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DEBATE IN THE SENATE.

Mr. Clay and Mr. Calhoun,
On the Sub-Treasury Bill.

March 10, 1838.

Mr. CLAY, in continuation.

But he has left no party, and joined no party? No! None. With the daily evidences before us of his frequent association, counselling, and acting with the other party, he would tax our credulity too much to require us to believe that he has formed no connexion with it. He may stand upon his reserved rights, but they must be mentally reserved, for they are not obvious to the senses. Abandoned no party? Why this letter proclaims his having quitted us, and assigns his reasons for doing it; one of which is that we are in favor of that national bank which the Senator himself has sustained about 21 years out of the 27 that he has been in public life. Whatever impression the Senator may endeavor to make without the Senate upon the country at large, no man within the Senate, who has eyes to see, or ears to hear, can mistake his present position and party connexion. If, in the speech which I addressed to the Senate on a former day, there had been a single fact stated which was not perfectly true, or an inference drawn which was not fully warranted, or any description of his situation which was incorrect, no man would enjoy greater pleasure than I should do in rectifying the error. If, in the picture which I portrayed of the Senator and his course, there be any thing which can justly give him dissatisfaction, he must look to the original and not to the painter. The conduct of an eminent public man is a fair subject for exposure and animadversion. When I addressed the Senate before, I had just perused this letter. I recollected all its reproaches and imputations against us, and those which were made or implied in the speech of the honorable Senator were also fresh in my memory. Does he expect to be allowed to cast such imputations, and make such reproaches against others, without retaliation? Holding myself accountable for my public conduct, I choose to answer upon him, and upon that of others, whenever circumstances, in my judgment, render it necessary, and I do so, under all just responsibility which belongs to the exercise of such a privilege.

The Senator has thought proper to exercise a corresponding privilege towards myself, and, without being very specific, has taken upon himself to impute to me the charge of going over upon some former occasion, and that in a manner which left my motive no matter of conjecture. If the Senator means to allude to the state and refuted calumny of George Kremer, I assure him I can hear it without the slightest emotion; and if he can find any frequent of that rant banner to cover his own aberrations, he is perfectly at liberty to enjoy all the shelter which it affords. In my case there was no going over about it; I was a member of the House of Representatives, and had to give a vote for one of three candidates for the Presidency. Mr. Crawford's unfortunate physical condition placed him out of the question. The choice was, therefore, limited to the venerable gentleman from Massachusetts, or to the distinguished inhabitant of the Hermitage. I could give but one vote, and accordingly as I stated on a former occasion, I gave the vote which, before I left Kentucky, I communicated to my colleague, (Mr. Crittenden,) it was my intention to give in the contingency which happened. I have never for one moment regretted the vote I then gave. It is true that the Legislature of Kentucky had requested of the representatives from that state to vote for General Jackson; but my own immediate constituents, I knew well, were opposed to his election, and it was their will, and not that of the Legislature, according to every principle applicable to the doctrine of instructions, which I was to deposit in the ballot box. It is their glory and my own never to have concurred in the elevation of General Jackson. They ratified and confirmed my vote, and every representative that they have sent to Congress since, including my friend the present member, has concurred with me in opposition to the election and administration of General Jackson.

If my information be not entirely incorrect, and there was any going over in the presidential election which terminated in February, 1825, the Senator from South Carolina, and not I, went over. I was understood at the Senator when he was understood to be in favor of himself, that of the memorable movement made in Philadelphia by the present Minister to France, withdrawing his name from the contest, was the known supporter of the nomination of Mr. Adams. What motives induced him afterwards to unite in the election of General Jackson, I know not.

It is not my habit to impute to others uncharitable motives, and I leave the Senator to settle that account with his own conscience and his country. No, sir, I have no reproaches to make myself, and feel perfectly invulnerable to any attack from others, on account of any part which I took in the election of 1825. And I look back with entire and conscious satisfaction upon the whole course of the arduous administration which ensued.

The Senator from South Carolina thinks it is my misfortune to be always riding some hobby, and that I stick to it till I ride it down. I think it is his never to stick to one long enough. He is like a courier, who, riding from post to post, with relays of fresh horses, when he changes his steed, seems to forget altogether the last which he had mounted. Now, it is a part of my pride and pleasure to say, that I never in my life changed my deliberate opinion upon any great measure of national policy but one, and that was twenty-two years ago, on the question of the power to establish a Bank of the U. States. The change was wrought by the sad and disastrous experience of the want of such an institution growing out of the calamities of war. It was a change which I made in common with Mr. Madison, two Governors of Virginia, and the great body of the Republican party to which I have ever belonged.

