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Gov. Branch's speech

On the Resolutions to instruct Mr. Mangum, delivered in the Senate of North-Carolina, December, 1834.

MR. SPEAKER.—The Senator from Warren, who has just resumed his seat, has asserted that our's is a government of "popular feelings," and that this General Assembly possesses "inherent powers," under which it may rightfully adopt the resolutions now under consideration.

In the course of a long public life, I have never before heard sentiments like these advanced. Had they been delivered to a promiscuous assemblage of all casts, they would have been, to say the least of them, very objectionable. How much more reprehensible are they, then, when earnestly presented in a grave deliberation on the representatives of an enlightened people?—Do we hold our liberties on so frail a tenure as "popular feelings"? If so, then have I been labouring under a delusion all my life. I cannot, however, believe that the people of a State, which was the first to throw off a foreign yoke, and among the first to guard the rights which were asserted on the 4th of July, 1776, by a written Constitution, will subscribe to such dangerous heresies.

I propose to examine these dogmas—to test them by those fundamental principles to which our Bill of Rights enjoins upon us often to recur; for if ever there was a time when a recurrence to established political maxims was necessary, this is the time. It cannot be disguised that the present is a crisis of awful import; and it behoves us, therefore, to bring to our assistance all the aid which may be derived from the wisdom and patriotism of those who have preceded us.

In December, 1776, when the fervor of a disinterested love of country was at its height, did the pure patriots of the Revolution in this State, when they assembled (at my native village) to form our State Constitution, deem it safe to rely on "popular feeling" for the protection of the liberties they had recently asserted? No, sir. No—they well knew that political freedom, the greatest boon ever bestowed by Heaven on man, could be preserved only by the erection of barriers—constitutional barriers—against the assaults of turbulent assemblies, or the more insidious, but no less dangerous, inroads of arch intriguers. The memorable epochs in the history of the mother country were fresh in their recollection, when the despots of the old world were compelled to acknowledge on parchment the rights of man, and to swear to the observance of the fundamental principles of civil and religious freedom.

Again: after the achievement of our liberties, and the formal recognition of our independence by all nations, do you find our vigorous forefathers relying on this "popular feeling," which you have heard so much eulogized?—No, sir, you find those very men who had done and suffered so much for the cause of human liberty, assembled in Convention to devise efficient checks against the inroads of power. Deeply conscious of the insufficiency of those maxims, which had been hastily thrown around their rights by the articles of Confederation, you find them, in a spirit of mutual concession, after deliberate discussion, adopting and presenting to the "thirteen States" (as the Senator has thought proper to designate these sovereign States) a constitution or form of government, in which power is cautiously distributed among the various departments, and guarded in its exercise by the most salutary checks and balances. So distrustful then was North-Carolina of conferring power even on a written grant, that she was the last State but one to come into the Union.—Will she now be the first to break down these safeguards of public liberty, and to rest our rights, not on a written Constitution, but on "popular feeling"? With a sleepless vigilance you find those who well knew what our liberties cost, jealous of power, although in the hands of the father of his country; or even Washington, erred under a written Constitution, in the recognition of the protective principle, and in assenting to the charter of the old United States Bank in 1791. But such was the confidence justly reposed in Washington, that his very errors (if such they were) were treated with great forbearance.

Not so, however, with the elder Adams. It cannot be denied that, under the administration of Gen. Washington, two parties

