pre-emption system was established, though at first the pre-emption claimant was stigmatized as a trespasser, and repulsed as a criminal; the reserved lead mines and salt springs, in the State of Missouri, were brought into market, like other lands; iron ore lands, intended to have been withheld from sale, were rescued from that fate, and brought into market. Still the two repulsive features of the federal land system – sales to the highest bidder,

and donations to no one – with an arbitrary minimum price which placed the cost of all lands, good and bad, at the same uniform rate (after the auctions were over), at one dollar twenty-five cents per acre. I resolved to move against the whole system, and especially in favor of graduated prices, and donations to actual and destitute settlers. I did so in a bill, renewed annually for a long time; and in speeches which had more effect upon the public mind than upon the federal legislation – counteracted as my plan was by schemes of dividing the public lands, or the money arising from their sale, among the States. It was in support of one of these bills that I produced the authority of Burke in the extract quoted; and no one took its spirit and letter more promptly and entirely than President Jackson. He adopted the principle fully, and in one of his annual messages to Congress recommended that, as soon as the public (revolutionary) debt should be discharged (to the payment of which the lands ceded by the States were pledged), that they should CEASE TO BE A SUBJECT OF REVENUE, AND BE DISPOSED OF CHIEFLY WITH A VIEW TO SETTLEMENT AND CULTIVATION. His terms of service expired soon after the extinction of the debt, so that he had not an opportunity to carry out his wise and beneficent design.

Mr. Burke considered the revenue derived from the sale of crown lands as a trifle, and of no account, compared to the amount of revenue derivable from the same lands through their settlement and cultivation. He was profoundly right! and provably

so, both upon reason and experience. The sale of the land is a single operation. Some money is received, and the cultivation is disabled to that extent from its improvement and cultivation. The cultivation is perennial, and the improved condition of the farmer enables him to pay taxes, and consume dutiable goods, and to sell the products which command the imports which pay duties to the government, and this is the "well-regulated revenue" which comes through the course of circulation, and through the "political secretions" of the State, and which Mr. Burke commends above all revenue derived from the sale of lands. Does any one know the comparative amount of revenue derived respectively from the sales and from the cultivation of lands in any one of our new States where the federal government was the proprietor, and the auctioneer, of the lands? and can he tell which mode of raising money has been most productive? Take Alabama, for example. How much has the treasury received for lands sold within her limits? and how much in duties paid on imports purchased with the exports derived from her soil? Perfect exactitude cannot be attained in the answer, but exact enough to know that the latter already exceeds the former several times, ten times over; and is perennial and increasing for ever! while the sale of the land has been a single operation, performed once, and not to be repeated; and disabling the cultivator by the loss of the money it took from him. Taken on a large scale, and applied to the whole United States, and the answer becomes more definite – but still not entirely exact. The whole annual

receipts from land sales at this time (1850) are about two millions of dollars: the annual receipts from customs, founded almost entirely upon the direct or indirect productions of the earth, exceed fifty millions of dollars! giving a comparative difference of twenty-five to one for cultivation over sales; and triumphantly sustaining Mr. Burke's theory. I have looked into the respective amounts of federal revenue, received into the treasury from these two sources, since the establishment of the federal government; and find the customs to have yielded, in that time, a fraction over one thousand millions of dollars net – the lands to have yielded a little less than one hundred and thirty millions gross, not forty millions clear after paying all expenses of surveys, sales and management. This is a difference of twenty-five to one – with the further difference of endless future production from one, and no future production from the land once sold; that is to say, the same acre of land is paying for ever through cultivation, and pays but once for itself in purchase.

Thus far I have considered Mr. Burke's theory only under one of its aspects – the revenue aspect: he presents another – that of population – and here all measure of comparison ceases. The sale of land brings no people: cultivation produces population: and people are the true wealth and strength of nations. These various views were presented, and often enforced, in the course of the several speeches which I made in support of my graduation and donation bills: and, on the point of population, and of freeholders, against tenants, I gave utterance to these sentiments:

"Tenantry is unfavorable to freedom. It lays the foundation for separate orders in society, annihilates the love of country, and weakens the spirit of independence. The farming tenant has, in fact, no country, no hearth, no domestic altar, no household god. The freeholder, on the contrary, is the natural supporter of a free government; and it should be the policy of republics to multiply their freeholders, as it is the policy of monarchies to multiply tenants. We are a republic, and we wish to continue so: then multiply the class of freeholders; pass the public lands cheaply and easily into the hands of the people; sell, for a reasonable price, to those who are able to pay; and give, without price, to those who are not. I say give, without price, to those who are not able to pay; and that which is given, I consider as sold for the best of prices; for a price above gold and silver; a price which cannot be carried away by delinquent officers, nor lost in failing banks, nor stolen by thieves, nor squandered by an improvident and extravagant administration. It brings a price above rubies – a race of virtuous and independent laborers, the true supporters of their country, and the stock from which its best defenders must be drawn.

"'What constitutes a State?
Not high-rais'd battlements, nor labored mound,
Thick wall, nor moated gate;
Nor cities proud, with spires and turrets crown'd,
Nor starr'd and spangled courts,
Where low-born baseness wafts perfume to pride:

But MEN! high-minded men,
Who their *duties* know, but know their RIGHTS,
And, knowing, *dare* maintain them.'"

In favor of low prices, and donations, I quoted the example and condition of the Atlantic States of this Union – all settled under liberal systems of land distribution which dispensed almost (or altogether in many instances) with sales for money. I said:

> "These Atlantic States were donations from the British crown; and the great proprietors distributed out their possessions with a free and generous hand. A few shillings for a hundred acres, a nominal quitrent, and gifts of a hundred, five hundred, and a thousand acres, to actual settlers: such were the terms on which they dealt out the soil which is now covered by a nation of freemen. Provinces, which now form sovereign States, were sold from hand to hand, for a less sum than the federal government now demands for an area of two miles square. I could name instances. I could name the State of Maine – a name, for more reasons than one, familiar and agreeable to Missouri, and whose pristine territory was sold by Sir Ferdinando Gorges to the proprietors of the Massachusetts Bay, for twelve hundred pounds, provincial money. And well it was for Maine that she was so sold; well it was for her that the modern policy of waiting for the rise, and sticking at a *minimum* of $1 25, was not then in vogue, or else Maine would have been a desert now. Instead of a numerous, intelligent, and virtuous population, we should have had

trees and wild beasts. My respectable friend, the senator from that State (Gen. Chandler), would not have been here to watch so steadily the interest of the public, and to oppose the bills which I bring in for the relief of the land claimants. And I mention this to have an opportunity to do justice to the integrity of his heart, and to the soundness of his understanding – qualities in which he is excelled by no senator – and to express my belief that we will come together upon the final passage of this bill: for the cardinal points in our policy are the same – economy in the public expenditures, and the prompt extinction of the public debt. I say, well it was for Maine that she was sold for the federal price of four sections of Alabama pine, Louisiana swamp, or Missouri prairie. Well it was for every State in this Union, that their soil was sold for a song, or given as a gift to whomsoever would take it. Happy for them, and for the liberty of the human race, that the kings of England and the "Lords Proprietors," did not conceive the luminous idea of waiting for the rise, and sticking to a *minimum* of $1 25 per acre. Happy for Kentucky, Tennessee, and Ohio, that they were settled under *States*, and not under the federal government. To this happy exemption they owe their present greatness and prosperity. When they were settled, the State laws prevailed in the acquisition of lands; and donations, pre-emptions, and settlement rights, and sales at two cents the acre, were the order of the day. I include Ohio, and I do it with a knowledge of what I say: for ten millions of her soil, – that which now constitutes her chief wealth and strength, – were settled upon the liberal principles which I mention.

> The federal system only fell upon fifteen millions of her soil; and, of that quantity, the one half now lies waste and useless, paying no tax to the State, yielding nothing to agriculture, desert spots in the midst of a smiling garden, "waiting for the rise," and exhibiting, in high and bold relief, the miserable folly of prescribing an arbitrary *minimum* upon that article which is the gift of God to man, and which no parental government has ever attempted to convert into a source of revenue and an article of merchandise."

Against the policy of holding up refuse lands until they should rise to the price of good land, and against the reservation of saline and mineral lands, and making money by boiling salt water, and digging lead ore, or holding a body of tenantry to boil and dig, I delivered these sentiments:

> "I do trust and believe, Mr. President, that the Executive of this free government will not be second to George the Third in patriotism, nor an American Congress prove itself inferior to a British Parliament in political wisdom. I do trust and believe that this whole system of holding up land for the rise, endeavoring to make revenue out of the soil of the country, leasing and renting lead mines, salt springs, and iron banks, with all its train of penal laws and civil and military agents, will be condemned and abolished. I trust that the President himself will give the subject a place in his next message, and lend the aid of his recommendation to the success of so great an object. The mining operations, especially, should fix the attention of the Congress. They are a reproach to the age in which we live. National mining

is condemned by every dictate of prudence, by every maxim of political economy, and by the voice of experience in every age and country. And yet we are engaged in that business. This splendid federal government, created for great *national* purposes, has gone to work among the lead mines of Upper Louisiana, to give us a second edition, no doubt, of the celebrated "*Mississippi Scheme*" of John Law. For that scheme was nothing more nor less than a project of making money out of the same identical mines. Yes, Mr. President, upon the same identical theatre, among the same holes and pits, dug by *John Law's* men in 1720; among the cinders, ashes, broken picks, and mouldering furnaces, of that celebrated projector, is our federal government now at work; and, that no circumstance should be wanting to complete the folly of such an undertaking, the task of extracting "*revenue*" from these operations, is confided, not to the *Treasury*, but to the War Department.

"Salines and salt springs are subjected to the same system – reserved from sale, and leased for the purpose of raising revenue. But I flatter myself that I see the end of this branch of the system. The debate which took place a few weeks ago on the bill to repeal the existing duty upon salt, is every word of it applicable to the bill which I have introduced for the sale of the reserved salt springs. I claim the benefit of it accordingly, and shall expect the support of all the advocates for the repeal of that tax, whenever the bill for the sale of the salines shall be put to the vote."

Argument and sarcasm had their effect, in relation to the

mineral and saline reserves in the State in which I lived – the State of Missouri. An act was passed in 1828 to throw them into the mass of private property – to sell them like other public lands. And thus the federal government, in that State, got rid of a degrading and unprofitable pursuit; and the State got citizen freeholders instead of federal tenants; and profitably were developed in the hands of individuals the pursuits of private industry which languished and stagnated in the hands of federal agents and tenants. But it was continued for some time longer (so far as lead ore was concerned) on the Upper Mississippi, and until an argument arrived which commanded the respect of the legislature: it was the argument of profit and loss – an argument which often touches a nerve which is dead to reason. Mr. Polk, in his message to Congress at the session of 1845-'46 (the first of his administration), stated that the expenses of the system during the preceding four years – those of Mr. Tyler's administration – were twenty-six thousand one hundred and eleven dollars, and eleven cents; and the whole amount of rents received during the same period was six thousand three hundred and fifty-four dollars, and seventy-four cents: and recommended the abolition of the whole system, and the sale of the reserved mines; which was done; and thus was completed for the Upper Mississippi what I had done for Missouri near twenty years before.

The advantage of giving land to those who would settle and cultivate it, was illustrated in one of my speeches, by reciting the case of "Granny White" – well known in her time to

all the population of Middle Tennessee, and especially to all who travelled south from Nashville, along the great road which crossed the "divide" between the Cumberland and Harpeth waters, at the evergreen tree which gave name to the gap – the Holly Tree Gap. The aged woman, and her fortunes, were thus introduced into our senatorial debates and lodged on a page of our parliamentary history, to enlighten, by her incidents, the councils of national legislation:

> "At the age of sixty, she had been left a widow, in one of the counties in the tide-water region of North Carolina. Her poverty was so extreme, that when she went to the county court to get a couple of little orphan grandchildren bound to her, the Justices refused to let her have them, because she could not give security to keep them off the parish. This compelled her to emigrate; and she set off with the two little boys, upon a journey of eight or nine hundred miles, to what was then called "*the Cumberland Settlement*." Arrived in the neighborhood of Nashville, a generous-hearted Irishman (his name deserves to be remembered – Thomas McCrory) let her have a corner of his land, on her own terms, – a nominal price and indefinite credit. It was fifty acres in extent, and comprised the two faces of a pair of confronting hills, whose precipitous declivities lacked a few degrees, and but a few, of mathematical perpendicularity. Mr. B. said he knew it well, for he had seen the old lady's pumpkins propped and supported with stakes, to prevent their ponderous weight from tearing up the vine, and rolling to the bottom of the hills. There was just room at their base

> for a road to run between, and not room for a house, to find a level place for its foundation; for which purpose a part of the hill had to be dug away. Yet, from this hopeless beginning, with the advantage of a little piece of ground that was her own, this aged widow, and two little grandchildren, of eight or nine years old, advanced herself to comparative wealth: money, slaves, horses, cattle; and her fields extended into the valley below, and her orphan grandchildren, raised up to honor and independence: these were the fruits of economy and industry, and a noble illustration of the advantage *of giving land to the poor*. But the federal government would have demanded sixty-two dollars and fifty cents for that land, cash in hand; and old Granny White and her grandchildren might have lived in misery and sunk into vice, before the opponents of this bill would have taken less."

I quoted the example of all nations, ancient and modern, republican and monarchical, in favor of giving lands, in parcels suitable to their wants, to meritorious cultivators; and denied that there was an instance upon earth, except that of our own federal government, which made merchandise of land to its citizens – exacted the highest price it could obtain – and refused to suffer the country to be settled until it was paid for. The "promised land" was divided among the children of Israel – the women getting a share where there was no man at the head of the family – as with the daughters of Manasseh. All the Atlantic States, when British colonies, were settled upon gratuitous donations, or nominal sales. Kentucky and Tennessee were chiefly settled

in the same way. The two Floridas, and Upper and Lower Louisiana, were gratuitously distributed by the kings of Spain to settlers, in quantities adapted to their means of cultivation – and with the whole vacant domain to select from according to their pleasure. Land is now given to settlers in Canada; and £30,000 sterling, has been voted at a single session of Parliament, to aid emigrants in their removal to these homes, and commencing life upon them. The republic of Colombia now gives 400 acres to a settler: other South American republics give more or less. Quoting these examples, I added:

> "Such, Mr. President, is the conduct of the free republics of the South. I say republics: for it is the same in all of them, and it would be tedious and monotonous to repeat their numerous decrees. In fact, throughout the New World, from Hudson's Bay to Cape Horn (with the single exception of these United States), land, the gift of God to man, is also the gift of the government to its citizens. Nor is this wise policy confined to the New World. It prevails even in Asia; and the present age has seen – we ourselves have seen – published in the capital of the European world, the proclamation of the King of Persia, inviting Christians to go to the ancient kingdom of Cyrus, Cambyses and Darius, and there receive gifts of land – first rate, not refuse – with a total exemption from taxes, and the free enjoyment of their religion. Here is the proclamation: listen to it.

The Proclamation

> "'Mirza Mahomed Saul, Ambassador to England, in the name, and by the authority of Abbas Mirza, King of Persia, offers to those who shall emigrate to Persia, gratuitous grants of land, good for the production of wheat, barley, rice, cotton, and fruits, – free from taxes or contributions of any kind, and with the free enjoyment of their religion; THE KING'S OBJECT BEING TO IMPROVE HIS COUNTRY.
>
> "'London, July 8th, 1823.'"

The injustice of holding all lands at one uniform price, waiting for the cultivation of the good land to give value to the poor, and for the poorest to rise to the value of the richest, was shown in a reference to private sales, of all articles; in the whole of which sales the price was graduated to suit different qualities of the same article. The heartless and miserly policy of waiting for government land to be enhanced in value by the neighboring cultivation of private land, was denounced as unjust as well as unwise. The new States of the West were the sufferers by this federal land policy. They were in a different condition from other States. In these others, the local legislatures held the primary disposal of the soil, – so much as remained vacant within their limits, – and being of the same community, made equitable alienations among their constituents. In the new States it was

different. The federal government held the primary disposition of the soil; and the majority of Congress (being independent of the people of these States), was less heedful of their wants and wishes. They were as a stepmother, instead of a natural mother: and the federal government being sole purchaser from foreign nations, and sole recipient of Indian cessions, it became the monopolizer of vacant lands in the West: and this monopoly, like all monopolies, resulted in hardships to those upon whom it acted. Few, or none of our public men, had raised their voice against this hard policy before I came into the national councils. My own was soon raised there against it: and it is certain that a great amelioration has taken place in our federal land policy during my time: and that the sentiment of Congress, and that of the public generally, has become much more liberal in land alienations; and is approximating towards the beneficent systems of the rest of the world. But the members in Congress from the new States should not intermit their exertions, nor vary their policy; and should fix their eyes steadily upon the period of the speedy extinction of the federal title to all the lands within the limits of their respective States; – to be effected by pre-emption rights, by donations, and by the sale (of so much as shall be sold), at graduated prices, – adapted to the different qualities of the tracts, to be estimated according to the time it has remained in market unsold – and by liberal grants to objects of general improvement, both national and territorial.

CHAPTER XXXVI.
CESSION OF A PART OF THE TERRITORY OF ARKANSAS TO THE CHEROKEE INDIANS

Arkansas was an organized territory, and had been so since the year 1819. Her western boundary was established by act of Congress in May 1824 (chiefly by the exertions of her then delegate, Henry W. Conway), – and was an extension of her existing boundary on that side; and for national and State reasons. It was an outside territory – beyond the Mississippi – a frontier both to Mexico (then brought deep into the Valley of the Mississippi by the Florida treaty which gave away Texas), and to the numerous Indian tribes then being removed from the South Atlantic States to the west of the Mississippi. It was, therefore, a point of national policy to make her strong – to make her a first class State, – both for her own sake and that of the Union, – and equal to all the exigencies of her advanced and frontier position. The extension was on the west – the boundaries on the other three sides being fixed and immovable – and added a fertile belt – a parallelogram of forty miles by three hundred along her whole western border – and which was necessary to compensate for the swamp lands in front on the river, and to give to her certain

valuable salt springs there existing, and naturally appurtenant to the territory, and essential to its inhabitants. Even with this extension the territory was still deficient in arable land – not as strong as her frontier position required her to be, nor susceptible (on account of swamps and sterile districts) of the population and cultivation which her superficial contents and large boundaries would imply her to be. Territorially, and in mere extent, the western addition was a fourth part of the territory: agriculturally, and in capacity for population, the addition might be equal to half of the whole territory; and its acquisition was celebrated as a most auspicious event for Arkansas at the time that it occurred.

In the month of May, 1828, by a treaty negotiated at Washington by the Secretary at War, Mr. James Barbour, on one side, and the chiefs of the Cherokee nation on the other, this new western boundary for the territory was abolished – the old line re-established: and what had been an addition to the territory of Arkansas, was ceded to the Cherokees. On the ratification of this treaty several questions arose, all raised by myself – some of principle, some of expediency – as, whether a law of Congress could be abolished by an Indian treaty? and whether it was expedient so to reduce, and thus weaken the territory (and future State) of Arkansas? I was opposed to the treaty, and held the negative of both questions, and argued against them with zeal and perseverance. The supremacy of the treaty-making power I held to be confined to subjects within its sphere, and quoted "Jefferson's Manual," to show that that was the sense in

which the clause in the constitution was understood. The treaty-making power was supreme; but that supremacy was within its proper orbit, and free from the invasion of the legislative, executive, or judicial department. The proper objects of treaties were international interests, which neither party could regulate by municipal law, and which required a joint consent, and a double execution, to give it effect. Tried by this test, and this Indian treaty lost its supremacy. The subject was one of ordinary legislation, and specially and exclusively confined to Congress. It was to repeal a law which Congress had made in relation to territory; and to reverse the disposition which Congress had made of a part of its territory. To Congress it belonged to dispose of territory; and to her it belonged to repeal her own laws. The treaty avoided the word "repeal," while doing the thing: it used the word "abolish" – which was the same in effect, and more arrogant and offensive – not appropriate to legislation, and evidently used to avoid the use of a word which would challenge objection. If the word "repeal" had been used, every one would have felt that the ordinary legislation of Congress was flagrantly invaded; and the avoidance of that word, and the substitution of another of the same meaning, could have no effect in legalizing a transaction which would be condemned under its proper name. And so I held the treaty to be invalid for want of a proper subject to act upon, and because it invaded the legislative department.

The inexpediency of the treaty was in the question of crippling and mutilating Arkansas, reducing her to the class of weak

States, and that against all the reasons which had induced Congress, four years before, to add on twelve thousand square miles to her domain; and to almost double the productive and inhabitable capacity of the Territory, and future State, by the character of the country added. I felt this wrong to Arkansas doubly, both as a neighbor to my own State, and because, having a friendship for the delegate, as well as for his territory, I had exerted myself to obtain the addition which had been thus cut off. I argued, as I thought, conclusively; but in vain. The treaty was largely ratified, and by a strong slaveholding vote, notwithstanding it curtailed slave territory, and made soil free which was then slave. Anxious to defeat the treaty for the benefit of Arkansas, I strongly presented this consequence, showing that there was, not only legal, but actually slavery upon the amputated part – that these twelve thousand square miles were inhabited, organized into counties, populous in some parts, and with the due proportion of slaves found in a southern and planting State. Nothing would do. It was a southern measure, negotiated, on the record, by a southern secretary at war, in reality by the clerk McKinney; and voted for by nineteen approving slaveholding senators against four dissenting. The affirmative vote was: Messrs. Barton, Berrien, Bouligny, Branch, Ezekiel Chambers, Cobb, King of Alabama, McKinley, McLane of Delaware, Macon, Ridgely, Smith of Maryland, Smith of South Carolina, John Tyler of Virginia, and Williams of Mississippi. The negative was, Messrs. Benton, Eaton, Rowan, and Tazewell. –

Mr. Calhoun was then Vice-President, and did not vote; but he was in favor of the treaty, and assisted its ratification through his friends. The House of Representatives voted the appropriations to carry it into effect; and thus acquiesced in the repeal of an act of Congress by the President, Senate, and Cherokee Indians; and these appropriations were voted with the general concurrence of the southern members of the House. And thus another slice, and a pretty large one (twelve thousand square miles), was taken off of slave territory in the former province of Louisiana; which about completed the excision of what had been left for slave State occupation after the Missouri compromise of 1820, and the cession to Texas of contemporaneous date, and previous cessions to Indian tribes. And all this was the work of southern men, who then saw no objection to the Congressional legislation which acted upon slavery in territories – which further curtailed, and even extinguished slave soil in all the vast expanse of the former Louisiana – save and except the comparative little that was left in the State of Missouri and in the mutilated Territory of Arkansas. The reason of the southern members for promoting this amputation of Arkansas in favor of the Cherokees, was simply to assist in inducing their removal by adding the best part of Arkansas, with its salt springs, to the ample millions of acres west of that territory already granted to them; but it was a gratuitous sacrifice, as the large part of the tribe had already emigrated to the seven millions of acres, and the remainder were waiting for moneyed inducements to follow. And

besides, the desire for this removal could have no effect upon the constitutional power of Congress to legislate upon slavery in territories, or upon the policy which curtails the boundaries of a future slave State.

I have said that the amputated part of Arkansas was an organized part of the territory, divided into counties, settled and cultivated. Now, what became of these inhabitants? – their property? and possessions? They were bought out by the federal government! A simultaneous act was passed, making a donation of three hundred and twenty acres of land (within the remaining part of Arkansas), to each head of a family who would retire from the amputated part; and subjecting all to military removal that did not retire. It was done. They all withdrew. Three hundred and twenty acres of land in front to attract them, and regular troops in the rear to push them, presented a motive power adequate to its object; and twelve thousand square miles of slave territory was evacuated by its inhabitants, with their flocks, and herds, and slaves; and not a word was said about it; and the event has been forgotten. But it is necessary to recall its recollection, as an important act, in itself, in relation to the new State of Arkansas – as being the work of the South – and as being necessary to be known in order to understand subsequent events.

CHAPTER XXXVII. RENEWAL OF THE OREGON JOINT OCCUPATION CONVENTION

The American settlement at the mouth of the Columbia, or Oregon, was made in 1811. It was an act of private enterprise, done by the eminent merchant, Mr. John Jacob Astor, of New-York; and the young town christened after his own name, Astoria: but it was done with the countenance and stipulated approbation of the government of the United States; and an officer of the United States navy – the brave Lieutenant Thorn, who was with Decatur at Tripoli, and who afterwards blew up his ship in Nootka Sound to avoid her capture by the savages (blowing himself, crew and savages all into the air), – was allowed to command his (Mr. Astor's) leading vessel, in order to impress upon the enterprise the seal of nationality. This town was captured during the war of 1812, by a ship of war detached for that purpose, by Commodore Hillyar, commanding a British squadron in the Pacific Ocean. No attempt was made to recover it during the war; and, at Ghent, after some efforts on the part of the British commissioners, to set up a title to it, its restitution was stipulated under the general clause which provided for the

restoration of all places captured by either party. But it was not restored. An empty ceremony was gone through to satisfy the words of the treaty, and to leave the place in the hands of the British. An American agent, Mr. John Baptist Prevost, was sent to Valparaiso, to go in a British sloop of war (the Blossom) to receive the place, to sign a receipt for it, and leave it in the hands of the British. This was in the autumn of the year 1818; and coincident with that nominal restitution was the conclusion of a convention in London between the United States and British government, for the joint occupation of the Columbia for ten years – Mr. Gallatin and Mr. Rush the American negotiators – if those can be called negotiators who are tied down to particular instructions. The joint occupancy was provided for, and in these words: "That any country claimed by either party on the northwest coast of America, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years, to the subjects, citizens, and vessels of the two powers; without prejudice to any claim which either party might have to any part of the country." – I was a practising lawyer at St. Louis, no way engaged in politics, at the time this convention was published; but I no sooner saw it than I saw its delusive nature – its one-sidedness – and the whole disastrous consequences which were to result from it to the United States; and immediately wrote and published articles against it: of which the following is an extract:

"This is a specimen of the skill with which the diplomatic

art deposits the seeds of a new contestation in the assumed settlement of an existing one, – and gives unequal privileges in words of equality, – and breeds a serious question, to be ended perhaps by war, where no question at all existed. Every word of the article for this joint occupation is a deception and a blunder – suggesting a belief for which there is no foundation, granting privileges for which there is no equivalent, and presenting ambiguities which require to be solved – peradventure by the sword. It speaks as if there was a mutuality of countries on the northwest coast to which the article was applicable, and a mutuality of benefits to accrue to the citizens of both governments by each occupying the country claimed by the other. Not so the fact. There is but one country in question, and that is our own; – and of this the British are to have equal possession with ourselves, and we no possession of theirs. The Columbia is ours; Frazer's River is a British possession to which no American ever went, or ever will go. The convention gives a joint right of occupying the ports and harbors, and of navigating the rivers of each other. This would imply that each government possessed in that quarter, ports, and harbors, and navigable rivers; and were about to bring them into hotch-potch for mutual enjoyment. No such thing. There is but one port, and that the mouth of the Columbia – but one river, and that the Columbia itself: and both port and river our own. We give the equal use of these to the British, and receive nothing in return. The convention says that the "claim" of neither party is to be prejudiced by the joint possession. This admits that Great Britain has a claim – a thing never admitted before by

us, nor pretended by her. At Ghent she stated no claim, and could state none. Her ministers merely asked for the river as a boundary, as being the most convenient; and for the use of the harbor at its mouth, as being necessary to their ships and trade; but stated no claim. Our commissioners reported that they (the British commissioners) endeavored 'to lay a nest-egg' for a future pretension; which they failed to do at Ghent in 1815, but succeeded in laying in London in 1818; and before the ten years are out, a full grown fighting chicken will be hatched of that egg. There is no mutuality in any thing. We furnish the whole stake – country, river, harbor; and shall not even maintain the joint use of our own. We shall be driven out of it, and the British remain sole possessors. The fur trade is the object. It will fare with our traders on the Columbia under this convention as it fared with them on the Miami of the Lakes (and on the lakes themselves), under the British treaties of '94 and '96, which admitted British traders into our territories. Our traders will be driven out; and that by the fair competition of trade, even if there should be no foul play. The difference between free and dutied goods, would work that result. The British traders pay no duties: ours pay above an average of fifty per centum. No trade can stand against such odds. But the competition will not be fair. The savages will be incited to kill and rob our traders, and they will be expelled by violence, without waiting the slower, but equally certain process, of expulsion by underselling. The result then is, that we admit the British into our country, our river, and our harbor; and we get no admittance into theirs, for they

have none – Frazer's River and New Caledonia being out of the question – that they will become sole possessors of our river, our harbor, and our country; and at the end of the ten years will have an admitted 'claim' to our property, and the actual possession of it."

Thus I wrote in the year 1818, when the joint occupation convention of that year was promulgated. I wrote in advance; and long before the ten years were out, it was all far more than verified. Our traders were not only driven from the mouth of the Columbia River, but from all its springs and branches; – not only from all the Valley of the Columbia, but from the whole region of the Rocky Mountains between 49 and 42 degrees; – not only from all this mountain region, but from the upper waters of all our far distant rivers – the Missouri, the Yellow Stone, the Big Horn, the North Platte; and all their mountain tributaries. And, by authentic reports made to our government, not less than five hundred of our citizens had been killed, nor less than five hundred thousand dollars worth of goods and furs robbed from them; – the British remaining the undisturbed possessors of all the Valley of the Columbia, acting as its masters, and building forts from the sea to the mountains. This was the effect of the first joint occupation treaty, and every body in the West saw its approaching termination with pleasure; but the false step which the government had made induced another. They had admitted a "claim" on the part of Great Britain, and given her the sole, under the name of a joint, possession; and now to get her out was

the difficulty. It could not be done; and the United States agreed to a further continued "joint" occupation (as it was illusively called in the renewed convention), not for ten years more, but "indefinitely," determinable on one year's notice from either party to the other. The reason for this indefinite, and injurious continuance, was set forth in the preamble to the renewed convention (Mr. Gallatin now the sole United States negotiator); and recited that the two governments "being desirous to prevent, as far as possible, all hazard of misunderstanding, and with a view to give further time for maturing measures which shall have for their object a more definite settlement of the claims of each party to the said territory;" did thereupon agree to renew the joint occupation article of the convention of 1818, &c. Thus, we had, by our diplomacy in 1818, and by the permitted non-execution of the Ghent treaty in the delivery of the post and country, hatched a question which threatened a "misunderstanding" between the two countries; and for maturing measures for the settlement of which indefinite time was required – and granted – Great Britain remaining, in the mean time, sole occupant of the whole country. This was all that she could ask, and all that we could grant, even if we actually intended to give up the country.

I was a member of the Senate when this renewed convention was sent in for ratification, and opposed it with all the zeal and ability of which I was master: but in vain. The weight of the administration, the indifference of many to a remote object, the desire to put off a difficulty, and the delusive argument that we

could terminate it at any time – (a consolation so captivating to gentle temperaments) – were too strong for reason and fact; and I was left in a small minority on the question of ratification. But I did not limit myself to opposition to the treaty. I proposed, as well as opposed; and digested my opinions into three resolves; and had them spread on the executive journal, and made part of our parliamentary history for future reference.

The resolves were: 1. "That it is not expedient for the United States and Great Britain to treat further in relation to their claims on the northwest coast of America, on the basis of a joint occupation by their respective citizens. 2. That it is expedient that the joint-occupation article in the convention of 1818 be allowed to expire upon its own limitation. 3. That it is expedient for the government of the United States to continue to treat with His Britannic Majesty in relation to said claims, on the basis of a separation of interests, and the establishment of a permanent boundary between their dominions westward of the Rocky Mountains, in the shortest possible time." These resolves were not voted upon; but the negative vote on the ratification of the convention showed what the vote would have been if it had been taken. That negative vote was – Messrs. Benton, Thomas W. Cobb of Georgia, Eaton of Tennessee, Ellis of Mississippi, Johnson of Kentucky, Kane of Illinois, and Rowan of Kentucky – in all 7. Eighteen years afterwards, and when we had got to the cry of "inevitable war," I had the gratification to see the whole Senate, all Congress, and all the United States, occupy the same

ground in relation to this joint occupation on which only seven senators stood at the time the convention for it was ratified.

CHAPTER XXXVIII. PRESIDENTIAL ELECTION OF 1828, AND FURTHER ERRORS OF MONS. DE TOCQUEVILLE

General Jackson and Mr. Adams were the candidates; – with the latter, Mr. Clay (his Secretary of State), so intimately associated in the public mind, on account of the circumstances of the previous presidential election in the House of Representatives, that their names and interests were inseparable during the canvass. General Jackson was elected, having received 178 electoral votes to 83 received by Mr. Adams. Mr. Richard Rush, of Pennsylvania, was the vice-presidential candidate on the ticket of Mr. Adams, and received an equal vote with that gentleman: Mr. Calhoun was the vice-presidential candidate on the ticket with General Jackson, and received a slightly less vote – the deficiency being in Georgia, where the friends of Mr. Crawford still resented his believed connection with the "A. B. plot." In the previous election, he had been neutral between General Jackson and Mr. Adams; but was now decided on the part of the General, and received the same vote every where, except in Georgia. In this election there was a circumstance to be known and remembered. Mr. Adams and Mr.

Rush were both from the non-slaveholding – General Jackson and Mr. Calhoun from the slaveholding States, and both large slave owners themselves – and both received a large vote (73 each) in the free States – and of which at least forty were indispensable to their election. There was no jealousy, or hostile, or aggressive spirit in the North at that time against the South!