No, sir, the Senator from South Carolina is free from all reproach of sticking to hobbies. He was for a Bank of the United States in 1816. He proposed, supported, and with his accustomed ability, carried through the charter. He sustained it upon the admitted grounds of its constitutionality, of which he never once breathed the expression of a doubt. During the twenty years of its continuance no scruple ever escaped from him as to the power to create it. And in 1834, when it was about to expire, he deliberately advocated the renewal of its charter for a term of twelve years more. However profound he may suppose the power of analysis to be, and whatever opinion he may entertain of his own metaphysical faculty, can he imagine that any plain, practical, common sense man, can comprehend how it is constitutional to prolong an unconstitutional bank for the space of twelve years? He may surround such a proposition with as many circumstances and conditions as he pleases; he may dress it up and decorate it with as much drapery and encompass it with as many distinctions and qualifications as his imagination can invent; it comes at last to this: a Bank of the United States is constitutional, or it is not. If it is unconstitutional in its origin, it is unconstitutional throughout every subsequent stage of its existence. And if it be admissible to continue such an unconstitutional institution for one term of twelve years, it may be continued another and another, to the end of time.

The distinguished Senator sticks long to no hobby. He was once gaily mounted on that of internal improvements. We rode that double, the Senator riding before and I behind him. He quietly slipped off, leaving me to hold the bridle. He introduced and carried through Congress in 1816, the bill setting apart the large bonus of the Bank of the United States for internal improvements. His speech delivered on that occasion, does not intimate the smallest question as to the constitutional power of the Government, but proceeds upon the assumption of its being incontestable. When he was subsequently in the Department of War, he made to Congress a brilliant report, sketching as splendid and magnificent a scheme of internal improvements for the entire nation as ever was presented to the admiration and wonder of mankind. Where is he now? For myself, I am just where I was then, as to the existence of the power, although I am willing to admit that the altered condition of the country has lessened the degree of necessity for its exercise. During the progress of the land bill, it may be remembered that I said—"Pass this bill, and you will forever settle the power of the government over internal improvements." Although that measure unfortunately failed, for reasons already stated, there is now little or no occasion for the aid and interposition of the General Government. But the power remains in the constitution; and if it be not practically exercised, it will be like other dormant powers contained in the same instrument. And in respect to the power to protect American industry, it is just as much now in the Constitution as it was in 1816, when the Senator from South Carolina espoused the policy with so much zeal and ability; just as fixed there as it was regarded from the commencement of the government down to 1820 or 1822, when for the first time it was contravened. Under its benighted operation, thousands have been enabled to obtain a competency, many to acquire wealth, who otherwise would never have known either. No patriot heart

can fail to expand with exultation at the blessings which it has diffused. It has placed us in equal competition with some of the powers most advanced in civilization; and in spite of all that has been insidiously done against the interest, and which is still doing, our cherished manufactures will, I trust, stand up and maintain themselves against the unnatural hostility at home, and all jealous rivalry abroad.

The Senator from South Carolina gets tired of his hobbies too soon. The whole country was filled with just alarm at the fearful strides of Executive power; and judging from the tone of the Senator's speeches, and the strenuousness of his exertions, no one was more anxious than he, but a few short months ago, to reduce it within safe and constitutional limits. But he suddenly goes over to a party which maintains to the very letter the whole extent of the power ever claimed by the Executive Department—maintains that in a free, intelligent, and responsible Government, every subordinate Executive officer is bound implicitly to obey the will of the President, and that he may exercise at his discretion the tremendous power of dissolution, not only without assigning reasons, but without the smallest practical or available responsibility for its exercise. His efforts have not only ceased to restrain and circumscribe the power, but he supports a measure which will give to it a vast augmentation. I repeat what I have so often said, that if this Executive bill is to be sanctioned by Congress, it will be the utter destruction of all other banks in the country. We shall have, in fact, ultimately but one bank, and that a Treasury bank, exclusively controlled by the Executive, emitting all the paper medium in circulation, and amassing and hoarding the greater part of the specie of the country. We shall have, in short, that perfect union of the sword and the purse, which all real patriots have ever so much dreaded. I think, when the honorable Senator undertakes to establish his own consistency, he assumes a Herculean task, beyond his powers, great and gigantic as he believes them to be. He may have all the speeches he has ever delivered, read to us in an audible voice, by the Secretary, and call upon the Senate attentively to hear them, beginning with his speech in favor of a bank of the United States in 1816, down to his speech against a bank of the United States, delivered the other day, and he will have made no progress in his task. I do not speak thus in any unkind spirit; but I will tell the honorable Senator when he will be consistent. He will be so, when he resolves henceforward, during the residue of his life, never to pronounce the word again. We began our public career nearly together; we remained together throughout the war and down to the peace. We agreed as to a bank of the United States—as to a protective tariff—as to internal improvements—and lately, as to those arbitrary and violent measures which characterized the Administration of General Jackson. No two prominent public men ever agreed better together in respect to important measures of national policy. We concur now in nothing. We separate forever.

