

by consistency of character; by duty to his constituents—to his country; by that of redeeming his solemn pledge; by his anxious wish for the success of his favorite, whose interest could not fail to be advanced by supporting his atrocious charges. But Mr. Kremer had now the benefit of the advice of his friends. He had not proofs, for the plainest of all reasons, because there was no truth in his charges. They saw that to attempt to establish them, and to fail, as he must fail, in the attempt, might lead to an exposure of the conspiracy, of which he was the organ. They advised therefore that he should make a retreat, and their adroitness suggested that, in an objection to that jurisdiction of the House, which had been admitted, and in the popular topics of the freedom of the press, his duty to his constituents, and the inequality in the condition of the speaker of the House and a member on the floor, plausible means might be found to deceive the ignorant, and conceal his disgrace. A laboured communication was accordingly prepared by them, in Mr. Kremer's name, and transmitted to the committee, founded upon these suggestions. Thus the valiant champion, who had boldly stepped forward, and promised, as a representative of the people, to "cry aloud and spare not," forgot all his gratuitous gallantry and boasted patriotism, and sunk at once into profound silence.

With these remarks, I will, for the present, leave him, and proceed to assign the reasons to you, to whom alone I admit myself to be officially responsible, for the vote which I gave on the presidential election. The first inquiry which it behoved me to make was, as to the influence which ought to be exerted on my judgment, by the relative state of the electoral votes which the three returned candidates brought into the house, from the colleges. Gen. Jackson obtained 99, Mr. Adams 84, and Mr. Crawford 41. Ought the fact of a plurality being given to one of the candidates to have any, and what, weight? If the constitution had intended that it should have been decisive, the constitution would have made it decisive, and interdicted the exercise of any discretion on the part of the House of Representatives. The constitution has not so ordained, but, on the contrary, it has provided; that "from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the H. of Representatives shall choose, immediately by ballot, a President." Thus, a discretion is necessarily invested in the House; for choice implies examination, comparison, judgment. The fact, therefore, that one of the three persons was the highest returned, not being by the constitution of the country, conclusive upon the judgment of the House, it still remains to determine, what is the true degree of weight belonging to it. It has been contended that it should operate, not as an instruction, at least in the nature of one, and that in this form it should control the judgment of the House. But this is the same argument of conclusiveness, which the constitution does not enjoin, thrown into a different, but more imposing shape. Let me analyze it. There are certain states, the aggregate of whose electoral votes conferred upon the highest returned candidate, indicates their wish that he should be the President. Their votes amount in number to 99, out of 261 electoral votes of the whole Union. These 99 do not, and cannot, of themselves, make the President. If the fact of particular states giving 99 votes can, according to any received notions of the doctrine of instruction, be regarded in that light, to whom are those instructions to be considered addressed? According to that doctrine, the people, who appoint, have the right to direct, by their instructions, in certain cases, the course of the representative whom they appoint. The states therefore, who gave those 99 votes may, in some sense, be understood thereby to have instructed their representatives in the House to vote for the person on whom they were bestowed, in the choice of a president. But most clearly the representatives coming from other states, which gave no part of those 99 votes, cannot be considered as having been under any obligation to surrender their judgments to those of the states which gave the 99 votes. To contend that they are under such an obligation, would be to maintain that the people of one state have the right to instruct the representatives from another state. It would be to maintain a still more absurd proposition, that, in a case where the representatives from a state did not hold themselves instructed and bound by the will of that state, as indicated in its electoral college, the representatives from another state were nevertheless, instructed and bound by that alien will. Thus, the entire vote of North-Carolina, and a large majority of that of Maryland, in their respective electoral colleges, were given to one of the three returned candidates, for whom the delegation from neither of those states voted. And yet the argument combated requires that the delegation from Kentucky, who do not represent the people of North-Carolina nor Maryland, should be instructed by, and give an effect to, the indicated will of the people of those two states, when their own delegation paid no attention to it. Doubtless, these delega-

tions felt themselves authorized to look into the actual composition of, and all other circumstances connected with, the majorities which gave the electoral votes, in their respective states; and felt themselves justified, from a view of the whole ground, to act upon their responsibility and according to their best judgment, disregarding the electoral votes in their states. And are the representatives from a different state not only bound by the will of the people of a different commonwealth, but forbidden to examine into the manner by which the expression of that will was brought about—an examination which the immediate representatives themselves feel it their duty to make?