The election of General Jackson was a triumph of democratic principle, and an assertion of the people's right to govern themselves. That principle had been violated in the presidential election in the House of Representatives in the session of 1824-'25; and the sanction, or rebuke, of that violation was a leading question in the whole canvass. It was also a triumph over the high protective policy, and the federal internal improvement policy, and the latitudinous construction of the constitution; and of the democracy over the federalists, then called national republicans; and was the re-establishment of parties on principle, according to the landmarks of the early ages of the government. For although Mr. Adams had received confidence and office from Mr. Madison and Mr. Monroe, and had classed with the democratic party during the fusion of parties in the "era of good feeling," yet he had previously been federal; and in the re-establishment of old party lines which began to take place after the election of Mr. Adams in the House of Representatives, his affinities, and policy, became those of his former party: and as a party, with many individual exceptions, they became his supporters and his strength. General Jackson, on the contrary,

had always been democratic, so classing when he was a senator in Congress under the administration of the first Mr. Adams, and when party lines were most straightly drawn, and upon principle: and as such now receiving the support of men and States which took their political position at that time, and had maintained it ever since – Mr. Macon and Mr. Randolph, for example, and the States of Virginia and Pennsylvania. And here it becomes my duty to notice an error, or a congeries of errors, of Mons. de Tocqueville, in relation to the causes of General Jackson's election; and which he finds exclusively in the glare of a military fame resulting from "a very ordinary achievement, only to be remembered where battles are rare." He says:

> "General Jackson, whom the Americans have twice elected to the head of their government, is a man of a violent temper and mediocre talents. No one circumstance in the whole course of his career ever proved that he is qualified to govern a free people; and, indeed, the majority of the enlightened classes of the Union has always been opposed to him. But he was raised to the Presidency, and has been maintained in that lofty station, solely by the recollection of a victory which he gained twenty years ago, under the walls of New Orleans; – a victory which, however, was a very ordinary achievement, and which could only be remembered in a country where battles are rare." – (*Chapter 17.*)

This may pass for American history, in Europe and in a foreign language, and even finds abettors here to make it

American history in the United States, with a preface and notes to enforce and commend it: but America will find historians of her own to do justice to the national, and to individual character. In the mean time I have some knowledge of General Jackson, and the American people, and the two presidential elections with which they honored the General; and will oppose it, that is, my knowledge, to the flippant and shallow statements of Mons. de Tocqueville. "*A man of violent temper.*" I ought to know something about that – contemporaries will understand the allusion – and I can say that General Jackson had a good temper, kind and hospitable to every body, and a feeling of protection in it for the whole human race, and especially the weaker and humbler part of it. He had few quarrels on his own account; and probably the very ones of which Mons. de Tocqueville had heard were accidental, against his will, and for the succor of friends. "*Mediocre talent, and no capacity to govern a free people.*" In the first place, free people are not governed by any man, but by laws. But to understand the phrase as perhaps intended, that he had no capacity for civil administration, let the condition of the country at the respective periods when he took up, and when he laid down the administration, answer. He found the country in domestic distress – pecuniary distress – and the national and state legislation invoked by leading politicians to relieve it by empirical remedies; – tariffs, to relieve one part of the community by taxing the other; – internal improvement, to distribute pubic money; – a national bank, to cure the paper

money evils of which it was the author; – the public lands the pillage of broken bank paper; – depreciated currency and ruined exchanges; – a million and a half of "unavailable funds" in the treasury; – a large public debt; – the public money the prey of banks; – no gold in the country – only twenty millions of dollars in silver, and that in banks which refused, when they pleased, to pay it down in redemption of their own notes, or even to render back to depositors. Stay laws, stop laws, replevin laws, baseless paper, the resource in half the States to save the debtor from his creditor; and national bankrupt laws from Congress, and local insolvent laws, in the States, the demand of every session. Indian tribes occupying a half, or a quarter of the area of southern States, and unsettled questions of wrong and insult, with half the powers of Europe. Such was the state of the country when General Jackson became President: what was it when he left the Presidency? Protective tariffs, and federal internal improvement discarded; the national bank left to expire upon its own limitation; the public lands redeemed from the pillage of broken bank paper; no more "unavailable funds;" an abundant gold and silver currency; the public debt paid off; the treasury made independent of banks; the Indian tribes removed from the States; indemnities obtained from all foreign powers for all past aggressions, and to new ones committed; several treaties obtained from great powers that never would treat with us before; peace, friendship, and commerce with all the world; and the measures established which, after one great conflict with the expiring Bank

of the United States, and all her affiliated banks in 1837, put an end to bank dominion in the United States, and all its train of contractions and expansions, panic and suspension, distress and empirical relief. This is the answer which the respective periods of the beginning and the ending of General Jackson's administration gives to the flippant imputation of no capacity for civil government. I pass on to the next. "*The majority of the enlightened classes always opposed to him.*" A majority of those classes which Mons. de Tocqueville would chiefly see in the cities, and along the highways – bankers, brokers, jobbers, contractors, politicians, and speculators – were certainly against him, and he as certainly against them: but the mass of the intelligence of the country was with him! and sustained him in retrieving the country from the deplorable condition in which the "enlightened classes" had sunk it! and in advancing it to that state of felicity at home, and respect abroad, which has made it the envy and admiration of the civilized world, and the absorbent of populations of Europe. I pass on. "*Raised to the Presidency and maintained there solely by the recollection of the victory at New Orleans.*" Here recollection, and military glare, reverse the action of their ever previous attributes, and become stronger, instead of weaker, upon the lapse of time. The victory at New Orleans was gained in the first week of the year 1815; and did not bear this presidential fruit until fourteen and eighteen years afterwards, and until three previous good seasons had passed without production. There was a presidential

election in 1816, when the victory was fresh, and the country ringing, and imaginations dazzled with it: but it did not make Jackson President, or even bring him forward as a candidate. The same four years afterwards, at the election of 1820 – not even a candidate then. Four years still later, at the election of 1824, he became a candidate, and – was not elected; – receiving but 99 electoral votes out of 261. In the year 1828 he was first elected, receiving 178 out of 261 votes; and in 1832 he was a second time elected, receiving 219 out of 288 votes. Surely there must have been something besides an old military recollection to make these two elections so different from the two former; and there was! That something else was principle! and the same that I have stated in the beginning of this chapter as entering into the canvass of 1828, and ruling its issue. I pass on to the last disparagement. "A victory which was a very ordinary achievement, and only to be remembered where battles were rare." Such was not the battle at New Orleans. It was no ordinary achievement. It was a victory if 4,600 citizens just called from their homes, without knowledge of scientific war, under a leader as little schooled as themselves in that particular, without other advantages than a slight field work (a ditch and a bank of earth) hastily thrown up – over double their numbers of British veterans, survivors of the wars of the French Revolution, victors in the Peninsula and at Toulouse, under trained generals of the Wellington school, and with a disparity of loss never before witnessed. On one side 700 killed (including the first, second

and third generals); 1400 wounded; 500 taken prisoners. On the other, six privates killed, and seven wounded; and the total repulse of an invading army which instantly fled to its "wooden walls," and never again placed a hostile foot on American soil. Such an achievement is not ordinary, much less "very" ordinary. Does Mons. de Tocqueville judge the importance of victories by the numbers engaged, and the quantity of blood shed, or by their consequences? If the former, the cannonade on the heights of Valmy (which was not a battle, nor even a combat, but a distant cannon firing in which few were hurt), must seem to him a very insignificant affair. Yet it did what the marvellous victories of Champaubert, Montmirail, Château-Thierry, Vauchamps and Montereau could not do – turned back the invader, and saved the soil of France from the iron hoof of the conqueror's horse! and was commemorated twelve years afterwards by the great emperor in a ducal title bestowed upon one of its generals. The victory at New Orleans did what the connonade at Valmy did – drove back the invader! and also what it did not do – destroyed the one fourth part of his force. And, therefore, it is not to be disparaged, and will not be, by any one who judges victories by their consequences, instead of by the numbers engaged. And so the victory at New Orleans will remain in history as one of the great achievements of the world, in spite of the low opinion which the writer on American democracy entertains of it. But Mons. de Tocqueville's disparagement of General Jackson, and his achievement, does not stop at him and his victory. It goes

beyond both, and reaches the American people, their republican institutions, and the elective franchise: It represents the people as incapable of self-government – as led off by a little military glare to elect a man twice President who had not one qualification for the place, who was violent and mediocre, and whom the enlightened classes opposed: all most unjustly said, but still to pass for American history in Europe, and with some Americans at home.

Regard for Mons. de Tocqueville is the cause of this correction of his errors: it is a piece of respect which I do not extend to the riffraff of European writers who come here to pick up the gossip of the highways, to sell it in Europe for American history, and to requite with defamation the hospitalities of our houses. He is not of that class: he is above it: he is evidently not intentionally unjust. But he is the victim of the company which he kept while among us; and his book must pay the penalty of the impositions practised upon him. The character of our country, and the cause of republican government, require his errors to be corrected: and, unhappily, I shall have further occasion to perform that duty.

CHAPTER XXXIX.
RETIRING OF MR. MACON

Philosophic in his temperament and wise in his conduct, governed in all his actions by reason and judgment, and deeply imbued with Bible images, this virtuous and patriotic man (whom Mr. Jefferson called "the last of the Romans)" had long fixed the term of his political existence at the age which the Psalmist assigns for the limit of manly life: "The days of our years are threescore years and ten; and if by reason of strength they be fourscore years, yet is their strength labor and sorrow, for it is soon cut off, and we fly away." He touched that age in 1828; and, true to all his purposes, he was true to his resolve in this, and executed it with the quietude and indifference of an ordinary transaction. He was in the middle of a third senatorial term, and in the full possession of all his faculties of mind and body; but his time for retirement had come – the time fixed by himself; but fixed upon conviction and for well-considered reasons, and inexorable to him as if fixed by fate. To the friends who urged him to remain to the end of his term, and who insisted that his mind was as good as ever, he would answer, that it was good enough yet to let him know that he ought to quit office before his mind quit him, and that he did not mean to risk the fate of the Archbishop of Grenada. He resigned his senatorial honors

as he had worn them – meekly, unostentatiously, in a letter of thanks and gratitude to the General Assembly of his State; – and gave to repose at home that interval of thought and quietude which every wise man would wish to place between the turmoil of life and the stillness of eternity. He had nine years of this tranquil enjoyment, and died without pain or suffering June 29th, 1837, – characteristic in death as in life. It was eight o'clock in the morning when he felt that the supreme hour had come, had himself full-dressed with his habitual neatness, walked in the room and lay upon the bed, by turns conversing kindly with those who were about him, and showing by his conduct that he was ready and waiting, but hurrying nothing. It was the death of Socrates, all but the hemlock, and in that full faith of which the Grecian sage had only a glimmering. He directed his own grave on the point of a sterile ridge (where nobody would wish to plough), and covered with a pile of rough flint-stone, (which nobody would wish to build with), deeming this sterility and the uselessness of this rock the best security for that undisturbed repose of the bones which is still desirable to those who are indifferent to monuments.

In almost all strongly-marked characters there is usually some incident or sign, in early life, which shows that character, and reveals to the close observer the type of the future man. So it was with Mr. Macon. His firmness, his patriotism, his self-denial, his devotion to duty and disregard of office and emolument; his modesty, integrity, self-control, and subjection of conduct to the

convictions of reason and the dictates of virtue, all so steadily exemplified in a long life, were all shown from the early age of eighteen, in the miniature representation of individual action, and only confirmed in the subsequent public exhibitions of a long, beautiful, and exalted career.

He was of that age, and a student at Princeton college, at the time of the Declaration of American Independence. A small volunteer corps was then on the Delaware. He quit his books, joined it, served a term, returned to Princeton, and resumed his studies. In the year 1778 the Southern States had become a battle-field, big with their own fate, and possibly involving the issue of the war. British fleets and armies appeared there, strongly supported by the friends of the British cause; and the conquest of the South was fully counted upon. Help was needed in these States; and Mr. Macon, quitting college, returned to his native county in North Carolina, joined a militia company as a private, and marched to South Carolina – then the theatre of the enemy's operations. He had his share in all the hardships and disasters of that trying time; was at the fall of Fort Moultrie, surrender of Charleston, defeat at Camden; and in the rapid winter retreat across the upper part of North Carolina. He was in the camp on the left bank of the Yadkin when the sudden flooding of that river, in the brief interval between the crossing of the Americans and the coming up of the British, arrested the pursuit of Cornwallis, and enabled Greene to allow some rest to his wearied and exhausted men. In this camp, destitute of every

thing and with gloomy prospects ahead, a summons came to Mr. Macon from the Governor of North Carolina, requiring him to attend a meeting of the General Assembly, of which he had been elected a member, without his knowledge, by the people of his county. He refused to go: and the incident being talked of through the camp, came to the knowledge of the general. Greene was a *man* himself, and able to know a *man*. He felt at once that, if this report was true, this young soldier was no common character; and determined to verify the fact. He sent for the young man, inquired of him, heard the truth, and then asked for the reason of this unexpected conduct – this preference for a suffering camp over a comfortable seat in the General Assembly? Mr. Macon answered him, in his quaint and sententious way, that he had seen the *faces* of the British many times, but had never seen their *backs*, and meant to stay in the army till he did. Greene instantly saw the material the young man was made of, and the handle by which he was to be worked. That material was patriotism; that handle a sense of duty; and laying hold of this handle, he quickly worked the young soldier into a different conclusion from the one that he had arrived at. He told him he could do more good as a member of the General Assembly than as a soldier; that in the army he was but one man, and in the General Assembly he might obtain many, with the supplies they needed, by showing the destitution and suffering which he had seen in the camp; and that it was his duty to go. This view of duty and usefulness was decisive. Mr. Macon obeyed the Governor's summons; and

by his representations contributed to obtain the supplies which enabled Greene to turn back and face Cornwallis, – fight him, cripple him, drive him further back than he had advanced (for Wilmington is South of Camden), disable him from remaining in the South (of which, up to the battle of Guilford, he believed himself to be master); and sending him to Yorktown, where he was captured, and the war ended.

The philosophy of history has not yet laid hold of the battle of Guilford, its consequences and effects. That battle made the capture at Yorktown. The events are told in every history; their connection and dependence in none. It broke up the plan of Cornwallis in the South, and changed the plan of Washington in the North. Cornwallis was to subdue the Southern States, and was doing it until Greene turned upon him at Guilford. Washington was occupied with Sir Henry Clinton, then in New-York, with 12,000 British troops. He had formed the heroic design to capture Clinton and his army (the French fleet co-operating) in that city, and thereby putting an end to the war. All his preparations were going on for that grand consummation when he got the news of the battle of Guilford; the retreat of Cornwallis to Wilmington, his inability to keep the field in the South, and his return northward through the lower part of Virginia. He saw his advantage – an easier prey – and the same result, if successful. Cornwallis or Clinton, either of them captured, would put an end to the war. Washington changed his plan, deceived Clinton, moved rapidly upon the weaker general,

captured him and his 7000 men; and ended the revolutionary war. The battle of Guilford put that capture into Washington's hands; and thus Guilford and Yorktown became connected; and the philosophy of history shows their dependence, and that the lesser event was father to the greater. The State of North Carolina gave General Greene 25,000 acres of western land for that day's work, now worth a million of dollars; but the day itself has not yet obtained its proper place in American history.

The military life of Mr. Macon finished with his departure from the camp on the Yadkin, and his civil public life commenced on his arrival at the General Assembly, to which he had been summoned – that civil public life in which he was continued above forty years by free elections – representative in Congress under Washington, Adams, Jefferson, and Madison, and long the Speaker of the House; senator in Congress under Madison, Monroe, and John Quincy Adams; and often elected President of the Senate, and until voluntarily declining; twice refusing to be Postmaster General under Jefferson; never taking any office but that to which he was elected; and resigning his last senatorial term when it was only half run. But a characteristic trait remains to be told of his military life – one that has neither precedent nor imitation (the example of Washington being out of the line of comparison): he refused to receive pay, or to accept promotion, and served three years as a private through mere devotion to his country. And all the long length of his life was conformable to this patriotic and disinterested beginning:

and thus the patriotic principles of the future senator were all revealed in early life, and in the obscurity of an unknown situation. Conformably to this beginning, he refused to take any thing under the modern acts of Congress for the benefit of the surviving officers and soldiers of the Revolution, and voted against them all, saying they had suffered alike (citizens and military), and all been rewarded together in the establishment of independence; that the debt to the army had been settled by pay, by pensions to the wounded, by half-pay and land to the officers; that no military claim could be founded on depreciated continental paper money, from which the civil functionaries who performed service, and the farmers who furnished supplies, suffered as much as any. On this principle he voted against the bill for Lafayette, against all the modern revolutionary pensions and land bounty acts, and refused to take any thing under them (for many were applicable to himself).

His political principles were deep-rooted, innate, subject to no change and to no machinery of party. He was democratic in the broad sense of the word, as signifying a capacity in the people for self-government; and in its party sense, as in favor of a plain and economical administration of the federal government, and against latitudinarian constructions of the constitution. He was a party man, not in the hackneyed sense of the word, but only where principle was concerned and was independent of party in all his social relations, and in all the proceedings which he disapproved. Of this he gave a strong instance in the case of

General Hamilton, whom he deemed honorable and patriotic; and utterly refused to be concerned in a movement proposed to affect him personally, though politically opposed to him. He venerated Washington, admired the varied abilities and high qualities of Hamilton; and esteemed and respected the eminent federal gentlemen of his time. He had affectionate regard for Madison and Monroe; but Mr. Jefferson was to him the full and perfect exemplification of the republican statesman. His almost fifty years of personal and political friendship and association with Mr. Randolph is historical, and indissolubly connects their names in memories in the recollection of their friends, and in history, if it does them justice. He was the early friend of General Jackson, and intimate with him when he was a senator in Congress under the administration of the elder Mr. Adams; and was able to tell Congress and the world who he was when he began to astonish Europe and America by his victories. He was the kind observer of the conduct of young men, encouraging them by judicious commendation when he saw them making efforts to become useful and respectable, and never noting their faults. He was just in all things, and in that most difficult of all things, judging political opponents, – to whom he would do no wrong, not merely in word or act, but in thought. He spoke frequently in Congress, always to the point, and briefly and wisely; and was one of those speakers which Mr. Jefferson described Dr. Franklin to have been – a speaker of no pretension and great performance, – who spoke more good sense while he

was getting up out of his chair, and getting back into it, than many others did in long discourses; and he suffered no reporter to dress up a speech for him.

He was above the pursuit of wealth, but also above dependence and idleness; and, like an old Roman of the elder Cato's time, worked in the fields at the head of his slaves in the intervals of public duty; and did not cease this labor until advancing age rendered him unable to stand the hot sun of summer – the only season of the year when senatorial duties left him at liberty to follow the plough, or handle the hoe. I think it was the summer of 1817, – that was the last time (he told me) he tried it, and found the sun too hot for him – then sixty years of age, a senator, and the refuser of all office. How often I think of him, when I see at Washington robustious men going through a scene of supplication, tribulation, and degradation, to obtain office, which the salvation of the soul does not impose upon the vilest sinner! His fields, his flocks, and his herds yielded an ample supply of domestic productions. A small crop of tobacco – three hogsheads when the season was good, two when bad – purchased the exotics which comfort and necessity required, and which the farm did not produce. He was not rich, but rich enough to dispense hospitality and charity, to receive all guests in his house, from the President to the day laborer – no other title being necessary to enter his house but that of an honest man; rich enough to bring up his family (two daughters) as accomplished ladies, and marry them to accomplished gentlemen – one to

William Martin, Esq., the other to William Eaton, Esq., of Roanoke, my early school-fellow and friend for more than half a century; and, above all, he was rich enough to pay as he went, and never to owe a dollar to any man.

He was steadfast in his friendships, and would stake himself for a friend, but would violate no point of public duty to please or oblige him. Of this his relations with Mr. Randolph gave a signal instance. He drew a knife to defend him in the theatre at Philadelphia, when menaced by some naval and military officers for words spoken in debate, and deemed offensive to their professions; yet, when speaker of the House of Representatives, he displaced Mr. Randolph from the head of the committee of ways and means, because the chairman of that committee should be on terms of political friendship with the administration, – which Mr. Randolph had then ceased to be with Mr. Jefferson's. He was above executive office, even the highest the President could give; but not above the lowest the people could give, taking that of justice of the peace in his county, and refusing that of Postmaster-General at Washington. He was opposed to nepotism, and to all quartering of his connections on the government; and in the course of his forty-years' service, with the absolute friendship of many administrations and the perfect respect of all, he never had office or contract for any of his blood. He refused to be a candidate for the vice-presidency, but took the place of elector on the Van Buren ticket in 1836. He was against paper money and the paper system, and was

accustomed to present the strong argument against both in the simple phrase, that this was a hard-money government, made by hard-money men, who had seen the evil of paper-money, and meant to save their posterity from it. He was opposed to securityships, and held that no man ought to be entangled in the affairs of another, and that the interested parties alone – those who expected to find their profit in the transaction – should bear the bad consequences, as well as enjoy the good ones, of their own dealings. He never called any one "friend" without being so; and never expressed faith in the honor and integrity of a man without acting up to the declaration when the occasion required it. Thus, in constituting his friend Weldon N. Edwards, Esq., his testamentary and sole executor, with large discretionary powers, he left all to his honor, and forbid him to account to any court or power for the manner in which he should execute that trust. This prohibition so characteristic, and so honorable to both parties, and has been so well justified by the event, that I give it in his own words, as copied from his will, to wit:

> "I subjoin the following, in my own handwriting, as a codicil to this my last will and testament, and direct that it be a part thereof – that is to say, having full faith in the honor and integrity of my executor above named, he shall not be held to account to any court or power whatever for the discharge of the trust confided by me to him in and by the foregoing will."

And the event has proved that his judgment, as always,

committed no mistake when it bestowed that confidence. He had his peculiarities – idiosyncracies, if any one pleases – but they were born with him, suited to him, constituting a part of his character, and necessary to its completeness. He never subscribed to charities, but gave, and freely, according to his means – the left hand not knowing what the right hand did. He never subscribed for new books, giving as a reason to the soliciting agent, that nobody purchased his tobacco until it was inspected; and he could buy no book until he had examined it. He would not attend the Congress Presidential Caucus of 1824, although it was sure to nominate his own choice (Mr. Crawford); and, when a reason was wanted, he gave it in the brief answer that he attended one once and they cheated him, and he had said that he would never attend another. He always wore the same dress – that is to say a suit of the same material, cut, and color, superfine navy blue – the whole suit from the same piece, and in the fashion of the time of the Revolution; and always replaced by a new one before it showed age. He was neat in his person, always wore fine linen, a fine cambric stock, a fine fur hat with a brim to it, fair top-boots – the boot outside of the pantaloons, on the principle that leather was stronger than cloth. He would wear no man's honors, and when complimented on the report on the Panama mission, which, as chairman of the committee on foreign relations, he had presented to the Senate, he would answer, "Yes; it is a good report; Tazewell wrote it." Left to himself, he was ready to take the last place,

and the lowest seat any where; but in his representative capacity he would suffer no derogation of a constitutional or of a popular right. Thus, when Speaker of the House, and a place behind the President's Secretaries had been assigned him in some ceremony, he disregarded the programme; and, as the elect of the elect of all the people, took his place next after those whom the national vote had elected. And in 1803, on the question to change the form of voting for President and Vice-President, and the vote wanting one of the constitutional number of two thirds, he resisted the rule of the House which restricted the speaker's vote to a tie, or to a vote which would make a tie, – claimed his constitutional right to vote as a member, obtained it, gave the vote, made the two thirds, and carried the amendment. And, what may well be deemed idiosyncratic in these days, he was punctual in the performance of all his minor duties to the Senate, attending its sittings to the moment, attending all the committees to which he was appointed, attending all the funerals of the members and officers of the Houses, always in time at every place where duty required him; and refusing double mileage for one travelling, when elected from the House of Representatives to the Senate, or summoned to an extra session. He was an habitual reader and student of the Bible, a pious and religious man, and of the "*Baptist persuasion*," as he was accustomed to express it.

I have a pleasure in recalling the recollections of this wise, just, and good man, and in writing them down, not without profit, I hope, to rising generations, and at least as extending

the knowledge of the kind of men to whom we are indebted for our independence, and for the form of government which they established for us. Mr. Macon was the real Cincinnatus of America, the pride and ornament of my native State, my hereditary friend through four generations, my mentor in the first seven years of my senatorial, and the last seven of his senatorial life; and a feeling of gratitude and of filial affection mingles itself with this discharge of historical duty to his memory.

CHAPTER XL.
COMMENCEMENT OF GENERAL JACKSON'S ADMINISTRATION

On the 4th of March, 1829, the new President was inaugurated, with the usual ceremonies, and delivered the address which belongs to the occasion; and which, like all of its class, was a general declaration of the political principles by which the new administration would be guided. The general terms in which such addresses are necessarily conceived preclude the possibility of minute practical views, and leave to time and events the qualification of the general declarations. Such declarations are always in harmony with the grounds upon which the new President's election had been made, and generally agreeable to his supporters, without being repulsive to his opponents; harmony and conciliation being an especial object with every new administration. So of General Jackson's inaugural address on this occasion. It was a general chart of democratic principles; but of which a few paragraphs will bear reproduction in this work, as being either new and strong, or a revival of good old principles, of late neglected. Thus: as a military man his election had been deprecated as possibly leading to a military administration: on the contrary he thus expressed himself on the subject of standing armies, and subordination of the military to

the civil authority: "Considering standing armies as dangerous to free government, in time of peace, I shall not seek to enlarge our present establishment; nor disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power." On the cardinal doctrine of economy, and freedom from public debt, he said: "Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will facilitate the extinguishment of the national debt – the unnecessary duration of which is incompatible with real independence; – and because it will counteract that tendency to public and private profligacy which a profuse expenditure of money by the government is but too apt to engender." Reform of abuses and non-interference with elections, were thus enforced: "The recent demonstration of public sentiment inscribes, on the list of executive duties, in characters too legible to be overlooked, the task of reform, which will require, particularly, the correction of those abuses that have brought the patronage of the federal government into conflict with the freedom of elections." The oath of office was administered by the venerable Chief Justice, Marshall, to whom that duty had belonged for about thirty years. The Senate, according to custom, having been convened in extra session for the occasion, the cabinet appointments were immediately sent in and confirmed. They were, Martin Van Buren, of New-York, Secretary of State (Mr.

James A. Hamilton, of New-York, son of the late General Hamilton, being charged with the duties of the office until Mr. Van Buren could enter upon them); Samuel D. Ingham, of Pennsylvania, Secretary of the Treasury; John H. Eaton, of Tennessee, Secretary at War; John Branch, of North Carolina, Secretary of the Navy; John M. Berrien, of Georgia, Attorney General; William T. Harry, of Kentucky, Postmaster General; those who constituted the late cabinet, under Mr. Adams, only one of them, (Mr. John McLean, the Postmaster General,) classed politically with General Jackson; and a vacancy having occurred on the bench of the Supreme Court by the death of Mr. Justice Trimble, of Kentucky, Mr. McLean was appointed to fill it; and a further vacancy soon after occurring, the death of Mr. Justice Bushrod Washington (nephew of General Washington), Mr. Henry Baldwin, of Pennsylvania, was appointed in his place. The Twenty-first Congress dated the commencement of its legal existence on the day of the commencement of the new administration, and its members were as follows:

SENATE

Maine – John Holmes, Peleg Sprague.
New Hampshire – Samuel Bell, Levi Woodbury.
Massachusetts – Nathaniel Silsbee, Daniel Webster.
Connecticut – Samuel A. Foot, Calvin Willey.
Rhode Island – Nehemiah R. Knight, Asher Robbins.

Vermont – Dudley Chase, Horatio Seymour.

New-York – Nathan Sanford, Charles E. Dudley.

New Jersey – Theodore Frelinghuysen, Mahlon Dickerson.

Pennsylvania – William Marks, Isaac D. Barnard.

Delaware – John M. Clayton, (*Vacant.*)

Maryland – Samuel Smith, Ezekiel F. Chambers.

Virginia – L. W. Tazewell, John Tyler.

North Carolina – James Iredell, (*Vacant.*)

South Carolina – William Smith, Robert Y. Hayne.

Georgia – George M. Troup, John Forsyth.

Kentucky – John Rowan, George M. Bibb.

Tennessee – Hugh L. White, Felix Grundy.

Ohio – Benjamin Ruggles, Jacob Burnet.

Louisiana – Josiah S. Johnston, Edward Livingston.

Indiana – William Hendricks, James Noble.

Mississippi – Powhatan Ellis, (*Vacant.*)

Illinois – Elias K. Kane, John McLane.

Alabama – John McKinley, William R. King.

Missouri – David Barton, Thomas H. Benton.

HOUSE OF REPRESENTATIVES

Maine – John Anderson, Samuel Butman, George Evans, Rufus McIntire, James W. Ripley, Joseph F. Wingate – 6. (*One vacant.*)

New Hampshire – John Brodhead, Thomas Chandler, Joseph Hammons, Jonathan Harvey, Henry Hubbard, John

W. Weeks – 6.

Massachusetts – John Bailey, Issac C. Bates, B. W. Crowninshield, John Davis, Henry W. Dwight, Edward Everett, Benjamin Gorham, George Grennell, jr., James L. Hodges, Joseph G. Kendall, John Reed, Joseph Richardson, John Varnum – 13.

Rhode Island – Tristam Burgess, Dutee J. Pearce – 2.

Connecticut – Noyes Barber, Wm. W. Ellsworth, J. W. Huntington, Ralph J. Ingersoll, W. L. Storrs, Eben Young – 6.

Vermont – William Cahoon, Horace Everett, Jonathan Hunt, Rollin C. Mallary, Benjamin Swift – 5.

New-York – William G. Angel, Benedict Arnold, Thomas Beekman, Abraham Bockee, Peter I. Borst, C. C. Cambreleng, Jacob Crocheron, Timothy Childs, Henry B. Cowles, Hector Craig, Charles G. Dewitt, John D. Dickinson, Jonas Earll, jr., George Fisher, Isaac Finch, Michael Hoffman, Joseph Hawkins, Jehiel H. Halsey, Perkins King, James W. Lent, John Magee, Henry C. Martindale, Robert Monell, Thomas Maxwell, E. Norton, Gershom Powers, Robert S. Rose, Henry R. Storrs, James Strong, Ambrose Spencer, John W. Taylor, Phineas L. Tracy, Gulian. C. Verplanck, Campbell P. White – 34.

New Jersey – Lewis Condict, Richard M. Cooper, Thomas H. Hughes, Isaac Pierson, James F. Randolph, Samuel Swan – 6.

Pennsylvania – James Buchanan, Richard Coulter, Thomas H. Crawford, Joshua Evans, Chauncey Forward, Joseph Fry, jr., James Ford, Innes Green, John Gilmore,

Joseph Hemphill, Peter Ihrie, jr., Thomas Irwin, Adam King, George G. Leiper, H. A. Muhlenburg, Alem Marr, Daniel H. Miller, William McCreery, William Ramsay, John Scott, Philander Stephens, John B. Sterigere, Joel B. Sutherland, Samuel Smith, Thomas H. Sill – 25. (*One vacant.*)

Delaware – Kensy Johns, jr. – 1.

Maryland – Elias Brown, Clement Dorsey, Benjamin C. Howard, George E. Mitchell, Michael C. Sprigg, Benedict I. Semmes, Richard Spencer, George C. Washington, Ephraim K. Wilson – 9.

Virginia – Mark Alexander, Robert Allen, Wm. S. Archer, Wm. Armstrong, jr., John S. Barbour, Philip P. Barbour, J. T. Boulding, Richard Coke, jr., Nathaniel H. Claiborne, Robert B. Craig, Philip Doddridge, Thomas Davenport, William F. Gordon, Lewis Maxwell, Charles F. Mercer, William McCoy, Thomas Newton, John Roane, Alexander Smyth, Andrew Stevenson, John Taliaferro, James Trezvant – 22.

North Carolina – Willis Alston, Daniel L. Barringer, Samuel P. Carson, H. W. Conner, Edmund Deberry, Edward B. Dudley, Thomas H. Hall, Robert Potter, William B. Shepard, Augustine H. Shepperd, Jesse Speight, Lewis Williams – 12. (*One vacant.*)

South Carolina – Robert W. Barnwell, James Blair, John Campbell, Warren R. Davis, William Drayton, William D. Martin, George McDuffie, William T. Nuckolls, Starling Tucker – 9.

Georgia – Thomas F. Forster, Charles E. Haynes, Wilson

Lumpkin, Henry G. Lamar, Wiley Thompson, Richard H. Wilde, James M. Wayne – 7.

Kentucky – James Clark, N. D. Coleman, Thomas Chilton, Henry Daniel, Nathan Gaither, R. M. Johnson, John Kinkaid, Joseph Lecompte, Chittenden Lyon, Robert P. Letcher, Charles A. Wickliffe, Joel Yancey – 12.

Tennessee – John Blair, John Bell, David Crockett, Robert Desha, Jacob C. Isacks, Cave Johnson, Pryor Lea, James K. Polk, James Standifer – 9.

Ohio – Mordecai Bartley, Joseph H. Crane, William Creighton, James Findlay, John M. Goodenow, Wm. W. Irwin, Wm. Kennon, Wm. Russell, William Stanberry, James Shields, John Thomson, Joseph Vance, Samuel F. Vinton, Elisha Whittlesey – 14.

Louisiana – Henry H. Gurley, W. H. Overton, Edward D. White – 3.

Indiana – Ratliff Boon, Jonathan Jennings, John Test – 3.

Alabama – R. E. B. Baylor, C. C. Clay, Dixon H. Lewis – 3.

Mississippi – Thomas Hinds – 1.

Illinois – Joseph Duncan – 1.

Missouri – Spencer Pettis – 1.

DELEGATES

Michigan Territory – John Biddle – 1.

Arkansas Territory – A. H. Sevier – 1.

Andrew Stevenson, of Virginia, was re-elected speaker of the House, receiving 152 votes out of 191; and he classing politically with General Jackson, this large vote in his favor, and the small one against him (and that scattered and thrown away on several different names not candidates), announced a pervading sentiment among the people, in harmony with the presidential election – and showing that political principles, and not military glare, had produced the General's election.

CHAPTER XLI.
THE FIRST ANNUAL MESSAGE OF GENERAL JACKSON TO THE TWO HOUSES OF CONGRESS

The first annual message of a new President, being always a recommendation of practical measures, is looked to with more interest than the inaugural address, confined as this latter must be, to a declaration of general principles. That of General Jackson, delivered the 8th of December, 1829, was therefore anxiously looked for; and did not disappoint the public expectation. It was strongly democratic, and contained many recommendations of a nature to simplify, and purify the working of the government, and to carry it back to the times of Mr. Jefferson – to promote its economy and efficiency, and to maintain the rights of the people, and of the States in its administration. On the subject of electing a President and Vice-President of the United States, he spoke thus:

> "I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our Constitution which relates to the election of President and Vice-President. Our system of government was, by its framers, deemed an experiment; and they, therefore,

consistently provided a mode of remedying its defects.

"To the people belongs the right of electing their chief magistrate: it was never designed that their choice should, in any case, be defeated, either by the intervention of electoral colleges, or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves, that, in proportion as agents to execute the will of the people are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful: all are liable to err. So far, therefore, as the people can, with convenience, speak, it is safer for them to express their own will.

"In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us, then, endeavor so to amend our system, as that the office of chief magistrate may not be conferred upon any citizen but in pursuance of a fair expression of the will of the majority.

"I would therefore recommend such an amendment of the constitution as may remove all intermediate agency in the election of President and Vice-President. The mode may be so regulated as to preserve to each State its present relative weight in the election; and a failure in the first attempt may be provided for, by confining the second to a choice between the two highest candidates. In connection with such an amendment, it would seem advisable to limit the service of the chief magistrate to a single term, of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the Representatives in Congress on whom such an

election may have devolved, would not be proper."

This recommendation in relation to our election system has not yet been carried into effect, though doubtless in harmony with the principles of our government, necessary to prevent abuses, and now generally demanded by the voice of the people. But the initiation of amendments to the federal constitution is too far removed from the people. It is in the hands of Congress and of the State legislatures; but even there an almost impossible majority – that of two thirds of each House, or two thirds of the State legislatures – is required to commence the amendment; and a still more difficult majority – that of three fourths of the States – to complete it. Hitherto all attempts to procure the desired amendment has failed; but the friends of that reform should not despair. The great British parliamentary reform was only obtained after forty years of annual motions in parliament; and forty years of organized action upon the public mind through societies, clubs, and speeches; and the incessant action of the daily and periodical press. In the meantime events are becoming more impressive advocates for this amendment than any language could be. The selection of President has gone from the hands of the people – usurped by irresponsible and nearly self-constituted bodies – in which the selection becomes the result of a juggle, conducted by a few adroit managers, who baffle the nomination until they are able to govern it, and to substitute their own will for that of the people. Perhaps another example is not upon earth of a free people voluntarily

relinquishing the elective franchise, in a case so great as that of electing their own chief magistrate, and becoming the passive followers of an irresponsible body – juggled, and baffled, and governed by a few dextrous contrivers, always looking to their own interest in the game which they play in putting down and putting up men. Certainly the convention system, now more unfair and irresponsible than the exploded congress caucus system, must eventually share the same fate, and be consigned to oblivion and disgrace. In the meantime the friends of popular election should press the constitutional amendment which would give the Presidential election to the people, and discard the use of an intermediate body which disregards the public will and reduces the people to the condition of political automatons.

Closely allied to this proposed reform was another recommended by the President in relation to members of Congress, and to exclude them generally from executive appointments; and especially from appointments conferred by the President for whom they voted. The evil is the same whether the member votes in the House of Representatives when the election goes to that body, or votes and manages in a Congress caucus, or in a nominating convention. The act in either case opens the door to corrupt practices; and should be prevented by legal, or constitutional enactments, if it cannot be restrained by the feelings of decorum, or repressed by public opinion. On this point the message thus recommended:

> "While members of Congress can be constitutionally

appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our government would doubtless be promoted by their exclusion from all appointments in the gift of the President in whose election they may have been officially concerned. The nature of the judicial office, and the necessity of securing in the cabinet and in diplomatic stations of the highest rank, the best talents and political experience, should, perhaps, except these from the exclusion."

On the subject of a navy, the message contained sentiments worthy of the democracy in its early day, and when General Jackson was a member of the United States Senate. The republican party had a POLICY then in respect to a navy: it was, a navy for DEFENCE, instead of CONQUEST; and limited to the protection of our coasts and commerce. That policy was impressively set forth in the celebrated instructions to the Virginia senators in the year 1800, in which it was said:

"With respect to the navy, it may be proper to remind you that whatever may be the proposed object of its establishment, or whatever may be the prospect of temporary advantages resulting therefrom, it is demonstrated by the experience of all nations, who have ventured far into naval policy, that such prospect is ultimately delusive; and that a navy has ever in practice been known more as an instrument of power, a source of

> expense, and an occasion of collisions and wars with other nations, than as an instrument of defence, of economy, or of protection to commerce."

These were the doctrines of the republican party, in the early stage of our government – in the great days of Jefferson and his compeers. We had a policy then – the result of thought, of judgment, and of experience: a navy for defence, and not for conquest: and, consequently, confinable to a limited number of ships, adequate to their defensive object – instead of thousands, aiming at the dominion of the seas. That policy was overthrown by the success of our naval combats during the war; and the idea of a great navy became popular, without any definite view of its cost and consequences. Admiration for good fighting did it, without having the same effect on the military policy. Our army fought well also, and excited admiration; but without subverting the policy which interdicted standing armies in time of peace. The army was cut down in peace: the navy was building up in peace. In this condition President Jackson found the two branches of the service – the army reduced by two successive reductions from a large body to a very small one – 6000 men – and although illustrated with military glory yet refusing to recommend an army increase: the navy, from a small one during the war, becoming large during the peace – gradual increase the law – ship-building the active process, and rotting down the active effect; and thus we have been going on for near forty years. Correspondent to his army policy was that of President Jackson

in relation to the navy; he proposed a pause in the process of ship-building and ship-rotting. He recommended a total cessation of the further building of vessels of the first and second class – ships of the line, and frigates – with a collection of materials for future use – and the limitation of our naval policy to the object of commercial protection. He did not even include coast defence, his experience having shown him that the men on shore could defend the land. In a word, he recommended a naval policy; and that was the same which the republicans of 1798 had adopted, and which Virginia made obligatory upon her senators in 1800; and which, under the blaze of shining victories, had yielded to the blind, and aimless, and endless operation of building and rotting peaceful ships of war. He said:

> "In time of peace, we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object must lay in the harbors, where, without proper covering, they rapidly decay; and, even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels; which, though unfinished, will now require immense sums of money to be restored to the condition in which they were, when committed to their proper element. On this subject there can be but little doubt that our best policy would be, to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in

a season of peace, as the index of our naval power."