were formed, alike patriotic, but essentially different in their political tenets. Their differences, under his administration, were not brought fully into public view.—But no sooner had the Federal party unfurled their banners under his successor, than the States Right Party, with Jefferson at their head, made a noble and successful stand against Federal usurpation. The people were roused to a just sense of the danger to which their liberties were exposed, and the seal of condemnation was affixed to the odious measures of Federal misrule. On Mr. Adams's overthrow, was established those principles which I then recognized as orthodox, and which I have ever delighted to cherish as fundamental truths in my political creed. I mean, sir, the exposition of our Constitution which is contained in the Virginia and Kentucky Resolutions of 1798-99, and in Madison's report. Under the administration of Jefferson, these principles were exhibited in full relief. The same exposition of the Federal Constitution was faithfully observed under the Republican administration of Mr. Madison; and as part of the history of this period, I beg leave to call the attention of this House to a proceeding in this very Assembly, (in which I had some share) very pertinent to the subject of the present debate. I refer, sir, to certain resolutions touching the votes of Mr. Stone, our then Senator in Congress, on the measures of Mr. Madison's administration in support of the war, into which we had been driven by the unjust policy of Great Britain. I myself, sir, moved the resolutions 21 years ago, disapproving of the conduct of Mr. Stone. Permit me to present the whole proceedings to the Senate, as they stand upon the Journals of that day. [Here the report and resolutions were read.]—From these it appears that Mr. Stone was elected to the United States Senate in 1812, a few months after the declaration of war against Great Britain, with a distinct understanding, on the part of the Legislature and the people, that he was in favor of a vigorous prosecution of it. In the session of Congress which ensued he was found voting against the supplies that were necessary to prosecute the war with effect. His abuse of our confidence was calculated to excite, and did excite indignation in every patriotic bosom, and called into action the energies of every man who believed that the war was waged in defence of our just rights. I can never forget the feeling which prevailed this body when the votes of Mr. Stone came to our knowledge.—Our country was in arms, with a fierce and powerful enemy at our doors.—Our army under the command of Gen. Hull had been surrendered up, if not from perfidy, from gross incapacity, and the few men we had in the field were destitute of food and clothing.—Our Treasury empty, and the country without the ability to borrow money. This desperate state of our affairs was in a great degree owing to the refusal of Congress either to raise the necessary funds or establish a basis for national credit. These facts you find embodied in the report which I have just read. We then believed, what I still believe, that they were sufficient to justify us, before an enlightened community, for the resolutions which were then adopted. But, sir, compare our course then, with the proceedings now under consideration. Do you find us doing more than was indispensably necessary to sustain our country? On the other hand, what are you now about to do? Prostrate and dishonor the State, and disgrace your country, by ordering your Senator to do what no honorable man can do. For what purpose is all this done? To prove to the people that you are now good Jackson men, and thereby to enable some of you to ride into office on the strong current of "popular feeling," which the gentleman from Warren very seasonably invokes. Has he practised as a representative of the people what he so earnestly preaches? We shall see by and by. In the retrospect I am presenting to the Senate, we find little to attract our attention from the conclusion of the war to the end of Mr. Madison's administration, save the chartering of the United States Bank in 1816. This renewed usurpation of Federal power was submitted to from a conviction that something of the kind was imperiously called for, to correct the deranged condition of the currency, resulting from the abuse of the paper system by the State authorities. When I first took my seat in the Senate of the United States in 1823, I met with the gentleman from Warren, then and for some years previous a member of the House of Representatives of the United States. Did this institution find favor with the gentleman at that time? or was he then, as he is now, its implacable opponent?—We were then in the habit of interchanging opinions, and I had a full knowledge of, and well remember the course which he and his party then pursued; and, in order that it may be seen who has been false to principle, I must be permitted to make a brief narration of facts.

At that time I was desirous that some statesman should be found, who, as the successor of Mr. Monroe, should carry out in

his administration the republican principles I held, and bring the Government back to the good old doctrines of '89 and '99. In casting about for such a one, I found it was necessary to pass in review the pretensions of various rival candidates. Mr. Clay was objectionable, among other reasons, because his wild enthusiasm in the cause of liberty made him, in my opinion, unsafe. His project of connecting our destinies with those of the semi-barbarians of South America made me afraid of him. Mr. Calhoun was a latitudinarian in his construction of the Federal Constitution, as manifested by his reports while exercising a controlling influence over Mr. Monroe's administration. Mr. Adams had forsaken his old friends under circumstances well calculated to excite distrust. Mr. Crawford was not merely in favor of the United States Bank, but, in his administration of the Treasury Department, he had aided the State Banks in a way that I decidedly disapproved of at the time, and by which the government lost upwards of a million of dollars. To whom then should we look? The Tennessee Legislature had but recently presented the name of Gen. Jackson as a candidate. On my first acquaintance with him, early in December, 1823, I was pleased with the man. Before a general acquaintance, I had most enthusiastically admired his military achievements. His political opinions were orthodox so far as I could learn them. In my daily interviews with the gentleman from Warren and his colleagues, who now, forsooth, claim to be the exclusive friends of General Jackson, as his avowed and warm supporters, I was compelled to bear the most unmeasured vituperation of Gen. Jackson. I then stood alone in his support; and, sir, I can never forget the malignant hostility of the Senator from Warren, and those who thought with him, to their present idol. He was then a cruel, vindictive, blood thirsty tyrant, not gifted with a single qualification that fitted him to be the President of the United States. Unable to construe the plainest law in the Statute Book; and, in 1826, his election, it was asserted, would prove a "curse to the country." As to the victory of New Orleans, it had been better, they said, that the city should have been in flames, and the beauty and booty of the place offered up to a heathenish soldiery, than the Constitution should have been violated by the suspension of the writ of habeas corpus. One of the gentleman's colleagues—I mean Gen. Saunders, the present Attorney General—in his public address to the people of his district, went so far, as I am informed and believe, as to superadd to his other charges against the General that of moral turpitude, manifested in the abduction of his neighbor's wife. He professed to know him well, having lived in his immediate neighborhood. Soon after the meeting of Congress in 1823, where do you find this present leader of the Jackson party? Going into caucus for the purpose of controlling that "popular feeling," he now ostentatiously so much reverences. Do you find him and his party influenced by principle any more than now? No, sir. Mr. Crawford received the caucus nomination—the open and avowed friend of the United States Bank—that monster which the gentleman and his party now pretend to hate with such holy fervor.

