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IN THE SENATE.

DEBATE ON MR. BENTON'S RESOLUTIONS

MR. MANGUM said, the debate on the resolution had taken a wide range. The impress of its paternity was strongly marked upon it. The proposition as now modified bore no very distinct characteristic on its face. It had led to a discussion of all our relations with France, and to an assault upon the Senate. He would not be put to his trial by any one of that body, the President of the United States—or by any other legislative body, except by one of his own state. He would say, *coram non judice*. He would not look to the house at this, or to the white house at the other end of the avenue, for motives to govern him. He was satisfied with the vote he had given on the rejection of the three million appropriation, and he believed those whom he now represented were satisfied. He took his ground that that appropriation was wholly unnecessary in the action of the country. There was no executive re-commendation for it. At the opening of the last session, it was true, that a fire had been thrown into the chamber and rolled about among them. In that proposition there was an echo found in the Senate there was no division, and the action of the House corresponded.—What new feelings had arisen? True, Mr. Benton had been recalled before the rising of the last Congress. France had appropriated the language of the President under a proper sense of honor, and had annexed a condition to the terms of payment. As a humble American citizen he (Mr. M.) was opposed to an appropriation beyond what had been given. After the close of the session there was not the slightest indication of war on the part of France, and where was the necessity of an appropriation in the absence of it? He was not willing to charge the President with a dereliction of duty in recommending the appropriation. He would not have shrunk from the performance of it if the country had needed it. He was remarkable for taking no responsibility.

He came from a portion of the country where they pay a large proportion of the revenues, and he would call upon any one to put his finger on the act of his in giving a disposition to oppose the action of the government. But they were called upon in the dark by one who was in the confidence of the administration, to do so. As far as that gentleman was connected with another body, he had his respect, but in such an important matter he could not take him for authority. In this body, said he, we had no knowledge of his being desired by the President; and one of the most honest and most deserving of this body among the friends of the Administration had voted against it, and in doing so, declared he had no knowledge of its being desired by the President.

Charge, said Mr. M., and if denied, I believe I shall be able to prove it, that it was known to some in this body, when they were put; however, there was not a whisper that the Executive wished it. A portion of the policy was not only to embarrass an individual in this body, but to throw odium on him. They saw a man was fighting up from the Potomac to the Balize, and it was policy to suppress it. Not a man in this city entertained the opinion that the Senate would vote for it. Three millions, when the all elections were coming on, would have been of great service. Suppose it had been granted—we would have heard the clangor of arms before this time. They had seen with what furious haste a messenger was despatched to reach that venerable representative of ours in France. The discretion given in that appropriation was calculated to create a dictatorial power; it gave the power to create colonies. The Senator from Missouri (Mr. Benton) had inspired a feeling calculated to arouse fearful forebodings; yet he (Mr. M.) had not the slightest apprehensions of a war, but with great candor had told them that the proposition was put forward to try its merits with another proposition. The arguments of gentlemen in debate had become more and more intelligent. They were not equalled since 1812. The speech of the gentleman from Pennsylvania (Mr. Buchanan) was wrought up to the highest pitch. The speech of Mark Anthony over the body of Caesar, was nothing compared to it. The cares of the Government were distributed; one gentleman takes care of the navy—another of the money, rag money and all—another of the public lands, and the gentleman from Pennsylvania, (Mr. Buchanan) who had some acquaintance with foreign relations, had charge of that subject. These were the men of those higher in power. The

eloquence of Mark Anthony in his eloquence, by putting tongues in dumb mouths, had started the very stones.

When rumor represents a mediation, (for we, said he, are not permitted to know, except from rumor) and that mediation accepted, did the honorable gentleman think the light in which he presented the subject calculated to hasten its consummation? Perhaps his speech was intended for the Chief Magistrate to peruse for his amusement, and frank copies of it to be sent abroad, a privacy which—rides with unbirded domination. The lion was a noble animal—the tiger one of fearful ferocity; and when war was sounded, it was the tiger. The fox was a sly, cunning little animal, remarkable for seeking a protection in the crevices of the rocks. It was scheming mercenaries who wished that immense amount of money to be thrown into the community, among an immense tribe of office-holders, steamers, &c.