This was written twenty years ago, and by a President who saw what he described – many of our finest ships going to decay before they were finished – demanding repairs before they had sailed – and costing millions for which there was no return. We have been going on at the same rate ever since – building, and rotting, and sinking millions; but little to show for forty years of ship-carpentry; and that little nothing to do but to cruise where there is nothing to catch, and to carry out ministers to foreign courts who are not quite equal to the Franklins, Adamses and Jeffersons – the Pinckneys, Rufus Kings, and Marshalls – the Clays, Gallatins and Bayards – that went out in common merchant vessels. Mr. Jefferson told me that this would be the case twenty-five years ago when naval glory overturned national policy, and when a navy board was created to facilitate ship-construction. But this is a subject which will require a chapter of its own, and is only incidentally mentioned now to remark that we have no policy with respect to a navy, and ought to have one – that there is no middle point between defence and conquest – and no sequence to a conquering navy but wars with the world, – and the debt, taxes, pension list, and pauper list of Great Britain.

The inutility of a Bank of the United States as a furnisher of a sound and uniform currency, and of questionable origin under our constitution, was thus stated:

> "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. 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."

This is the clause which party spirit, and bank tactics, perverted at the time (and which has gone into history), into an attack upon the bank – a war upon the bank – with a bad motive attributed for a war so wanton. At the same time nothing could be more fair, and just, and more in consonance with the constitution which requires the President to make the legislative recommendations which he believes to be proper. It was notice to all concerned – the bank on one side, and the people on the other – that there would be questions, and of high import – constitutionality and expediency – if the present corporators, at the expiration of their charter, should apply for a renewal of their privileges. It was an intimation against the institution, not against its administrators, to whom a compliment was paid in another part of the same message, in ascribing to the help of their "judicious arrangement" the averting of the mercantile pressure which might otherwise have resulted from the sudden withdrawal of the twelve and a half millions which had just been

taken from the bank and applied to the payment of the public debt. But of this hereafter. The receipts and expenditures were stated, respectively, for the preceding year, and estimated for the current year, the former at a fraction over twenty-four and a half millions – the latter a fraction over twenty-six millions – with large balances in the treasury, exhibiting the constant financial paradox, so difficult to be understood, of permanent annual balances with an even, or even deficient revenue. The passage of the message is in these words:

> "The balance in the treasury on the 1st of January, 1829, was five millions nine hundred and seventy-two thousand four hundred and thirty-five dollars and eighty-one cents. The receipts of the current year are estimated at twenty-four millions, six hundred and two thousand, two hundred and thirty dollars, and the expenditures for the same time at twenty-six millions one hundred and sixty-four thousand five hundred and ninety-five dollars; leaving a balance in the treasury on the 1st of January next, of four millions four hundred and ten thousand and seventy dollars, eighty-one cents."

Other recommendations contained the sound democratic doctrines – speedy and entire extinction of the public debt – reduction of custom-house duties – equal and fair incidental protection to the great national interests (agriculture, manufactures and commerce) – the disconnection of politics and tariffs – and the duty of retrenchment by discontinuing and abolishing all useless offices. In a word, it was a message of the

old republican school, in which President Jackson had been bred; and from which he had never departed; and which encouraged the young disciples of democracy, and consoled the old surviving fathers of that school.

CHAPTER XLII.
THE RECOVERY OF THE DIRECT TRADE WITH THE BRITISH WEST INDIA ISLANDS

The recovery of this trade had been a large object with the American government from the time of its establishment. As British colonies we enjoyed it before the Revolution; as revolted colonies we lost it; and as an independent nation we sought to obtain it again. The position of these islands, so near to our ports and shores – the character of the exports they received from us, being almost entirely the product of our farms and forests, and their large amount, always considerable, and of late some four millions of dollars per annum – the tropical productions which we received in return, and the large employment it gave to our navigation – all combined to give a cherished value to this branch of foreign trade, and to stimulate our government to the greatest exertions to obtain and secure its enjoyment; and with the advantage of being carried on by our own vessels. But these were objects not easily attainable, and never accomplished until the administration of President Jackson. All powers are jealous of alien intercourse with their colonies, and have a natural desire to retain colonial trade in their own hands, both

for commercial and political reasons; and have a perfect right to do so if they please. Partial and conditional admission to trade with their colonies, or total exclusion from them, is in the discretion of the mother country; and any participation in their trade by virtue of treaty stipulations or legislative enactment, is the result of concession – generally founded in a sense of self-interest, or at best in a calculation of mutual advantage. No less than six negotiations (besides several attempts at "concerted legislation") had been carried on between the United States and Great Britain on this subject; and all, until the second year of General Jackson's administration, resulting in nothing more than limited concessions for a year, or for short terms; and sometimes coupled with conditions which nullified the privilege. It was a primary object of concern with General Washington's administration; and a knowledge of the action then had upon it elucidates both the value of the trade, the difficulty of getting admission to its participation, and the right of Great Britain to admit or deny its enjoyment to others. General Washington had practical knowledge on the subject. He had seen it enjoyed, and lost – enjoyed as British subjects, lost as revolted colonies and independent states – and knew its value, both from the use and the loss, and was most anxious to recover it. It was almost the first thing, in our foreign relations, to which he put his hand on becoming President; and literally did he put his hand to it. For as early as the 14th of October, 1789 – just six months after his inauguration – in a letter of unofficial instructions to

Mr. Gouverneur Morris, then in Europe, written with his own hand (requesting him to sound the British government on the subject of a commercial treaty with the United States), a point that he made was to ascertain their views in relation to allowing us the "privilege" of this trade. Privilege was his word, and the instruction ran thus: "Let it be strongly impressed on your mind that the privilege of carrying our productions in our own vessels to their islands, and bringing, in return, the productions of those islands to our ports and markets, is regarded here as of the highest importance," &c.

It was a prominent point in our very first negotiation with Great Britain in 1794; and the instructions to Mr. Jay, in May of that year, shows that admission to the trade was then only asked as a privilege, as in the year '89 and upon terms of limitation and condition. This is so material to the right understanding of this question, and to the future history of the case, and especially of a debate and vote in the Senate, of which President Jackson's instructions through Mr. Van Buren on the same subject was made the occasion, that I think it right to give the instructions of President Washington to Mr. Jay in his own words. They were these:

> "If to the actual footing of our commerce and navigation in the British European dominions could be added the privilege of carrying directly from the United States to the British West Indies in our own bottoms generally, or of certain specified burthens, the articles which by the Act of

> Parliament, 28, Geo. III., chap. 6, may be carried thither in British bottoms, and of bringing them thence directly to the United States in American bottoms, this would afford an acceptable basis of treaty for a term not exceeding fifteen years."

An article was inserted in the treaty in conformity to these principles – our carrying vessels limited in point of burthen to seventy tons and under; the privilege limited in point of duration to the continuance of the then existing war between Great Britain and the French Republic, and to two years after its termination; and restricted in the return cargo both as to the nature of the articles and the port of their destination. These were hard terms, and precarious, and the article containing them was "suspended" by the Senate in the act of ratification, in the hope to obtain better; and are only quoted here in order to show that this direct trade to the British West Indies was, from the beginning of our federal government, only sought as a privilege, to be obtained under restrictions and limitations, and subordinately to British policy and legislation. This was the end of the first negotiation; five others were had in the ensuing thirty years, besides repeated attempts at "concerted legislation" – all ending either abortively or in temporary and unsatisfactory arrangements.

The most important of these attempts was in the years 1822 and 1823: and as it forms an essential item in the history of this case, and shows, besides, the good policy of letting "well-enough" alone, and the great mischief of inserting an apparently harmless

word in a bill of which no one sees the drift but those in the secret, I will here give its particulars, adopting for that purpose the language of senator Samuel Smith, of Maryland, – the best qualified of all our statesmen to speak on the subject, he having the practical knowledge of a merchant in addition to experience as a legislator. His statement is this:

> "During the session of 1822, Congress was informed that an act was pending in Parliament for the opening of the colonial ports to the commerce of the United States. In consequence, an act was passed authorizing the President (then Mr. Monroe), in case the act of Parliament was satisfactory to him, to open the ports of the United States to British vessels by his proclamation. The act of Parliament was deemed satisfactory, and a proclamation was accordingly issued, and the trade commenced. Unfortunately for our commerce, and I think contrary to justice, a treasury circular issued, directing the collectors to charge British vessels entering our ports with the alien tonnage and discriminating duties. This order was remonstrated against by the British minister (I think Mr. Vaughan). The trade, however, went on uninterrupted. Congress met and a bill was drafted in 1823 by Mr. Adams, then Secretary of State, and passed both Houses, with little, if any, debate. I voted for it, believing that it met, in a spirit of reciprocity, the British act of Parliament. This bill, however, contained one little word, "elsewhere," which completely defeated all our expectations. It was noticed by no one. The senator from Massachusetts (Mr. Webster) may

have understood its effect. If he did so understand it, he was silent. The effect of that word "elsewhere" was to assume the pretensions alluded to in the instructions to Mr. McLane. (Pretension to a "right" in the trade.) The result was, that the British government shut their colonial ports immediately, and thenceforward. This act of 1822 gave us a monopoly (virtually) of the West India trade. It admitted, free of duty, a variety of articles, such as Indian corn, meal, oats, peas, and beans. The British government thought we entertained a belief that they could not do without our produce, and by their acts of the 27th June and 5th July, 1825, they opened their ports to all the world, on terms far less advantageous to the United States, than those of the act of 1822."

Such is the important statement of General Smith. Mr. Webster was present at the time, and said nothing. Both these acts were clear rights on the part of Great Britain, and that of 1825 contained a limitation upon the time within which each nation was to accept the privilege it offered, or lose the trade for ever. This legislative privilege was accepted by all nations which had any thing to send to the British West Indies, except the United States. Mr. Adams did not accept the proffered privilege – undertook to negotiate for better terms – failed in the attempt – and lost all. Mr. Clay was Secretary of State, Mr. Gallatin the United States Minister in London, and the instructions to him were, to insist upon it as a "right" that our produce should be admitted on the same terms on which produce from the British possessions were admitted. – This was the "elsewhere," &c. The

British government refused to negotiate; and then Mr. Gallatin was instructed to waive temporarily the demand of right, and accept the privilege offered by the act of 1825. But in the mean time the year allowed in the act for its acceptance had expired, and Mr. Gallatin was told that his offer was too late! To that answer the British ministry adhered; and, from the month of July, 1826, the direct trade to the British West Indies was lost to our citizens, leaving them no mode of getting any share in that trade, either in sending out our productions or receiving theirs, but through the expensive, tedious, and troublesome process of a circuitous voyage and the intervention of a foreign vessel. The shock and dissatisfaction in the United States were extreme at this unexpected bereavement; and that dissatisfaction entered largely into the political feelings of the day, and became a point of attack on Mr. Adams's administration, and an element in the presidential canvass which ended in his defeat.

In giving an account of this untoward event to his government, Mr. Gallatin gave an account of his final interview with Mr. Huskisson, from which it appeared that the claim of "right" on the part of the United States, on which Mr. Gallatin had been instructed to "insist" was "temporarily waived;" but without effect. Irritation, on account of old scores, as expressed by Mr Gallatin – or resentment at our pertinacious persistence to secure a "right" where the rest of the world accepted a "privilege," as intimated by Mr. Huskisson – mixed itself with the refusal; and the British government adhered to its absolute right to regulate

the foreign trade of its colonies, and to treat us as it did the rest of the world. The following are passages from Mr. Gallatin's dispatch, from London, September 11, 1827:

> "Mr. Huskisson said it was the intention of the British government to consider the intercourse of the British colonies as being exclusively under its control, and any relaxation from the colonial system as an indulgence, to be granted on such terms as might suit the policy of Great Britain at the time it was granted. I said every question of *right* had, on this occasion, been waived on the part of the United States, the only object of the present inquiry being to ascertain whether, as a matter of mutual convenience, the intercourse might not be opened in a manner satisfactory to both countries. He (Mr. H.) said that it had appeared as if America had entertained the opinion that the British West Indies could not exist without her supplies; and that she might, therefore, compel Great Britain to open the intercourse on any terms she pleased. I disclaimed any such belief or intention on the part of the United States. But it appeared to me, and I intimated it, indeed, to Mr. Huskisson, that he was acting rather under the influence of irritated feelings, on account of past events, than with a view to the mutual interests of both parties."

This was Mr. Gallatin's last dispatch. An order in council was issued, interdicting the trade to the United States; and he returned home. Mr. James Barbour, Secretary at War, was sent to London to replace him, and to attempt again the repulsed

negotiation; but without success. The British government refused to open the question: and thus the direct access to this valuable commerce remained sealed against us. President Adams, at the commencement of the session of Congress, 1827-28, formally communicated this fact to that body, and in terms which showed at once that an insult had been received, an injury sustained, redress refused, and ill-will established between the two governments. He said:

> "At the commencement of the last session of Congress, they were informed of the sudden and unexpected exclusion by the British government, of access, in vessels of the United States, to all their colonial ports, except those immediately bordering upon our own territory.
>
> "In the amicable discussions which have succeeded the adoption of this measure, which, as it affected harshly the interests of the United States, became a subject of expostulation on our part, the principles upon which its justification has been placed have been of a diversified character. It has at once been ascribed to a mere recurrence to the old long-established principle of colonial monopoly, and at the same time to a feeling of resentment, because the offers of an act of Parliament, opening the colonial ports upon certain conditions, had not been grasped at with sufficient eagerness by as instantaneous conformity to them. At a subsequent period it has been intimated that the new exclusion was in resentment, because a prior act of Parliament, of 1822, opening certain colonial ports, under heavy and burdensome restrictions, to vessels of the United

States, had not been reciprocated by an admission of British vessels from the colonies, and their cargoes, without any restriction or discrimination whatever. But, be the motive for the interdiction what it may, the British government have manifested no disposition, either by negotiation or by corresponding legislative enactments, to recede from it; and we have been given distinctly to understand that neither of the bills which were under the consideration of Congress at their last session, would have been deemed sufficient in their concessions to have been rewarded by any relaxation from the British interdict. The British government have not only declined negotiation upon the subject, but, by the principle they have assumed with reference to it, have precluded even the means of negotiation. It becomes not the self-respect of the United States, either to solicit gratuitous favours, or to accept, as the grant of a favor, that for which an ample equivalent is exacted."

This was the communication of Mr. Adams to Congress, and certainly nothing could be more vexatious or hopeless than the case which he presented – an injury, an insult, a rebuff, and a refusal to talk with us upon the subject. Negotiation, and the hope of it, having thus terminated, President Adams did what the laws required of him, and issued his proclamation making known to the country the total cessation of all direct commerce between the United States and the British West India Islands.

The loss of this trade was a great injury to the United States (besides the insult), and was attended by circumstances which

gave it the air of punishment for something that was past. It was a rebuff in the face of Europe; for while the United States were sternly and unceremoniously cut off from the benefit of the act of 1825, for omission to accept it within the year, yet other powers in the same predicament (France, Spain and Russia) were permitted to accept after the year; and the "irritated feelings" manifested by Mr. Huskisson indicated a resentment which was finding its gratification. We were ill-treated, and felt it. The people felt it. It was an ugly case to manage, or to endure; and in this period of its worst aspect General Jackson was elected President.

His position was delicate and difficult. His election had been deprecated as that of a rash and violent man, who would involve us in quarrels with foreign nations; and here was a dissension with a great nation lying in wait for him – prepared to his hand – the legacy of his predecessor – either to be composed satisfactorily, or to ripen into retaliation and hostility; for it was not to be supposed that things could remain as they were. He had to choose between an attempt at amicable recovery of the trade by new overtures, or retaliation – leading to, it is not known what. He determined upon the first of these alternatives, and Mr. Louis McLane, of Delaware, was selected for the delicate occasion. He was sent minister to London; and in renewing an application which had been so lately and so categorically rejected, some reason had to be given for a persistance which might seem both importunate and desperate, and even deficient

in self-respect; and that reason was found in the simple truth that there had been a change of administration in the United States, and with it a change of opinion on the subject, and on the essential point of a "right" in us to have our productions admitted into her West Indies on the same terms as British productions were received; that we were willing to take the trade as a "privilege," and simply and unconditionally, under the act of Parliament of 1825. Instructions to that effect had been drawn up by Mr. Van Buren, Secretary of State, under the special directions of General Jackson, who took this early occasion to act upon his cardinal maxim in our foreign intercourse: "*Ask nothing but what is right – submit to nothing wrong.*" This frank and candid policy had its effect. The great object was accomplished. The trade was recovered; and what had been lost under one administration, and precariously enjoyed under others, and been the subject of fruitless negotiation for forty years, and under six different Presidents – Washington, John Adams, Jefferson, Madison, Monroe, Quincy Adams – with all their accomplished secretaries and ministers, was now amicably and satisfactorily obtained under the administration of General Jackson; and upon the basis to give it perpetuity – that of mutual interest and actual reciprocity. The act of Parliament gave us the trade on terms nearly as good as those suggested by Washington in 1789; fully as good as those asked for by him in 1794; better than those inserted in the treaty of that year, and suspended by the Senate; and, though nominally on the same terms as given to

the rest of the world, yet practically better, on account of our proximity to this British market; and our superabundance of articles (chiefly provisions and lumber) which it wants. And the trade has been enjoyed under this act ever since, with such entire satisfaction, that there is already an oblivion of the forty years' labor which it cost us to obtain it; and a generation has grown up, almost without knowing to whom they are indebted for its present enjoyment. But it made its sensation at the time, and a great one. The friends of the Jackson administration exulted; the people rejoiced; gratification was general – but not universal; and these very instructions, under which such great and lasting advantages had been obtained, were made the occasion in the Senate of the United States of rejecting their ostensible author as a minister to London. But of this hereafter.

The auspicious conclusion of so delicate an affair was doubtless first induced by General Jackson's frank policy in falling back upon Washington's ground of "privilege," in contradistinction to the new pretension of "right," – helped out a little, it may be, by the possible after-clap suggested in the second part of his maxim. Good sense and good feeling may also have had its influence, the trade in question being as desirable to Great Britain as to the United States, and better for each to carry it on direct in their own vessels, than circuitously in the vessels of others; and the articles on each side being of a kind to solicit mutual exchange – tropical productions on one part, and those of the temperate zone on the other. But there was

one thing which certainly contributed to the good result, and that was the act of Congress of May 29th, of which General Samuel Smith, senator from Maryland, was the chief promoter; and by which the President was authorized, on the adoption of certain measures by Great Britain, to open the ports of the United States to her vessels on reciprocal terms. The effect of this act was to strengthen General Jackson's candid overture; and the proclamation opening the trade was issued October the 5th, 1830, in the second year of the first term of the administration of President Jackson. And under that proclamation this long desired trade has been enjoyed ever since, and promises to be enjoyed in after time co-extendingly with the duration of peace between the two countries.

CHAPTER XLIII.
ESTABLISHMENT OF THE GLOBE NEWSPAPER

At a presidential levee in the winter of 1830-'31, Mr. Duff Green, editor of the *Telegraph* newspaper, addressed a person then and now a respectable resident of Washington city (Mr. J. M. Duncanson), and invited him to call at his house, as he had something to say to him which would require a confidential interview. The call was made, and the object of the interview disclosed, which was nothing less than to engage his (Mr. Duncanson's) assistance in the execution of a scheme in relation to the next presidential election, in which General Jackson should be prevented from becoming a candidate for re-election, and Mr. Calhoun should be brought forward in his place. He informed Mr. Duncanson that a rupture was impending between General Jackson and Mr. Calhoun; that a correspondence had taken place between them, brought about (as he alleged) by the intrigues of Mr. Van Buren; that the correspondence was then in print, but its publication delayed until certain arrangements could be made; that the democratic papers at the most prominent points in the States were to be first secured; and men well known to the people as democrats, but in the exclusive interest of Mr. Calhoun, placed in charge of them as editors; that as soon as

the arrangements were complete, the *Telegraph* would startle the country with the announcement of the difficulty (between General Jackson and Mr. Calhoun), and the motive for it; and that all the secured presses, taking their cue from the *Telegraph*, would take sides with Mr. Calhoun, and cry out at the same time; and the storm would seem to be so universal, and the indignation against Mr. Van Buren would appear to be so great, that even General Jackson's popularity would be unable to save him.

Mr. Duncanson was then invited to take part in the execution of this scheme, and to take charge of the Frankfort (Kentucky) *Argus*; and flattering inducements held out to encourage him to do so. Mr. Duncanson expressed surprise and regret at all that he heard – declared himself the friend of General Jackson, and of his re-election – opposed to all schemes to prevent him from being a candidate again – a disbeliever in their success, if attempted – and made known his determination to reveal the scheme, if it was not abandoned. Mr. Green begged him not to do so – said that the plan was not fully agreed upon; and might not be carried out. This was the end of the first interview. A few days afterwards Mr. Green called on Mr. Duncanson, and informed him that a rupture was now determined upon, and renewed his proposition that he should take charge of some paper, either as proprietor, or as editor on a liberal salary – one that would tell on the farmers and mechanics of the country, and made so cheap as to go into every workshop and cabin. Mr. Duncanson was a practical printer – owned a good job office – was doing a

large business, especially for the departments – and only wished to remain as he was. Mr. Green offered, in both interviews, to relieve him from that concern by purchasing it from him, and assured him that he would otherwise lose the printing of the departments, and be sacrificed. Mr. Duncanson again refused to have any thing to do with the scheme, consulted with some friends, and caused the whole to be communicated to General Jackson. The information did not take the General by surprise; it was only a confirmation of what he well suspected, and had been wisely providing against. The history of the movement in Mr. Monroe's cabinet, to bring him before a military court, for his invasion of Spanish territory during the Seminole war, had just come to his knowledge; the doctrine of nullification had just been broached in Congress; his own patriotic toast: "The Federal Union: it must be preserved" – had been delivered; his own intuitive sagacity told him all the rest – the breach with Mr. Calhoun, the defection of the *Telegraph*, and the necessity for a new paper at Washington, faithful, fearless and incorruptible.

The *Telegraph* had been the central metropolitan organ of his friends and of the democratic party, during the long and bitter canvass which ended in the election of General Jackson, in 1828. Its editor had been gratified with the first rich fruits of victory – the public printing of the two Houses of Congress, the executive patronage, and the organship of the administration. The paper was still (in 1830) in its columns, and to the public eye, the advocate and supporter of General Jackson; but he knew

what was to happen, and quietly took his measures to meet an inevitable contingency. In the summer of 1830, a gentleman in one of the public offices showed him a paper, the Frankfort (Kentucky) *Argus*, containing a powerful and spirited review of a certain nullification speech in Congress. He inquired for the author, ascertained him to be Mr. Francis P. Blair – not the editor, but an occasional contributor to the *Argus*– and had him written to on the subject of taking charge of a paper in Washington. The application took Mr. Blair by surprise. He was not thinking of changing his residence and pursuits. He was well occupied where he was – clerk of the lucrative office of the State Circuit Court at the capital of the State, salaried president of the Commonwealth Bank (by the election of the legislature), and proprietor of a farm and slaves in that rich State. But he was devoted to General Jackson and his measures, and did not hesitate to relinquish his secure advantages at home to engage in the untried business of editor at Washington. He came – established the *Globe* newspaper – and soon after associated with John C. Rives, – a gentleman worthy of the association and of the confidence of General Jackson and of the democratic party: and under their management the paper became the efficient and faithful organ of the administration during the whole period of his service, and that of his successor, Mr. Van Buren. It was established in time, and just in time, to meet the advancing events at Washington City. All that General Jackson had foreseen in relation to the conduct of the *Telegraph*, and all that had been

communicated to him through Mr. Duncanson, came to pass: and he found himself, early in the first term of his administration, engaged in a triple war – with nullification, the Bank of the United States, and the whig party: – and must have been without defence or support from the newspaper press at Washington had it not been for his foresight in establishing the *Globe*.

CHAPTER XLIV.
LIMITATION OF PUBLIC LAND SALES. SUSPENSION OF SURVEYS. ABOLITION OF THE OFFICE OF SURVEYOR GENERAL. ORIGIN OF THE UNITED STATES LAND SYSTEM. AUTHORSHIP OF THE ANTI-SLAVERY ORDINANCE OF 1778. SLAVERY CONTROVERSY. PROTECTIVE TARIFF. INCEPTION OF THE DOCTRINE OF NULLIFICATION

At the commencement of the session 1829-'30, Mr. Foot, of Connecticut, submitted in the Senate a resolution of inquiry which excited much feeling among the western members of that body. It was a proposition to inquire into the expediency of limiting the sales of the public lands to those then in market –

to suspend the surveys of the public lands – and to abolish the office of Surveyor General. The effect of such a resolution, if sanctioned upon inquiry and carried into legislative effect, would have been to check emigration to the new States in the West – to check the growth and settlement of these States and territories – and to deliver up large portions of them to the dominion of wild beasts. In that sense it was immediately taken up by myself, and other western members, and treated as an injurious proposition – insulting as well as injurious – and not fit to be considered by a committee, much less to be reported upon and adopted. I opened the debate against it in a speech, of which the following is an extract:

> "Mr. Benton disclaimed all intention of having anything to do with the motives of the mover of the resolution: he took it according to its effect and operation, and conceiving this to be eminently injurious to the rights and interests of the new States and Territories, he should justify the view which he had taken, and the vote he intended to give, by an exposition of facts and reasons which would show the disastrous nature of the practical effects of this resolution.
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> "On the first branch of these effects – checking emigration to the West – it is clear, that, if the sales are limited to the lands now in market, emigration will cease to flow; for these lands are not of a character to attract people at a distance. In Missouri they are the refuse of forty years picking under the Spanish Government, and twenty more under the Government of the United States. The character

and value of this refuse had been shown, officially, in the reports of the Registers and Receivers, made in obedience to a call from the Senate. Other gentlemen would show what was said of it in their respective States; he would confine himself to his own, to the State of Missouri, and show it to be miserable indeed. The St. Louis District, containing two and a quarter millions of acres, was estimated at an average value of fifteen cents per acre; the Cape Girardeau District, containing four and a half millions of acres, was estimated at twelve and a half cents per acre; the Western District, containing one million and three quarters of acres, was estimated at sixty-two and a half cents; from the other two districts there was no intelligent or pertinent return; but assuming them to be equal to the Western District, and the average value of the lands they contain would be only one half the amount of the present minimum price. This being the state of the lands in Missouri which would be subject to sale under the operation of this resolution, no emigrants would be attracted to them. Persons who remove to new countries want new lands, first choices; and if they cannot get these, they have no sufficient inducement to move.

"The second ill effect to result from this resolution, supposing it to ripen into the measures which it implies to be necessary would be in limiting the settlements in the new States and Territories. This limitation of settlement would be the inevitable effect of confining the sales to the lands now in market. These lands in Missouri, only amount to one third of the State. By consequence, only one third could be settled. Two thirds of the State would

remain without inhabitants; the resolution says, for 'a certain period,' and the gentlemen, in their speeches, expound this certain period to be seventy-two years. They say seventy-two millions of acres are now in market; that we sell but one million a year; therefore, we have enough to supply the demand for seventy-two years. It does not enter their heads to consider that, if the price was adapted to the value, all this seventy-two millions that is fit for cultivation would be sold immediately. They must go on at a million a year for seventy-two years, the Scripture term of the life of man – a long period in the age of a nation; the exact period of the Babylonish captivity – a long and sorrowful period in the history of the Jews; and not less long nor less sorrowful in the history of the West, if this resolution should take effect.

"The third point of objection is, that it would deliver up large portions of new States and Territories to the dominion of wild beasts. In Missouri, this surrender would be equal to two-thirds of the State, comprising about forty thousand square miles, covering the whole valley of the Osage River, besides many other parts, and approaching within a dozen miles of the centre and capital of the State. All this would be delivered up to wild beasts: for the Indian title is extinguished, and the Indians gone; the white people would be excluded from it; beasts alone would take it; and all this in violation of the Divine command to replenish the earth, to increase and multiply upon it, and to have dominion over the beasts of the forest, the birds of the air, the fish in the waters, and the creeping things of the earth.

"The fourth point of objection is, in the removal of the

land records – the natural effect of abolishing all the offices of the Surveyors General. These offices are five in number. It is proposed to abolish them all, and the reason assigned in debate is, that they are sinecures; that is to say, offices which have revenues and no employment. This is the description of a sinecure. We have one of these offices in Missouri, and I know something of it. The Surveyor General, Colonel McRee, in point of fidelity to his trust, belongs to the school of Nathaniel Macon; in point of science and intelligence, he belongs to the first order of men that Europe or America contains. He and his clerks carry labor and drudgery to the ultimate point of human exertion, and still fall short of the task before them; and this is an office which it is proposed to abolish under the notion of a sinecure, as an office with revenues, and without employment. The abolition of these offices would involve the necessity of removing all their records, and thus depriving the country of all the evidences of the foundations of all the land titles. This would be sweeping work; but the gentleman's plan would be incomplete without including the General Land Office in this city, the principal business of which is to superintend the five Surveyor General's offices, and for which there could be but little use after they were abolished.

"These are the practical effects of the resolution. Emigration to the new States checked their settlement limited; a large portion of their surface delivered up to the dominion of beasts; the land records removed. Such are the injuries to be inflicted upon the new States, and we, the senators from those States, are called upon to vote in

favor of the resolution which proposes to inquire into the expediency of committing all these enormities! I, for one, will not do it. I will vote for no such inquiry. I would as soon vote for inquiries into the expediency of conflagrating cities, of devastating provinces, and of submerging fruitful lands under the waves of the ocean.

"I take my stand upon a great moral principle, that it is never right to inquire into the expediency of doing wrong.

"The proposed inquiry is to do wrong; to inflict unmixed, unmitigated evil upon the new States and Territories. Such inquiries are not to be tolerated. Courts of law will not sustain actions which have immoral foundations; legislative bodies should not sustain inquiries which have iniquitous conclusions. Courts of law make it an object to give public satisfaction in the administration of justice; legislative bodies should consult the public tranquillity in the prosecution of their measures. They should not alarm and agitate the country; yet, this inquiry, if it goes on, will give the greatest dissatisfaction to the new States in the West and South. It will alarm and agitate them, and ought to do it. It will connect itself with other inquiries going on elsewhere – in the other end of this building – in the House of Representatives – to make the new States a source of revenue to the old ones, to deliver them up to a new set of masters, to throw them as grapes into the wine press, to be trod and squeezed as long as one drop of juice could be pressed from their hulls. These measures will go together; and if that resolution passes, and this one passes, the transition will be easy and natural, from dividing the

money after the lands are sold, to divide the lands before they are sold, and then to renting the land and drawing an annual income, instead of selling it for a price in hand. The signs are portentous; the crisis is alarming; it is time for the new States to wake up to their danger, and to prepare for a struggle which carries ruin and disgrace to them, if the issue is against them."

The debate spread, and took an acrimonious turn, and sectional, imputing to the quarter of the Union from which it came an old, and early policy to check the growth of the West at the outset by proposing to limit the sale of the western lands to a "clean riddance" as they went – selling no tract in advance until all in the rear was sold out. It so happened that the first ordinance reported for the sale and survey of western lands in the Congress of the Confederation, (1785,) contained a provision to this effect; and came from a committee strongly Northern – two to one, eight against four: and was struck out in the House on the motion of southern members, supported by the whole power of the South. I gave this account of the circumstance:

"The ordinance reported by the committee, contained the plan of surveying the public lands, which has since been followed. It adopted the scientific principle of ranges of townships, which has been continued ever since, and found so beneficial in a variety of ways to the country. The ranges began on the Pennsylvania line, and proceeded west to the Mississippi; and since the acquisition of Louisiana, they have proceeded west of that river; the townships began upon

the Ohio River, and proceeded north to the Lakes. The townships were divided into sections of a mile square, six hundred and forty acres each; and the minimum price was fixed at one dollar per acre, and not less than a section to be sold together. This is the outline of the present plan of sales and surveys; and, with the modifications it has received, and may receive, in graduating the price of the land to the quality, the plan is excellent. But a principle was incorporated in the ordinance of the most fatal character. It was, that each township should be sold out complete before any land could offered in the next one! This was tantamount to a law that the lands should not be sold; that the country should not be settled: for it is certain that every township, or almost every one, would contain land unfit for cultivation, and for which no person would give six hundred and forty dollars for six hundred and forty acres. The effect of such a provision may be judged by the fact that above one hundred thousand acres remain to this day unsold in the first land district; the district of Steubenville, in Ohio, which included the first range and first township. If that provision had remained in the ordinance, the settlements would not yet have got out of sight of the Pennsylvania line. It was an unjust and preposterous provision. It required the people to take the country clean before them; buy all as they went; mountains, hills, and swamps; rocks, glens, and prairies. They were to make clean work, as the giant Polyphemus did when he ate up the companions of Ulysses:

Nothing could be more iniquitous than such a provision. It was like requiring your guest to eat all the bones on his plate before he should have more meat. To say that township No. 1 should be sold out complete before township No. 2 should be offered for sale, was like requiring the bones of the first turkey to be eat up before the breast of the second one should be touched. Yet such was the provision contained in the first ordinance for the sale of the public lands, reported by a committee of twelve, of which eight were from the north and four from the south side of the Potomac. How invincible must have been the determination of some politicians to prevent the settlement of the West, when they would thus counteract the sales of the lands which had just been obtained after years of importunity, for the payment of the public debt!

"When this ordinance was put upon its passage in Congress, two Virginians, whose names, for that act alone, would deserve the lasting gratitude of the West, levelled their blows against the obnoxious provision. Mr. Grayson moved to strike it out, and Mr. Monroe seconded him; and, after an animated and arduous contest, they succeeded. The whole South supported them; not one recreant arm from the South; many scattering members from the North also voted with the South, and in favor of the infant West; proving then, as now, and as it always has been, that the West has

true supporters of her rights and interests – unhappily not enough of them – in that quarter of the Union from which the measures have originated that several times threatened to be fatal to her."

Still enlarging its circle, but as yet still confined to the sale and disposition of the public lands, the debate went on to discuss the propriety of selling them to settlers at auction prices, and at an arbitrary minimum for all qualities, and a refusal of donations; and in this hard policy the North was again considered as the exacting part of the Union – the South as the favorer of liberal terms, and the generous dispenser of gratuitous grants to the settlers in the new States and Territories. On this point, Mr. Hayne, of South Carolina, thus expressed himself:

"The payment of 'a penny,' or a 'pepper corn,' was the stipulated price which our fathers along the whole Atlantic coast, now composing the old thirteen States, paid for their lands; and even when conditions, seemingly more substantial, were annexed to the grants; such for instance as 'settlement and cultivation;' these were considered as substantially complied with, by the cutting down a few trees and erecting a log cabin – the work of only a few days. Even these conditions very soon came to be considered as merely nominal, and were never required to be pursued, in order to vest in the grantee the fee simple of the soil. Such was the system under which this country was originally settled, and under which the thirteen colonies flourished and grew up to that early and vigorous manhood, which enabled them

in a few years to achieve their independence; and I beg gentlemen to recollect, and note the fact, that, while they paid substantially nothing to the mother country, the whole profits of their industry were suffered to remain in their own hands. Now, what, let us inquire, was the reason which has induced all nations to adopt this system in the settlement of new countries? Can it be any other than this; that it affords the only certain means of building up in a wilderness, great and prosperous communities? Was not that policy founded on the universal belief, that the conquest of a new country, the driving out "the savage beasts and still more savage men," cutting down and subduing the forest, and encountering all the hardships and privations necessarily incident to the conversion of the wilderness into cultivated fields, was worth the fee simple of the soil? And was it not believed that the mother country found ample remuneration for the value of the land so granted, in the additions to her power and the new sources of commerce and of wealth, furnished by prosperous and populous States? Now, sir, I submit to the candid consideration of gentlemen, whether the policy so diametrically opposite to this, which has been invariably pursued by the United States towards the new States in the West has been quite so just and liberal, as we have been accustomed to believe. Certain it is, that the British colonies to the north of us, and the Spanish and French to the south and west, have been fostered and reared up under a very different system. Lands, which had been for fifty or a hundred years open to every settler, without any charge beyond the expense of the survey, were, the

moment they fell into the hands of the United States, held up for sale at the highest price that a public auction, at the most favorable seasons, and not unfrequently a spirit of the wildest competition, could produce; with a limitation that they should never be sold below a certain minimum price; thus making it, as it would seem, the cardinal point of our policy, not to settle the country, and facilitate the formation of new States, but to fill our coffers by coining our lands into gold."