Early in 1824, Pennsylvania espoused the cause of Gen. Jackson, and his most formidable rival in that State, Mr. Calhoun, was dropped: his friends joined our standard. Inspired with renewed hopes by such an acquisition of strength, we entered the lists with these exclusives, and, in spite of their Coffin Hand Bills and Benton pamphlets, circulated by thousands at a heavy expense to the party, we overcome them in North Carolina by a majority of more than five thousand votes. Do you find the gentleman from Warren yielding a ready obedience to the will of the people, as thus unequivocally expressed, and acknowledging the right of instruction? No, sir; but on the contrary, he openly refused to obey their will. It is known that General Jackson received a plurality of electoral votes, but not a majority of the whole number. Hence the election devolved on the House of Representatives. There you find the gentleman and his Van Buren party, pertinaciously resisting the right of the people to choose their own Chief Magistrate, and virtually co-operating with Mr. Clay, who was charged with an improper coalition with Mr. Adams. The result was, they defeated the well ascertained wishes of the people by the election of Mr. A. Not having been able to direct them by their caucus nomination, they contemptuously disregarded the direct instructions of the people, through the ballot box. By the election of Mr. Adams, a wound was inflicted on the elective franchise, in the person of Gen. Jackson which instantly elicited all the patriotic fervor which animated his early friends, and prompted them, with one accord, to exert every nerve to vindicate the violated rights of their country. When Mr. Clay (who, like the gentleman from

Warren, had disregarded the will of the people, in voting for Mr. Adams) was nominated to the Senate, I felt it my duty to oppose the nomination and to denounce the coalition.

It was not, sir, until the gentleman and his party discovered that they could no where find safety save under the banners of our national ship, which again held her glorious course upon the deep, with the broad pendant of the Hero of New Orleans flying at her peak—it was then, and not till then, that this party were willing to enlist under her commander. They were generously taken off the wreck of the Crawford boat; we pitied their distresses; and what is the return they have made us? They have risen upon us, their benefactors, and, seizing on the ship, have turned us adrift as no longer worthy of the service. True, sir, we had but little confidence in the disinterestedness of some of their leaders; but as the mass of all parties are honest, we did not scruple to receive them into full communion. To the original sin of Mr. Adams, in going into office in opposition to the wishes of a majority of the people, he very soon superadded others, which we attacked in their first inception. He asserted the right to act independently of the Senate, in the appointment of Ministers to Panama. As the humble organ of the patriot band with which I had the honor of acting in the Senate of the United States, I forthwith submitted resolutions disapproving, in strong terms, the unlawful claims of power made by Mr. Adams. A most able and elaborate discussion ensued. The rights of the Senate were asserted and maintained in a most triumphant manner. But, sir, we were in a minority then, as we are now. The argument, however, went forth to the American people, and Mr. Adams stood rebuked before them. About this time, some of our recruits, anxious to signalize themselves in their new service, and willing to remove suspicions which properly attached to them, made an assault upon Mr. Clay, then Secretary of State. General Saunders, of whom I have before made honorable mention led the attack. Mr. Clay, he said, had removed some printers, who had been appointed by his predecessors to publish the laws of Congress. This he censured as an insidious attempt to control the freedom of the press. The tocsin of alarm was sounded; the palladium of liberty was proclaimed to be in danger; and the patriots of the land were summoned to the rescue.

Retrenchment and reform were the order of that day. The profligacy of Mr. Adams' administration was loudly condemned. A committee of retrenchment was appointed; and an elaborate report, reflecting on the lavish expenditure of Mr. Adams' administration, was spread on the Journals of Congress. Ten or twelve millions of dollars were required by him to meet the annual expenditures of the Government, and this was stigmatized as an extravagant demand on the Treasury. He was further accused of retaining officers to perform nominal duties, at a heavy expense to the nation; and, on this head, specifications were made—among others, the 2d Auditor.

The freedom of our elections was pronounced in imminent peril from the patronage of the General Government being brought in conflict with them. To this charge great plausibility was given by Mr. Adams' having placed Mr. Clay in the line of safe precedents; and the imprudent manner in which Mr. Clay had excused himself for voting for Mr. Adams, in opposition to the instructions of his Legislature, was seized upon, and produced a powerful effect on the public mind. The bare idea of Mr. Adams' employing the patronage of the Government to control, in any way, the right of the people to choose a successor, was made the basis of a most violent assault, both upon him and Mr. Clay. And here I must pause to render an act of sheer justice to these distinguished statesmen.—If ever the patronage of the Government was corruptly employed to carry out the coalition with which they were charged, no instance has ever come to my knowledge. In fine, we pledged ourselves, in every possible manner, to bring back the Government to its pristine purity. All these pledges were, from time to time, assumed by General Jackson, but more especially in his Inaugural Address, on the 4th of March, 1829: to which I beg permission to call the attention of the Senate.