The Senator sometimes says, that he is going to fall back upon the Republican party of 1827. Then it is the entire South which he would unite. Then it is the Republican party of '98. He professes to rally on Mr. Madison's resolutions; but he and Mr. Madison never could agree about their true import. The Senator deduced nullification from those resolutions. But nullification never entered into the head of Mr. Madison. That pure and enlightened patriot never could comprehend how a Confederacy of 26 states could get along at all, if any one of its members could, at its pleasure, set aside and nullify the will of the whole. The Senator, too, professes to belong to the Republican party of '98. But I fear we should differ as much about its real tenets and doctrines as we do in respect to any constitutional question. The Senator has allowed himself to use some expressions not very customary or parliamentary in deliberate assemblies; I shall not imitate his example in the employment of them. But I beg leave to assure him of my feelings of perfect and entire reciprocity.

The Senator appeals to his present party, rallies his new allies, and cries out to them that victory is ahead, to which he will lead them. Pass the bill, he exclaims, and decide the long vexed question, and thus put an end to all controversy. But does the Senator, and do any of his friends suppose, that if their bill shall pass this Senate by a majority of one or two votes, and the other House by a similar majority, it will pour oil on the troubled waters, and give peace to this distracted country? No, sir, no. The upturned business, the embarrassment, and the threatened ruin of the community, are not to be restored to order

and prosperity in that way. I know that in other countries, and in other times, it has been a common calculation with tyranny, that when the tyrant nods, his will is to be obeyed and submission to ensue. But Senators need not lay that flattering unction to their souls. The people of this country are too enlightened, too well acquainted with their interests and rights, and too firmly resolved at all hazards to maintain them, quickly to submit to a measure fraught with such ruin and danger to their liberties as this is. The supporters of this bill seem determined, if they can, to reverse the great principle, which lies at the foundation of all our institutions. That principle is, that the popular will flows from the People into the Legislative Halls, and controls, directs, and modifies all measures, intended for the advancement of their happiness. But this bill treats the known will of the people with sovereign contempt, and substitutes the will of the servant for the will of the master. It proceeds upon the fallacious assumption that the servants of the people know better than the people themselves what will best promote their happiness. It is in vain that you put on the screws, and attempt to force from them reluctant acquiescence by cutting off every other prospect of relief. It is in vain that you pronounce your veto against a national bank, and promulgate to the world your solemn declaration that the people shall not have one, although it should be manifest that there is a clear majority of them demanding it. It is in vain that you should denounce, and lay your unhallowed hands on the domestic institutions of the states, endeared to them by long habit and cherished affection. Do not deceive yourselves. There may be those who are bold while here, acting in the sunshine of Executive power; but when they return to their constituents, whose will or whose instructions they have defied, they will find in their frowns, their indignation and their maledictions, that the power of the people is superior to the power and influence of their most exalted magistrate, whether in office or in retirement.

[When Mr. Clay resumed his seat, Mr. Calhoun and Mr. Preston both rose. The Chair gave the floor to]

MR. PRESTON, who said that nothing could be more unexpected or painful to him than the necessity under which he found himself of interrupting for a moment the discussion between the Senator from Kentucky and his colleague. He well knew that in the general expectation of the public, and by the acquiescence of the Senate, the day and the occasion were appropriated and set apart for those gentlemen, and he had taken his seat, not doubting that he should listen in silence, to which his health as well as all the proprieties of the occasion seemed to consign him. But (said Mr. Preston) no condition of my health, no dread of violating an unexpected order of proceeding, no rule or ceremonious observance, can compel me to silence under the remarks of the Senator from Kentucky in regard to my state. If they had been personal to myself, I might submit in silence, or postpone a reply for a more fit occasion, without breaking in upon the unity of the present scene; but the honorable Senator has thought proper to indulge a course of remarks upon certain recent and conspicuous acts of my state, pressed, as it seems to me, unnecessarily into this discussion, which I will at once resent and repel.

I have remained silent when vulgar wifings have sought to amuse themselves or others by a poor jest on nullification; and I have heard, without emotion, the efforts of underling politicians, who, ever and anon, supply a vacancy of sense by a puny and inoffensive tirade against South Carolina. Such things are to be expected from such quarters, and may be well submitted to in silence and indifference; but when these poor topics are rescued from contempt in the only way by which this can be effected, by that adventitious consequence derived from the dignity and position of him who uses them, they become worthy of animadversion, not on their own account, but on account of the party resorting to them.