The debate was taking a turn which was foreign to the expectations of the mover of the resolution, and which, in leading to sectional criminations, would only inflame feelings without leading to any practical result. Mr. Webster saw this; and to get rid of the whole subject, moved its indefinite postponement; but in arguing his motion he delivered a speech which introduced new topics, and greatly enlarged the scope, and extended the length of the debate which he proposed to terminate. One of these new topics referred to the authorship, and the merit of passing the famous ordinance of 1787, for the government of the Northwestern Territory, and especially in relation to the antislavery clause which that ordinance contained. Mr. Webster claimed the merit of this authorship for Mr. Nathan Dane – an eminent jurist of Massachusetts, and avowed that "*it was carried by the North, and by the North alone*." I replied, claiming the authorship for Mr. Jefferson, and showing from the Journals that he (Mr. Jefferson) brought the measure into Congress in the year 1784 (the 19th of April of that year), as chairman

of a committee, with the antislavery clause in it, which Mr. Speight, of North Carolina, moved to strike out; and it was struck out – the three Southern States present voting for the striking out, because the clause did not then contain the provision in favor of the recovery of fugitive slaves, which was afterwards ingrafted upon it. Mr. Webster says it was struck out because "nine States" did not vote for its retention. That is an error arising from confounding the powers of the confederation. Nine States were only required to concur in measures of the highest import, as declaring war, making peace, negotiating treaties, &c., – and in all ordinary legislation the concurrence of a bare majority (seven) was sufficient; and in this case there were only six States voting for the retention, New Jersey being erroneously counted by Mr. Webster to make seven. If she had voted the number would have been seven, and the clause would have stood. He was led into the error by seeing the name of Mr. Dick appearing in the call for New Jersey; but New Jersey was not present as a State, being represented by only one member, and it requiring two to constitute the presence of a State. Mr. Dick was indulged with putting his name on the Journal, but his vote was not counted. Mr. Webster says the ordinance reported by Mr. Jefferson in 1784 did not pass into a law. This is a mistake again. It did pass; and that within five days after the antislavery clause was struck out – and that without any attempt to renew that clause, although the competent number (seven) of non-slaveholding States were present – the colleague of Mr. Dick having joined him, and

constituted the presence of New Jersey. Two years afterwards, in July 1787, the ordinance was passed over again, as it now stands, and was pre-eminently the work of the South. The ordinance, as it now stands, was reported by a committee of five members, of whom three were from slaveholding States, and two (and one of them the chairman) were from Virginia alone. It received its first reading the day it was reported – its second reading the next day, when one other State had appeared – the third reading on the day ensuing; going through all the forms of legislation, and becoming a law in three days – receiving the votes of the eight States present, and the vote of every member of each State, except one; and that one from a free State north of the Potomac. These details I verified by producing the Journals, and showed under the dates of July 11th, 1787, and July 12th and 13th, the votes actually given for the ordinance. The same vote repealed the ordinance (Mr. Jefferson's) of 1784. I read in the Senate the passages from the Journal of the Congress of the confederation, the passages which showed these votes, and incorporated into the speech which I published, the extract from the Journal which I produced; and now incorporate the same in this work, that the authorship of that ordinance of 1787, and its passage through the old Congress, may be known in all time to come as the indisputable work, both in its conception and consummation, of the South. This is the extract:

THE JOURNAL

Wednesday, July 11th, 1787

"Congress assembled: Present, the seven States above mentioned." (Massachusetts, New York, New Jersey, Virginia, North Carolina, South Carolina, and Georgia – 7.)

"The Committee, consisting of Mr. Carrington (of Virginia), Mr. Dane (of Massachusetts), Mr. R. H. Lee (of Virginia), Mr. Kean (of South Carolina), and Mr. Smith (of New York), to whom was referred the report of a committee touching the temporary government of the Western Territory, reported an ordinance for the government of the Territory of the United States northwest of the river Ohio; which was read a first time.

"Ordered, That to-morrow be assigned for the second reading."

"Thursday, July 12th, 1787

"Congress assembled: Present, Massachusetts, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, and Georgia – (8.)

"According to order, the ordinance for the government of the

Territory of the United States northwest of the river Ohio, was read a second time.

"Ordered, That to-morrow be assigned for the third reading of said ordinance."

"Friday, July 13th, 1787

"Congress assembled: Present, as yesterday.

"According to order, the ordinance for the government of the Territory of the United States northwest of the river Ohio, was read a third time, and passed as follows."

[Here follows the whole ordinance, in the very words in which it now appears among the laws of the United States, with the non-slavery clause, the provisions in favor of schools and education, against impairing the obligation of contracts, laying the foundation and security of all these stipulations in compact, in favor of restoring fugitives from service, and repealing the ordinance of 23d of April, 1784 – the one reported by Mr. Jefferson.]

"On passing the above ordinance, the yeas and nays being required by Mr. Yates:

Massachusetts– Mr. Holten, aye; Mr. Dane, aye.

New York– Mr. Smith, aye; Mr. Yates, no; Mr. Harring, aye.

New Jersey– Mr. Clarke, aye; Mr. Scheurman, aye.

Delaware– Mr. Kearney, aye; Mr. Mitchell, aye.

Virginia – Mr. Grayson, aye; Mr. R. H. Lee, aye; Mr.

Carrington, aye.

North Carolina– Mr. Blount, aye; Mr. Hawkins, aye.

South Carolina– Mr. Kean, aye; Mr. Huger, aye.

Georgia– Mr. Few, aye; Mr. Pierce, aye.

So it was resolved in the affirmative." (Page 754, volume 4.)

The bare reading of these passages from the Journals of the Congress of the old confederation, shows how erroneous Mr. Webster was in these portions of his speech:

> "At the foundation of the constitution of these new northwestern States, we are accustomed, sir, to praise the lawgivers of antiquity; we help to perpetuate the fame of Solon and Lycurgus; but I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character, than the ordinance of '87. That instrument, was drawn by Nathan Dane, then, and now, a citizen of Massachusetts. It was adopted, as I think I have understood, without the slightest alteration; and certainly it has happened to few men to be the authors of a political measure of more large and enduring consequence. It fixed, for ever, the character of the population in the vast regions northwest of the Ohio, by excluding from them involuntary servitude. It impressed on the soil itself, while it was yet a wilderness, an incapacity to bear up any other than free men. It laid the interdict against personal servitude, in original compact, not only deeper than all local law, but deeper, also, than all local constitutions. Under the circumstances then existing, I look upon this original and seasonable provision, as a real good

attained. We see its consequences at this moment, and we shall never cease to see them, perhaps, while the Ohio shall flow. It was a great and salutary measure of prevention. Sir, I should fear the rebuke of no intelligent gentleman of Kentucky, were I to ask whether if such an ordinance could have been applied to his own State, while it yet was a wilderness, and before Boon had passed the gap of the Alleghany, he does not suppose it would have contributed to the ultimate greatness of that commonwealth? It is, at any rate, not to be doubted, that where it did apply it has produced an effect not easily to be described, or measured in the growth of the States, and the extent and increase of their population. Now, sir, this great measure again was carried by the north, and by the north alone. There were, indeed, individuals elsewhere favorable to it; but it was supported as a measure, entirely by the votes of the northern States. If New England had been governed by the narrow and selfish views now ascribed to her, this very measure was, of all others, the best calculated to thwart her purposes. It was, of all things, the very means of rendering certain a vast emigration from her own population to the west. She looked to that consequence only to disregard it. She deemed the regulation a most useful one to the States that would spring up on the territory, and advantageous to the country at large. She adhered to the principle of it perseveringly, year after year, until it was finally accomplished.

"An attempt has been made to transfer, from the North to the South, the honor of this exclusion of slavery from the northwestern territory. The journal, without argument

or comment, refutes such attempt. The cession by Virginia was made, March, 1784. On the 19th of April following, a committee, consisting of Messrs. Jefferson, Chase, and Howell, reported a plan for a temporary government of the territory, in which was this article: 'that, after the year 1800, there shall be neither slavery, nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been convicted.' Mr. Speight, of North Carolina, moved to strike out this paragraph. The question was put, according to the form then practised: 'Shall these words stand, as part of the plan,' &c.? New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania – seven States, voted in the affirmative. Maryland, Virginia, and South Carolina, in the negative. North Carolina was divided. As the consent of nine States was necessary, the words could not stand, and were struck out accordingly. Mr. Jefferson voted for the clause, but was overruled by his colleagues.

"In March, the next year [1785], Mr. King of Massachusetts, seconded by Mr. Ellery of Rhode Island, proposed the formerly rejected article, with this addition: '*And that this regulation shall be an article of compact, and remain a fundamental principle of the constitutions between the thirteen original States, and each of the States described in the resolve*,' &c. On this clause, which provided the adequate and thorough security, the eight northern States at that time voted affirmatively, and the four southern States negatively. The votes of nine States were not yet obtained, and thus,

> the provision was again rejected by the southern States. The perseverance of the north held out, and two years afterwards the object was attained."

This is shown to be all erroneous in relation to this ordinance. It was not first drawn by Mr. Dane, but by Mr. Jefferson, and that nearly two years before Mr. Dane came into Congress. It was not passed by the North alone, but equally by the South – there being but eight States present at the passing, and they equally of the North and the South – and the South voting unanimously for it, both as States and as individual members, while the North had one member against it. It was not baffled two years for the want of nine States; if so, and nine States had been necessary, it would not have been passed when it was, and never by free State votes alone. There were but eight States (both Northern and Southern) present at the passing; and there were not nine free States in the confederacy at that time. There were but thirteen in all: and the half of these, as nearly as thirteen can be divided, were slave States. The fact is, that the South only delayed its vote for the antislavery clause in the ordinance for want of the provision in favor of recovering fugitives from service. As soon as that was added, she took the lead again for the ordinance – a fact which gives great emphasis to the corresponding provision in the constitution.

Mr. Webster was present when I read these extracts, and said nothing. He neither reaffirmed his previous statement, that Mr. Dane was the author of the ordinance, and that "*this great*

measure was carried by the North, and by the North alone." He said nothing; nor did he afterwards correct the errors of his speech: and they now remain in it; and have given occasion to a very authentic newspaper contradiction of his statement, copied, like my statement to the Senate, from the Journals of the old Congress. It was by Edward Coles, Esq., formerly of Virginia, and private secretary to President Madison, afterwards governor of the State of Illinois, and now a citizen of Pennsylvania, resident of Philadelphia. He made his correction through the National Intelligencer, of Washington City; and being drawn from the same sources it agrees entirely with my own. And thus the South is entitled to the credit of originating and passing this great measure – a circumstance to be remembered and quoted, as showing the South at that time in taking the lead in curtailing and restricting the existence of slavery. The cause of Mr. Webster's mistakes may be found in the fact that the ordinance was three times before the old Congress, and once (the third time) in the hands of a committee of which Mr. Dane was a member. It was first reported by a committee of three (April, 1784) of which two were from slave states, (Mr. Jefferson of Virginia and Mr. Chase of Maryland,) Mr. Howard, of Rhode Island; and this, as stated, was nearly two years before Mr. Dane became a member. The antislavery clause was then dropped, there being but six States for it. The next year, the antislavery clause, with some modification, was moved by Mr. Rufus King, and sent as a proposition to a committee: but did not ripen into a law.

Afterwards the whole ordinance was passed as it now stands, upon the report of a committee of six, of whom Mr. Dane was one; but not the chairman.

Closely connected with this question of authorship to which Mr. Webster's remarks give rise, was another which excited some warm discussion – the topic of slavery – and the effect of its existence or non-existence in different States. Kentucky and Ohio were taken for examples, and the superior improvement and population of Ohio were attributed to its exemption from the evils of slavery. This was an excitable subject, and the more so because the wounds of the Missouri controversy, in which the North was the undisputed aggressor, were still tender, and hardly scarred over. Mr. Hayne answered with warmth and resented as a reflection upon the slave States this disadvantageous comparison. I replied to the same topic myself, and said:

> "I was on the subject of slavery, as connected with the Missouri question, when last on the floor. The senator from South Carolina [Mr. Hayne] could see nothing in the question before the Senate, nor in any previous part of the debate, to justify the introduction of that topic. Neither could I. He thought he saw the ghost of the Missouri question brought in among us. So did I. He was astonished at the apparition. I was not: for a close observance of the signs in the West had prepared me for this development from the East. I was well prepared for that invective against slavery, and for that amplification of the blessings of exemption from slavery, exemplified in the condition of Ohio, which

the senator from Massachusetts indulged in, and which the object in view required to be derived from the Northeast. I cut the root of that derivation by reading a passage from the Journals of the old Congress; but this will not prevent the invective and encomium from going forth to do their office; nor obliterate the line which was drawn between the free State of Ohio and the slave State of Kentucky. If the only results of this invective and encomium were to exalt still higher the oratorical fame of the speaker, I should spend not a moment in remarking upon them. But it is not to be forgotten that the terrible Missouri agitation took its rise from the "substance of two speeches" delivered on this floor; and since that time, antislavery speeches, coming from the same political and geographical quarter, are not to be disregarded here. What was said upon that topic was certainly intended for the north side of the Potomac and Ohio; to the people, then, of that division of the Union, I wish to address myself, and to disabuse them of some erroneous impressions. To them I can truly say, that slavery, in the abstract, has but few advocates or defenders in the slave-holding States, and that slavery as it is, an hereditary institution descended upon us from our ancestors, would have fewer advocates among us than it has, if those who have nothing to do with the subject would only let us alone. The sentiment in favor of slavery was much weaker before those intermeddlers began their operations than it is at present. The views of leading men in the North and the South were indisputably the same in the earlier periods of our government. Of this our legislative history contains

the highest proof. The foreign-slave trade was prohibited in Virginia, as soon as the Revolution began. It was one of her first acts of sovereignty. In the convention of that State which adopted the federal constitution, it was an objection to that instrument that it tolerated the African slave-trade for twenty years. Nothing that has appeared since has surpassed the indignant denunciations of this traffic by Patrick Henry, George Mason, and others, in that convention.

"Sir, I regard with admiration, that is to say, with wonder, the sublime morality of those who cannot bear the abstract contemplation of slavery, at the distance of five hundred or a thousand miles off. It is entirely above, that is to say, it affects a vast superiority over the morality of the primitive Christians, the apostles of Christ, and Christ himself. Christ and the apostles appeared in a province of the Roman empire, when that empire was called the Roman world, and that world was filled with slaves. Forty millions was the estimated number, being one-fourth of the whole population. Single individuals held twenty thousand slaves. A freed man, one who had himself been a slave, died the possessor of four thousand – such were the numbers. The rights of the owners over this multitude of human beings was that of life and death, without protection from law or mitigation from public sentiment. The scourge, the cross, the fish-pond, the den of the wild beast, and the arena of the gladiator, was the lot of the slave, upon the slightest expression of the master's will. A law of incredible atrocity made all slaves responsible with their own lives for the life

of their master; it was the law that condemned the whole household of slaves to death, in case of the assassination of the master – a law under which as many as four hundred have been executed at a time. And these slaves were the white people of Europe and of Asia Minor, the Greeks and other nations, from whom the present inhabitants of the world derive the most valuable productions of the human mind. Christ saw all this – the number of the slaves – their hapless condition – and their white color, which was the same with his own; yet he said nothing against slavery; he preached no doctrines which led to insurrection and massacre; none which, in their application to the state of things in our country, would authorize an inferior race of blacks to exterminate that superior race of whites, in whose ranks he himself appeared upon earth. He preached no such doctrines, but those of a contrary tenor, which inculcated the duty of fidelity and obedience on the part of the slave – humanity and kindness on the part of the master. His apostles did the same. St. Paul sent back a runaway slave. Onesimus, to his owner, with a letter of apology and supplication. He was not the man to harbor a runaway, much less to entice him from his master; and, least of all, to excite an insurrection."

This allusion to the Missouri controversy, and invective against the free States for their part in it, brought a reply from Mr. Webster, showing what their conduct had been at the first introduction of the slavery topic in the Congress of the United States, and that they totally refused to interfere between master

and slave in any way whatever. This is what he said:

> "When the present constitution was submitted for the ratification of the people, there were those who imagined that the powers of the government which it proposed to establish might, perhaps, in some possible mode, be exerted in measures tending to the abolition of slavery. This suggestion would, of course, attract much attention in the southern conventions. In that of Virginia, Governor Randolph said:
>
> "'I hope there is none here who, considering the subject in the calm light of philosophy, will make an objection dishonorable to Virginia – that, at the moment they are securing the rights of their citizens, an objection is started, that there is a spark of hope that those unfortunate men now held in bondage may, by the operation of the general government, be made free.'
>
> "At the very first Congress, petitions on the subject were presented, if I mistake not, from different States. The Pennsylvania society for promoting the abolition of slavery, took a lead, and laid before Congress a memorial, praying Congress to promote the abolition by such powers as it possessed. This memorial was referred, in the House of Representatives, to a select committee consisting of Mr. Foster of New Hampshire; Mr. Gerry of Massachusetts, Mr. Huntington of Connecticut; Mr. Lawrence of New-York; Mr. Sinnickson of New Jersey; Mr. Hartley of Pennsylvania, and Mr. Parker of Virginia; all of them, sir, as you will observe, northern men, but the last. This committee made a report, which was committed to a committee of the

whole house, and there considered and discussed on several days; and being amended, although in no material respect, it was made to express three distinct propositions on the subject of slavery and the slave-trade. First, in the words of the constitution, that Congress could not, prior to the year 1808, prohibit the migration or importation of such persons as any of the States, then existing, should think proper to admit. Second, that Congress had authority to restrain the citizens of the United States from carrying on the African slave-trade, for the purpose of supplying foreign countries. On this proposition, our laws against those who engage in that traffic, are founded. The third proposition, and that which bears on the present question, was expressed in the following terms:

"'*Resolved*, That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them in any of the States; it remaining with the several States alone to provide rules and regulations therein, which humanity and true policy may require.'

"This resolution received the sanction of the House of Representatives so early as March, 1790. And now, sir, the honorable member will allow me to remind him, that not only were the select committee who reported the resolution, with a single exception, all northern men, but also that of the members then composing the House of Representatives, a large majority, I believe nearly two thirds, were northern men also.

"The house agreed to insert these resolutions in its journal, and, from that day to this, it has never been

maintained or contended that Congress had any authority to regulate, or interfere with, the condition of slaves in the several States. No northern gentleman, to my knowledge, has moved any such question in either house of Congress.

"The fears of the South, whatever fears they might have entertained, were allayed and quieted by this early decision; and so remained, till they were excited afresh, without cause, but for collateral and indirect purposes. When it became necessary, or was thought so, by some political persons, to find an unvarying ground for the exclusion of northern men from confidence and from lead in the affairs of the republic, then, and not till then, the cry was raised, and the feeling industriously excited, that the influence of northern men in the public councils would endanger the relation of master and slave. For myself I claim no other merit than that this gross and enormous injustice towards the whole North, has not wrought upon me to change my opinions, or my political conduct. I hope I am above violating my principles, even under the smart of injury and false imputations. Unjust suspicions and undeserved reproach, whatever pain I may experience from them, will not induce me, I trust, nevertheless, to overstep the limits of constitutional duty, or to encroach on the rights of others. The domestic slavery of the South I leave where I find it – in the hands of their own governments. It is their affair, not mine. Nor do I complain of the peculiar effect which the magnitude of that population has had in the distribution of power under this federal government. We know, sir, that the representation of the states in the other house is not

equal. We know that great advantage, in that respect, is enjoyed by the slaveholding States; and we know, too, that the intended equivalent for that advantage, that is to say, the imposition of direct taxes in the same ratio, has become merely nominal; the habit of the government being almost invariably to collect its revenues from other sources, and in other modes. Nevertheless, I do not complain: nor would I countenance any movement to alter this arrangement of representation. It is the original bargain, the compact – let it stand: let the advantage of it be fully enjoyed. The Union itself is too full of benefit to be hazarded in propositions for changing its original basis. I go for the constitution as it is, and for the Union as it is. But I am resolved not to submit, in silence, to accusations, either against myself individually, or against the North, wholly unfounded and unjust; accusations which impute to us a disposition to evade the constitutional compact, and to extend the power of the government over the internal laws and domestic condition of the States. All such accusations, wherever and whenever made, all insinuations of the existence of any such purposes, I know, and feel to be groundless and injurious. And we must confide in southern gentlemen themselves; we must trust to those whose integrity of heart and magnanimity of feeling will lead them to a desire to maintain and disseminate truth, and who possess the means of its diffusion with the southern public; we must leave it to them to disabuse that public of its prejudices. But, in the mean time, for my own part, I shall continue to act justly, whether those towards whom justice is exercised, receive it with candor or with contumely."

This is what Mr. Webster said on the subject of slavery; and although it was in reply to an invective of my own, excited by the recent agitation of the Missouri question, I made no answer impugning its correctness; and must add that I never saw any thing in Mr. Webster inconsistent with what he then said; and believe that the same resolves could have been passed in the same way at any time during the thirty years that I was in Congress.

But the topic which became the leading feature of the whole debate; and gave it an interest which cannot die, was that of nullification – the assumed right of a state to annul an act of Congress – then first broached in our national legislature – and in the discussion of which Mr. Webster and Mr. Hayne were the champion speakers on opposite sides – the latter understood to be speaking the sentiments of the Vice-President, Mr. Calhoun. This new turn in the debate was thus brought about: Mr. Hayne, in the sectional nature of the discussion which had grown up, made allusions to the conduct of New England during the war of 1812; and especially to the assemblage known as the Hartford Convention, and to which designs unfriendly to the Union had been attributed. This gave Mr. Webster the rights both of defence and of retaliation; and he found material for the first in the character of the assemblage, and for the second in the public meetings which had taken place in South Carolina on the subject of the tariff – and at which resolves were passed, and propositions adopted significant of resistance to the act; and, consequently, of disloyalty to the Union. He, in his turn, made allusions to

these resolves and propositions, until he drew out Mr. Hayne into their defence, and into an avowal of what has since obtained the current name of "*Nullification*;" although at the time (during the debate) it did not at all strike me as going the length which it afterwards avowed; nor have I ever believed that Mr. Hayne contemplated disunion, in any contingency, as one of its results. In entering upon the argument, Mr. Webster first summed up the doctrine, as he conceived it to be avowed, thus:

> "I understand the honorable gentleman from South Carolina to maintain, that it is a right of the State legislature to interfere, whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.
>
> "I understand him to maintain this right, as a right existing under the constitution; not as a right to overthrow it, on the ground of extreme necessity, such as would justify violent revolution.
>
> "I understand him to maintain an authority, on the part of the States, thus to interfere, for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.
>
> "I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general government, or any branch of it; but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the general government

transcends its power.

> "I understand him to insist that, if the exigency of the case, in the opinion of any State government, require it, such State government may, by its own sovereign authority, annul an act of the general government, which it deems plainly and palpably unconstitutional."

Mr. Hayne, evidently unprepared to admit, or fully deny, the propositions as broadly laid down, had recourse to a statement of his own; and, adopted for that purpose, the third resolve of the Virginia resolutions of the year 1798 – reaffirmed in 1799. He rose immediately and said that, for the purpose of being clearly understood, he would state that his proposition was in the words of the Virginia resolution; and read it —

> "That this Assembly doth explicitly and peremptorily declare, that it views the powers of the federal government as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them."

Thus were the propositions stated, and argued – each speaker

taking his own proposition for his text; which in the end, (and as the Virginia resolutions turned out to be understood in the South Carolina sense) came to be identical. Mr. Webster, at one point, giving to his argument a practical form, and showing what the South Carolina doctrine would have accomplished in New England if it had been acted upon by the Hartford Convention, said:

> "Let me here say, sir, that, if the gentleman's doctrine had been received and acted upon in New England, in the times of the embargo and non-intercourse, we should probably not now have been here. The government would, very likely, have gone to pieces, and crumbled into dust. No stronger case can ever arise than existed under those laws; no States can ever entertain a clearer conviction than the New England States then entertained; and if they had been under the influence of that heresy of opinion, as I must call it which the honorable member espouses, this Union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare, whether, in his opinion, the New England States would have been justified in interfering to break up the embargo system, under the conscientious opinions which they held upon it? Had they a right to annul that law? Does he admit or deny? If that which is thought palpably unconstitutional in South Carolina, justifies that State in arresting the progress of the law, tell me, whether that which was thought palpably unconstitutional also in Massachusetts, would have justified

her in doing the same thing? Sir, I deny the whole doctrine. It has not a foot of ground in the constitution to stand on. No public man of reputation ever advanced it in Massachusetts, in the warmest times, or could maintain himself upon it there at any time."

He argued that the doctrine had no foundation either in the constitution, or in the Virginia resolutions – that the constitution makes the federal government act upon citizens within the States, and not upon the States themselves, as in the old confederation: that within their constitutional limits the laws of Congress were supreme – and that it was treasonable to resist them with force: and that the question of their constitutionality was to be decided by the Supreme Court. On this point, he said:

"The people, then, sir, erected this government. They gave it a constitution; and in that constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States or to the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear as to avoid possibility of doubt; no limitation so precise as to exclude all uncertainty. Who then shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers

of the government? Sir, they have settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole constitution was framed and adopted was, to establish a government that should not be obliged to act through State agency, or depend on State opinion and State discretion. The people had had quite enough of that kind of government under the confederacy. Under that system, the legal action, the application of law to individuals, belonged exclusively to the States. Congress could only recommend; their acts were not of binding force, till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion, and State construction? Sir, if we are, then vain will be our attempt to maintain the constitution under which we sit. But, sir, the people have wisely provided, in the constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are, in the constitution, grants of powers to Congress, and restrictions on these powers. There are, also, prohibitions on the States. Some authority must, therefore, necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The constitution has, itself, pointed out, ordained, and established, that authority. How has it accomplished this great and essential end? By declaring, sir, that 'the constitution, and the laws of the United States made in pursuance thereof, shall be the supreme law of the land, any thing in the constitution or laws of any State to the

contrary notwithstanding.'

"This, sir, was the first great step. By this, the supremacy of the constitution and laws of the United States is declared. The people so will it. No State law is to be valid which comes in conflict with the constitution or any law of the United States. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the constitution itself decides also, by declaring 'that the judicial power shall extend to all cases arising under the constitution and laws of the United States.' These two provisions, sir, cover the whole ground. They are, in truth, the key-stone of the arch. With these, it is a constitution; without them it is a confederacy. In pursuance of these clear and express provisions, Congress established, at its very first session, in the Judicial Act, a mode for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the Supreme Court. It then, sir, became a government. It then had the means of self-protection; and, but for this, it would, in all probability, have been now among things which are past. Having constituted the government, and declared its powers, the people have farther said, that, since somebody must decide on the extent of these powers, the government shall itself decide; subject, always, like other popular governments, to its responsibility to the people. And now, sir, I repeat, how is it that a State legislature acquires any power to interfere? Who or what gives them the right to say to the people, 'we, who are your agents and servants for one purpose, will undertake to decide that your other agents and servants, appointed by

you for another purpose, have transcended the authority you gave them?' The reply would be, I think, not impertinent: who made you judge over another's servants? To their own masters they stand or fall."

With respect to the Virginia resolutions, on which Mr. Hayne relied, Mr. Webster disputed the interpretation put upon them – claimed for them an innocent and justifiable meaning – and exempted Mr. Madison from the suspicion of having penned a resolution asserting the right of a State legislature to annul an act of Congress, and thereby putting it in the power of one State to destroy a form of government which he had just labored so hard to establish. To this effect he said:

"I wish now, sir, to make a remark upon the Virginia resolutions of 1798. I cannot undertake to say how these resolutions were understood by those who passed them. Their language is not a little indefinite. In the case of the exercise, by Congress, of a dangerous power, not granted to them, the resolutions assert the right, on the part of the State, to interfere, and arrest the progress of the evil. This is susceptible of more than one interpretation. It may mean no more than that the States may interfere by complaint and remonstrance; or by proposing to the people an alteration of the federal constitution. This would all be quite unobjectionable; or, it may be, that no more is meant than to assert the general right of revolution, as against all governments, in cases of intolerable oppression. This no one doubts; and this, in my opinion, is all that he who

framed the resolutions could have meant by it: for I shall not readily believe that he (Mr. Madison) was ever of opinion that a State, under the constitution, and in conformity with it, could, upon the ground of her own opinion of its unconstitutionality, however clear and palpable she might think the case, annul a law of Congress, so far as it should operate on herself, by her own legislative power."

Mr. Hayne, on his part, disclaimed all imitation of the Hartford Convention; and gave (as the practical part of his doctrine) the pledge of forcible resistance to any attempt to enforce unconstitutional laws. He said:

"Sir, unkind as my allusion to the Hartford Convention has been considered by its supporters, I apprehend that this disclaimer of the gentleman will be regarded as 'the unkindest cut of all.' When the gentleman spoke of the Carolina conventions of Colleton and Abbeville, let me tell him that he spoke of that which never had existence, except in his own imagination. There have, indeed, been meetings of the people in those districts, composed, sir, of as high-minded and patriotic men as any country can boast; but we have had no 'convention' as yet; and when South Carolina shall resort to such a measure for the redress of her grievances, let me tell the gentleman that, of all the assemblies that have ever been convened in this country, the Hartford Convention is the very last we shall consent to take as an example; nor will it find more favor in our eyes, from being recommended to us by the senator from Massachusetts. Sir, we would scorn to take advantage of

difficulties created by a foreign war, to wring from the federal government a redress even of our grievances. We are standing up for our constitutional rights, in a time of profound peace; but if the country should, unhappily, be involved in a war to-morrow, we should be found flying to the standard of our country – first driving back the common enemy, and then insisting upon the restoration of our rights.

"The gentleman has called upon us to carry out our scheme practically. Now, sir, if I am correct in my view of this matter, then it follows, of course, that the right of a State being established, the federal government is bound to acquiesce in a solemn decision of a State, acting in its sovereign capacity, at least so far as to make an appeal to the people for an amendment to the constitution. This solemn decision of a State (made either through its legislature, or a convention, as may be supposed to be the proper organ of its sovereign will – a point I do not propose now to discuss) binds the federal government, under the highest constitutional obligation, not to resort to any means of coercion against the citizens of the dissenting State. How, then, can any collision ensue between the federal and State governments, unless, indeed, the former should determine to enforce the law by unconstitutional means? What could the federal government do, in such a case? Resort, says the gentleman, to the courts of justice. Now, can any man believe that, in the face of a solemn decision of a State, that an act of Congress is 'a gross, palpable, and deliberate violation of the constitution,' and the interposition of its sovereign authority to protect its

citizens from the usurpation, that juries could be found ready merely to register the decrees of the Congress, wholly regardless of the unconstitutional character of their acts? Will the gentleman contend that juries are to be coerced to find verdicts at the point of the bayonet? And if not, how are the United States to enforce an act solemnly pronounced to be unconstitutional? But, if the attempt should be made to carry such a law into effect, by force, in what would the case differ from an attempt to carry into effect an act nullified by the courts, or to do any other unlawful and unwarrantable act? Suppose Congress should pass an agrarian law, or a law emancipating our slaves, or should commit any other gross violation of our constitutional rights, will any gentleman contend that the decision of every branch of the federal government, in favor of such laws, could prevent the States from declaring them null and void, and protecting their citizens from their operation?

"Sir, if Congress should ever attempt to enforce any such laws, they would put themselves so clearly in the wrong, that no one could doubt the right of the State to exert its protecting power.

"Sir, the gentleman has alluded to that portion of the militia of South Carolina with which I have the honor to be connected, and asked how they would act in the event of the nullification of the tariff law by the State of South Carolina? The tone of the gentleman, on this subject, did not seem to me as respectful as I could have desired. I hope, sir, no imputation was intended."

[Mr. Webster: "Not at all; just the reverse."]

> "Well, sir, the gentleman asks what their leaders would be able to read to them out of Coke upon Littleton, or any other law book, to justify their enterprise? Sir, let me assure the gentleman that, whenever any attempt shall be made from any quarter, to enforce unconstitutional laws, clearly violating our essential rights, our leaders (whoever they may be) will not be found reading black letter from the musty pages of old law books. They will look to the constitution, and when called upon, by the sovereign authority of the State, to preserve and protect the rights secured to them by the charter of their liberties, they will succeed in defending them, or 'perish in the last ditch.'"

I do not pretend to give the arguments of the gentlemen, or even their substance, but merely to state their propositions and their conclusions. For myself, I did not believe in any thing serious in the new interpretation given to the Virginia resolutions – did not believe in any thing practical from nullification – did not believe in forcible resistance to the tariff laws from South Carolina – did not believe in any scheme of disunion – believed, and still believe, in the patriotism of Mr. Hayne: and as he came into the argument on my side in the article of the public lands, so my wishes were with him, and I helped him where I could. Of this desire to help, and disbelief in disunion, I gave proof, in ridiculing, as well as I could, Mr. Webster's fine peroration to liberty and union, and really thought it out of place – a fine piece of rhetoric misplaced, for want of circumstances to justify it. He had concluded thus:

"When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance, rather, behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured, bearing for its motto no such miserable interrogatory as, What is all this worth? Nor those other words of delusion and folly, Liberty first, and Union afterwards; but every where, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart – Liberty *and* Union, now and for ever, one and inseparable!"

These were noble sentiments, oratorically expressed, but too elaborately and too artistically composed for real grief in presence of a great calamity – of which calamity I saw no sign; and therefore deemed it a fit subject for gentle castigation: and essayed it thus:

"I proceed to a different theme. Among the novelties of this debate, is that part of the speech of the senator from Massachusetts which dwells with such elaboration of declamation and ornament, upon the love and blessings of

union – the hatred and horror of disunion. It was a part of the senator's speech which brought into full play the favorite Ciceronian figure of amplification. It was up to the rule in that particular. But, it seemed to me, that there was another rule, and a higher, and a precedent one, which it violated. It was the rule of propriety; that rule which requires the fitness of things to be considered; which requires the time, the place, the subject, and the audience, to be considered; and condemns the delivery of the argument, and all its flowers, if it fails in congruence to these particulars. I thought the essay upon union and disunion had so failed. It came to us when we were not prepared for it; when there was nothing in the Senate, nor in the country to grace its introduction; nothing to give, or to receive, effect to, or from, the impassioned scene that we witnessed. It may be, it was the prophetic cry of the distracted daughter of Priam, breaking into the council, and alarming its tranquil members with vaticinations of the fall of Troy; but to me, it all sounded like the sudden proclamation for an earthquake, when the sun, the earth, the air, announced no such prodigy; when all the elements of nature were at rest, and sweet repose pervading the world. There was a time, and you, and I, and all of us, did see it, sir, when such a speech would have found, in its delivery, every attribute of a just and rigorous propriety! It was at a time, when the five-striped banner was waving over the land of the North! when the Hartford Convention was in session! when the language in the capitol was, "Peaceably, if we can; forcibly, if we must!" when the cry, out of doors, was, "the Potomac the boundary; the

> negro States by themselves! The Alleghanies the boundary; the Western savages by themselves! The Mississippi the boundary, let Missouri be governed by a prefect, or given up as a haunt for wild beasts!" That time was the fit occasion for this speech; and if it had been delivered then, either in the hall of the House of Representatives, or in the den of the Hartford Convention, or in the highway among the bearers and followers of the five-striped banner, what effects must it not have produced! What terror and consternation among the plotters of disunion! But, here, in this loyal and quiet assemblage, in this season of general tranquillity and universal allegiance, the whole performance has lost its effect for want of affinity, connection, or relation, to any subject depending, or sentiment expressed, in the Senate; for want of any application, or reference, to any event impending in the country."

I do not quote this passage for any thing that I now see out of place in that peroration; but for a quite different purpose – for the purpose of showing that I was slow to believe in any design to subvert this Union – that at the time of this great debate (February and March, 1830) I positively discredited it, and publicly proclaimed my incredulity. I did not want to believe it. I repulsed the belief. I pushed aside every circumstance that Mr. Webster relied on, and softened every expression that Mr. Hayne used, and considered him as limiting (practically) his threatened resistance to the tariff act, to the kind of resistance which Virginia made to the alien and sedition laws – which was

an appeal to the reason, judgment and feelings of the other States – and which had its effect in the speedy repeal of those laws. Mr. Calhoun had not then uncovered his position in relation to nullification. I knew that Mr. Webster was speaking at him in all that he said to Mr. Hayne: but I would believe nothing against him except upon his own showing, or undoubted evidence. Although not a favorite statesman with me, I felt admiration for his high intellectual endowments, and respect for the integrity and purity of his private life. Mr. Hayne I cordially loved; and believed, and still believe, in the loyalty of his intentions to the Union. They were both from the South – that sister Carolina, of which the other was my native State, and in both of which I have relatives and hereditary friends – and for which I still have the affections which none but the wicked ever lose for the land of their birth: and I felt as they did in all that relates to the tariff – except their remedy. But enough for the present. The occasion will come, when we arrive at the practical application of the modern nullification doctrine, to vindicate the constitution from the political solecism of containing within itself a suicidal principle, and to vindicate the Virginia resolutions, and their authors (and, in their own language), from the "*anarchical and preposterous*" interpretation which has been put upon their words.