Is the fact, then, of a plurality to have no weight? Far from it. Here are 24 communities, united under a common government. The expression of the will of any one of them is entitled to the most respectful attention. It ought to be patiently heard and kindly regarded by the others; but it cannot be admitted to be conclusive upon them. The expression of the will of 99 out of 261 electors is entitled to very great attention, but that will not be considered as entitled to control the will of the 162 electors, who have manifested a different will. To give it such controlling influence, would be a subversion of the fundamental maxim of the Republic—that the majority should govern. The will of the 99 can neither be allowed rightfully to control the remaining 162, nor any one of the 162 electoral votes. It may be an argument, a persuasion, addressed to all, and to each of them, but it is binding and obligatory upon none. It follows then, that the fact of a plurality is only one among the various considerations which the House was called upon to weigh, in making up its judgment. And the weight of the consideration ought to have been regulated by the extent of the plurality. As between Gen. Jackson and Mr. Adams, the vote standing in the proportions of 99 to 84, it was entitled to less weight; as between the General and Mr. Crawford it was entitled to more, the vote being as 99 to 41. The concession may even be made, that, upon the supposition of an equality of pretensions between competing candidates, the preponderance ought to be given to the fact of a plurality.

With these views of the relative state of the vote, with which the three returned candidates entered the House, I proceeded to examine the other considerations which belonged to the question. For Mr. Crawford, who had only four votes more than one candidate not returned, and upon whose case, therefore, the argument derived from the fact of plurality, operated with strong, though not decisive force. I have ever felt much personal regard. But I was called upon to perform a public solemn duty, in which my private feelings, whether of affection or aversion, were not to be indulged, but the good of my country only consulted. It appears to me that the precarious state of that gentleman's health, although I participated with his best friends in all their regrets and sympathies, on account of it, was conclusive against him, to say nothing of other considerations of a public nature which would have deserved examination, if, happily in that respect, he had been differently circumstanced. He had been ill near eighteen months, and although I am aware that his actual condition was a fact depending upon evidence, and that the evidence in regard to it, which had been presented to the public, was not perfectly harmonious, I judged for myself upon what I saw and heard. He may, and I ardently hope will recover; but I did not think it became me to assist in committing the executive administration of this great republic on the doubtful contingency of the restoration to health of a gentleman who had been so long and so seriously afflicted. Moreover, if, under all the circumstances of his situation, his election had been desirable, I did not think it practicable. I believed, and yet believe, that if the votes of the western states, given to Mr. Adams, had been conferred on Mr. Crawford, the effect would have been to protract in the House the decision of the contest to the great agitation and distraction of the country, and possibly to defeat an election altogether—the very worst result I thought that could happen. It appeared to me, then, that sooner or later, we must arrive at the only practical issue of the contest before us, and that was between Mr. Adams and Gen. Jackson, and I thought that the earlier we got there, the better for the country and for the House.

In considering this only alternative, I was not unaware of your strong desire to have a western President; but I thought that I knew enough of your patriotism, and magnanimity displayed on so many occasions, to believe that you could rise above the mere gratification of sectional pride, if the common good of the whole required you to make the sacrifice of local partiality. I solemnly believed it did, and this brings me to the most important consideration which belonged to the whole subject—that arising out of the respective fitness of the only two real competitors, as it appeared to my best judgment. In speaking of General Jackson, I am aware of the delicacy