The management of the public revenue—that searching operation in all Governments—is among the most delicate and important trusts in ours; and it will, of course, demand an inconsiderable share of my official solicitude. 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.

The recent demonstrations 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, and the counteraction of those excesses which have disturbed the rightful course of appointment, and have placed, or continued power in, unfaithful or incompetent hands.

Suffice it to say, the people triumphed in the election of General Jackson, in 1829; and no person, Mr. Speaker, participated in this triumph more sincerely than I did, under a firm belief that the principles I had been advocating all my life would form the basis of General Jackson's administration. In addition to which, I entertained towards him a most ardent personal attachment; and in the fullness of my heart, I believed him to be one of the greatest and best of men, and, in a festive hour, said so. For this idolatry, I have been often taunted, and perhaps, justly. Did any one, however, doubt my sincerity then? No, sir; my acts spoke louder than my words. Does any person doubt my sincerity now? No, sir. Can the parasites and sycophants, who surround him, say as much? When powerless they opposed him with the most malignant hate; when he is clothed with power and patronage, and able to reward them, they flatter and flatter, and, for their flattery and flattery, expect their pay with as much certainty as the laborer does his hire. At that time, I had a strong hold on the affections and confidence of my fellow citizens of North Carolina. As an evidence of it, I had, during the previous winter, been re-elected to the Senate of the United States for six years from the 4th of March, 1829, without opposition.

On the arrival of Gen. Jackson in Washington in February, 1829, I met him with an affection almost filial, and as much alive to the success of his administration as any man living. I was perfectly satisfied that the solicitude of his friends should be directed to the preservation of his well earned laurels, and that this should be effected only by a strict and faithful adherence to the principles which had borne him into office. I often told him he would have less excuse in disregarding these principles than any President since the days of Gen. Washington: that he was sustained by an overwhelming majority of the American people, and had it in his power to do right, without regard to expediency.

Without solicitation on my part, he desired me to become a member of his Cabinet, and take charge of the Navy Department. I returned him my warmest acknowledgements for so distinguished an evidence of his confidence; but remarked, that I doubted my abilities to discharge the duties of that Department, either to my own satisfaction or that of my country and that I must ask time to consult my friends. To this he consented, and I promised to call and give him an answer next evening. The first person I asked counsel of was my friend and colleague, Gov. Iredell, now perhaps within the hearing of my voice, a gentleman whose high claims to confidence are universally acknowledged, and to borrow a figure of the gentleman from Warren) whose inherent virtues and talents rendered him peculiarly fit to perform so delicate an office. He unhesitatingly said, that, inasmuch as it was the first appointment of that grade ever tendered to a citizen of North Carolina, and as it was an honor intended to be conferred on the State through me, I was not at liberty to decline. The next friend with whom I consulted, was the Senator from Burke, then a member of the House of Representatives of the United States—a friend indeed I may call him—a friend while in favor, but still more a friend when in adversity. His merits and just claims on the State I will speak of elsewhere. His counsels were substantially the same as those of Gov. Iredell. I then sought interviews with many others, and finding there was but one opinion among my friends as to the course proper for me to pursue, I, in due time, signified my acceptance of the trust. This was some ten or fifteen days before the inauguration of Gen. Jackson. In the mean time, the Cabinet arrangements were announced, by authority, in the Telegraph. Among the members was Major Eaton, my personal friend, a gentleman for whom I entertained the kindest feelings, and whom I would have gone further to serve than any other member of the proposed Cabinet. We were brought up in the same neighborhood. But as soon as his name was announced, many of the best friends of Gen. Jackson expressed their decided disapprobation of his appointment; first one, and then another remonstrating against it. Among the objections urged, were the circumstances connected with his recent marriage. Finally, on the urgent representation of one of the President's friends, he consented that Major Eaton should not go into the Cabinet, as originally designed; but should be transferred to the Post Office Department, which was not at that time considered a Cabinet appointment. This was communicated to me in a few minutes afterwards, and, in order to enable the President to accomplish his object without wounding the feelings of Major Eaton, I immediately waited on Gen. Jackson, and proposed to him, in the presence of Major Eaton, that, inasmuch as Judge McLean's friends had manifested some anxiety for his promotion, Major E. and myself might be permitted to tender him the choice of the three Departments in