CHAPTER XLV.
REPEAL OF THE SALT TAX

A tax on Salt is an odious measure, hated by all people and in all time, and justly, because being an article of prime necessity, indispensable to man and to beast, and bountifully furnished them by the Giver of all good, the cost should not be burthened, nor the use be stinted by government regulation; and the principles of fair taxation would require it to be spared, because it is an agent, and a great one, in the development of many branches of agricultural and mechanical industry which add to the wealth of the country and produce revenue from the exports and consumption to which they give rise. People hate the salt tax, because they are obliged to have the salt, and cannot evade the tax: governments love the tax for the same reason – because people are obliged to pay it. This would seem to apply to governments despotic or monarchial, and not to those which are representative and popular. But representative governments sometimes have calamities – war for example – when subjects of taxation diminish as need for revenue increases: and then representative governments, like others, must resort to the objects which will supply its necessities. This has twice been the case with the article of salt in the United States. The duty on that article was carried up to a high tax in the *quasi* war with

France (1798), having been small before; and then only imposed as a war measure – to cease as soon as the war was over. But all governments work alike on the imposition and release of taxes – easy to get them on in a time of necessity – hard to get them off when the necessity has passed. So of this first war tax on salt. The "speck of war" with France, visible above the horizon in '98, soon sunk below it; and the sunshine of peace prevailed. In the year 1800 – two years after the duty was raised to its maximum – the countries were on the most friendly terms; but it was not until 1807, and under the whole power of Mr. Jefferson's administration, that this temporary tax was abolished; and with it the whole system of fishing bounties and allowances founded upon it.

In the war of 1812, at the commencement of the war with Great Britain, it was renewed, with its concomitant of fishing bounties and allowances; but still as a temporary measure, limited to the termination of the war which induced it, and one year thereafter. The war terminated in 1815, and the additional year expired in 1816; but before the year was out, the tax was continued, not for a definite period, but without time – on the specious argument that, if a time was fixed, it would be difficult to get it off before the time was out: but if unfixed, it would be easy to get it off at any time: and all agreed that that was to be soon – that a temporary continuance of all the taxes was necessary until the revenue, deranged by the war, should become regular and adequate. It was continued on this specious argument

– and remained in full until General Jackson's administration – and, in part, until this day (1850) – the fishing bounties and allowances in full: and that is the working of all governments in the levy and repeal of taxes. I found the salt tax in full force when I came to the Senate in 1820, strengthened by time, sustained by a manufacturing interest, and by the fishing interest (which made the tax a source of profit in the supposed return of the duty in the shape of bounties and allowances): and by the whole American system; which took the tax into its keeping, as a protection to a branch of home industry. I found efforts being made in each House to suppress this burthen upon a prime necessary of life; and, in the session 1829-'30, delivered a speech in support of the laudable endeavor, of which these are some parts:

> "Mr. Benton commenced his speech, by saying that he was no advocate for unprofitable debate, and had no ambition to add his name to the catalogue of barren orators; but that there were cases in which speaking did good; cases in which moderate abilities produced great results, and he believed the question of repealing the salt tax to be one of those cases. It had certainly been so in England. There the salt tax had been overthrown by the labors of plain men, under circumstances much more unfavorable to their undertaking than exist here. The English salt tax had continued one hundred and fifty years. It was cherished by the ministry, to whom it yielded a million and a half sterling of revenue; it was defended by the domestic salt makers, to whom it gave a monopoly of the home market; it was

consecrated by time, having subsisted for five generations; it was fortified by the habits of the people, who were born, and had grown gray under it; and it was sanctioned by the necessities of the State, which required every resource of rigorous taxation. Yet it was overthrown; and the overthrow was effected by two debates, conducted, not by the orators whose renown has filled the world – not by Sheridan, Burke, Pitt, and Fox – but by plain, business men – Mr. Calcraft, Mr. Curwen, and Mr. Egerton. These patriotic members of the British Parliament commenced the war upon the British salt tax in 1817, and finished it in 1822. They commenced with the omens and auspices all against them, and ended with complete success. They abolished the salt tax *in toto*. They swept it all off, bravely rejecting all compromises when they had got their adversaries half vanquished, and carrying their appeals home to the people, until they had roused a spirit before which the ministry quailed, the monopolizers trembled, the Parliament gave way, and the tax fell. This example is encouraging; it is full of consolation and of hope; it shows what zeal and perseverance can do in a good cause: it shows that the cause of truth and justice is triumphant when its advocates are bold and faithful. It leads to the conviction that the American salt tax will fall as the British tax did, as soon as the people shall see that its continuance is a burthen to them, without adequate advantage to the government, and that its repeal is in their own hands.

"The enormous amount of the tax was the first point to which Mr. B. would direct his attention. He said it was near

three hundred per cent. upon Liverpool blown, and four hundred per cent. upon alum salt; but as the Liverpool was a very inferior salt, and not much used in the West, he would confine his observations to the salt of Portugal and the West Indies, called by the general name of alum. The import price of this salt was from eight to nine cents a bushel of fifty-six pounds each, and the duty upon that bushel was twenty cents. Here was a tax of upwards of two hundred per cent. Then the merchant had his profit upon the duty as well as the cost of the article: and when it went through the hands of several merchants before it got to the consumer, each had his profit upon it; and whenever this profit amounted to fifty per cent. upon the duty, it was upwards of one hundred per cent. upon the salt. Then, the tariff laws have deprived the consumer of thirty-four pounds in the bushel, by substituting weight for measure, and that weight a false one. The true weight of a measured bushel of alum salt is eighty-four pounds; but the British tariff laws, for the sake of multiplying the bushels, and increasing the product of the tax, substituted weight for measure; and our tariff laws copied after them, and adopted their standard of fifty-six pounds to the bushel.

"Mr. B. entered into statistical details, to show the aggregate amount of this tax, which he stated to be enormous, and contrary to every principle of taxation, even if taxes were so necessary as to justify the taxing of salt. He stated the importation of foreign salt, in 1829, at six millions of bushels, round numbers; the value seven hundred and fifteen thousand dollars, and the tax at twenty

cents a bushel, one million two hundred thousand dollars, the merchant's profit upon that duty at fifty per cent. is six hundred thousand dollars; and the secret or hidden tax, in the shape of false weight for true measure, at the rate of thirty pounds in the bushel, was four hundred and fifty thousand dollars. Here, then, is taxation to the amount of about two millions and a quarter of dollars, upon an article costing seven hundred and fifty thousand dollars, and that article one of prime necessity and universal use, ranking next after bread, in the catalogue of articles for human subsistence.

"The distribution of this enormous tax upon the different sections of the Union, was the next object of Mr. B.'s inquiry; and, for this purpose, he viewed the Union under three great divisions – the Northeast, the South, and the West. To the northeast, and especially to some parts of it, he considered the salt tax to be no burthen, but rather a benefit and a money-making business. The fishing allowances and bounties produced this effect. In consideration of the salt duty, the curers and exporters of fish are allowed money out of the treasury, to the amount, as it was intended, of the salt duty paid by them; but it has been proved to be twice as much. The annual allowance is about two hundred and fifty thousand dollars, and the aggregate drawn from the treasury since the first imposition of the salt duty in 1789, is shown by the treasury returns to be five millions of dollars. Much of this is drawn by undue means, as is shown by the report of the Secretary of the Treasury, at the commencement of the present session, page eight of the

annual report on the finances. The Northeast makes much salt at home, and chiefly by solar evaporation, which fits it for curing fish and provisions. Much of it is proved, by the returns of the salt makers, to be used in the fisheries, while the fisheries are drawing money from the treasury under the laws which intended to indemnify them for the duty paid on foreign salt. To this section of the Union, then, the salt tax is not felt as a burthen.

"Let us proceed to the South. In this section there are but few salt works, and no bounties or allowances, as there are no fisheries. The consumers are thrown almost entirely upon the foreign supply, and chiefly use the Liverpool blown. The import price of this is about fifteen cents a bushel; the weight and strength is less than that of alum salt; and the tax falls heavily and directly upon the people, to the whole amount of their consumption. It is a heavy burthen upon the South.

"The West is the last section to be viewed, and it will be found to be the true seat of the most oppressive operations of the salt tax. The domestic supply is high in price, deficient in quantity, and altogether unfit for one of the greatest purposes for which salt is there wanted – curing provisions for exportation. A foreign supply is indispensable, and alum salt is the kind used. The import price of this kind, from the West Indies, is nine cents a bushel; from Portugal, eight cents a bushel. At these prices, the West could be supplied with this salt at New Orleans, if the duty was abolished; but, in consequence of the duty, it costs thirty-seven and a half cents per bushel there, being four times the import price of

the article, and seventy-five cents per bushel at Louisville and other central parts of the valley of the Mississippi. This enormous price, resolved into its component parts, is thus made up: 1. Eight or nine cents a bushel for the salt. 2. Twenty cents for duty. 3. Eight or ten cents for merchant's profit at New Orleans. 4. Sixteen or seventeen cents for freight to Louisville. 5. Fifteen or twenty cents for the second merchant's profit, who counts his per centum on his whole outlay. In all, about seventy-five cents for a bushel of fifty pounds, which, if there was no duty, and the tariff regulations of weight for measure abolished, would be bought in New Orleans, by the measured bushel of eighty pounds weight, for eight or nine cents, and would be brought up the river, by steamboats, at the rate of thirty-three and a third cents per hundred weight. It thus appears that the salt tax falls heaviest upon the West. It is an error to suppose that the South is the greatest sufferer. The West wants it for every purpose the South does, and two great purposes besides – curing provision for export, and salting stock. The West uses alum salt, and on this the duty is heaviest, because the price is lower, and the weight greater. Twenty cents on salt which costs eight or nine cents a bushel is a much heavier duty than on that which costs fifteen cents; and then the deception in the substitution of weight for measure is much greater in alum salt, which weighs so much more than the Liverpool blown. Like the South, the West receives no bounties or allowances on account of the salt duties. This may be fair in the South, where the imported salt is not re-exported upon fish or provisions; but it is unfair in the

West, where the exportation of beef, pork, bacon, cheese, and butter, is prodigious, and the foreign salt re-exported upon the whole of it.

"Mr. B. then argued, with great warmth, that the provision curers and exporters were entitled to the same bounties and allowances with the exporters of fish. The claims of each rested upon the same principle, and upon the principle of all drawbacks – that of a reimbursement of the duty which was paid on the imported salt when re-exported on fish and provisions. The same principle covers the beef and pork of the farmer, which covers the fish of the fisherman; and such was the law in the beginning. The first act of Congress, in the year 1789, which imposed a duty upon salt, allowed a bounty, in lieu of a drawback, on beef and pork exported, as well as fish. The bounty was the same in each case; it was five cents a quintal on dried fish, five cents a barrel on pickled fish, and five on beef and pork. As the duty on salt was increased, the bounties and allowances were increased also. Fish and salted beef and pork fared alike for the first twenty years.

"They fared alike till the revival of the salt tax at the commencement of the late war. Then they parted company; bounties and allowances were continued to the fisheries, and dropped on beef and pork; and this has been the case ever since. The exporters of fish are now drawing at the rate of two hundred and fifty thousand dollars per annum, as a reimbursement for their salt tax; while exporters of provisions draw nothing. The aggregate of the fishing bounties and allowances, actually drawn from the treasury,

exceeds five millions of dollars; while the exporters of provisions, who get nothing, would have been entitled to draw a greater sum; for the export in salted provisions exceeds the value of exported fish.

"Mr. B. could not quit this part of his subject, without endeavoring to fix the attention of the Senate upon the provision trade of the West. He took this trade in its largest sense, as including the export trade of beef, pork, bacon, cheese, and butter, to foreign countries, especially the West Indies; the domestic trade to the Lower Mississippi and the Southern States; the neighborhood trade, as supplying the towns in the upper States, the miners in Missouri and the Upper Mississippi, the army and the navy; and the various professions, which, being otherwise employed, did not raise their own provisions. The amount of this trade, in this comprehensive view, was prodigious, and annually increasing, and involving in its current almost the entire population of the West, either as the growers and makers of the provisions, the curers, exporters, or consumers. The amount could scarcely be ascertained. What was exported from New Orleans was shown to be great; but it was only a fraction of the whole trade. He declared it to be entitled to the favorable consideration of Congress, and that the repeal of the salt duty was the greatest favor, if an act of justice ought to come under the name of favor, which could be rendered it, as the salt was necessary in growing the hogs and cattle, as well as in preparing the beef and pork for market. A reduction in the price of salt, next to a reduction in the price of land, was the greatest blessing which the

federal government could now confer upon the West. Mr. B. referred to the example of England, who favored her provision curers, and permitted them to import alum salt free of duty, for the encouragement of the provision trade, even when her own salt manufacturers were producing an abundant and superfluous supply of common salt. He showed that she did more; that she extended the same relief and encouragement to the Irish; and he read from the British statute book an act of the British Parliament, passed in 1807, entitled 'An act to encourage the export of salted beef and pork from Ireland,' which allowed a bounty of ten pence sterling on every hundred weight of beef and pork so exported, in consideration of the duty paid on the salt which was used in the curing of it. He stated, that, at a later period, the duty had been entirely repealed, and the Irish, in common with other British subjects, allowed a free trade with all the world, in salt; and then demanded, in the most emphatic manner, if the people of the West could not obtain from the American Congress the justice which the oppressed Irish had procured from a British Parliament, composed of hereditary nobles, and filled with representatives of rotten boroughs, and slavish retainers of the king's ministers.

"The 'American system' has taken the salt tax under its shelter and protection. The principles of that system, as I understand them, and practise upon them, are to tax, through the custom-house, the foreign rivals of our own essential productions, when, by that taxation, an adequate supply of the same article, as good and as cheap, can be

made at home. These were the principles of the system (Mr. B. said) when he was initiated, and, if they had changed since, he had not changed with them; and he apprehended a promulgation of the change would produce a schism amongst its followers. Taking these to be the principles of the system, let the salt tax be brought to its test. In the first place, the domestic manufacture had enjoyed all possible protection. The duty was near three hundred per cent. on Liverpool salt, and four hundred upon alum salt; and to this must be added, so far as relates to all the interior manufactories, the protection arising from transportation, frequently equal to two or three hundred per cent. more. This great and excessive protection has been enjoyed, without interruption, for the last eighteen years, and partially for twenty years longer. This surely is time enough for the trial of a manufacture which requires but little skill or experience to carry it on. Now for the results. Have the domestic manufactories produced an adequate supply for the country? They have not; nor half enough. The production of the last year (1829) as shown in the returns to the Secretary of the Treasury, is about five millions of bushels; the importation of foreign salt, for the same period, as shown by the custom-house returns, is five million nine hundred and forty-five thousand five hundred and forty-seven bushels. This shows the consumption to be eleven millions of bushels, of which five are domestic. Here the failure in the essential particular of an adequate supply is more than one half. In the next place, how is it in point of price? Is the domestic article furnished as cheap as the

foreign? Far from it, as already shown, and still further, as can be shown. The price of the domestic, along the coast of the Atlantic States, varies, at the works, from thirty-seven and a half to fifty cents; in the interior, the usual prices, at the works, are from thirty-three and a third cents to one dollar for the bushel of fifty pounds, which can nearly be put into a half bushel measure. The prices of the foreign salt, at the import cities, as shown in the custom-house returns for 1829, are, for the Liverpool blown, about fifteen cents for the bushel of fifty-six pounds; for Turk's Island and other West India salt, about nine cents; for St. Ubes and other Portugal salt, about eight cents; for Spanish salt, Bay of Biscay and Gibraltar, about seven cents; from the Island of Malta, six cents. Leaving out the Liverpool salt, which is made by boiling, and, therefore, contains slack and bittern, a septic ingredient, which promotes putrefaction, and renders that salt unfit for curing provisions, and which is not used in the West, and the average price of the strong, pure, alum salt, made by solar evaporation, in hot climates, is about eight cents to the bushel. Here, then, is another lamentable failure. Instead of being sold as cheap as the foreign, the domestic salt is from four to twelve times the price of alum salt. The last inquiry is as to the quality of the domestic article. Is it as good as the foreign? This is the most essential application of the test: and here again the failure is decisive. The domestic salt will not cure provisions for exportation (the little excepted which is made, in the Northeast, by solar evaporation), nor for consumption in the South, nor for long keeping at the army posts, nor for voyages with the navy.

For all these purposes it is worthless, and useless, and the provisions which are put up in it are lost, or have to be repacked, at a great expense, in alum salt. This fact is well known throughout the West, where too many citizens have paid the penalty of trusting to domestic salt, to be duped or injured by it any longer.

"And here he submitted to the Senate, that the American system, without a gross departure from its original principles, could not cover this duty any longer. It has had the full benefit of that system in high duties, imposed for a long time, on foreign salt; it had not produced an adequate supply for the country, nor half a supply; nor at as cheap a rate, by three hundred or one thousand per cent.; and what it did supply so far from being equal in quantity, could not even be used as a substitute for the great and important business of the provision trade. The amount of so much of that trade as went to foreign countries, Mr. B. showed to be sixty-six thousand barrels of beef, fifty-four thousand barrels of pork, two millions of pounds of bacon, two millions of pounds of butter, and one million of pounds of cheese; and he considered the supply for the army and navy, and for consumption in the South, to exceed the quantity exported.

"It cannot be necessary here to dilate upon the uses of salt. But, in repealing that duty in England, it was thought worthy of notice that salt was necessary to the health, growth, and fattening of hogs, cattle, sheep, and horses; that it was a preservative of hay and clover, and restored moulded and flooded hay to its good and wholesome state,

and made even straw and chaff available as food for cattle. The domestic salt makers need not speak of protection against alum salt. No quantity of duty will keep it out. The people must have it for the provision trade; and the duty upon that kind of salt is a grievous burthen upon them, without being of the least advantage to the salt makers.

"Mr. B. said, there was no argument which could be used here, in favor of continuing this duty, which was not used, and used in vain, in England; and many were used there, of much real force, which cannot be used here. The American system, by name, was not impressed into the service of the tax there, but its doctrines were; and he read a part of the report of the committee on salt duties, in 1817, to prove it. It was the statement of the agent of the British salt manufacturers, Mr. William Horne, who was sworn and examined as a witness. He said: 'I will commence by referring to the evidence I gave upon the subject of rock salt, in order to establish the presumption of the national importance of the salt trade, arising from the large extent of British capital employed in the trade, and the considerable number of persons dependant upon it for support. I, at the same time, stated that the salt trade was in a very depressed state, and that it continued to fall off. I think it cannot be doubted that the salt trade, in common with all staple British manufactures, is entitled to the protection of government; and the British manufacturers of salt consider that, in common with other manufacturers of this country, they are entitled to such protection, in particular from a competition at home with foreign manufacturers; and, in

consequence, they hope to see a prohibitory duty on foreign salt.'

"Such was the petition of the British manufacturers. They urged the amount of their capital, the depressed state of their business, the number of persons dependent upon it for support, the duty of the government to protect it, the necessity for a prohibitory duty on foreign salt, and the fact that they were making more than the country could consume. The ministry backed them with a call for the continuance of the revenue, one million five hundred thousand pounds sterling, derived from the salt tax; and with a threat to lay that amount upon something else, if it was taken off of salt. All would not do. Mr. Calcraft, and his friends, appealed to the rights and interests of the people, as overruling considerations in questions of taxation. They denounced the tax itself as little less than impiety, and an attack upon the goodness and wisdom of God, who had filled the bowels of the earth, and the waves of the sea, with salt for the use and blessing of man, and to whom it was denied, its use clogged and fettered, by odious and abominable taxes. They demanded the whole repeal; and when the ministry and the manufacturers, overpowered by the voice of the people, offered to give up three fourths of the tax, they bravely resisted the proposition, stood out for total repeal, and carried it.

"Mr. B. could not doubt a like result here, and he looked forward, with infinite satisfaction, to the era of a free trade in salt. The first effect of such a trade would be, to reduce the price of alum salt, at the import cities,

to eight or nine cents a bushel. The second effect would be, a return to the measured bushel, by getting rid of the tariff regulation, which substituted weight for measure, and reduced eighty-four pounds to fifty. The third effect would be, to establish a great trade, carried on by barter, between the inhabitants of the United States and the people of the countries which produce alum salt, to the infinite advantage and comfort of both parties. He examined the operation of this barter at New Orleans. He said, this pure and superior salt, made entirely by solar evaporation, came from countries which were deficient in the articles of food, in which the West abounded. It came from the West Indies, from the coasts of Spain and Portugal, and from places in the Mediterranean; all of which are at this time consumers of American provisions, and take from us beef, pork, bacon, rice, corn, corn meal, flour, potatoes, &c. Their salt costs them almost nothing. It is made on the sea beach by the power of the sun, with little care and aid from man. It is brought to the United States as ballast, costing nothing for the transportation across the sea. The duty alone prevents it from coming to the United States in the most unbounded quantity. Remove the duty, and the trade would be prodigious. A bushel of corn is worth more than a sack of salt to the half-starved people to whom the sea and the sun give as much of this salt as they will rake up and pack away. The levee at New Orleans would be covered – the warehouses would be crammed with salt; the barter trade would become extensive and universal, a bushel of corn, or of potatoes, a few pounds of butter, or a few pounds of beef

or pork, would purchase a sack of salt; the steamboats would bring it up for a trifle; and all the upper States of the Great Valley, where salt is so scarce, so dear, and so indispensable for rearing stock and curing provisions, in addition to all its obvious uses, would be cheaply and abundantly supplied with that article. Mr. B. concluded with saying, that, next to the reduction of the price of public lands, and the free use of the earth for labor and cultivation, he considered the abolition of the salt tax, and a free trade in foreign salt, as the greatest blessing which the federal government could now bestow upon the people of the West."

CHAPTER XLVI.
BIRTHDAY OF MR. JEFFERSON, AND THE DOCTRINE OF NULLIFICATION

The anniversary of the birthday of Mr. Jefferson (April 13th) was celebrated this year by a numerous company at Washington City. Among the invited guests present were the President and Vice-President of the United States, three of the Secretaries of departments – Messrs. Van Buren, Eaton and Branch – and the Postmaster-General, Mr. Barry – and numerously attended by members of both Houses of Congress, and by citizens. It was a subscription dinner; and as the paper imported, to do honor to the memory of Mr. Jefferson as the founder of the political school to which the subscribers belonged. In that sense I was a subscriber to the dinner and attended it; and have no doubt that the mass of the subscribers acted under the same feeling. There was a full assemblage when I arrived, and I observed gentlemen standing about in clusters in the ante-rooms, and talking with animation on something apparently serious, and which seemed to engross their thoughts. I soon discovered what it was – that it came from the promulgation of the twenty-four regular toasts, which savored of the new doctrine of nullification; and which,

acting on some previous misgivings, began to spread the feeling, that the dinner was got up to inaugurate that doctrine, and to make Mr. Jefferson its father. Many persons broke off, and refused to attend further; but the company was still numerous, and ardent, as was proved by the number of volunteer votes given – above eighty – in addition to the twenty-four regulars; and the numerous and animated speeches delivered – the report of the whole proceedings filling eleven newspaper columns. When the regular toasts were over, the President was called upon for a volunteer, and gave it – the one which electrified the country, and has become historical: "Our Federal Union: It must be preserved." This brief and simple sentiment, receiving emphasis and interpretation from all the attendant circumstances, and from the feeling which had been spreading since the time of Mr. Webster's speech, was received by the public as a proclamation from the President, to announce a plot against the Union, and to summon the people to its defence. Mr. Calhoun gave the next toast; and it did not at all allay the suspicions which were crowding every bosom. It was this: "The Union: next to our Liberty the most dear: may we all remember that it can only be preserved by respecting the rights of the States, and distributing equally the benefit and burthen of the Union." This toast touched all the tender parts of the new question – liberty *before* union —*only* to be preserved —*State rights*– inequality of *burthens* and *benefits*. These phrases, connecting themselves with Mr. Hayne's speech, and with proceedings and publications in South Carolina,

unveiled NULLIFICATION, as a new and distinct doctrine in the United States, with Mr. Calhoun for its apostle, and a new party in the field of which he was the leader. The proceedings of the day put an end to all doubt about the justice of Mr. Webster's grand peroration, and revealed to the public mind the fact of an actual design tending to dissolve the Union.

Mr. Jefferson was dead at that time, and could not defend himself from the use which the new party made of his name – endeavoring to make him its founder; – and putting words in his mouth for that purpose which he never spoke. He happened to have written in his lifetime, and without the least suspicion of its future great materiality, the facts in relation to his concern in the famous resolutions of Virginia and Kentucky, and which absolve him from the accusation brought against him since his death. He counselled the resolutions of the Virginia General Assembly; and the word nullify, or nullification, is not in them, or any equivalent word: he drew the Kentucky resolutions of 1798: and they are equally destitute of the same phrases. He had nothing to do with the Kentucky resolutions of 1799, in which the word "*nullification*," and as the "rightful remedy," is found; and upon which the South Carolina school relied as their main argument – and from which their doctrine took its name. Well, he had nothing to do with it! and so wrote (as a mere matter of information, and without foreseeing its future use), in a letter to William C. Cabell shortly before his death. This letter is in Volume III., page 429, of his published

correspondence. Thus, he left enough to vindicate himself, without knowing that a vindication would be necessary, and without recurring to the argumentative demonstration of the peaceful and constitutional remedies which the resolutions which he did write, alone contemplated. But he left a friend to stand up for him when he was laid low in his grave – one qualified by his long and intimate association to be his compurgator, and entitled from his character to the absolute credence of all mankind. I speak of Mr. Madison, who, in various letters published in a quarto volume by Mr. J. C. McGuire, of Washington City, has given the proofs which I have already used, and added others equally conclusive. He fully overthrows and justly resents the attempt "*of the nullifiers to make the name of Mr. Jefferson the pedestal of their colossal heresy*." (Page 286: letter to Mr. N. P. Trist.) And he left behind him a State also to come to the rescue of his assailed integrity – his own native State of Virginia – whose legislature almost unanimously, immediately after the attempt to make Mr. Jefferson "*the pedestal of this colossal heresy*," passed resolves repulsing the imputation, and declaring that there was nothing in the Virginia resolutions '98 '99, to support South Carolina in her doctrine of nullification. These testimonies absolve Mr. Jefferson: but the nullifiers killed his birthday celebrations! Instead of being renewed annually, in all time, as his sincere disciples then intended, they have never been heard of since! and the memory of a great man – benefactor of his species – has lost an honor which grateful posterity intended

to pay it, and which the preservation and dissemination of his principles require to be paid.

CHAPTER XLVII.
REGULATION OF COMMERCE

The constitution of the United States gives to Congress the power to regulate commerce with foreign nations. That power has not yet been executed, in the sense intended by the constitution: for the commercial treaties made by the President and the Senate are not the legislative regulation intended in that grant of power; nor are the tariff laws, whether for revenue or protection, any the more so. They all miss the object, and the mode of operating, intended by the constitution in that grant – the true nature of which was explained early in the life of the new federal government by those most competent to do it – Mr. Jefferson, Mr. Madison, and Mr. Wm. Smith of South Carolina, – and in the form most considerate and responsible. Mr. Jefferson, as Secretary of State, in his memorable report "On the restrictions and privileges of the commerce of the United States in foreign countries;" Mr. Madison in his resolutions as a member of the House of Representatives in the year 1793, "For the regulation of our foreign commerce;" and in his speeches in support of his resolutions; and the speeches in reply, chiefly by Mr. William Smith, of South Carolina, speaking (as it was held), the sense of General Hamilton; so that in the speeches and writing of these three early members of our government (not to speak of many

other able men then in the House of Representatives), we have the authentic exposition of the meaning of the clause in question, and of its intended mode of operation: for they all agreed in that view of the subject, though differing about the adoption of a system which would then have borne most heavily upon Great Britain. The plan was defeated at that time, and only by a very small majority (52 to 47), – the defeat effected by the mercantile influence, which favored the British trade, and was averse to any discrimination to her disadvantage, though only intended to coerce her into a commercial treaty – of which we then had none with her. Afterwards the system of treaties was followed up, and protection to our own industry extended incidentally through the clause in the constitution authorizing Congress to "Lay and collect taxes, duties, imports and excises," &c. So that the power granted in the clause, "To regulate commerce with foreign nations," has never yet been exercised by Congress: – a neglect or omission, the more remarkable as, besides the plain and obvious fairness and benefit of the regulation intended, the power conferred by that clause was the potential moving cause of forming the present constitution, and creating the present Union.

The principle of the regulation was to be that of reciprocity – that is, that trade was not to be free on one side, and fettered on the other – that goods were not to be taken from a foreign country, free of duty, or at a low rate, unless that country should take something from us, also free, or at a low rate. And the mode of acting was by discriminating in the imposition of duties

between those which had, and had not, commercial treaties with us – the object to be accomplished by an act of Congress to that effect; which foreign nations might meet either by legislation in their imposition of duties; or, and which is preferable, by treaties of specified and limited duration. My early study of the theory, and the working of our government – so often different, and sometimes opposite – led me to understand the regulation clause in the constitution, and to admire and approve it: and as in the beginning of General Jackson's administration, I foresaw the speedy extinction of the public debt, and the consequent release of great part of our foreign imports from duty, I wished to be ready to derive all the benefit from the event which would result from the double process of receiving many articles free which were then taxed, and of sending abroad many articles free which were now met by heavy taxation. With this view, I brought a bill into the Senate in the session 1829-'30, to revive the policy of Mr. Madison's resolutions of 1793 – without effect then, but without despair of eventual success. And still wishing to see that policy revived, and seeing near at hand a favorable opportunity for it in the approaching extinction of our present public debt – (and I wish I could add, a return to economy in the administration of the government) – and consequent large room for the reduction and abolition of duties, I here produce some passages from the speech I delivered on my bill of 1830, preceded by some passages from Mr. Madison's speech of 1793, in support of his resolutions, and showing his view of their policy and operation – not of

their constitutionality, for of that there was no question: and his complaint was that the identical clause in the constitution which caused the constitution to be framed, had then remained four years without execution. He said:

> "Mr. Madison, after some general observations on the report, entered into a more particular consideration of the subject. He remarked that the commerce of the United States is not, at this day, on that respectable footing to which, from its nature and importance, it is entitled. He recurred to its situation previous to the adoption of the constitution, when conflicting systems prevailed in the different States. The then existing state of things gave rise to that convention of delegates from the different parts of the Union, who met to deliberate on some general principles for the regulation of commerce, which might be conducive, in their operation, to the general welfare, and that such measures should be adopted as would conciliate the friendship and good faith of those countries who were disposed to enter into the nearest commercial connections with us. But what has been the result of the system which has been pursued ever since? What is the present situation of our commerce? From the situation in which we find ourselves after four years' experiment, he observed, that it appeared incumbent on the United States to see whether they could not now take measures promotive of those objects, for which the government was in a great degree instituted. Measures of moderation, firmness and decision, he was persuaded, were now necessary to be adopted,

in order to narrow the sphere of our commerce with those nations who see proper not to meet us on terms of reciprocity.

"Mr. M. took a general view of the probable effects which the adoption of something like the resolutions he had proposed, would produce. They would produce, respecting many articles imported, a competition which would enable countries who did not now supply us with those articles, to do it, and would increase the encouragement on such as we can produce within ourselves. We should also obtain an equitable share in carrying our own produce; we should enter into the field of competition on equal terms, and enjoy the actual benefit of advantages which nature and the spirit of our people entitle us to.

"He adverted to the advantageous situation this country is entitled to stand in, considering the nature of our exports and returns. Our exports are bulky, and therefore must employ much shipping, which might be nearly all our own: our exports are chiefly necessaries of life, or raw materials, the food for the manufacturers of other nations. On the contrary, the chief of what we receive from other countries, we can either do without, or produce substitutes.

"It is in the power of the United States, he conceived, by exerting her natural rights, without violating the rights, or even the equitable pretensions of other nations – by doing no more than most nations do for the protection of their interests, and much less than some, to make her interests respected; for, what we receive from other nations are but luxuries to us, which, if we choose to throw aside, we

could deprive part of the manufacturers of those luxuries, of even bread, if we are forced to the contest of self-denial. This being the case, our country may make her enemies feel the extent of her power. We stand, with respect to the nation exporting those luxuries, in the relation of an opulent individual to the laborer, in producing the superfluities for his accommodation; the former can do without those luxuries, the consumption of which gives bread to the latter.

"He did not propose, or wish that the United States should, at present, go so far in the line which his resolutions point to, as they might go. The extent to which the principles involved in those resolutions should be carried, will depend upon filling up the blanks. To go the very extent of the principle immediately, might be inconvenient. He wished, only, that the Legislature should mark out the ground on which we think we can stand; perhaps it may produce the effect wished for, without unnecessary irritation; we need not at first, go every length.

"Another consideration would induce him, he said, to be moderate in filling up the blanks – not to wound public credit. He did not wish to risk any sensible diminution of the public revenue. He believed that if the blanks were filled with judgment, the diminution of the revenue, from a diminution in the quantity of imports, would be counterbalanced by the increase in the duties.

"The last resolution he had proposed, he said, is, in a manner, distinct from the rest. The nation is bound by the most sacred obligation, he conceived, to protect the rights of its citizens against a violation of them from any quarter; or,

if they cannot protect, they are bound to repay the damage.

"It is a fact authenticated to this House by communications from the Executive, that there are regulations established by some European nations, contrary to the law of nations, by which our property is seized and disposed of in such a way that damages have accrued. We are bound either to obtain reparation for the injustice, or compensate the damage. It is only in the first instance, no doubt, that the burden is to be thrown upon the United States. The proper department of government will, no doubt, take proper steps to obtain redress. The justice of foreign nations will certainly not permit them to deny reparation when the breach of the law of nations evidently appears; at any rate, it is just that the individual should not suffer. He believed the amount of the damages that would come within the meaning of this resolution, would not be very considerable."

Reproducing these views of Mr. Madison, and with a desire to fortify myself with his authority, the better to produce a future practical effect, I now give the extract from my own speech of 1830:

"Mr. Benton said he rose to ask the leave for which he gave notice on Friday last; and in doing so, he meant to avail himself of the parliamentary rule, seldom followed here, but familiar in the place from whence we drew our rules – the British Parliament – and strictly right and proper, when any thing new or unusual is to be proposed, to state the clauses, and make an exposition of the principles of his bill, before

he submitted the formal motion for leave to bring it in.

"The tenor of it is, not to abolish, but to provide for the abolition of duties. This phraseology announces, that something in addition to the statute – some power in addition to that of the legislature, is to be concerned in accomplishing the abolition. Then the duties for abolition are described as unnecessary ones; and under this idea is included the twofold conception, that they are useless, either for the protection of domestic industry, or for supplying the treasury with revenue. The relief of the people from sixteen millions of taxes is based upon the idea of an abolition of twelve millions of duties; the additional four millions being the merchant's profit upon the duty he advances; which profit the people pay as a part of the tax, though the government never receives it. It is the merchant's compensation for advancing the duty, and is the same as his profit upon the goods. The improved condition of the four great branches of national industry is presented as the third object of the bill; and their relative importance, in my estimation, classes itself according to the order of my arrangement. Agriculture, as furnishing the means of subsistence to man, and as the foundation of every thing else, is put foremost; manufactures, as preparing and fitting things for our use, stands second, commerce, as exchanging the superfluities of different countries, comes next; and navigation, as furnishing the chief means of carrying on commerce, closes the list of the four great branches of national industry. Though classed according to their respective importance, neither branch is disparaged.

They are all great interests – all connected – all dependent upon each other – friends in their nature – for a long time friends in fact, under the operations of our government: and only made enemies to each other, as they now are by a course of legislation, which the approaching extinguishment of the public debt presents a fit opportunity for reforming and ameliorating. The title of my bill declares the intention of the bill to improve the condition of each of them. The abolition of sixteen millions of taxes would itself operate a great improvement in the condition of each; but the intention of the bill is not limited to that incidental and consequential improvement, great as it may be; it proposes a positive, direct, visible, tangible, and countable benefit to each; and this I shall prove and demonstrate, not in this brief illustration of the title of my bill, but at the proper places, in the course of the examination into its provisions and exposition of its principles.

"I will now proceed with the bill, reading each section in its order, and making the remarks upon it which are necessary to explain its object and to illustrate its operation."

The First Section

"That, for the term of ten years, from and after the first day of January, in the year 1832, or, as soon thereafter as may be agreed upon between the United States and any foreign power, the duties now payable on the importation

of the following articles, or such of them as may be agreed upon, shall cease and determine, or be reduced, in favor of such countries as shall, by treaty, grant equivalent advantages to the agriculture, manufactures, commerce, and navigation, of the United States.

"This section contains the principle of abolishing duties by the joint act of the legislative and executive departments. The idea of equivalents, which the section also presents, is not new, but has for its sanction high and venerated authority, of which I shall not fail to avail myself. That we ought to have equivalents for abolishing ten or twelve millions of duties on foreign merchandise is most clear. Such an abolition will be an advantage to foreign powers, for which they ought to compensate us, by reducing duties to an equal amount upon our productions. This is what no law, or separate act of our own, can command. Amicable arrangements alone, with foreign powers, can effect it; and to free such arrangements from serious, perhaps insuperable difficulties, it would be necessary first to lay a foundation for them in an act of Congress. This is what my bill proposes to do. It proposes that Congress shall select the articles for abolition of duty, and then leave it to the Executive to extend the provisions of the act to such powers as will grant us equivalent advantages. The articles enumerated for abolition of duty are of kinds not made in the United States, so that my bill presents no ground of alarm or uneasiness to any branch of domestic industry.