and respect to be observed, and distinguished purpose to attend, could not do it in the attempt; speak of him as I did not believe I could discharge the complex duties of the office of Chief Magistrate as his competitor. He has displayed great skill and bravery as a military commander; and his renown will endure as long as the means exist of preserving a recollection of human transactions. But to be qualified to discharge the duties of President of the United States, the incumbent must have more than mere military attainments—he must be a STATESMAN. An individual may be a gallant and successful general, an eminent lawyer, an eloquent divine, a learned physician, or an accomplished artist, and doubtless the union of all these characters in the person of a Chief Magistrate, would be desirable; but no one of them, nor all combined, will qualify him to be President, unless he superadds that indispensable requisite of being a statesman. Far from meaning to say, that it is an objection to the elevation to the chief magistracy of any person that he is a military commander, if he unites the other qualifications, I only intend to say that whatever may be the success or splendor of his military achievements, if his qualification be only military, that is an objection, and I think a decisive objection to his election. If General Jackson has exhibited, either in the councils of the Union, or in those of any other state or territory, the qualities of a statesman, the evidence of the fact has escaped my observation. It would be as painful as it is unnecessary to recapitulate some of the incidents which must be fresh in your recollection of his public life. But I was greatly deceived in my judgment if they proved him to be endowed with that prudence, temper, and discretion, which are necessary for civil administration. It was in vain to remind me of the illustrious example of Washington. There was in that extraordinary person, united a serenity of mind, a cool and collected wisdom, a cautious and deliberate judgment, a perfect command of the passions throughout his whole life, a familiarity and acquaintance with business and civil transactions, which rarely characterise any human being. No man was ever more deeply penetrated than he was, with profound respect for the safe and necessary principle of the entire subordination of the military to the civil authority. I hope, therefore, no injustice to General Jackson will be done, if I say, that I could not recognize in his public conduct, those attainments which both civil government and military command, which contemporaries and posterity have alike unanimously concurred in awarding as yet only to the father of his country. I was sensible of the gratitude which the people of this country justly feel towards General Jackson for his brilliant military services. But the impulses of public gratitude should be controlled, it appeared to me, by reason and discretion, and I was not prepared blindly to surrender myself to hazardous indulgence, of a feeling, however amiable and excellent that feeling may be when properly directed. It did not seem to me to be wise or prudent, if, as I solemnly believed, General Jackson's competency for the office was highly questionable, that they should be placed in a situation where neither his fame nor the public interest would be advanced. Gen. Jackson himself would be the last man to recommend or vote for any one for a place, for which he thought himself unfit. I feel myself sustained by his own reasoning in his letter to Mr. Monroe, in which speaking of our venerable Sully for the department of war, he remarked: "I am compelled to say to you, that the acquirements of this worthy man are not competent to the discharge of the multiplied duties of this department; I therefore hope he may not accept the appointment. I am fearful, if he does, he will not add much splendor to his present well earned standing as a public character." Such was my opinion of General Jackson, in reference to the Presidency. His convictions of Governor Shelby's unfitness, by the habits of his life, for the appointment of secretary of war, were not more honest nor stronger than mine were of his own want of experience, and the necessary civil qualifications to discharge the duties of a president of the United States. In his elevation to this office, too, I thought, I perceived the establishment of a fearful precedent; and I am mistaken in all the warnings of instructive history, if I erred in my judgment. Undoubtedly there are other and many dangers to public liberty, besides that which proceeds from military idolatry, but I have yet to acquire the knowledge of it, if there be one more perilous or more frequent.

Whether Mr. Adams would or would not have been my choice of a president, if I had been left freely to select from the whole mass of American citizens, was not the question submitted to my decision. I had no such liberty; but I was circumscribed in the selection I had to make to one of the three gentlemen, whom the people themselves had thought proper to present to the House of Representatives. Whatever objections might be supposed to exist a-

gainst him, still greater appeared to me to apply to his competitor. Of Mr. Adams, it is but truth and justice to say, that he is highly gifted, profoundly learned, and long and greatly experienced, in public affairs, at home and abroad. Intimately conversant with the rise and progress of every negotiation with foreign powers, pending or concluded; personally acquainted with the capacity and attainments of most of the public men of this country, whom it might be proper to employ in the public service; extensively possessed of much of that valuable kind of information, which is to be acquired neither from books or tradition, but which is the fruit of largely participating in public affairs; discreet and sagacious; he would enter on the duties of the office with great advantages. I saw in his election the establishment of no dangerous example. I saw in it, on the contrary, only conformity to the safe precedents which had been established in the instances of Mr. Jefferson, Mr. Madison, and Mr. Monroe, who had respectively filled the same office from which he was to be translated.

A collateral consideration of much weight was derived from the wishes of the Ohio delegation. A majority of it during the progress of the session, made up their opinions to support Mr. Adams, and they were communicated to me. They said, "Ohio supported the candidate who was the choice of Kentucky. We failed in our common exertions to secure his election. Now, among those returned we have a decided preference, and we think you ought to make some sacrifice to gratify us." Was not much due to our neighbor and friend?