In the army and navy war was their vocation; the pride, pomp and circumstance of war was their favored element. This Senate had to be baited down. How unequal the war! It was not endowed with any appointing or veto power, except the check upon executive nominations. The Executive must be supposed from the nature of his station to be supported by the people of this republic. We, said he, have nothing to rely upon, but the principles of virtue and patriotism. In addition to the President's original popularity, was his power of nomination, besides specific appropriations, which incited to a high activity the most mercenary politicians. When that artillery was brought to bear upon the hall of the Senate of the United States, it was more than it could bear. We must, said he, fight in line, or else be demolished. There was a redeeming spirit in this body (the Senate) which made it a sort of political breakwater; which must be made to tumble. The war must be kept up, to enable gentlemen to seize upon this thirty millions of revenue. But, sir, let this body be put down, and the government becomes a centralized power. Liberty had never been preserved in any country where the central power was not resisted. A show of the war with France, must be kept up until gentlemen can seize upon the thirty millions. Say they, it will require an unusual degree of nerve to refuse the American people appropriations for defenses. The thirty millions must be pocketed; it will have a prodigious means in accelerating all our plans of policy. When this power had put down the Senate, it would be a day of tribulation. Thirty millions would not only be convenient for present purposes, but to carry out the future schemes of that august body, the convention at Baltimore. With the money and the domain what may not be done? Certain plans of policy had already been indicated for the disposition of the surplus revenue.

Mr. M. referred to the resolutions on that subject, offered by Mr. Clay and Mr. Calhoun, and gave his preference to the mode pointed out in them of disposing of the surplus funds. By giving this direction to them, it would curtail the power of the Executive. He spoke of the Legislature of his own state, and of the internal improvements and patriotism of the Key stone state. He thanked the gentlemen from Missouri (Mr. Benton) for putting this matter upon the true grounds—the competing propositions for the disposition of this fund. In regard to this controversy, it was the people on the one hand, and the Government and its retainers on the other. It was an evil that must be got rid of somehow. The states that have in progress those lines of communication that will bind us together stronger than bands of steel, know the struggle is to be a fearful and powerful one. Nothing could resist the march of the government, unless it was a counteracting principle of interest. Organized, disciplined as it was with its unity of purpose, the contest would be as long as the Punic war. He knew the veto power and would not touch a pebble on which it stood. Armed with that power, it is not to be expected that we can succeed in the immediate struggle. But in the long run the people would do right. He wanted to see the question in relation to the public lands brought before the people. The gentlemen had taken ground—I plant myself, said he, on the side of the states and of the people. This, said he, is a natural division. We have had a new party, with new attributes, and with new energies. I don't call it the spoils party. We must, in the long run, prevail unless the patriotism and intelligence of the people cannot resist the fearful power which rides and rules over us. The ballot boxes would determine. If we can have this great interest met with these domestic interests, it may be counteracted. It was not confined to the manufactures or any other peculiar interest; it was spread over the whole Union; felt

in and exerted from every post office in the country. How was it with an individual brought forward in opposition to this great force? He might have great local popularity, but it must yield to this general influence; and at the present time who, did not witness the exercise of this fearful influence? He hoped they should be able to break this tremendous august influence and power from the people.

If the French war comes, said Mr. M. we will not be found behind any in contributing to the means of defence. If it did come, it would be the result of the most unfortunate diplomacy that ever characterized any country.

The patriotism of the Senate had been inculcated in relation to the veto rejecting the three million appropriation. That glorious and gallant little navy of ours, which covered itself with glory in 1812, was to be reinforced. By the showing of the administration, at the opening of this session, the appropriation was not needed. If desired, why did not some member of the administration move an appropriation, instead of waging war upon the Senate? Where had the annual appropriation of 100,000 dollars for gun carriages been expended? The gentleman on the military committee (Mr. Benton) had said there was none fit for service. Wherefore, then, the misapplication of this money? In one department every thing was full of life, energy, and action—I mean, said he, the electioneering department—the one endowed with the power of ubiquity; like the proboscis of an elephant, it is now seen pulling up a tree by the roots, and now picking up a pin. The powers of a government might be compared to the physical powers of a man. The brawny arm of the mad who hammers on the anvil increased in muscle & strength, while the other in the same ratio decreased. The Post Office department had been particularly energetic, and there were hopes that it was better regulated. The War department, said he, we know is sound. He hoped it would be able to satisfy the people of this country that the blood spilled in the Florida war had not been from any remissness of duty on its part. If that department had been as prompt in attending to the south, where the war was raging, as the other department was keen in keeping in the ascendant a certain body in other parts, the disasters of that war might have been averted.

With a popularity felt throughout the Union, this power had been able to throttle, break down, and strangle all resistance. But, said he, what is a two years' domination in the life of a nation, to fate ten and to baton on its spoils? The loss was nothing. A spirit would yet live and burn and brightly blaze for thousands and thousands of centuries to come; the successor would be too wary to be driven from the precipice.