"The acquisition of equivalents is a striking feature in the plan which I propose, and for that I have the authority

of him whose opinions will never be invoked in vain, while republican principles have root in our soil. I speak of Mr. Jefferson, and of his report on the commerce and navigation of the United States, in the year '93, an extract from which I will read."

The Extract

"Such being the restrictions on the commerce and navigation of the United States, the question is, in what way they may best be removed, modified, or counteracted?

"As to commerce, two methods occur: 1. By friendly arrangements with the several nations with whom these restrictions exist: or, 2. By the separate act of our own legislatures, for countervailing their effects.

"There can be no doubt, but that, of these two, friendly arrangements is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles, in all parts of the world – could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surplusses, for mutual wants, the greatest mass possible would then be produced, of those things which contribute to human life and human happiness, the numbers of mankind would be increased, and their condition bettered.

"Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin

it with that nation; since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost on commerce, its freedom might be modified in that particular, by mutual and equivalent measures, preserving it entire in all others.

"Some nations, not yet ripe for free commerce, in all its extent, might be willing to mollify its restrictions and regulations, for us, in proportion to the advantages which an intercourse with us might offer. Particularly they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty, by equivalent advantages of another nature. Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessaries of life, or materials for manufacture, or convenient subjects of revenue; and we take in exchange either manufactures, when they have received the last finish of art and industry, or mere luxuries. Such customers may reasonably expect welcome and friendly treatment at every market – customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever, in any line of supply they may get into the habit of calling for from it.

"But, should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce and navigation, by

counter prohibitions, duties, and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations; nor are they likely to produce a relaxation of them."

"The plan which I now propose adopts the idea of equivalents and retaliation to the whole extent recommended by Mr. Jefferson. It differs from his plan in two features: first, in the mode of proceeding, by founding the treaties abroad upon a legislative act at home; secondly, in combining protection with revenue, in selecting articles of exception to the system of free trade. This degree of protection he admitted himself, at a later period of his life. It corresponds with the recommendation of President Washington to Congress, in the year '90, and with that of our present Chief Magistrate, to ourselves, at the commencement of the present session of Congress.

"I will not now stop to dilate upon the benefit which will result to every family from an abolition of duties which will enable them to get all the articles enumerated in my bill for about one third, or one half less, than is now paid for them. Let any one read over the list of articles, and then look to the sum total which he now pays out annually for them, and from that sum deduct near fifty per cent., which is about the average of the duties and merchant's profit included, with which they now come charged to him. This deduction will be his saving under one branch of my plan – the abolition clause. To this must be added the gain under the clause to secure equivalents in foreign markets, and the two being added together, the saving in purchases at home being added

to the gain in sales abroad, will give the true measure of the advantages which my plan presents.

"Let us now see whether the agriculture and manufactures of the United States do not require better markets abroad than they possess at this time. What is the state of these markets? Let facts reply. England imposes a duty of three shillings sterling a pound upon our tobacco, which is ten times its value. She imposes duties equivalent to prohibition on our grain and provisions; and either totally excludes, or enormously taxes, every article, except cotton, that we send to her ports. In France, our tobacco is subject to a royal monopoly, which makes the king the sole purchaser, and subjects the seller to the necessity of taking the price which his agents will give. In Germany, our tobacco, and other articles, are heavily dutied, and liable to a transit duty, in addition, when they have to ascend the Rhine, or other rivers, to penetrate the interior. In the West Indies, which is our great provision market, our beef, pork, and flour, usually pay from eight to ten dollars a barrel: our bacon, from ten to twenty-five cents a pound; live hogs, eight dollars each; corn, cornmeal, lumber, whiskey, fruit, vegetables, and every thing else, in proportion; the duties in the different islands, on an average, equalling or exceeding the value of the articles in the United States. We export about forty-five millions of domestic productions, exclusive of manufactures, annually; and it may be safely assumed that we have to pay near that sum in the shape of duties, for the privilege of selling these exports in foreign markets. So much for agriculture. Our manufactures

are in the same condition. In many branches they have met the home demand, and are going abroad in search of foreign markets. They meet with vexatious restrictions, peremptory exclusions, or oppressive duties, wherever they go. The quantity already exported entitles them to national consideration, in the list of exports. Their aggregate value for 1828 was about five millions of dollars, comprising domestic cottons, to the amount of a million of dollars; soap and candles, to the value of nine hundred thousand dollars; boots, shoes, and saddlery, five hundred thousand dollars; hats, three hundred thousand dollars; cabinet, coach, and other wooden work, six hundred thousand dollars; glass and iron, three hundred thousand dollars; and numerous smaller items. This large amount of manufactures pays their value, in some instances more, for the privilege of being sold abroad; and, what is worse, they are totally excluded from several countries from which we buy largely. Such restrictions and impositions are highly injurious to our manufactures; and it is incontestably true, the amount of exports prove it, that what most of them now need is not more protection at home, but a better market abroad; and it is one of the objects of this bill to obtain such a market for them.

"It appears to me [said Mr. B.] to be a fair and practicable plan, combining the advantages of legislation and negotiation, and avoiding the objections to each. It consults the sense of the people, in leaving it to their Representatives to say on what articles duties shall be abolished for their relief; on what they shall be retained

for protection and revenue; it then secures the advantage of obtaining equivalents, by referring it to the Executive to extend the benefit of the abolition to such nations as shall reciprocate the favor. To such as will not reciprocate, it leaves every thing as it now stands. The success of this plan can hardly be doubted. It addresses itself to the two most powerful passions of the human heart – interest and fear; it applies itself to the strongest principles of human action – profit and loss. For, there is no nation with whom we trade but will be benefited by the increased trade of her staple productions, which will result from a free trade in such productions; none that would not be crippled by the loss of such a trade, which loss would be the immediate effect of rejecting our system. Our position enables us to command the commercial system of the globe; to mould it to our own plan, for the benefit of the world and ourselves. The approaching extinction of the public debt puts it into our power to abolish twelve millions of duties, and to set free more than one-half of our entire commerce. We should not forego, nor lose the advantages of such a position. It occurs but seldom in the life of a nation, and once missed, is irretrievably gone, to the generation, at least, that saw and neglected the golden opportunity. We have complained, and justly, of the burthens upon our exports in foreign countries; a part of our tariff system rests upon the principle of retaliation for the injury thus done us. Retaliation, heretofore, has been our only resource: but reciprocity of injuries is not the way to enrich nations any more than individuals. It is an 'unprofitable contest,'

under every aspect. But the present conjuncture, payment of the public debt, in itself a rare and almost unprecedented occurrence in the history of nations, enables us to enlarge our system; to present a choice of alternatives: one fraught with relief, the other presenting a burthen to foreign nations. The participation, or exclusion, from forty millions of free trade, annually increasing, would not admit of a second thought, in the head of any nation with which we trade. To say nothing of her gains in the participation in such a commerce, what would be her loss in the exclusion from it? How would England, France, or Germany, bear the loss of their linen, silk, or wine trade, with the United States? How could Cuba, St. Domingo, or Brazil, bear the loss of their coffee trade with us? They could not bear it at all. Deep and essential injury, ruin of industry seditions, and bloodshed, and the overthrow of administrations, would be the consequence of such loss. Yet such loss would be inevitable (and not to the few nations, or in the articles only which I have mentioned, for I have put a few instances only by way of example), but to every nation with whom we trade, that would not fall into our system, and throughout the whole list of essential articles to which our abolition extends. Our present heavy duties would continue in force against such nations; they would be abolished in favor of their rivals. We would say to them, in the language of Mr. Jefferson, free trade and navigation is not to be given in exchange for restrictions and vexations! But I feel entire confidence that it would not be necessary to use the language of menace or coercion. Amicable representations,

addressed to their sense of self-interest, would be more agreeable, and not less effectual. The plan cannot fail! It is scarcely within the limits of possibility that it should fail! And if it did, what then? We have lost nothing. We remain as we were. Our present duties are still in force, and Congress can act upon them one or two years hence, in any way they please.

"Here, then, is the peculiar recommendation to my plan, that, while it secures a chance, little short of absolute certainty, of procuring an abolition of twelve millions of duties upon our exports in foreign countries, in return for an abolition of twelve millions of duties upon imports from them, it exposes nothing to risk, the abolition of duty upon the foreign article here being contingent upon the acquisition of the equivalent advantage abroad.

"I close this exposition of the principles of my bill with the single remark, that these treaties for the mutual abolition of duties should be for limited terms, say for seven or ten years, to give room for the modifications which time, and the varying pursuits of industry, may show to be necessary. Upon this idea, the bill is framed, and the period of ten years inserted by way of suggestion and exemplification of the plan. Another feature is too obvious to need a remark, that the time for the commencement of the abolition of duties is left to the Executive, who can accommodate it to the state of the revenue and the extinction of the public debt."

The plan which I proposed in this speech adopted the principle of Mr. Madison's resolutions but reversed their action. The

discrimination which he proposed was a levy of five or ten per cent. *more* on the imports from countries which did not enter into our propositions for reciprocity: my plan, as being the same thing in substance, and less invidious in form, was a levy of five or ten per cent. less on the commerce of the reciprocating nations – thereby holding out an inducement and a benefit, instead of a threat and a penalty.

CHAPTER XLVIII.
ALUM SALT. THE ABOLITION OF THE DUTY UPON IT, AND REPEAL OF THE FISHING BOUNTY AND ALLOWANCES FOUNDED ON IT

I look upon a salt tax as a curse – as something worse than a political blunder, great as that is – as an impiety, in stinting the use, and enhancing the cost by taxation, of an article which God has made necessary to the health and comfort, and almost to the life, of every animated being – the poor dumb animal which can only manifest its wants in mute signs and frantic actions, as well as the rational and speaking man who can thank the Creator for his goodness, and curse the legislator that mars its enjoyment. There is a mystery in salt. It was used in holy sacrifice from the earliest day; and to this time, in the Oriental countries, the stranger lodging in the house, cannot kill or rob while in it, after he has tasted the master's salt. The disciples of Christ were called by their master the salt of the earth. Sacred and profane history abound in instances of people refusing to fight against the kings who had given them salt: and this mysterious deference for an article so essential to man and beast takes it out of the class of ordinary productions, and carries it up close to

those vital elements – bread, water, fire, air – which Providence has made essential to life, and spread every where, that craving nature may find its supply without stint, and without tax. The venerable Mr. Macon considered a salt tax in a sacrilegious point of view – as breaking a sacred law – and fought against ours as long as his public life lasted; and I, his disciple, not disesteemed by him, commenced fighting by his side against the odious imposition; and have continued it since his death, and shall continue it until the tax ceases, or my political life terminates. Many are my speeches, and reports, against it in my senatorial life of thirty years; and among other speeches, one limited to a particular kind of salt not made in the United States, and indispensable to dried or pickled provisions. This is the alum salt, made by solar evaporation out of sea water; and being a kind not produced at home, indispensable and incapable of substitute, it had a legitimate claim to exemption from the canons of the American system. That system protected homemade fire-boiled common salt, because it had a foreign rival: we had no sun-made crystallized salt at home; and therefore had nothing to protect in taxing the foreign article. I had failed – we had all failed – in our attempts to abolish the salt tax generally: I determined to attempt the abolition of the alum salt duty separately; and with it, the fishing bounties and allowances founded upon it: and brought a bill into the Senate to accomplish that object. The fishing bounties and allowances being claimed by some, as a bounty to navigation (in which point of view they would be as

unconstitutional as unjust), I was under the necessity of tracing their origin, as being founded on the idea of a drawback of the duty paid on the salt put upon the exported dried or pickled fish – commencing with the salt tax, and adjusted to the amount of the tax – rising with its increase and falling with its fall – and that, in the beginning allowed to the exportation of pickled beef and pork, to the same degree, and upon the same principle that the bounties and allowances were extended to the fisheries. In the bill introduced for this purpose, I spoke as follows:

> "To spare any senator the supposed necessity of rehearsing me a lecture upon the importance of the fisheries, I will premise that I have some acquaintance with the subject – that I know the fisheries to be valuable, for the food they produce, the commerce they create, the mariners they perfect, the employment they give to artisans in the building of vessels; and the consumption they make of wood, hemp and iron. I also know that the fishermen applied for the bounties, at the commencement of our present form of government, which the British give to their fisheries, for the encouragement of navigation; and that they were denied them upon the report of the then Secretary of State (Mr. Jefferson). I also know that our fishing bounties and allowances go, in no part, to that branch of fishing to which the British give most bounty – whaling – because it is the best school for mariners; and the interests of navigation are their principal object in promoting fishing. No part of our bounties and allowances go to our whale ships, because they do not consume foreign salt on which they have paid

duty, and reclaim it as drawback. I have also read the six dozen acts of Congress, general and particular, passed in the last forty years – from 1789 to 1829 inclusively – giving the bounties and allowances which it is my present purpose to abolish, with the alum salt duty on which all this superstructure of legislative enactment is built up. I say the salt tax, and especially the tax on alum salt (which is the kind required for the fisheries), is the foundation of all these bounties and allowances; and that, as they grew up together, it is fair and regular that they should sink and fall together. I recite a dozen of the acts: thus:

"1. Act of Congress, 1789, grants five cents a barrel on pickled fish and salted provisions, and five cents a quintal on dried fish, exported from the United States, in lieu of a drawback of the duties imposed on the importation of the salt used in curing such fish and provisions.

"N.B. Duty on salt, at that time, six cents a bushel.

"2. Act of 1790 increases the bounty in lieu of drawback to ten cents a barrel on pickled fish and salted provisions, and ten cents a quintal on dried fish. The duty on salt being then raised to twelve cents a bushel.

"3. Act of 1792 repeals the bounty in lieu of drawback on dried fish, and in lieu of that, and as a commutation and equivalent therefor, authorizes an allowance to be paid to vessels in the cod fishery (dried fish) at the rate of one dollar and fifty cents a ton on vessels of twenty to thirty tons; with a limitation of one hundred and seventy dollars for the highest allowance to any vessel.

"4. A supplementary act, of the same year, adds twenty

per cent. to each head of these allowances.

"5. Act of 1797 increases the bounty on salted provisions to eighteen cents a barrel; on pickled fish to twenty-two cents a barrel; and adds thirty-three and a third per cent. to the allowance in favor of the cod-fishing vessels. Duty on salt, at the same time, being raised to twenty cents a bushel.

"6. Act of 1799 increases the bounty on pickled fish to thirty cents a barrel, on salted provisions to twenty-five.

"7. Act of 1800 continues all previous acts (for bounties and allowances) for ten years, and makes this proviso: That these allowances shall not be understood to be continued for a longer time than the correspondent duties on salt, respectively, for which the said additional allowances were granted, shall be payable.

"8. Act of 1807 repeals all laws laying a duty on imported salt, and for paying bounties on the exportation of pickled fish and salted provisions, and making allowances to fishing vessels – Mr. Jefferson being then President.

"9. Act of 1813 gives a bounty of twenty cents a barrel on pickled fish exported, and allows to the cod-fishing vessels at the rate of two dollars and forty cents the ton for vessels between twenty and thirty tons, four dollars a ton for vessels above thirty, with a limitation of two hundred and seventy-two dollars for the highest allowance; and a proviso, that no bounty or allowance should be paid unless it was proved to the satisfaction of the collector that the fish was wholly cured with foreign salt, and the duty on it secured or paid. The salt duty, at the rate of twenty cents a bushel, was revived as a war tax at the same time. Bounties on salted

provisions were omitted.

"10. Act of 1816 continued the act of 1813 in force, which, being for the war only, would otherwise have expired.

"11. Act of 1819 increases the allowance to vessels in the cod fishery to three dollars and fifty cents a ton on vessels from five to thirty; to four dollars a ton on vessels above thirty tons; with a limitation of three hundred and sixty dollars for the maximum allowance.

"12. Act of 1828 authorizes the mackerel fishing vessels to take out licenses like the cod-fishing vessels, under which it is reported by the vigilant Secretary of the Treasury that money is illegally drawn by the mackerel vessels – the newspapers say to the amount of thirty to fifty thousand dollars per annum.

"These recitals of legislative enactments are sufficient to prove that the fishing bounties and allowances are bottomed upon the salt duty, and must stand or fall with that duty. I will now give my reasons for proposing to abolish the duty on alum salt, and will do it in the simplest form of narrative statement; the reasons themselves being of a nature too weighty and obvious to need, or even to admit, of coloring or exaggeration from arts of speech.

"1. Because it is an article of indispensable necessity in the provision trade of the United States. No beef or pork for the army or navy, or for consumption in the South, or for exportation abroad, can be put up except in this kind of salt. If put up in common salt it is rejected absolutely by the commissaries of the army and navy, and if taken to

the South must be repacked in alum salt, at an expense of one dollar and twelve and a half cents a barrel, before it is exported, or sold for domestic consumption. The quantity of provisions which require this salt, and must have it, is prodigious, and annually increasing. The exports of 1828 were, of beef sixty-six thousand barrels, of pork fifty-four thousand barrels, of bacon one million nine hundred thousand pounds weight, butter and cheese two million pounds weight. The value of these articles was two millions and a quarter of dollars. To this amount must be added the supply for the army and navy, and all that was sent to the South for home consumption, every pound of which had to be cured in this kind of salt, for common salt will not cure it. The Western country is the great producer of provisions; and there is scarcely a farmer in the whole extent of that vast region whose interest does not require a prompt repeal of the duty on this description of salt.

"2. Because no salt of this kind is made in the United States, nor any rival to it, or substitute for it. It is a foreign importation, brought from various islands in the West Indies, belonging to England, France, Spain, and Denmark; and from Lisbon, St. Ubes, Gibraltar, the Bay of Biscay, and Liverpool. The principles of the protecting system do not extend to it: for no quantity of protection can produce a home supply. The present duty, which is far beyond the rational limit of protection, has been in force near thirty years, and has not produced a pound. We are still thrown exclusively upon the foreign supply. The principles of the protecting system can only apply to common salt, the

product of which is considerable in the United States; and upon that kind, the present duty is proposed to be left in full force.

"3. Because the duty is enormous, and quadruples the price of the salt to the farmer. The original value of salt is about fifteen cents the measured bushel of eighty-four pounds. But the tariff substitutes weight for measure, and fixes that weight at fifty-six pounds, instead of eighty-four. Upon that fifty-six pounds, a duty of twenty cents is laid. Upon this duty, the retail merchant has his profit of eight or ten cents, and then reduces his bushel from fifty-six to fifty pounds. The consequence of all these operations is, that the farmer pays about three times as much for a weighed bushel of fifty pounds, as he would have paid for a measured bushel of eighty-four pounds, if this duty had never been imposed.

"4. Because the duty is unequal in its operation, and falls heavily on some parts of the community, and produces profit to others. It is a heavy tax on the farmers of the West, who export provisions; and no tax at all, but rather a source of profit, to that branch of the fisheries to which the allowances of the vessels apply. Exporters of provisions have the same claim to these allowances that exporters of fish have. Both claims rest upon the same principle, and upon the principle of all drawbacks, that of refunding the duty paid on the imported salt, which is re-exported on salted fish and provisions. The same principle covers the beef and pork of the farmer which covers the fish of the fisherman; and such was the law, as I have shown, for the first eighteen years that these bounties and allowances were

authorized. Fish and provisions fared alike from 1789 to 1807. Bounties and allowances began upon them together, and fell together, on the repeal of the salt tax, in the second term of Mr. Jefferson's administration. At the renewal of the salt tax, in 1813, at the commencement of the late war, they parted company, and the law, to the exact sense of the proverb, has made fish of one and flesh of the other ever since. The fishing interest is now drawing about two hundred and fifty thousand dollars annually from the treasury; the provision raisers draw not a cent, while they export more than double as much, and ought, upon the same principle, to draw more than double as much money from the treasury.

"5. Because it is the means of drawing an undue amount of money from the public treasury, under the idea of an equivalent for the drawback of duty on the salt used in the curing of fish. The amount of money actually drawn in that way is about four millions seven hundred and fifty thousand dollars, and is now going on at the rate of two hundred and fifty thousand dollars per annum, and constantly augmenting. That this amount is more than the legal idea recognizes, or contemplates, is proved in various ways. 1. By comparing the quantity of salt supposed to have been used, with the quantity of fish known to have been exported, within a given year. This test, for the year 1828, would exhibit about seventy millions of pounds weight of salt on about forty millions of pounds weight of fish. This would suppose about a pound and three quarters of salt upon each pound of fish. 2. By comparing the value of

the salt supposed to have been used, with the value of the fish known to have been exported. This test would give two hundred and forty-eight thousand dollars for the salt duty on about one million of dollars' worth of fish; making the duty one fourth of its value. On this basis, the amount of the duty on the salt used on exported provisions would be near six hundred thousand dollars. 3. By comparing the increasing allowances for salt with the decreasing exportation of fish. This test, for two given periods, the rate of allowance being the same, would produce this result: In the year 1820, three hundred and twenty-one thousand four hundred and nineteen quintals of dried fish exported, and one hundred and ninety-eight thousand seven hundred and twenty-four dollars paid for the commutation of the salt drawback: in 1828, two hundred and sixty-five thousand two hundred and seventeen quintals of dried fish exported, and two hundred and thirty-nine thousand one hundred and forty-five dollars paid for the commutation. These comparisons establish the fact that money is unlawfully drawn from the treasury by means of these fishing allowances, bottomed on the salt duty, and that fact is expressly stated by the Secretary of the Treasury (Mr. Ingham), in his report upon the finances, at the commencement of the present session of Congress. [See page eight of the report.]

"6. Because it has become a practical violation of one of the most equitable clauses in the constitution of the United States – the clause which declares that duties, taxes, and excises, shall be uniform throughout the Union. There is no uniformity in the operation of this tax. Far from it. It

empties the pockets of some, and fills the pockets of others. It returns to some five times as much as they pay, and to others it returns not a cent. It gives to the fishing interest two hundred and fifty thousand dollars per annum, and not a cent to the farming interest, which, upon the same principle, would be entitled to six hundred thousand dollars per annum.

"7. Because this duty now rests upon a false basis – a basis which makes it the interest of one part of the Union to keep it up, while it is the interest of other parts to get rid of it. It is the interest of the West to abolish this duty: it is the interest of the Northeast to perpetuate it. The former loses money by it; the latter makes money by it; and a tax that becomes a money-making business is a solecism of the highest order of absurdity. Yet such is the fact. The treasury records prove it, and it will afford the Northeast a brilliant opportunity to manifest their disinterested affection to the West, by giving up their own profit in this tax, to relieve the West from the burthen it imposes upon her.

"8. Because the repeal of the duty will not materially diminish the revenue, nor delay the extinguishment of the public debt. It is a tax carrying money out of the treasury, as well as bringing it in. The issue is two hundred and fifty thousand dollars, perhaps the full amount which accrues on the kind of salt to which the abolition extends. The duty, and the fishing allowances bottomed upon it, falling together as they did when Mr. Jefferson was President, would probably leave the amount of revenue unaffected.

"9. Because it belongs to an unhappy period in the

history of our government, and came to us, in its present magnitude, in company with an odious and repudiated set of measures. The maximum of twenty cents a bushel on salt was fixed in the year '98, and was the fruit of the same system which produced the alien and sedition laws, the eight per cent. loans, the stamp act, the black cockade, and the standing army in time of peace. It was one of the contrivances of that disastrous period for extorting money from the people, for the support of that strong and splendid government which was then the cherished vision of so many exalted heads. The reforming hand of Jefferson overthrew it, and all the superstructure of fishing allowances which was erected upon it. The exigencies of the late war caused it to be revived for the term of the war, and the interest of some, and the neglect of others, have permitted it to continue ever since. It is now our duty to sink it a second time. We profess to be disciples of the Jeffersonian school; let us act up to our profession, and complete the task which our master set us."

CHAPTER XLIX.
BANK OF THE UNITED STATES

It has been already shown that General Jackson in his first annual message to Congress, called in question both the constitutionality and expediency of the national bank, in a way to show him averse to the institution, and disposed to see the federal government carried on without the aid of such an assistant. In the same message he submitted the question to Congress, that, *if* such an institution is deemed essential to the fiscal operations of the government, 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 country that were expected to result from the present bank. I was not in Washington when this message was prepared, and had had no conversation with the President in relation to a substitute for the national bank, or for the currency which it furnished, and which having a general circulation was better entitled to the character of "national" than the issues of the local or State banks. We knew each other's opinions on the question of a bank itself: but had gone no further. I had never mentioned to him the idea of reviving the gold currency – then, and for twenty years – extinct in the United States: nor had I mentioned to him the idea of

an independent or sub-treasury – that is to say, a government treasury unconnected with any bank – and which was to have the receiving and disbursing of the public moneys. When these ideas were mentioned to him, he took them at once; but it was not until the Bank of the United States should be disposed of that any thing could be done on these two subjects; and on the latter a process had to be gone through in the use of local banks as depositories of the public moneys which required several years to show its issue and inculcate its lesson. Though strong in the confidence of the people, the President was not deemed strong enough to encounter all the banks of all the States at once. Temporizing was indispensable – and even the conciliation of a part of them. Hence the deposit system – or some years' use of local banks as fiscal agents of the government – which gave to the institutions so selected, the invidious appellation of "*pet banks*;" meaning that they were government favorites.

In the mean time the question which the President had submitted to Congress in relation to a government fiscal agent, was seized upon as an admitted design to establish a government bank – stigmatized at once as a "thousand times more dangerous" than an incorporated national bank – and held up to alarm the country. Committees in each House of Congress, and all the public press in the interest of the existing Bank of the United States, took it up in that sense, and vehemently inveighed against it. Under an instruction to the Finance Committee of the Senate, to report upon a plan for a uniform currency, and under a

reference to the Committee of Ways and Means of the House, of that part of the President's message which related to the bank and its currency, most ample, elaborate and argumentative reports were made – wholly repudiating all the suggestions of the President, and sustaining the actual Bank of the United States under every aspect of constitutionality and of expediency: and strongly presenting it for a renewal of its charter. These reports were multiplied without regard to expense, or numbers, in all the varieties of newspaper and pamphlet publication and lauded to the skies for their power and excellence, and triumphant refutation of all the President's opinions. Thus was the "war of the bank" commenced at once, in both Houses of Congress, and in the public press; and openly at the instance of the bank itself, which, forgetting its position as an institution of the government, for the convenience of the government, set itself up for a power, and struggled for a continued existence – in the shape of a new charter – as a question of its own, and almost as a right. It allied itself at the same time to the political party opposed to the President, joined in all their schemes of protective tariff, and national internal improvement: and became the head of the American system. With its moneyed and political power, and numerous interested affiliations, and its control over other banks, brokers and money dealers, it was truly a power, and a great one: and, in answer to a question put by General Smith, of Maryland, chairman of the Finance Committee of the Senate already mentioned (and appended with other questions

and answers to that report), Mr. Biddle, the president, showed a power in the national bank to save, relieve or destroy the local banks, which exhibited it as their absolute master; and, of course able to control them at will. The question was put in a spirit of friendship to the bank, and with a view to enable its president to exhibit the institution as great, just and beneficent. The question was: "*Has the bank at any time oppressed any of the State banks?*" and the answer: "*Never.*" And, as if that was not enough, Mr. Biddle went on to say: "*There are very few banks which might not have been destroyed by an exertion of the power of the bank. None have been injured. Many have been saved. And more have been, and are constantly relieved, when it is found that they are solvent but are suffering under temporary difficulty.*" This was proving entirely too much. A power to injure and destroy – to relieve and to save the thousand banks of all the States and Territories was a power over the business and fortunes of nearly all the people of those States and Territories: and might be used for evil as well as for good; and was a power entirely too large to be trusted to any man, with a heart in his bosom – or to any government, responsible to the people; much less to a corporation without a soul, and irresponsible to heaven or earth. This was a view of the case which the parties to the question had not foreseen; but which was noted at the time; and which, in the progress of the government struggle with the bank, received exemplifications which will be remembered by the generation of that day while memory lasts; and afterwards known as long as history has power

to transmit to posterity the knowledge of national calamities.

CHAPTER L.
REMOVALS FROM OFFICE

I am led to give a particular examination of this head, from the great error into which Tocqueville has fallen in relation to it, and which he has propagated throughout Europe to the prejudice of republican government; and also, because the power itself is not generally understood among ourselves as laid down by Mr. Jefferson; and has been sometimes abused, and by each party, but never to the degree supposed by Mons. de Tocqueville. He says, in his chapter 8 on American democracy: "Mr. Quincy Adams, on his entry into office, discharged the majority of the individuals who had been appointed by his predecessor; and I am not aware that General Jackson allowed a single removable functionary employed in the public service to retain his place beyond the first year which succeeded his election." Of course, all these imputed sweeping removals were intended to be understood to have been made on account of party politics – for difference of political opinion – and not for misconduct, or unfitness for office. To these classes of removal (unfitness and misconduct), there could be no objection: on the contrary, it would have been misconduct in the President not to have removed in such cases. Of political removals, for difference of opinion, then, it only remains to speak; and of those officials appointed by his predecessor, it is

probable that Mr. Adams did not remove one for political cause; and that M. de Tocqueville, with respect to him, is wrong to the whole amount of his assertion.

I was a close observer of Mr. Adams's administration, and belonged to the opposition, which was then keen and powerful, and permitted nothing to escape which could be rightfully (sometimes wrongfully) employed against him; yet I never heard of this accusation, and have no knowledge or recollection at this time of a single instance on which it could be founded. Mr. Adams's administration was not a case, in fact, in which such removals – for difference of political opinion – could occur. They only take place when the presidential election is a revolution of parties; and that was not the case when Mr. Adams succeeded Mr. Monroe. He belonged to the Monroe administration, had occupied the first place in the cabinet during its whole double term of eight years; and of course, stood in concurrence with, and not in opposition to, Mr. Monroe's appointments. Besides, party lines were confused, and nearly obliterated at that time. It was called "the era of good feeling." Mr. Adams was himself an illustration of that feeling. He had been of the federal party – brought early into public life as such – a minister abroad and a senator at home as such; but having divided from his party in giving support to several prominent measures of Mr. Jefferson's administration, he was afterwards several times nominated by Mr. Madison as minister abroad; and on the election of Mr. Monroe he was invited from London to be made his Secretary of

State – where he remained till his own election to the Presidency. There was, then, no case presented to him for political removals; and in fact none such were made by him; so that the accusation of M. de Tocqueville, so far as it applied to Mr. Adams, is wholly erroneous, and inexcusably careless.

With respect to General Jackson, it is about equally so in the main assertion – the assertion that he did not allow a single removable functionary to remain in office beyond the first year after his election. On the contrary, there were entire classes – all those whose functions partook of the judicial – which he never touched. Boards of commissioners for adjudicating land titles; commissioners for adjudicating claims under indemnity treaties; judges of the territorial courts; justices of the District of Columbia; none of these were touched, either in the first or in any subsequent year of his administration, except a solitary judge in one of the territories; and he not for political cause, but on specific complaint, and after taking the written and responsible opinion of the then Attorney General, Mr. Grundy. Of the seventeen diplomatic functionaries abroad, only four (three ministers and one chargé des affaires) were recalled in the first year of his administration. In the departments at Washington, a majority of the incumbents remained opposed to him during his administration. Of the near eight thousand deputy postmasters in the United States, precisely four hundred and ninety-one were removed in the time mentioned by Mons. de Tocqueville, and they for all causes – for every variety of

causes. Of the whole number of removable officials, amounting to many thousands, the totality of removals was about six hundred and ninety and they for all causes. Thus the government archives contradict Mons. de Tocqueville, and vindicate General Jackson's administration from the reproach cast upon it. Yet he came into office under circumstances well calculated to excite him to make removals. In the first place, none of his political friends, though constituting a great majority of the people of the United States, had been appointed to office during the preceding administration; and such an exclusion could not be justified on any consideration. His election was, in some degree, a revolution of parties, or rather a re-establishment of parties on the old line of federal and democratic. It was a change of administration, in which a change of government functionaries, to some extent, became a right and a duty; but still the removals actually made, when political, were not merely for opinions, but for conduct under these opinions; and, unhappily, there was conduct enough in too many officials to justify their removal. A large proportion of them, including all the new appointments, were inimical to General Jackson, and divided against him on the re-establishment of the old party lines; and many of them actively. Mr. Clay, holding the first place in Mr. Adams's cabinet, took the field against him, travelled into different States, declaimed against him at public meetings; and deprecated his election as the greatest of calamities. The subordinates of the government, to a great degree, followed his example, if not in

public speeches, at least in public talk and newspaper articles; and it was notorious that these subordinates were active in the presidental election. It was a great error in them. It changed their position. By their position all administrations were the same to them. Their duties were ministerial, and the same under all Presidents. They were noncombatants. By engaging in the election they became combatant, and subjected themselves to the law of victory and defeat – reward and promotion in one case, loss of place in the other. General Jackson, then, on his accession to the Presidency, was in a new situation with respect to parties, different from that of any President since the time of Mr. Jefferson, whom he took for his model, and whose rule he followed. He made many removals, and for cause, but not so many as not to leave a majority in office against him – even in the executive departments in Washington City.

Mr. Jefferson had early and anxiously studied the question of removals. He was the first President that had occasion to make them, and with him the occasion was urgent. His election was a complete revolution of parties, and when elected, he found himself to be almost the only man of his party in office. The democracy had been totally excluded from federal appointment during the administration of his predecessor; almost all offices were in the hands of his political foes. I recollect to have heard an officer of the army say that there was but one field officer in the service favorable to him. This was the type of the civil service. Justice to himself and his party required this state of things to

be altered; required his friends to have a share proportionate to their numbers in the distribution of office; and required him to have the assistance of his friends in the administration of the government. The four years' limitation law – the law which now vacates within the cycle of every Presidential term the great mass of the offices – was not then in force. Resignations then, as now, were few. Removals were indispensable, and the only question was the principle upon which they should be made. This question, Mr. Jefferson studied anxiously, and under all its aspects of principle and policy, of national and of party duty; and upon consultation with his friends, settled it to his and their satisfaction. The fundamental principle was, that each party was to have a share in the ministerial offices, the control of each branch of the service being in the hands of the administration; that removals were only to be made for cause; and, of course, that there should be inquiry into the truth of imputed delinquencies. "Official misconduct," "personal misconduct," "negligence," "incapacity," "inherent vice in the appointment," "partisan electioneering beyond the fair exercise of the elective franchise;" and where "the heads of some branches of the service were politically opposed to his administration" – these, with Mr. Jefferson, constituted the law of removals, and was so written down by him immediately after his inauguration. Thus, March 7th, 1801 – only four days after his induction into office – he wrote to Mr. Monroe:

> "Some removals, I know, must be made. They must

be as few as possible, done gradually, and bottomed on some malversation, or inherent disqualification. Where we should draw the line between retaining all and none, is not yet settled, and will not be until we get our administration together; and, perhaps, even then we shall proceed *à tatons*, balancing our measures according to the impression we perceive them to make."

On the 23d of March, 1801, being still in the first month of his administration, Mr. Jefferson wrote thus to Gov. Giles, of Virginia:

"Good men, to whom there is no objection but a difference of political opinion, practised on only so far as the right of a private citizen will justify, are not proper subjects of removal, except in the case of attorneys and marshals. The courts being so decidedly federal and irremovable, it is believed that republican attorneys and marshals, being the doors of entrance into the courts, are indispensably necessary as a shield to the republican part of our fellow-citizens; which, I believe, is the main body of the people."

Six days after, he wrote to Elbridge Gerry, afterwards Vice-President, thus:

"Mr. Adams's last appointments, when he knew he was appointing counsellors and aids for me, not for himself, I set aside as fast as depends on me. Officers who have been guilty of gross abuse of office, such as marshals packing juries, &c., I shall now remove, as my predecessors ought

in justice to have done. The instances will be few, and governed by strict rule, and not party passion. The right of opinion shall suffer no invasion from me. Those who have acted well have nothing to fear, however they may have differed from me in opinion: those who have done ill, however, have nothing to hope; nor shall I fail to do justice, lest it should be ascribed to that difference of opinion."

To Mr. Lincoln, his Attorney-General, still writing in the first year of his administration, he says:

"I still think our original idea as to office is best; that is, to depend, for obtaining a just participation, on deaths, resignations and delinquencies. This will least affect the tranquillity of the people, and prevent their giving into the suggestion of our enemies – that ours has been a contest for office, not for principle. This is rather a slow operation, but it is sure, if we pursue it steadily, which, however, has not been done with the undeviating resolution I could have wished. To these means of obtaining a just share in the transaction of the public business, shall be added one more, to wit, removal for electioneering activity, or open and industrious opposition to the principles of the present government, legislative and executive. Every officer of the government may vote at elections according to his conscience; but we should betray the cause committed to our care, were we to permit the influence of official patronage to be used to overthrow that cause. Your present situation will enable you to judge of prominent offenders in your State in the case of the present election. I pray you to

> seek them, to mark them, to be quite sure of your ground, that we may commit no errors or wrongs; and leave the rest to me. I have been urged to remove Mr. Whittemore, the surveyor of Gloucester, on grounds of neglect of duty and industrious opposition; yet no facts are so distinctly charged as to make the step sure which we should take in this. Will you take the trouble to satisfy yourself on the point?"