I considered with the greatest respect the resolution of the General Assembly of Kentucky, requesting the delegation to vote for General Jackson. That resolution, it is true, placed us in a peculiar situation. Whilst every other delegation, from every other state in the Union, was left by its legislature entirely free to examine the pretensions of all the candidates, and to form its unbiased judgment, the General Assembly of Kentucky thought proper to interpose and request the delegation to give its vote to one of the candidates, whom they were pleased to designate. I felt a sincere desire to comply with a request emanating from a source so respectable, if I could have done so consistently with these paramount duties which I owed to you and to the country. But, after a full and anxious consideration, I found it incompatible with my best judgment of those duties to conform to the request of the General Assembly. The resolution asserts, that it was the wish of the people of Kentucky, that their delegation should vote for the general. It did not inform me by what means that body had arrived at a knowledge of the wish of the people. I knew that its members had repaired to Frankfort before I departed from home to come to Washington. I knew their situation was fixed on important local concerns, well entitled, by their magnitude, exclusively to engross it. No elective or general expression of the popular sentiment had occurred since that in November, when electors were chosen, and that the people, by an overwhelming majority, and decided against General Jackson. I could not see how such an expression against him, could be interpreted into that of a desire for his election. If, as is true, the candidate whom the preterred, were not returned to the office, it is equally true that the state of the contest, as it presented itself here to me, had never been considered, discussed, and decided by the people of Kentucky, in their collective capacity. What would have been their decision upon this new state of the question, I might have undertaken to conjecture, but the certainty of any conclusion of fact, as to their opinion, at which I could arrive, was by no means equal to that certainty of conviction of my duty to which I was called by the exertion of my best and most deliberate reflections. The letters from home, which some of the delegation received, expressed the most opposite opinions, and there were not wanting instances of letters from some of the very members who had voted for the resolution, advising a different course. I received from a highly respectable portion of my constituents a paper, instructing me as follows: "We, the undersigned voters in the Congressional district, having viewed the instruction or request of the Legislature of Kentucky, on the subject of choosing a President and Vice President of the United States, with regret, and the said request of instruction to our representative in Congress from this district, being without our knowledge or consent; we for many reasons known to ourselves, connected with so momentous an occasion, hereby instruct our representative in Congress to vote on this occasion agreeable to his own judgment, and by the best lights he may possess on the subject, with, or without the aid of the legislature of Kentucky." The instruction came both unexpected and unsolicited by me, and it was accompanied by letters assuring me that it expressed the opinion of my constituents. I could not regard the resolution as a declaration of your wishes.

Viewed as a mere request, reported to be, the General

doubtless had the power to make it. But then, with great deference, I think it was worthy of serious consideration, whether the dignity of the General Assembly ought not to have induced it to forbear addressing itself, not to another legislative body, but to a small part of it, and requesting the members who composed that part, in a case which the constitution had confided to them, to vote according to the wishes of the General Assembly, whether those wishes did or did not conform to their sense of duty. I could not regard the resolution as an instruction; for, from the origin of our state, its legislature has never assumed nor exercised the right to instruct the representatives in Congress. I did not recognize the right, therefore, of the legislature to instruct me. Recognized that right only when exerted by you. That the portion of the public servants who made up the General Assembly have no right to instruct that portion of them who constituted the Kentucky delegation in the House of Representatives, is a proposition too clear to be urged. The members of the General Assembly would have been the first to behold as a presumptuous interposition, any instruction, if the Kentucky delegation could have committed the absurdity to issue, from this place, any instruction to them to vote in a particular manner on any of the interesting subjects which lately engaged their attention at Frankfort. And although nothing is further from my intention, than to impute either absurdity or presumption to the General Assembly, in the adoption of the resolution referred to, I must say that the difference between an instruction emanating from them to the delegation, and from its delegation to them, is not in principle, but is to be found only in the degree of superior importance which belongs to the General Assembly.

Entertaining these views of the election on which it was made my duty to vote, I felt myself bound, in the exercise of my best judgment, to prefer Mr. Adams; and I accordingly voted for him. I should have been highly gratified if it had not been my duty to vote on the occasion, but that was not the case, and I did not choose to shrink from any responsibility which appertained to your representative. Shortly after the election it was rumoured that Mr. Kremer was preparing a publication, and the preparations for it which were making excited much expectation. Accordingly, on the 26th of February, the address, under his name, to the "Electors of the 9th Congressional District of the State of Pennsylvania," made its appearance in the Washington City Gazette. No member of the House, I am persuaded, believed that Mr. Kremer wrote one paragraph of that address, or of the plea, which was presented to the committee, to the jurisdiction of the House. Those who counselled him, and composed both papers, and their purposes, were just as well known as the author of any report from the committee to the House. The first observation which is called for by the address is the place of its publication. That place was in this City, remote from the centre of Pennsylvania, near which Mr. Kremer's district is situated, and in a paper having but a very limited, if any circulation in it. The time is also remarkable. The fact that the President intended to nominate me to the Senate for the office which I now hold, in the course of a few days, was then well known; and the publication of the address was, doubt, made less with an intention to communicate information to the electors of the 9th Congressional district of Pennsylvania, than affect the decision of the Senate on the intended nomination. Of the character and contents of that address of Messrs. George Kremer & Co. made up, as it is of assertion without proof, of inferences without premises, and of careless, jocular, and quizzing conversations of some of my friends, to which I was no party, and of which I have never heard, it is not my intention to say much. It carried its own refutation, and the parties concerned should be content with the next day in his dignant countenance of every eye to be directed and honorably to be proved, to the satisfaction of all statesmen, the accuracy of the contents of the address of P. C. I have been notified, and I have decided, not to be notified.