LETTER OF JOHN TYLER, A SENATOR FROM THE STATE OF VIRGINIA, To the Speakers and Members of the General Assembly of Virginia.

Washington, Feb. 23 1836.

Gentlemen—Certain resolutions of the General Assembly, instructing their Senators in the Congress of the United States, to introduce and to vote for a resolution to expunge the journal of a previous Senate in the particulars therein mentioned, and pointing out the precise manner in which the act shall be performed, have been made known to me. After the most deliberate examination which I am capable of bestowing upon them, and with a sincere desire to conform my conduct to the wishes of the General Assembly, I find it impossible to reconcile the performance of the prescribed task with the obligations of the solemn oath which I have taken to support the Constitution of the United States. With what promptitude I should comply with the institutions of the Legislature, if compliance was permitted, may readily be inferred from my past course of conduct; and I beg your indulgence, gentlemen, whilst I advert to the most prominent incidents of my life, in connexion with the great question of instruction. I was very young when I first took my seat in the House of Delegates, to which I had been elected within a few days after I had attained the age of 21. The then Senators from Virginia, (Messrs. Giles and Brent,) stood obnoxious to the charge of having disregarded the instructions of the Legislature, which had been adopted on the motion of a gentleman, then a distinguished member, (Gov. Barbour,) to vote against re-chartering the Bank of the U. S. The first while he voted against the Bank, denied the right of the Legislature to instruct him—the last disregarded the instructions altogether, and voted for the bank. Impelled by no other motives than a desire to uphold the Legislature in its right to instruct its deputed organs, I introduced a resolution disapproving the course which had been

pursued by the Senators. My motive in doing so, was single and unmixt. I was too young to seek profit by their overthrow. The resolution thus introduced by me, passed into other hands, and was substituted by other resolves, which were finally adopted by the two Houses of Assembly by large and overwhelming majorities. At the age of twenty five I took my seat in the House of Representatives of the United States. The repeal of the compensation law soon came under discussion. I came in to supply a vacancy, and brought with me the wishes of my constituents in regard to that measure. I made them known, and claimed the repeal of the law, as due to the well ascertained wishes of the people. This brought into discussion the obligation of instruction; and I contended for the right, under the same restrictions and limitations as had been laid down in the resolutions before alluded to. I now affirm the opinion at all times heretofore expressed by me, that instructions are mandatory, provided they do not require a violation of the Constitution or the commission of an act of moral turpitude. When acting under an oath, the public agent, whether a Senator or a Juror, is bound by obligations of a higher and more controlling character than can proceed from any earthly source. The Constitution of the United States is the original and primary letter of instructions, supreme over all, and binding upon all. For the agent who is sworn to support it, to violate it knowingly and intentionally, would be an act of the grossest immorality and most unmitigated debasement. Such is the condition in which, in my view of the subject, obedience to your instructions would place me. It is known to you, gentlemen, that on entering the Senate, the only oath which I took was an oath to support the Constitution of the United States; to support it in all and each of its provisions; to yield it neither to force, persuasion nor expediency. No matter what the object; should its attainment confer upon me the greatest personal advantage, still to remain unswayed—not to touch that forbidden fruit. I entered into a covenant with my Creator—to break which would not fall to place in my bosom a Promethean vulture to tear and devour me.

The obligation then, to obey an instruction which calls upon me to break that covenant, cannot possibly exist. I should be unworthy the confidence of all honorable men, if I could be induced under any circumstances to commit an act of deliberate perjury. Instead of a seat in the Senate, I should richly deserve to be put in the pillory, and to lose both my ears as an indelible mark of my baseness; and such would be the sentence which the laws of Virginia would pronounce against me. You have admitted the truth of this proposition in the alternatives presented in your second resolution. Between those alternatives I cannot hesitate to choose. It is not for every difference of opinion between the representative and constituent, that the constituent would necessarily require the resignation of the representative. In the course of a somewhat long political life, it must have occurred that my opinions have been variant from the opinion of those I represented; but in presenting to me the alternative of resignation in this instance, you give me to be distinctly informed that the accomplishment of your object is regarded as of such primary importance, that my resignation is desired, if compliance cannot be yielded. I am bound to consider you as, in this, fairly representing the sentiments of our common constituents, the people of Virginia, to whom alone you are amenable if you have mistaken their wishes. My position in regard to this whole subject, is of a character to preclude me from going into abstractions. I do not hesitate, on the contrary, to declare that, if you had, as the accredited organs of the people, addressed me a request to vacate my seat in the Senate, your request would have had with me the force of law; not a day or an hour would I desire to remain in the Senate beyond that hour wherein I came to be informed that it was the settled wish of the people of Virginia that I should retire from their service. That people have honored me with the highest offices within their gift. If the talents which I have brought into their service be humble, I have at least brought fidelity to their interests. No where else have I looked for reward, but to their approbation. I have served under four administrations, and might doubtless, by a course of subserviency and sycophancy, have obtained what is called by some preferment. But what could have compensated for the baseness of my prostitution, and the betrayal of the confidence reposed in me by a generous people? The Executive files furnish no record of my name as an applicant for any of the crumbs which have fallen from the Executive table. I repeat, that I have looked exclusively to the people of Vir-