This was the law of removals as laid down by Mr. Jefferson, and practised upon by him, but not to the extent that his principle required, or that public outcry indicated. He told me himself, not long before his death (Christmas, 1824), that he had never done justice to his own party – had never given them the share of office to which their numbers entitled them – had failed to remove many who deserved it, but who were spared through the intercession of friends and concern for their distressed families. General Jackson acted upon the rule of Mr. Jefferson, but no doubt was often misled into departures from the rule; but never to the extent of giving to the party more than their due proportion of office, according to their numbers. Great clamor was raised against him, and the number of so-called "removals" was swelled by an abuse of the term, every case being proclaimed a "removal," where he refused to reappoint an ex-incumbent whose term had expired under the four years' limitation act. Far from universal removals for opinion's sake, General Jackson, as I have already said, left the majority of his opponents in office, and re-appointed many such whose terms had expired, and who

had approved themselves faithful officers.

Having vindicated General Jackson and Mr. Adams from the reproach of Mons. de Tocqueville, and having shown that it was neither a principle nor a practice of the Jefferson school to remove officers for political opinions, I now feel bound to make the declaration, that the doctrine of that school has been too much departed from of late, and by both parties, and to the great detriment of the right and proper working of the government.

The practice of removals for opinion's sake is becoming too common, and is reducing our presidential elections to what Mr. Jefferson deprecated, "a contest of office instead of principle," and converting the victories of each party, so far as office is concerned, into the political extermination of the other; as it was in Great Britain between the whigs and tories in the bitter contests of one hundred years ago, and when the victor made a "clean sweep" of the vanquished, leaving not a wreck behind. Mr. Macaulay thus describes one of those "sweepings:"

> "A persecution, such as had never been known before, and has never been known since, raged in every public department. Great numbers of humble and laborious clerks were deprived of their bread, not because they had neglected their duties, not because they had taken an active part against the ministry, but merely because they had owed their situations to some (whig) nobleman who was against the peace. The proscription extended to tidewaiters, to doorkeepers. One poor man, to whom a pension had been given for his gallantry in a fight with smugglers, was

> deprived of it because he had been befriended by the (whig) Duke of Grafton. An aged widow, who, on account of her husband's services in the navy, had, many years before, been made housekeeper in a public office, was dismissed from her situation because she was distantly connected by marriage with the (whig) Cavendish family."

This, to be sure, was a tory proscription of whigs, and therefore the less recommendable as an example to either party in the United States, but too much followed by both – to the injury of individuals, the damage of the public service, the corruption of elections, and the degradation of government. De Tocqueville quotes removals as a reproach to our government, and although untrue to the extent he represented, the evil has become worse since, and is true to a sufficient extent to demand reform. The remedy is found in Mr. Jefferson's rule, and in the four years' limitation act which has since been passed; and under which, with removals for cause, and some deaths, and a few resignations, an ample field would be found for new appointments, without the harshness of general and sweeping removals.

I consider "sweeping" removals, as now practised by both parties, a great political evil in our country, injurious to individuals, to the public service, to the purity of elections, and to the harmony and union of the people. Certainly, no individual has a right to an office: no one has an estate or property in a public employment; but when a mere ministerial worker in a subordinate station has learned its duties by experience,

and approved his fidelity by his conduct, it is an injury to the public service to exchange him for a novice, whose only title to the place may be a political badge or a partisan service. It is exchanging experience for inexperience, tried ability for untried, and destroying incentive to good conduct by destroying its reward. To the party displaced it is an injury, having become a proficient in that business, expecting to remain in it during good behavior, and finding it difficult, at an advanced age, and with fixed habits, to begin a new career in some new walk of life. It converts elections into scrambles, for office, and degrades the government into an office for rewards and punishments; and divides the people of the Union into two adverse parties – each in its turn, and as it becomes dominant, to strip and proscribe the other.

Our government is a Union. We want a united *people*, as well as united *States*– united for benefits as well as for burdens, and in feeling as well as in compact; and this cannot be while one half (each in its turn) excludes the other from all share in the administration of the government. Mr. Jefferson's principle is perfect, and reconciled public and private interest with party rights and duties. The party in power is responsible for the well-working of the government, and has a right, and is bound by duty to itself, to place its friends at the head of the different branches of the public service. After that, and in the subordinate places, the opposite party should have its share of employment; and this Mr. Jefferson's principle gives to it. But as there are

offices too subordinate for party proscription, so there are others too elevated and national for it. This is now acknowledged in the army and navy, and formerly was acknowledged in the diplomatic department; and should be again. To foreign nations we should, at least, be one people – an undivided people, and that in peace as well as in war. Mr. Jefferson's principle reached this case, and he acted upon it. His election was not a signal gun, fired for the recall of all the ministers abroad, to be succeeded incontinently by partisans of its own. Mr. Rufus King, the most eminent of the federal ministers abroad, and at the most eminent court of Europe, that of St. James, remained at his post for two years after the revolution of parties in 1800; and until he requested his own recall, treated all the while with respect and confidence, and intrusted with a negotiation which he conducted to its conclusion. Our early diplomatic policy, eschewing all foreign entanglement, rejected the office of "minister resident." That early republican policy would have no permanent representation at foreign courts. The "envoy extraordinary and minister plenipotentiary," called out on an emergent occasion, and to return home as soon as the emergency was over, was the only minister known to our early history; and then the mission was usually a mixed one, composed of both parties. And so it should be again. The present permanent supply and perpetual succession of "envoys extraordinary and ministers plenipotentiary" is a fraud upon the name, and a breach of the old policy of the government, and a hitching on American

diplomacy to the tail of the diplomacy of Europe. It is the actual keeping up of "ministers resident" under a false name, and contrary to a wise and venerable policy; and requires the reform hand of the House of Representatives. But this point will require a chapter of its own, and its elucidation must be adjourned to another and a separate place.

Mons. de Tocqueville was right in the principle of his reproach, wrong in the extent of his application, but would have been less wrong if he had written of events a dozen years later. I deprecate the effect of such sweeping removals at each revolution of parties, and believe it is having a deplorable effect both upon the purity of elections and the distribution of office, and taking both out of the hands of the people, and throwing the management of one and the enjoyment of the other into most unfit hands. I consider it as working a deleterious change in the government, making it what Mr. Jefferson feared: and being a disciple of his school, and believing in the soundness and nationality of the rule which he laid down, I deem it good to recall it solemnly to public recollection – for the profit, and hope, of present and of future times.

CHAPTER LI.
INDIAN SOVEREIGNTIES WITHIN THE STATES

A political movement on the part of some of the southern tribes of Indians, brought up a new question between the States and those Indians, which called for the interposition of the federal government. Though still called Indians, their primitive and equal government had lost its form, and had become an oligarchy, governed chiefly by a few white men, called half-breeds, because there was a tincture of Indian blood in their veins. These, in some instances, set up governments within the States, and claimed sovereignty and dominion within their limits. The States resisted this claim and extended their laws and jurisdiction over them. The federal government was appealed to; and at the commencement of the session of 1829-'30, in his first annual message, President Jackson brought the subject before the two Houses of Congress, thus:

> "The condition and ulterior destiny of the Indian tribes within the limits of some of our States, have become objects of much interest and importance. It has long been the policy of government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with

another, wholly incompatible with its success. Professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands and thrust them further into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust, and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, government has constantly defeated its own policy, and the Indians, in general, receding further and further to the West, have retained their savage habits. A portion, however, of the southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians; which induced the latter to call upon the United States for protection.

"Under these circumstances, the question presented was, whether the general government had a right to sustain those people in their pretensions? The constitution declares, that "no new States shall be formed or erected within the jurisdiction of any other State," without the consent of its legislature. If the general government is not permitted to tolerate the erection of a confederate State within the territory of one of the members of this Union, against her consent, much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the confederacy which eventuated in our federal union, as a sovereign State, always asserting her claim to

certain limits; which, having been originally defined in her colonial charter, and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original States, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision, which allows them less power over the Indians within their borders, than is possessed by Maine or New-York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their State? and, unless they did, would it not be the duty of the general government to support them in resisting such a measure? Would the people of New-York permit each remnant of the Six Nations within her borders, to declare itself an independent people, under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? And if they were so disposed, would it be the duty of this government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this government are reversed; and that it has become a part of its duty to aid in destroying the States which it was established to protect.

"Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama, that their attempt to establish an independent government would not be countenanced by the Executive of the United States; and

advised them to emigrate beyond the Mississippi, or submit to the laws of those States."

Having thus refused to sustain these southern tribes in their attempt to set up independent governments within the States of Alabama and Georgia, and foreseeing an unequal and disagreeable contest between the Indians and the States, the President recommended the passage of an act to enable him to provide for their removal to the west of the Mississippi. It was an old policy, but party spirit now took hold of it, and strenuously resisted the passage of the act. It was one of the closest, and most earnestly contested questions of the session; and finally carried by an inconsiderable majority. The sum of $500,000 was appropriated to defray the expenses of treating with them for an exchange, or sale of territory; and under this act, and with the ample means which it placed at the disposal of the President, the removals were eventually effected; but with great difficulty, chiefly on account of a foreign, or outside influence from politicians and intrusive philanthropists. Georgia was the State where this question took its most serious form. The legislature of the State laid off the Cherokee country into counties, and prepared to exercise her laws within them. The Indians, besides resisting through their political friends in Congress, took counsel and legal advice, with a view to get the question into the Supreme Court of the United States. Mr. Wirt, the late Attorney General of the United States, was retained in their cause, and addressed a communication to the Governor of the State, apprising him of

the fact; and proposing that an "agreed case" should be made up for the decision of the court. Gov. Gilmer declined this proposal, and in his answer gave as the reason why the State had taken the decided step of extending her jurisdiction, that the Cherokee tribe had become merged in its management in the "half breeds," or descendants of white men, who possessed wealth and intelligence, and acting under political and fanatical instigations from without, were disposed to perpetuate their residence within the State, – (the part of them still remaining and refusing to join their half tribe beyond the Mississippi). The governor said: "So long as the Cherokees retained their primitive habits, no disposition was shown by the States under the protection of whose government they resided, to make them subject to their laws. Such policy would have been cruel; because it would have interfered with their habits of life, the enjoyments peculiar to Indian people, and the kind of government which accorded with those habits and enjoyments. It was the power of the whites, and of their children among the Cherokees, that destroyed the ancient laws, customs and authority of the tribe, and subjected the nation to the rule of that most oppressive of governments – an oligarchy. There is nothing surprising in this result. From the character of the people, and the causes operating upon them, it could not have been otherwise. It was this state of things that rendered it obligatory upon Georgia to vindicate the rights of her sovereignty by abolishing all Cherokee government within its limits. Whether of the intelligent, or ignorant class,

the State of Georgia has passed no laws violative of the liberty, personal security, or private property of any Indian. It has been the object of humanity, and wisdom, to separate the two classes (the ignorant, and the informed Indians) among them, giving the rights of citizenship to those who are capable of performing its duties and properly estimating its privileges; and increasing the enjoyment and the probability of future improvement to the ignorant and idle, by removing them to a situation where the inducements to action will be more in accordance with the character of the Cherokee people."

With respect to the foreign interference with this question, by politicians of other States and pseudo philanthropists, the only effect of which was to bring upon subaltern agents the punishment which the laws inflicted upon its violators, the governor said: "It is well known that the extent of the jurisdiction of Georgia, and the policy of removing the Cherokees and other Indians to the west of the Mississippi, have become party questions. It is believed that the Cherokees in Georgia, had determined to unite with that portion of the tribe who had removed to the west of the Mississippi, if the policy of the President was sustained by Congress. To prevent this result, as soon as it became highly probable that the Indian bill would pass, the Cherokees were persuaded that the right of self-government could be secured to them by the power of the Supreme Court of the United States, in defiance of the legislation of the general and State governments. It was not known, however, until the

receipt of your letter, that the spirit of resistance to the laws of the State, and views of the United States, which has of late been evident among the Indians, had in any manner been occasioned by your advice." Mr. Wirt had been professionally employed by the Cherokees to bring their case before the Supreme Court; but as he classed politically with the party, which took sides with the Indians against Georgia, the governor was the less ceremonious, or reserved in his reply to him.

Judge Clayton, in whose circuit the Indian counties fell, at his first charge to the grand jury assured the Indians of protection, warned the intermeddlers of the mischief they were doing, and of the inutility of applying to the Supreme Court. He said: "My other purpose is to apprise the Indians that they are not to be oppressed, as has been sagely foretold: that the same justice which will be meted to the citizen shall be meted to them." With respect to intermeddlers he said: "Meetings have been held in all directions, to express opinions on the conduct of Georgia, and Georgia alone – when her adjoining sister States had lately done precisely the same thing; and which she and they had done, in the rightful exercise of their State sovereignty." The judge even showed that one of these intrusive philanthropists had endeavored to interest European sympathy, in behalf of the Cherokees; and quoted from the address of the reverend Mr. Milner, of New-York, to the Foreign Missionary Society in London: "That if the cause of the negroes in the West Indias was interesting to that auditory – and deeply interesting it ought to be

– if the population in Ireland, groaning beneath the degradation of superstition – excited their sympathies, he trusted the Indians of North America would also be considered as the objects of their Christian regard. He was grieved, however, to state that there were those in America, who acted towards them in a different spirit; and he lamented to say that, at this very moment, the State of Georgia was seeking to subjugate and destroy the liberties both of the Creeks and the Cherokees; the former of whom possessed in Georgia, ten millions of acres of land, and the latter three millions." In this manner European sympathies were sought to be brought to bear upon the question of removal of the Indians – a political and domestic question, long since resolved upon by wise and humane American statesmen – and for the benefit of the Indians themselves, as well as of the States in which they were. If all that the reverend missionary uttered had been true, it would still have been a very improper invocation of European sympathies in an American domestic question, and against a settled governmental policy: but it was not true. The Creeks, with their imputed ten millions of acres, owned not one acre in the State; and had not in five years – not since the treaty of cession in 1825: which shows the recklessness with which the reverend suppliant for foreign sympathy, spoke of the people and States of his own country. The few Cherokees who were there, instead of subjugation and destruction of their liberties, were to be paid a high price for their land, if they chose to join their tribe beyond the Mississippi; and if not, they were to be protected

like the white inhabitants of the counties they lived in. "With respect to the Supreme Court, the judge declared that he should pay no attention to its mandate – holding no writ of error to lie from the Supreme Court of the United States to his State Court – but would execute the sentence of the law, whatever it might be, in defiance of the Supreme Court; and such was the fact. Instigated by foreign interference, and relying upon its protection, one George Tassels, of Indian descent, committed a homicide in resisting the laws of Georgia – was tried for murder – convicted – condemned – and sentenced to be hanged on a given day. A writ of error, to bring the case before itself, was obtained from the Supreme Court of the United States; and it was proposed by the counsel, Mr. Wirt, to try the whole question of the right of Georgia, to exercise jurisdiction over the Indians and Indian country within her limits, by the trial of this writ of error at Washington; and for that purpose, and to save the tedious forms of judicial proceedings, he requested the governor to consent to make up an "agreed case" for the consideration and decision of that high court. This proposition Governor Gilmer declined, in firm but civil terms, saying: "Your suggestion that it would be convenient and satisfactory if yourself, the Indians, and the governor would make up a law case to be submitted to the Supreme Court for the determination of the question, whether the legislature of Georgia has competent authority to pass laws for the government of the Indians residing within its limits, however courteous the manner, and conciliatory the phraseology,

cannot but be considered as exceedingly disrespectful to the government of the State. No one knows better than yourself, that the governor would grossly violate his duty, and exceed his authority, by complying with such a suggestion; and that both the letter and the spirit of the powers conferred by the constitution upon the Supreme Court forbid its adjudging such a case. It is hoped that the efforts of the general government to execute its contract with Georgia (the compact of 1802), to secure the continuance and advance the happiness of the Indian tribes, and to give quiet to the country, may be so effectually successful as to prevent the necessity of any further intercourse upon the subject." And there was no further intercourse. The day for the execution of Tassels came round: he was hanged: and the writ of the Supreme Court was no more heard of. The remaining Cherokees afterwards made their treaty, and removed to the west of the Mississippi; and that was the end of the political, and intrusive philanthropical interference in the domestic policy of Georgia. One Indian hanged, some missionaries imprisoned, the writ of the Supreme Court disregarded, the Indians removed: and the political and pseudo-philanthropic intermeddlers left to the reflection of having done much mischief in assuming to become the defenders and guardians of a race which the humanity of our laws and people were treating with parental kindness.

CHAPTER LII.
VETO ON THE MAYSVILLE ROAD BILL

This was the third veto on the subject of federal internal improvements within the States, and by three different Presidents. The first was by Mr. Madison, on the bill "to set apart, and pledge certain funds for constructing roads and canals, and improving the navigation of watercourses, in order to facilitate, promote, and give security to internal commerce among the several States; and to render more easy and less expensive the means and provisions of the common defence" – a very long title, and even argumentative – as if afraid of the President's veto – which it received in a message with the reasons for disapproving it. The second was that of Mr. Monroe on the Cumberland Road bill, which, with an abstract of his reasons and arguments, has already been given in this View. This third veto on the same subject, and from President Jackson, and at a time when internal improvement by the federal government had become a point of party division, and a part of the American system, and when concerted action on the public mind had created for it a degree of popularity: this third veto under such circumstances was a killing blow to the system – which has shown but little, and only occasional vitality since. Taken together, the three vetoes, and the

three messages sustaining them, and the action of Congress upon them (for in no instance did the House in which they originated pass the bills, or either of them, in opposition to the vetoes), may be considered as embracing all the constitutional reasoning upon the question; and enough to be studied by any one who wishes to make himself master of the subject.

CHAPTER LIII.
RUPTURE BETWEEN PRESIDENT JACKSON, AND VICE-PRESIDENT CALHOUN

With the quarrels of public men history has no concern, except as they enter into public conduct, and influence public events. In such case, and as the cause of such events, these quarrels belong to history, which would be an empty tale, devoid of interest or instruction, without the development of the causes, and consequences of the acts which it narrates. Division among chiefs has always been a cause of mischief to their country; and when so, it is the duty of history to show it. That mischief points the moral of much history, and has been made the subject of the greatest of poems:

> "Achille's wrath, to Greece the direful spring
> Of woes unnumbered – "

About the beginning of March, in the year 1831, a pamphlet appeared in Washington City, issued by Mr. Calhoun, and addressed to the people of the United States, to explain the cause of a difference which had taken place between himself and General Jackson, instigated as the pamphlet alleged by

Mr. Van Buren, and intended to make mischief between the first and second officers of the government, and to effect the political destruction of himself (Mr. Calhoun) for the benefit of the contriver of the quarrel – the then Secretary of State; and indicated as a candidate for the presidential succession upon the termination of General Jackson's service. It was the same pamphlet of which Mr. Duncanson, as heretofore related, had received previous notice from Mr. Duff Green, as being in print in his office, but the publication delayed for the maturing of the measures which were to attend its appearance; namely: the change in the course of the *Telegraph*; its attacks upon General Jackson and Mr. Van Buren; the defence of Mr. Calhoun; and the chorus of the affiliated presses, to be engaged "in getting up the storm which even the popularity of General Jackson could not stand."

The pamphlet was entitled, "Correspondence between General Andrew Jackson and John C. Calhoun, President and Vice-President of the United States, on the subject of the course of the latter in the deliberations of the cabinet of Mr. Monroe on the occurrences of the Seminole war;" and its contents consisted of a prefatory address, and a number of letters, chiefly from Mr. Calhoun himself, and his friends – the General's share of the correspondence being a few brief notes to ascertain if Mr. Crawford's statement was true and, being informed that, substantially, it was, to decline any further correspondence with Mr. Calhoun, and to promise a full public reply when he had the

leisure for the purpose and access to the proofs. His words were: "In your and Mr. Crawford's dispute I have no interest whatever; but it may become necessary for me hereafter, when I shall have more leisure and the documents at hand, to place the subject in its proper light – to notice the historical facts and references in your communication – which will give a very different view to the subject… Understanding you now, no further communication with you on this subject is necessary."… And none further appears from General Jackson.

But the general did what he had intimated he would – drew up a sustained reply, showing the subject in a different light from that in which Mr. Calhoun's letters had presented it; and quoting vouchers for all that he said. The case, as made out in the published pamphlet, stood before the public as that of an intrigue on the part of Mr. Van Buren to supplant a rival – of which the President was the dupe – Mr. Calhoun the victim – and the country the sufferer: and the *modus operandi* of the intrigue was, to dig up the buried proceedings in Mr. Monroe's cabinet, in relation to a proposed court of inquiry on the general (at the instance of Mr. Calhoun), for his alleged, unauthorized, and illegal operations in Florida during the Seminole war. It was this case which the general felt himself bound to confront – and did; and in confronting which he showed that Mr. Calhoun himself was the sole cause of breaking their friendship; and, consequently, the sole cause of all the consequences which resulted from that breach. Up to that time – up to the date of the

discovery of Mr. Calhoun's now admitted part in the proposed measure of the court of inquiry – that gentleman had been the general's *beau ideal* of a statesman and a man – "the noblest work of God," as he publicly expressed it in a toast: against whom he would believe nothing, to whose friends he gave an equal voice in the cabinet, whom he consulted as if a member of his administration; and whom he actually preferred for his successor. This reply to the pamphlet, entitled "*An exposition of Mr. Calhoun's course towards General Jackson*," though written above twenty years ago, and intended for publication, has never before been given to the public. Its publication becomes essential now. It belongs to a dissension between chiefs which has disturbed the harmony, and loosened the foundations of the Union; and of which the view, on one side, was published in pamphlet at the time, registered in the weeklies and annuals, printed in many papers, carried into the Congress debates, especially on the nomination of Mr. Van Buren; and so made a part of the public history of the times – to be used as historical material in after time. The introductory paragraph to the "Exposition" shows that it was intended for immediate publication, but with a feeling of repugnance to the exhibition of the chief magistrate as a newspaper writer: which feeling in the end predominated, and delayed the publication until the expiration of his office – and afterwards, until his death. But it was preserved to fulfil its original purpose, and went in its manuscript form to Mr. Francis P. Blair, the literary legatee of

General Jackson; and by him was turned over to me (with trunks full of other papers) to be used in this Thirty Years' View. It had been previously in the hands of Mr. Amos Kendall, as material for a life of Jackson, which he had begun to write, and was by him made known to Mr. Calhoun, who declined "*furnishing any further information on the subject.*"[3] It is in the fair round-hand writing of a clerk, slightly interlined in the general's hand, the narrative sometimes in the first and sometimes in the third person; vouchers referred to and shown for every allegation; and signed by the general in his own well-known hand. Its matter consists of three parts: 1. The justification of himself, under the law of nations and the treaty with Spain of 1795, for taking military possession of Florida in 1818. 2. The same justification, under the orders of Mr. Monroe and his Secretary at War (Mr. Calhoun). 3. The Statement of Mr. Calhoun's conduct towards him (the general) in all that affair of the Seminole war, and

[3] Mr. Kendall's letter to the author is in these words:"December 29, 1853. – In reply to your note just received, I have to state that, wishing to do exact justice to all men in my Life of General Jackson, I addressed a note to Mr. Calhoun stating to him in substance, that I was in possession of the evidences on which the general based his imputation of duplicity touching his course in Mr. Monroe's cabinet upon the Florida war question, and inquiring whether it was his desire to furnish any further information on the subject, or rest upon that which was already before the public (in his publication). A few days afterwards, the Hon. Dixon H. Lewis told me that Mr. Calhoun had received my letter, and had requested him to ask me what was the nature of the evidences among General Jackson's papers to which I alluded. I stated them to him, as embodied in General Jackson's 'Exposition,' to which you refer. Mr. Lewis afterwards informed me that Mr. Calhoun had concluded to let the matter rest as it was. This is all the answer I ever received from Mr. Calhoun."

in the movements in the cabinet, and in the two Houses of Congress, to which it gave rise. All these parts belong to a life of Jackson, or a history of the Seminole war; but only the two latter come within the scope of this View. To these two parts, then, this publication of the Exposition is confined – omitting the references to the vouchers in the appendix – which having been examined (the essential ones) are found in every particular to sustain the text; and also omitting a separate head of complaint against Mr. Calhoun on account of his representations in relation to South Carolina claims.

"EXPOSITION

"It will be recollected that in my correspondence with Mr. Calhoun which he has published, I engaged, when the documents should be at hand, to give a statement of facts respecting my conduct in the Seminole campaign, which would present it in a very different light from the one in which that gentleman has placed it.

"Although the time I am able to devote to the subject, engrossed as I am in the discharge of my public duties, is entirely inadequate to do it justice, yet from the course pursued by Mr. Calhoun, from the frequent misrepresentations of my conduct on that occasion, from the misapprehension of my motives for entering upon that correspondence, from the solicitations of numerous friends in different parts of the country, and in compliance with that

engagement, I present to my fellow-citizens the following statement, with the documents on which it rests.

"I am aware that there are some among us who deem it unfit that the chief magistrate of this nation should, under any circumstances, appear before the public in this manner, to vindicate his conduct. These opinions or feelings may result from too great fastidiousness, or from a supposed analogy between his station and that of the first magistrate of other countries, of whom it is said they can do no wrong, or they may be well founded. I, however, entertain different opinions on this subject. It seems to me that the course I now take of appealing to the judgment of my fellow-citizens, if not in exact conformity with past usage, at least springs from the spirit of our popular institutions, which requires that the conduct and character of every man, how elevated soever may be his station should be fairly and freely submitted to the discussion and decision of the people. Under this conviction I have acted heretofore, and now act, not wishing this or any other part of my public life to be concealed. I present my whole conduct in connection with the subject of that correspondence in this form to the indulgent but firm and enlightened consideration of my fellow citizens.

[Here follows a justification of Gen. Jackson's conduct under the law of nations, and under the orders to Gen. Gaines, his predecessor in the command.]

"Such was the gradation of orders issued by the government. At first they instructed their general '*not to pass the line*.' He is next instructed to '*exercise a sound*

discretion as to the necessity of crossing the line.' He is then directed to *consider himself 'at liberty to march across the Florida line*,' but to halt, and report to the department in case the Indians '*should shelter themselves under a Spanish fort*.' Finally, after being informed of the atrocious massacre of the men, women and children constituting the party of Lieutenant Scott, they order a new general into the field, and direct him to '*adopt the necessary measures to put an end to the conflict*, without regard to territorial "*lines*," or "*Spanish forts*."' Mr. Calhoun's own understanding of the order issued by him, is forcibly and clearly explained in a letter written by him in reply to the inquiries of Governor Bibb, of Alabama, dated the 13th of May, 1818, in which he says: – '*General Jackson is vested with full power to conduct the war as he may think best.*'

"These orders were received by General Jackson at Nashville, on the night of the 12th January, 1818, and he instantly took measures to carry them into effect.

"In the mean time, however, he had received copies of the orders to General Gaines, to take possession of Amelia Island, and to enter Florida, but halt and report to the department, in case the Indians sheltered themselves under a Spanish fort. Approving the policy of the former, and perceiving in the latter, dangers to the army, and injury to the country, on the 6th of January he addressed a confidential letter to the President, frankly disclosing his views on both subjects. The following is a copy of that letter, viz.: —

"Nashville, 6th Jan., 1818.

"Sir: – a few days since, i received a letter from the Secretary of War, of the 17th ult., with inclosures. Your order of the 19th ult. through him to Brevet Major General Gaines to enter the territory of Spain, and chastise the ruthless savages who have been depredating on the property and lives of our citizens, will meet not only the approbation of your country, but the approbation of heaven. Will you however permit me to suggest the catastrophe that might arise by General Gaines's compliance with the last clause of your order? Suppose the case that the Indians are beaten: they take refuge either in Pensacola or St. Augustine, which open their gates to them: to profit by his victory, General Gaines pursues the fugitives, and has to halt before the garrison until he can communicate with his government. In the mean time the militia grow restless, and he is left to defend himself by the regulars. The enemy, with the aid of their Spanish friends, and Woodbine's British partisans, or, if you please with Aurey's force, attacks him. What may not be the result? Defeat and massacre. Permit me to remark that the arms of the United States must be carried to any point within the limits of East Florida, where an enemy is permitted and protected, or disgrace attends.

"The Executive Government have ordered, and, as I conceive, very properly, Amelia Island to be taken possession of. This order ought to be carried into execution at all hazards, and simultaneously the whole of East Florida seized, and held as an indemnity for the outrages of Spain upon the property of our citizens. This done, it puts all opposition down, secures our citizens a complete indemnity,

and saves us from a war with Great Britain, or some of the continental powers combined with Spain. This can be done without implicating the government. *Let it be signified to me through any channel (say Mr. J. Rhea), that the possession of the Floridas would be desirable to the United States, and in sixty days it will be accomplished.*

"The order being given for the possession of Amelia Island, it ought to be executed, or our enemies, internal and external, will use it to the disadvantage of the government. If our troops enter the territory of Spain in pursuit of our Indian enemy, all opposition that they meet with must be put down, or we will be involved in danger and disgrace.

"I have the honor, &c.

"ANDREW JACKSON.

"James Monroe, *President U. S.*

"The course recommended by General Jackson in this letter relative to the occupation of the Floridas accords with the policy which dictated the secret act of Congress. He recommended no more than the President had a right to do. In consequence of the occupation of Amelia Island by the officers of the Colombian and Mexican governments, and the attempt to occupy the whole province, the President had a right, under the act of Congress, to order General Jackson to take possession of it in the name of the United States. He would have been the more justifiable in doing so, because the inhabitants of the province, the Indian subjects of the King of Spain, whom he was bound not only by the laws of nations, but by treaty to restrain, were in open war with the

United States.

"Mr. Calhoun, the Secretary of War, was the first man who read this letter after its reception at Washington. In a letter from Mr. Monroe to General Jackson, dated 21st December, 1818, published in the Calhoun correspondence, page 44, is the following account of the reception, opening and perusal of this letter, viz.: 'Your letter of January 6th, was received while I was seriously indisposed. Observing that it was from you, I handed it to Mr. Calhoun to read, after reading one or two lines only myself. The order to you to take command in that quarter had before been issued. He remarked after perusing the letter, that it was a confidential one relating to Florida, *which I must answer*.'

"In accordance with the advice of Mr. Calhoun, and availing himself of the suggestion contained in the letter, Mr. Monroe sent for Mr. John Rhea (then a member of Congress), showed him the confidential letter, and requested him to answer it. In conformity with this request Mr. Rhea did answer the letter, and informed General Jackson that the President had shown him the confidential letter, and requested him to state that he approved of its suggestions. This answer was received by the general on the second night he remained at Big Creek, which is four miles in advance of Hartford, Georgia, and before his arrival at Fort Scott, to take command of the troops in that quarter.

"General Jackson had already received orders, vesting him with discretionary powers in relation to the measures necessary to put an end to the war. He had informed the President in his confidential letter, that in his judgment

it was necessary to seize and occupy the whole of Florida. This suggestion had been considered by Mr. Calhoun and the President, and approved. From this confidential correspondence before he entered Florida, it was understood on *both sides*, that under the order received by him he would occupy the whole province, if an occasion to do so should present itself; as Mr. Calhoun wrote to Governor Bibb, he was 'authorized to conduct the war as he thought best;' and how he 'thought best' to conduct it was then made known to the Executive, and approved, before he struck a blow.

"In the approval given by Mr. Monroe upon the advice of Mr. Calhoun to the suggestions of General Jackson, he acted in strict obedience to the laws of his country. By the secret act of Congress, the President was authorized, under circumstances then existing, to seize and occupy all Florida. Orders had been given which were sufficiently general in their terms to cover that object. The confidential correspondence, and private understanding, made them, so far as regarded the parties, as effectually orders *to take and occupy the Province of Florida as if that object had been declared on their face*.

"Under these circumstances General Jackson entered Florida with a *perfect right*, according to international law, and the constitution and laws of his country, to take possession of the whole territory. He was clothed with all the power of the President, and authorized 'to conduct the war as he thought best.' He had orders as general and comprehensive as words could make them:

he had the confidential approbation of the President to his confidential recommendation to seize Florida: and he entered the province with the full knowledge that not only justice and policy but the laws of his country, and the orders of the President as publicly and privately explained and understood, would justify him in expelling every Spanish garrison, and extending the jurisdiction of the United States over every inch of its territory.

"'Nevertheless, General Jackson, from his knowledge of the situation of affairs in Florida, expected to find a justification for himself in the conduct of the Spanish authorities. On the contrary, had he found on entering the province that the agents and officers of Spain, instead of instigating, encouraging and supplying the Indians, had used all the means in their power to prevent and put an end to hostilities, he would not have incurred the responsibility of seizing their fortresses and expelling them from the country. But he wrote to the President, and entered upon the campaign with other expectations, and in these he was not disappointed.

"As he approached St. Marks it was ascertained that it was a place of rendezvous and a source of supply for the Indians. Their councils had been held within its walls: its storehouses were appropriated to their use: they had there obtained supplies of ammunition: there they had found a market for their plunder: and in the commandant's family resided Alexander Arbuthnot, the chief instigator of the war. Moreover, the negroes and Indians under Ambrister threatened to drive out the feeble Spanish garrison and take

entire possession of the fort, as a means of protection for themselves and annoyance to the United States. In these circumstances General Jackson found enough to justify him in assuming the responsibility of seizing and occupying that post with an American garrison.

"The Indians had been dispersed, and St. Marks occupied. No facts had as yet appeared which would justify General Jackson in assuming the responsibility of occupying the other Spanish posts in Florida. He considered the war as at an end, and was about to discharge a considerable portion of his force, when he was informed that a portion of the hostile Indians had been received, fed and supplied by the Spanish authorities in Pensacola. He therefore directed his march upon that point. On his advance he received a letter from the governor, denouncing his entry into Florida as a violent outrage on the rights of Spain, requiring his immediate retreat from the Territory, and threatening in case of refusal to use force to expel him. This declaration of hostilities on the part of the Spanish authorities, instead of removing, tended to increase the necessity for the General's advance, because it was manifest to both parties that if the American army then left Florida, the Indians, under the belief that there they would always find a safe retreat, would commence their bloody incursions upon our frontiers with redoubled fury; and General Jackson was warned that if he left any portion of his army to restrain the Indians, and retired with his main force, the Spaniards would be openly united with the Indians to expel the whole, and thus it became as necessary in order

to terminate the war to destroy or capture the Spanish force at Pensacola as the Indians themselves. In this attitude of the Spanish governor, and in the fact that the hostile Indians were received, fed, clothed, furnished with munitions of war, and that their plunder was purchased in Pensacola, General Jackson found a justification for seizing that post also, and holding it in the name of the United States.

"St. Augustine was still in the hands of the Spaniards, and no act of the authorities or people of that place was known to General Jackson previous to his return to Tennessee, which would sustain him in assuming the responsibility of occupying that city. However, about the 7th of August, 1818, he received information that the Indians were there also received and supplied. On that day, therefore, he issued an order to General Gaines, directing him to collect the evidences of these facts, and if they were well founded, to take possession of that place. The following is an extract from that order:

"'I have noted with attention Major Twiggs' letter marked No. 5. I contemplated that the agents of Spain or the officers of Fort St. Augustine would excite the Indians to hostility and furnish them with the means. It will be necessary to obtain evidence substantiating this fact, and that the hostile Indians have been fed and furnished from the garrison of St. Augustine. This being obtained, should you deem your force sufficient, you will proceed to take and garrison with American troops, Fort St. Augustine, and hold the garrison prisoners until you hear from the President of the United States, or transport them to Cuba, as in your

judgment under existing circumstances you may think best.'

"An order had some time before been given to the officer of ordnance at Charleston, to have in readiness a battery train, and to him General Gaines was referred.

"The order to take St. Augustine has often been adduced as evidence of General Jackson's determination to do as he pleased, without regard to the orders or wishes of his government. Though justifiable on the ground of self-defence, it would never have been issued but for the confidential orders given to General Gaines and Colonel Bankhead, to take possession of Amelia Island forcibly, if not yielded peaceably, and when possessed, to retain and fortify it; and the secret understanding which existed between him and the government, in consequence of which he never doubted that he was acting in compliance with the wishes, and in accordance with the orders and expectations of the President and Secretary of War.

"To show more conclusively the impressions under which General Jackson acted, reference should be had to the fact that, after the capture of the Spanish forts, he instructed Captain Gadsden to prepare and report a plan for the permanent defence of Florida, which was agreeable to the confidential orders to General Gaines and Col. Bankhead before referred to. Of this he informed the Secretary of War in a dispatch dated 2d June, 1818, of which the following is an extract: —

"'Captain Gadsden is instructed to prepare and report on the necessary defences as far as the military reconnoissances he has taken will permit, accompanied

with plans of existing works; what additions or improvements are necessary, and what new works should, in his opinion, be erected to *give permanent security to this important territorial addition to our republic*. As soon as the report is prepared, Captain Gadsden will receive orders to repair to Washington City with some other documents which I may wish to confide to his charge.'

"This plan was completed and forwarded to Mr. Calhoun on the 10th of the succeeding August, by Captain Gadsden himself, with a letter from General Jackson, urging the necessity not only of retaining possession of St. Marks, but Pensacola. The following is a part of that letter:

"'Captain Gadsden will also deliver you his report made in pursuance of my order, accompanied with the plans of the fortifications thought necessary for the defence of the Floridas, in connection with the line of defence on our Southern frontier.