In the contest which South Carolina waged with this government, whether she was right or wrong, no man of right mind, who knows the circumstances, will perceive matter for jest or ridicule. Her course is now history. She acted in patriotism and honor. Her principles were openly asserted, her purposes boldly avowed; wrong or right, she fearlessly assumed her ground, calmly arrayed herself against the whole power of this government, sternly retorted the frowns of a tyrant, armed as he was by the eager haste of a servile legislature, with all the power of the country, in or out of the constitution; and when the personal passions of the Chief Magistrate, ministered to and inflamed by the ready zeal of the most thoroughly devoted party which

this country ever saw, were joined and sustained by the greediness of the manufacturing interest in measures of military violence, were there any symptoms of irresolution, of giving back, amongst us? Did the honorable Senator see any sign of fear at home, or hesitancy amongst those who so well and so nobly represented us here? Did we not hurl back the proclamation in the teeth of those who issued it? Did we not upon this floor answer argument by argument and threat by scorn, while at home the state armed herself to repel force by force? Did any one who looked upon the scene in this Senate, and our actors in it; did any one who looked to us at home, even from this distance, see any where the bearing of men, whose names could be mentioned, except in the vulgar violence of pampered power, in any connexion with an ignominious death, or whose conduct and destiny could in any event be associated but with honor and respect? Slaughtered we might have been, crushed and overwhelmed, perhaps, but the honorable Senator did not understand the occasion, nor does he know the people of whom he speaks, if he believes that the crisis of 1833 could have passed but by war, or concession on the part of this government—compromise, if the word be more palatable.

Well, sir, the compromise bill was passed, and went forth with healing on its wings. It was hailed as the harbinger of peace, and was understood to be the result of mutual concessions, made in a high spirit of patriotism, for the purpose of smoothing the heats which threatened the country. In such a spirit, unquestionably, we acceded to the compromise, surrendering, for its sake, a portion of our interests, which in justice might have been insisted on; and, in such a spirit, we supposed the honorable Senator, as the representative of the manufacturing interest, had given his consent to the arrangement. These high and holy purposes I attributed to the honorable gentleman, and to those who acted with him, on that occasion. I thought him entitled to the glory of having acted from no personal motive, from nothing that savored of party feeling, but from a broad patriotism, or the broader principles of that code which promises blessings to the peace-makers. And on this high ground I have always understood the gentleman then placed himself; but his declarations to-day show that he is discontented with that position, and he prefers to have it known that his object was to drive a good bargain for the manufacturers; and that his views of peace did not extend beyond saving a good fellow or two from an ignominious death; that he did not believe that danger existed, or that South Carolina intended aught but child's play. The honorable Senator has a right to establish the relation in which he stands to the transactions of that day, and to correct the history of them, which had falsely, as it now appears, assigned so different, and, in my judgment, so much nobler an attitude to the honorable Senator. He now permits it to be understood that, when he seemed to compromise with South Carolina, it was, in fact, but securing the tariff against Gen. Jackson; and that, when he talked of the harmony of the Union, and the peace of the land, he did not, in fact, consider either in the slightest danger. In all this he was totally mistaken; as much mistaken in regard to us, and we were to him. We were anxious to avoid, but not afraid to meet, a collision. We, at least, were in earnest, when we said we were willing to fight for our cause, or to compromise for peace. We were resolute and armed; and when the honorable Senator speaks of that period in the light tone he has assumed, he treats it in a way inconsistent with the true character of the crisis, with his own dignity, and with the dignity of this Chamber.

Mr. CLAY. I am happy, although the Senator from South Carolina (Mr. Preston) has totally misconceived me, to have been the occasion of the very eloquent vindication of his own state which he has just pronounced. He complains of my allusion to Nullification. His complaint ought not to be of me, but of his colleague (Mr. Calhoun,) whose exultation at the supposed overthrow of the protective policy, through the instrumentality of Nullification, has reluctantly extorted from me an exposition of the truth. But, Mr. President, nothing was further from my purpose than to cast the slightest imputation upon the gallant and patriotic state of South Carolina, or any of her citizens. In my opinion she was eminently wrong in that memorable contest; but I never doubted her sincerity, or her gallantry. I never doubted that, in the land of Marion, of Sumpter, and of Pickens, there were many of their descendants equally noble and brave, and that the people of South Carolina would, upon all proper occasions, maintain the high character which they have so just-