ginia; and when they have extended to me their confidence for twenty odd years; when I am indebted to them for whatever of credit and standing I possess in the world, I cannot and will not permit myself to remain in the Senate for a moment beyond the time that their accredited organs shall instruct me that my services are no longer acceptable. If gratitude for the past did not, my own conscious weakness would control my course. What would it profit the country or myself, for me to remain in the Senate against their wishes? By retaining my place in opposition to their fixed, declared and settled will, I should aid no cause; advance no great purpose; be powerless for good, and provoke only to harm; reposing on my own feeble strength, I should vainly flatter myself that I could with my single arm sustain the Constitution, and keep back what I might consider the tide of error, when in very truth I should but excite the popular prejudices more strongly, and imminently endanger the Constitution by my efforts to sustain it.

In resigning then, gentlemen, into your hands, my place in the Senate of the United States, to which I was called by your predecessors, I trust I shall be indulged in a brief exposition of the reasons which have led me to the conclusion, that to obey your instructions would be to violate the Constitution of the United States. I shall do so boldly and fearlessly, but with all becoming respect, and with all the brevity in my power. The Senate is ordered by the Congress to keep a journal of its proceedings; and to publish it from time to time. This injunction is thus solemnly imposed upon the aggregate body, and on each individual Senator. Whatever shall be done, shall be faithfully recorded by Secretary, and shall be faithfully kept—not for an hour, and then to be defaced—not for a day, and then to be erased; nor for a year, and then to be expunged—but forever, as a perpetual witness, a faithful history, by which the conduct, the motives, the actions of men, shall be judged, not by those of the present day only, but through all time. It was a wise custom among the Chinese, which required the biography of each Emperor to be written before the close of his life, and placed before him, so as to give him foreknowledge of what the world would think of him after his death. It was designed to restrain his evil passions—to curb the exercise of despotic sway—it addressed itself to his ambition, and excited within him a longing for an immortality in the gratitude and admiration of succeeding ages. But this provision in our Constitution is still wiser. Each Senator writes daily his own biography. He is required to record his own acts, and takes an oath to keep that record and to publish it from time to time. The applause or censure of his fellow men is not postponed until he has descended to the tomb. It is daily uttered by the living generation. How powerful are the inducements thus addressed to each member to be faithful to the trust confided to him! How much to be admired the wisdom of our ancestors in framing the constitution! If this was its only feature, their title to immortality would seem to be established.

This simple provision is one of the great securities of American liberty. It takes nothing upon trust. If the Senate kept no journal, it would be a secret conclave, where deeds the most revolting might be performed in secrecy and darkness. The train might there be laid, the mine prepared, and the first knowledge of the treason might be the explosion, and consequent overthrow of free government. Liberty could not co exist with such a state of things. There is no liberty where there is no responsibility, and there can be no responsibility where nothing is known. To have a Secretary seated at the table of the Senate, to write down its proceedings, and to claim for itself the right to cancel, obliterate, or expunge what he had written, is equivalent to having no journal at all—a mockery and a fraud. The journal of the morning may be cancelled in the evening—that to-day may be expunged on to-morrow—cancel it in any way, whether by blue or red marks, whether with circles or straight lines, it ceases to be a journal, and that which was, is not. The journal is to be published, but there is no journal. There was one yesterday, where it can reach the press, it is cancelled, marked out, or expunged. These are the necessary results of obedience to your instructions. If that journal obtain a transaction discreditable to the Senate, I would preserve it as a perpetual monument of its disgrace. If to a parteder, I will give him and his friends no way temporarily have the ascendancy, no warrant to erase or blur the pages which such act of misconduct is recorded. I should be afraid after performing such a deed, if Virginia is as she once was—and I do not doubt it—to remain within her limits. The execrations of her