"'This was done under the belief that the government will never jeopardize the safety of the Union, or the security of our frontier, by surrendering those posts, and the possession of the Floridas, unless upon a sure guaranty agreeable to the stipulations of the articles of capitulation, that will insure permanent peace, tranquillity and security to our Southern frontier. It is believed that Spain can never furnish this guaranty. As long as there are Indians in Florida, and it is possessed by Spain, they will be excited to war, and the indiscriminate murder of our citizens, by foreign agents combined with the officers of Spain. The duplicity and conduct of Spain for the last six years fully prove this. It was

on a belief that the Floridas would be held that my order was given to Captain Gadsden to make the report he has done.'

"Again: 'By Captain Gadsden you will receive some letters lately inclosed to me, detailing the information that the Spaniards at Fort St. Augustine are again exciting the Indians to war against us, and a copy of my order to General Gaines on this subject. It is what I expected, and proves the justice and sound policy of not only holding the posts we are now in possession of, but of possessing ourselves of St. Augustine. This, and this alone can give us peace and security on "our Southern frontier."'

"It is thus clearly shown that in taking possession of St. Marks and Pensacola, and giving orders to take St. Augustine, I was acting within the letter as well as spirit of my orders, and in accordance with the secret understanding between the government and myself, and under a full persuasion that these fortresses would never again be permitted by our government to pass under the dominion of Spain. From the time of writing my confidential letter of the 6th of January to the date of this dispatch, the 10th of August, 1818, I never had an intimation that the wishes of the government had changed, or that less was expected of me, if the occasion should prove favorable, than the occupation of the whole of Florida. On the contrary, either by their direct approval of my measures, or their silence, the President and Mr. Calhoun gave me reason to suppose that I was to be sustained, and that the Floridas after being occupied were to be held for the benefit of the United States. Upon receiving my orders on the 11th of

January, I took instant measures to bring into the field a sufficient force to accomplish all the objects suggested in my confidential letter of the 6th, of which I informed the War Department, and Mr. Calhoun in his reply dated 29th January, 1818, after the receipt of my confidential letter, and a full knowledge and approbation of my views says: —

"'The measures you have taken to bring an efficient force into the field are approbated, and a confident hope is entertained that a speedy and successful termination of the Indian war will follow your exertions.'

"Having received further details of my preparations, not only to terminate the Seminole war, but, as the President and his Secretary well knew, *to occupy Florida also*, Mr. Calhoun on the 6th February, writes as follows: —

"'I have the honor to acknowledge the receipt of your letter of the 20th ult., and to acquaint you with the entire approbation of the President of all the measures you have adopted to terminate the rupture with the Indians.'

"On the 13th of May following, with a full knowledge that I intended if a favorable occasion presented itself to occupy Florida, and that the design had the approbation of the President, Mr. Calhoun wrote to Governor Bibb, of Alabama, the letter already alluded to, concluding as follows: —

"'General Jackson is vested with full powers to conduct the war in the manner he may deem best.'

"On the 25th of March, 1818, I informed Mr. Calhoun that I intended to occupy St. Marks, and on the 8th of April I informed him that it was done.

"Not a whisper of disapprobation or of doubt reached me from the government.

"On the 5th May I wrote to Mr. Calhoun that I was about to move upon Pensacola with a view of occupying that place.

"Again, no reply was ever given disapproving or discountenancing this movement.

"On the 2d of June I informed Mr. Calhoun that I had on the 24th May entered Pensacola, and on the 28th had received the surrender of the Barrancas.

"Again no reply was given to this letter expressing any disapproval of these acts.

"In fine, from the receipt of the President's reply to my confidential letter of 6th January, 1818, through Mr. Rhea, until the receipt of the President's private letter, dated 19th July, 1818, I received no instructions or intimations from the government public or private that my operations in Florida were other than such as the President and Secretary of War expected and approved. I had not a doubt that I had acted in every respect in strict accordance with their views, and that without publicly avowing that they had authorized my measures they were ready at all times and under all circumstances to sustain me; and that as there were sound reasons and justifiable cause for taking possession of Florida, they would in pursuance of their private understanding with me retain it as indemnity for the spoliations committed by Spanish subjects on our citizens, and as security for the peace of our Southern frontier. I was willing to rest my vindication for taking the posts on

the hostile conduct of their officers and garrisons, bearing all the responsibility myself: but I expected my government would find in their claims upon Spain, and the danger to which our frontier would again be exposed, sufficient reasons for not again delivering them into the possession of Spain.

"It was late in August before I received official information of the decision of the government to restore the posts, and about the same time I saw it stated in the Georgia Journal that the cabinet had been divided in relation to the course pursued by me in Florida; and also an extract of a letter in a Nashville paper, alleging that a movement had been made in the cabinet against me which was attributed to Mr. Crawford, in which extract it is expressly stated that I had been triumphantly vindicated by *Mr. Calhoun* and Mr. Adams. Being convinced that the course I had pursued was justified by considerations of public policy, by the laws of nations, by the state of things to which I have referred, and by the instructions, intimations, and acquiescence of the government, and believing that the latter had been communicated to all the members of the cabinet, I considered that such a movement by Mr. Crawford was founded on considerations foreign to the public interests, and personally inimical to me; and therefore, after these public and explicit intimations of what had occurred in the cabinet, I was prepared to, and did believe that Mr. Crawford was bent on my destruction, and was the author of the movement in the cabinet to which they referred. I the more readily entertained this belief in

relation to him (in which I am rejoiced to avail myself of this public occasion to say I did him injustice) because it was impossible that I should suspect that any proposition to punish or censure me could come from either the President or Mr. Calhoun, as I well knew that I had expressed to the President my opinion that Florida ought to be taken, and had offered to take it if he would give me an intimation through Mr. Rhea that it was desirable to do so, which intimation was given; that they had given me orders broad enough to sanction all that was done; that Mr. Calhoun had expressly interpreted those orders vesting me 'with full power to conduct the war as he (I) might think best;' that they had expressly approved of all my preparations, and in silence witnessed all my operations. Under these circumstances it was impossible for me to believe, whatever change might have taken place in their views of public policy, that either the President or Mr. Calhoun could have originated or countenanced any proposition tending to cast censure upon me, much less to produce my arrest, trial, and punishment.

"If these facts and statements could have left room for a doubt in relation to Mr. Calhoun's approval of my conduct and of his friendship for me, I had other evidence of a nature perfectly conclusive. In August, 1818, Colonel A. P. Hayne, Inspector General of the Southern Division, who had served in this campaign, came to Washington to settle his accounts, and resign his staff appointment in the army. He was the fellow-citizen and friend of Mr. Calhoun and held constant personal interviews with him for some weeks in settling his accounts. On the 24th September he addressed a letter to

me, stating that he had closed his public accounts entirely to his satisfaction, and in relation to public affairs among other things remarks: —

"'The course the administration has thought proper to adopt is to me *inexplicable*. They *retain St. Marks*, and in the same breath *give up* Pensacola. Who can comprehend this? The American nation possesses discernment, and will judge for themselves. Indeed, sir, I fear that Mr. Monroe has on the present occasion yielded to the opinion of those about him. I cannot believe that it is the result of his own honest convictions. Mr. Calhoun certainly thinks with you altogether, although after the decision of the cabinet, he must of course nominally support what has been done.' And in another letter, dated 21st January, 1819, he says: 'Since I last saw you I have travelled through West and East Tennessee, through Kentucky, through Ohio, through the western and eastern part of Pennsylvania, and the whole of Virginia – have been much in Baltimore and Philadelphia, and the united voice of the people of those States and towns (and I have taken great pains to inform myself) approve of your conduct in every respect. And the people of the United States at large entertain precisely the same opinion with the people of those States. So does the administration, to wit: Mr. Monroe, *Mr. Calhoun*, and Mr. Adams. Mr. Monroe is your *friend*. He has *identified* you with himself. After the most mature reflection and deliberation upon all of your operations, he has covered your conduct. But I am candid to confess that he did not adopt this line of conduct (in my mind) as soon as he ought to have done. Mr. Adams has

done honor to his country and himself.'

"Colonel Hayne is a man of honor, and did not intend to deceive; I had no doubt, and have none now, that he derived his impressions from conversations with Mr. Calhoun himself; nor have I any doubt that Mr. Calhoun purposely conveyed those impressions that they might be communicated to me. Without other evidence than this letter, how could I have understood Mr. Calhoun otherwise than as approving my whole conduct, and as having defended me in the cabinet? How could I have understood any seeming dissent in his official communications otherwise than as arising from his obligation to give a 'nominal support' to the decision of the cabinet which in reality he disapproved?

"The reply to my confidential letter, the approval of my preparations, the silence of Mr. Calhoun during the campaign, the enmity of Mr. Crawford, the language of the newspapers, the letters of Colonel Hayne, and other letters of similar import from other gentlemen who were on familiar terms with the Secretary of War, left no doubt on my mind that Mr. Calhoun approved of my conduct in the Seminole war 'altogether;' had defended me against an attack of Mr. Crawford in the cabinet, and was, throughout the struggle in Congress so deeply involving my character and fame, my devoted and zealous friend. This impression was confirmed by the personal kindness of Mr. Calhoun towards me, during my visit to this city, pending the proceedings of Congress relative to the Seminole war, and on every after occasion. Nor was such conduct confined

to me alone, for however inconsistent with his proposition in the cabinet, that I should 'be punished in some form,' or in the language of Mr. Adams, as to what passed there 'that General Jackson should be brought to trial,' in several conversations with Colonel Richard M. Johnson, while he was preparing the counter report of the Military Committee of the House of Representatives, Mr. Calhoun always spoke of me with respect and kindness, *and approved of my course*.

"So strong was my faith in Mr. Calhoun's friendship that the appointment of Mr. Lacock, shortly after he had made his report upon the Seminole war in the Senate, to an important office, although inexplicable to me, did not shake it.

"I was informed by Mr. Rankin (member of the House of Representatives from Mississippi), and others in 1823 and 1824, once in the presence of Colonel Thomas H. Williams (of Mississippi) of the Senate, that I had blamed Mr. Crawford unjustly and that Mr. Calhoun was the instigator of the attacks made upon me: yet in consequence of the facts and circumstances already recapitulated tending to prove Mr. Calhoun's approval of my course, I could not give the assertion the least credit.

"Again in 1825 Mr. Cobb told me that I blamed Mr. Crawford wrongfully both for the attempt to injure me in the cabinet, and for having an agency in framing the resolutions which he (Mr. Cobb) offered in Congress censuring my conduct in the Seminole war. He stated on the contrary that Mr. Crawford was opposed to those resolutions and always

asserted that '*General Jackson had a sufficient defence whenever he chose to make it, and that the attempt to censure him would do him good, and recoil upon its authors*;' yet it was impossible for me to believe that Mr. Calhoun had been my enemy; on the contrary I did not doubt that he had been my devoted friend, not only through all those difficulties, but in the contest for the Presidency which ended in the election of Mr. Adams.

"In the Spring of 1828 the impression of Mr. Calhoun's rectitude and fidelity towards me was confirmed by an incident which occurred during the progress of an effort to reconcile all misunderstanding between him and Mr. Crawford and myself. Colonel James A. Hamilton of New-York inquired of Mr. Calhoun himself, at Washington, 'whether at any meeting of Mr. Monroe's cabinet the propriety of arresting General Jackson for any thing done during the Seminole war had been at any time discussed?' Mr. Calhoun replied, 'Never: such a measure was not thought of, much less discussed. The only point before the cabinet was the answer to be given to the Spanish government.' In consequence of this conversation Colonel Hamilton wrote to Major Lewis, a member of the Nashville committee, that 'the Vice-President, who you know was the member of the cabinet best acquainted with the subject, told me General Jackson's arrest was never thought of, much less discussed.' Information of this statement renewed and strengthened the impression relative to the friendship of Mr. Calhoun, which I had entertained from the time of the Seminole war.

"In a private letter to Mr. Calhoun dated 25th May, 1828, written after the conversation with Colonel Hamilton had been communicated to me, I say in relation to the Seminole war:

"'I can have no wish at this day to obtain an explanation of the orders under which I acted whilst charged with the campaign against the Seminole Indians in Florida. I viewed them when received as plain and explicit, and called for by the situation of the country. I executed them faithfully, and was happy in reply to my reports to the Department of War to receive your approbation for it.'

"Again: 'The fact is, I never had the least ground to believe (previous to the reception of Mr. Monroe's letter of 19th July, 1818) that any difference of opinion between the government and myself existed on the subject of my powers. So far from this, to the communications which I made showing the construction which I placed upon them, there was not only no difference of opinion indicated in the replies of the Executive but as far as I received replies, an entire approval of the measures which I had adopted.'

"This was addressed directly from me to Mr. Calhoun, in May, 1828. In his reply Mr. Calhoun does not inform me that I was in error. He does not tell me that he disapproved my conduct, and thought I ought to have been punished for a violation of orders. He does not inform me that he or any other had proposed in the cabinet council a court of inquiry, or any other court. He says nothing inconsistent with the impression already made upon my mind – nothing which might not have been expected from one who had been

obliged to give a 'nominal support' to a decision which he disapproved. His reply, dated 10th July, 1828, is in these words:

"'Any discussion of them' (the orders) 'now, I agree with you, would be unnecessary. They are matters of history, and must be left to the historian as they stand. In fact I never did suppose that the justification of yourself or the government depended on a critical construction of them. It is sufficient for both that they were honestly issued, and honestly executed, without involving the question whether they were executed strictly in accordance with the intention that they were issued. Honest and patriotic motives are all that can be required, and I never doubted that they existed on both sides.'

"It was certainly impossible for me to conceive that Mr. Calhoun had urged in cabinet council a court of inquiry with a view to my ultimate punishment for violation of orders which he admitted were '*honestly executed*,' especially as he *never doubted* that my 'motives' were '*honest and patriotic*.' After this letter I could not have doubted, if I had before, that Mr. Calhoun had zealously vindicated my 'honest and patriotic' acts in Mr. Monroe's cabinet against the supposed attacks of Mr. Crawford, as had long before been announced. I could not have doubted that Mr. Calhoun 'thought with me altogether,' as I had been informed by Colonel Hayne. I could not have conceived that Mr. Calhoun had *ever* called in question my compliance with my orders, when he says he '*never did suppose*' that my '*justification* depended on a critical construction of them,' and 'that it was

sufficient that they were honestly executed.'

"By the unlimited authority conferred on me by my orders; by the writing and reception of my confidential letter and the answer thereto advised by Mr. Calhoun; by the positive approval of all my preparatory measures and the silence of the government during my operations; by uncontradicted publications in the newspapers; by positive assurances received through the friends of Mr. Calhoun; by Mr. Calhoun's declaration to Colonel Hamilton; and finally by his own assurance that he never doubted the honesty or patriotism with which I executed my orders, which he '*deemed sufficient*' without inquiring '*whether they were executed strictly in accordance with the intention that they were issued*,' I was authorized to believe and did believe that Mr. Calhoun had been my devoted friend, defending on all occasions, public and private, my whole conduct in the Seminole war. With these impressions I entered upon the discharge of the duties of President, in March, 1829.

"Recent disclosures prove that these impressions were entirely erroneous, and that Mr. Calhoun himself was the author of the proposition made in the cabinet to subject me to a court of inquiry with a view to my ultimate punishment for a violation of orders.

"My feelings towards Mr. Calhoun continued of the most friendly character until my suspicions of his fairness were awakened by the following incident. The late Marshal of the District of Columbia (Mr. Tench Ringold), conversing with a friend of mine in relation to the Seminole war, spoke in strong terms of Mr. Monroe's support of me;

and upon being informed that I had always regarded Mr. Calhoun as my firm and undeviating friend and supporter, and particularly on that occasion, Mr. Ringold replied that *Mr. Calhoun was the first man to move in the cabinet for my punishment, and that he was against me on that subject.* Informed of this conversation, and recurring to the repeated declarations that had been made to me by different persons and at different times, that Mr. Calhoun, and not Mr. Crawford, was the person who had made that movement against me in the cabinet, and observing the mysterious opposition that had shown itself, particularly among those who were known to be the friends and partisans of Mr. Calhoun, and that the measures which I had recommended to the consideration of Congress, and which appeared to have received the approbation of the people, were neglected or opposed in that quarter whence I had a right to believe they would have been brought forward and sustained, I felt a desire to see the written statement which I had been informed Mr. Crawford had made, in relation to the proceedings of the cabinet, that I might ascertain its true character. I sought and obtained it, in the manner heretofore stated, and immediately sent it to Mr. Calhoun, and asked him frankly whether it was possible that the information given in it was correct? His answer, which he has given to the world, indeed, as I have before stated, surprised, nay, astonished me. I had always refused to believe, notwithstanding the various assurances I had received, that Mr. Calhoun could be so far regardless of that duty which the plainest principles of justice and

honor imposed upon him, as to propose the punishment of a subordinate officer for the violation of orders which were so evidently discretionary as to permit me as he (Mr. Calhoun) informed Governor Bibb, 'to conduct the war as he may think best.' But the fact that he so acted has been affirmed by all who were present on the occasion, and admitted by himself.[4]

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[4] Mr. Calhoun in his conversation with Colonel Hamilton, substantially denied that such a proposition as that which he now admits he made, was ever submitted to the cabinet. He is asked "whether at any meeting of Mr. Monroe's cabinet the propriety of arresting General Jackson for any thing done during the Seminole war had been at any time discussed." He replies "Never; such a measure was not thought of, much less discussed: *the only point before the cabinet was the answer to be given to the Spanish government.*" By the last branch of the answer the denial is made to embrace the whole subject in any form it might have assumed, and therefore deprives Mr. Calhoun of all grounds of cavil or escape by alleging that he only proposed a military inquiry, and not an arrest, and that he did not therefore answer the inquiry in the negative. But again when Colonel Hamilton submitted to Mr. Calhoun his recollection of the conversation that Mr. Calhoun might correct it if erroneous, and informed him that he did so because he intended to communicate in to Major Lewis, Mr. Calhoun did not question the correctness of Colonel Hamilton's recollection of the conversation; he does not qualify or alter it; he does not say, as in frankness he was bound to do – "It is true, the proposition to arrest General Jackson was not discussed, but an inquiry into his conduct in that war was discussed on a proposition to that end made by me." He does not say that the answer to the Spanish government was not the only point before the cabinet, but he endeavors, without denying as was alleged by Colonel Hamilton that this part of the conversation was understood between them to be confidential, to prevent him from making it public, and to that end and that alone he writes a letter of ten pages on the sacredness of cabinet deliberations. Why, let us ask, did Mr. Calhoun upon reflection feel so much solicitude to prevent a disclosure of his answer to Colonel Hamilton, which if true could not injure him? At first, although put upon his guard, he admits that this part of the conversation was not confidential, although it referred to what was, as well as what was not done in cabinet council. The reason is to be

"That Mr. Calhoun, with his knowledge of facts and circumstances, should have dared to make such a proposition, can only be accounted for from the sacredly confidential character which he attaches to the proceedings of a cabinet council. His views of this subject are strongly expressed in his printed correspondence, page 15. 'I am not at all surprised,' says he, 'that Mr. Crawford should feel that he stands in need of an apology for betraying the deliberations of the cabinet. It is, I believe, not only the first instance in our country, but one of a very few instances in any country, or any age, that an individual has felt himself absolved from the high obligations which honor and duty impose on one situated as he was.' It was under this veil, which he supposed to be for ever impenetrable, that Mr. Calhoun came forward and denounced those measures which he knew were not only impliedly, but positively authorized by the President himself. He proposed to take preparatory steps for the punishment of General Jackson, whose '*honest and patriotic motives he never doubted*,' for the violation of orders which he admits were '*honestly*

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found in his former involutions, and in the fact that the answer was not true, and in his apprehension that if that answer was made public, Mr. Crawford, who entertained the worst opinions of Mr. Calhoun, and who had suffered in General Jackson's opinion on this subject, would immediately disclose the whole truth, as he has since done; and that thus the veil worn out, of the sacredness of cabinet deliberations under which Mr. Calhoun upon second thought had endeavored to conceal himself, would be raised, and he would be exposed to public indignation and scorn. This could alone be the motive for his extreme anxiety to prevent Colonel Hamilton from communicating the result of an inquiry made by him from the best and purest motives, to the persons who had prompted that inquiry from like motives.

executed.' That he expected to succeed with his proposition so long as there was a particle of honor, honesty, or prudence left to President Monroe, is not to be imagined. The movement was intended for some future contingency, which perhaps Mr. Calhoun himself only can certainly explain.

"The shape in which this proposition was made is variously stated. Mr. Calhoun, in the printed correspondence, page 15, says: 'I was of the impression that you had exceeded your orders, and acted on your own responsibility, but I neither questioned your patriotism nor your motives. Believing that where orders were transcended, investigation as a matter of course ought to follow, as due in justice to the government and the officer, unless there be strong reasons to the contrary, I came to the [cabinet] meeting under the impression that the usual course ought to be pursued in this case, which I supported by presenting fully and freely all the arguments that occurred to me.'

"Mr. Crawford, in his letter to Mr. Forsyth, published in the same correspondence, page 9, says: 'Mr. Calhoun's proposition in the cabinet was, that General Jackson should be punished in some form, or reprehended in some form, I am not positively certain which.'

"Mr. Adams, in a letter to Mr. Crawford, dated 30th July, 1830, says: 'The main point upon which it was urged that General Jackson should be *brought to trial*, was, that he had violated his orders by taking St. Marks and Pensacola.'

"Mr. Crowninshield, in a letter to Mr. Crawford, dated

25th July, 1830, says: 'I remember too, that Mr. Calhoun was severe upon the conduct of General Jackson, but the words particularly spoken have slipped my memory.'

"From the united testimony it appears that Mr. Calhoun made a proposition for a court of inquiry upon the conduct of General Jackson, upon the charge of having violated his orders in taking St. Marks and Pensacola, with a view to his ultimate trial and punishment, and that he was severe in his remarks upon that conduct. But the President would listen to no such proposition. Mr. Crawford, in his letter to Mr. Calhoun, dated 2d October, 1830, says: 'You remembered the excitement which your proposition produced in the mind and on the feelings of the President, and did not dare to ask him any question tending to revive his recollection of that proposition.' This excitement was very natural. Hearing the very member of his cabinet whom he had consulted upon the subject of General Jackson's confidential letter, and who had advised the answer which had approved beforehand the capture of St. Marks and Pensacola and who on the 8th September, 1818, wrote to General Jackson, that 'St. Marks will be retained till Spain shall be ready to garrison it with a sufficient force, and Fort Gadsden, and any other position in East or West Florida within the Indian country, which may be deemed eligible, will be retained so long as there is any danger, which, it is hoped, will afford the desired security,' make a proposition which went to stamp his character with treachery, by the punishment of General Jackson for those very acts, it was impossible that Mr. Monroe should not be excited. He must have been more

than human, or less, to have beheld Mr. Calhoun uttering violent philippics against General Jackson for those acts, without the strongest emotion.

"Mr. Calhoun's proposition was rejected, as he knew it would be, and he came from behind the veil of cabinet secrecy all smiles and professions of regard and friendship for General Jackson! It was then that by his deceitful conversations he induced Colonel Hayne and others to inform General Jackson, that so far from thinking that he had violated his orders and ought to be punished, he disapproved and only nominally supported the more friendly decision of the cabinet, and thought with him altogether! There was no half-way feeling in his friendship! So complete and entire was the deception, that while General Jackson was passing through Virginia the next winter on his way to Washington, he toasted '*John C. Calhoun*,' as '*an honest man, the noblest work of God.*' Who can paint the workings of the guilty Calhoun's soul when he read that toast!!

"But Mr. Calhoun was not content with the attack made by him upon General Jackson's character and fame in the dark recesses of Mr. Monroe's cabinet. At the next session of Congress the same subject was taken in hand in both houses. Mr. Cobb came forward with his resolutions of censure in the House of Representatives, where, after a long discussion, the assailants were signally defeated. Mr. Lacock headed a committee in the Senate which was engaged in the affair from the 18th December, 1818, to the 24th February, 1819, when they made a

report full of bitterness against General Jackson. It charged him with a violation of the laws and constitution of his country; disobedience of orders; disregard of the principles of humanity, and almost every crime which a military man can commit.

"It was not suspected at the time that this report owed any of its bitterness to Mr. Calhoun, yet that such was the fact is now susceptible of the strongest proof!

"While the attacks upon General Jackson were in progress in Congress his presence in the city was thought to be necessary by his friends. Colonel Robert Butler, then in Washington, wrote to him to that effect. A few days afterwards Mr. Calhoun accosted him, and asked him in an abrupt manner why he had written to General Jackson to come to the city. Colonel Butler answered, 'that he might see that justice was done him in person.' Mr. Calhoun turned from him without speaking another word with an air of anger and vexation which made an indelible impression on the colonel's mind. It was obvious enough that he did not desire, but rather feared General Jackson's presence in the city. Colonel Butler's letter to General Jackson, dated the 9th June, 1831, is in these words:

"'When in Washington in the winter of 1818-'19, finding the course which Congress appeared to be taking on the Seminole question, I wrote you that I esteemed it necessary that you should be present at Washington. Having done so, I communicated this fact to our friend Bronaugh, who held the then Secretary of War in high estimation. The succeeding evening, while at the French Minister's, he came

to me and inquired in a tone somewhat abrupt, what could induce me to write for General Jackson to come to the city – (Bronaugh having informed him that I had done so) – to which I replied, perhaps as sternly, "*that he may in person have justice done him*." The Secretary turned on his heel, and so ended the conversation; but there was a something inexplicable in the countenance that subsequent events have given meaning to. After your arrival at Washington, we were on a visit at the Secretary's, and examining a map – (the Yellow Stone expedition of the Secretary's being the subject of conversation) – Mr. Lacock, of the Senate, was announced to the Secretary, who remarked – "Do not let him come in now, General Jackson is here, but will soon be gone, when I can see him." There was nothing strange in all this; but the whispered manner and apparent agitation fastened on my mind the idea that Mr. Calhoun and Lacock understood each other on the Seminole matter. Such were my impressions at the time.'

"On my arrival, however, in January, 1819, Mr. Calhoun treated me with marked kindness. The latter part of Colonel Butler's letter, as to Mr. Lacock, is confirmed by my own recollection that one day when Mr. Calhoun and myself were together in the War Department, the messenger announced Mr. Lacock at the door: Mr. Calhoun, in a hurried manner, pronounced the name of General Jackson, and Mr. Lacock did not come in. This circumstance indicated an intimacy between them, but I inferred nothing from it unfavorable to Mr. Calhoun.

"In speaking of my confidential letter to Mr. Monroe

(printed correspondence, page 19), Mr. Calhoun states, that after reading it when received, 'I thought no more of it. Long after, I think it was at the commencement of the next session of Congress, I heard some allusion which brought that letter to my recollection. It was from a quarter which induced me to believe that it came from Mr. Crawford. I called and mentioned it to Mr. Monroe, and found that he had entirely forgotten the letter. After searching some time he found it among some other papers, and read it, as he told me, for the first time.'

"The particular '*quarter*' whence the '*allusion*' which called up the recollection of this confidential letter came, Mr. Calhoun has not thought proper to state. Probably it was Mr. Lacock, who was the friend of Mr. Crawford. Probably he applied to Mr. Calhoun for information, and Mr. Calhoun went to the President, and requested a sight of that letter that he might communicate its contents to Mr. Lacock. Mr. Lacock was appointed upon the committee on the Seminole war, on the 18th December. On the 21st of that month the recollection of the confidential letter was first in the mind of Mr. Monroe, for on that day, in a letter to General Jackson, he gives an account of its reception, and the disposition made of it. Probably, therefore, it was about the time that Mr. Lacock undertook the investigation of this affair in the Senate, and that it was for his information that Mr. Calhoun called on Mr. Monroe to inquire about this letter.

"Nay, it is *certain* that the existence and contents of this letter *were* about that time *communicated to Mr. Lacock:*

that he conversed freely and repeatedly with Mr. Calhoun upon the whole subject: that he was informed of all that had passed: the views of the President, of Mr. Calhoun, and the cabinet, and that Mr. Calhoun coincided with Mr. Lacock in all his views.

"These facts are stated *upon the authority of Mr. Lacock himself*.

"The motives of these secret communications to Mr. Lacock by Mr. Calhoun cannot be mistaken. By communicating the contents of the confidential letter, and withholding the fact that an approving answer had been returned, he wished to impress Mr. Lacock with the belief that General Jackson had predetermined before he entered Florida, to seize the Spanish posts, right or wrong, with orders or without. Acting under this impression, he would be prepared to discredit and disbelieve all General Jackson's explanations and defences, and put the worst construction upon every circumstance disclosed in the investigation. By this perfidy General Jackson was deprived of all opportunity to make an effectual defence. To him Mr. Calhoun was all smiles and kindness. He believed him his friend, seeking by all proper means, in public and private, to shield him from the attacks of his enemies. Having implicit confidence in Mr. Calhoun and the President, he would sooner have endured the tortures of the inquisition than have disclosed their answer to his letter through Mr. Rhea. The tie which he felt, Mr. Calhoun felt not. He did not scruple to use one side of a correspondence to destroy a man, his friend, who confided in him with the faith and affection of a

brother – when he knew that man felt bound by obligations from which no considerations short of a knowledge of his own perfidy could absolve him, to hold the other side in eternal silence. General Jackson had no objection to a disclosure of the whole correspondence. There was nothing in it of which he was ashamed, or which on his own account he wished to conceal. Public policy made it inexpedient that the world should know at that time how far the government had approved beforehand of his proceedings. But had he known that Mr. Calhoun was attempting to destroy him by secretly using one side of the correspondence, he would have been justified by the laws of self-defence in making known the other. He saw not, heard not, imagined not, that means so perfidious and dishonorable were in use to destroy him. It never entered his confiding heart that the hand he shook with the cordiality of a warm friend was secretly pointing out to his enemies the path by which they might ambuscade and destroy him. He was incapable of conceiving that the honeyed tongue, which to him spake nothing but kindness, was secretly conveying poison into the ears of Mr. Lacock, and other members of Congress. It could not enter his mind that his confidential letters, the secrets of the cabinet, and the opinions of its members, were all secretly arrayed against him by the friend in whom he implicitly confided, misinterpreted and distorted, without giving him an opportunity for self-defence or explanation.

"Mr. Calhoun's object was accomplished. Mr. Lacock made a report far transcending in bitterness any thing which even in the opinion of General Jackson's enemies

the evidence seemed to justify. This extraordinary and unaccountable severity is now explained. It proceeded from the secret and perfidious representations of Mr. Calhoun, based on General Jackson's confidential letter. Mr. Lacock ought to be partially excused, and stand before the world comparatively justified. For most of the injustice done by his report to the soldier who had risked all for his country, Mr. Calhoun *is the responsible man*.

"As dark as this transaction is, a shade is yet to be added. It was not enough that General Jackson had been deceived and betrayed by a professing friend; that the contents of his confidential correspondence had been secretly communicated to his open enemies, while all information of the reply was withheld: it was not enough that an official report overflowing with bitterness had gone out to the world to blast his fame, which must stand for ever recorded in the history of his country. Lest some accident might expose the evidences of the understanding under which he acted, and the duplicity of his secret accuser, means must be taken to procure the destruction of the answer to the confidential letter through Mr. Rhea. They were these. About the time Mr. Lacock made his report General Jackson and Mr. Rhea were both in the city of Washington. Mr. Rhea called on General Jackson, as he said, at the request of Mr. Monroe, and begged him on his return home to burn his reply. He said the President feared that by the death of General Jackson, or some other accident, it might fall into the hands of those who would make an improper use of it. He therefore conjured him

by the friendship which had always existed between them (and by his obligations as a brother mason) to destroy it on his return to Nashville. Believing Mr. Monroe and Mr. Calhoun to be his devoted friends, and not deeming it *possible* that any incident could occur which would require or justify its use, he gave Mr. Rhea the promise he solicited, and accordingly after his return to Nashville he burnt Mr. Rhea's letter, and on his letter-book opposite the copy of his confidential letter to Mr. Monroe made this entry: —

"*'Mr. Rhea's letter in answer is burnt this 12th April, 1819.'*

"Mr. Calhoun's management was thus far completely triumphant. He had secretly assailed General Jackson in cabinet council, and caused it to be publicly announced that he was his friend. While the confiding soldier was toasting him as 'an honest man, the noblest work of God,' he was betraying his confidential correspondence to his enemy, and laying the basis of a document which was intended to blast his fame and ruin his character in the estimation of his countrymen. Lest accident should bring the truth to light, and expose his duplicity, he procures through the President and Mr. Rhea the destruction of the approving answer to the confidential letter. Mr. Rhea was an old man and General Jackson's health feeble. In a few years all who were supposed to have any knowledge of the reply would be in their graves. Every trace of the approval given beforehand by the government to the operations of General Jackson would soon be obliterated, and the undivided responsibility would forever rest on his head. At

least, should accident or policy bring to light the duplicity of Mr. Calhoun, he might deny all knowledge of this reply, and challenge its production. He might defend his course in the cabinet and extenuate his disclosures to Mr. Lacock, by maintaining before the public that he had always believed General Jackson violated his orders and ought to have been punished. At the worst, the written reply if once destroyed could never be recalled from the flames; and should General Jackson still be living, his assertion might not be considered more conclusive than Mr. Calhoun's denial. In any view it was desirable to him that this letter should be destroyed, and through his management, as is verily believed, it was destroyed.

"Happily however for the truth of history and the cause of public justice, the writer of the reply is still alive; and from a journal kept at the time, is able to give an accurate account of this transaction. He testifies directly to the writing of the letter, to its contents, and the means taken to secure its destruction. Judge Overton, to whom the letter was confidentially shown, testifies directly to the existence of the letter, and to the fact that General Jackson afterwards told him it was destroyed.

"These, with the statement of General Jackson himself, and the entry in his letter-book which was seen by several persons many years ago, fix these facts beyond a doubt.

"Certainly the history of the world scarcely presents a parallel to this transaction. It has been seen with what severity Mr. Calhoun denounced Mr. Crawford for revealing the secret proceedings of the cabinet: with what

justice may a retort of tenfold severity be made upon him, when he not only reveals to Mr. Lacock the proceedings of the cabinet, but the confidential letter of a confiding friend, not for the benefit of that friend, but through misrepresentation of the transaction and concealment of the reply, to aid his enemies in accomplishing his destruction. It was doubtless expected that Mr. Lacock would produce a document which would overwhelm General Jackson and destroy him in public estimation. In that event the proceedings of the cabinet would no longer have been held sacred. The erroneous impression made on the public mind would have been corrected, and the world have been informed that Mr. Calhoun not only disapproved the acts of General Jackson, but had in the cabinet attempted in vain to procure his punishment. As the matter stood, the responsibility of attacking the General rested on Mr. Crawford, and had the decision of the people been different, the responsibility of *defending* him would have been thrown exclusively upon Mr. Adams, and Mr. Calhoun would have claimed the merit of the attack. But until the public should decide, it was not prudent to lose the friendship of General Jackson, which might be of more service to Mr. Calhoun than the truth. It was thus at the sacrifice of every principle of honor and friendship that Mr. Calhoun managed to throw all responsibility on his political rivals, and profit by the result of these movements whatever it might be. It cannot be doubted, however, that Mr. Calhoun expected the entire prostration of General Jackson, and managed to procure the destruction of Mr. Rhea's letter, for the purpose

of disarming the friend he had betrayed, that he might, with impunity when the public should have pronounced a sentence of condemnation, have come forward and claimed the merit of having been the first to denounce him.

"The people however sustained General Jackson against the attacks of all his enemies, public and private, open and secret, and therefore it became convenient for Mr. Calhoun to retain his mask, to appear as the friend of one whom the people had pronounced their friend, and to let Mr. Crawford bear the unjust imputation of having assailed him in the cabinet.

"It must be confessed that the mask was worn with consummate skill. Mr. Calhoun was understood by all of General Jackson's friends to be his warm and able defender. When, in 1824, Mr. Calhoun was withdrawn from the lists as a candidate for the Presidency, the impression made on the friends of General Jackson was that he did it to favor the election of their favorite, when it is believed to be susceptible of proof that he secretly flattered the friends of Mr. Adams with the idea that he was with them. It is certain that for the Vice-Presidency he continued to secure nearly all the Adams votes, most of the Jackson votes, and even half of the Clay votes in Kentucky. But never did the friends of General Jackson doubt his devotion to their cause in that contest, until the publication of his correspondence with General Jackson. In a note, page 7, he undeceives them by saying:

"'When my name was withdrawn from the list of presidential candidates, I assumed a perfectly neutral

position between General Jackson and Mr. Adams. I was decidedly opposed to a congressional caucus, as both those gentlemen were also, and as I bore very friendly personal and political relations to both, I would have been well satisfied with the election of either.'

"I have now given a faithful detail of the circumstances and facts which transpired touching my movements in Florida, during the Seminole campaign.

Конец ознакомительного фрагмента.