

It is even wise to abstain from laws, which, however wise and good in themselves, have the semblance of inequality, which rouses response in the heart of the citizen, and which will be evaded with little remorse. The wisdom is especially seen in granting laws on conscience.

Dr. Channing.

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BIOGRAPHY.

Biographical Memoir of JOHN CALDWELL CALHOUN.

Many other important subjects came before Congress during this session, in which Mr. Calhoun took a prominent and leading part. The limits which we have prescribed to ourselves compel us to omit any remarks on them. We cannot refrain however, from advertising to one subject, which deeply agitated the country at that time. We allude to the famous compensation law, as Mr. Calhoun's course in relation to it strongly marks his character. The act excited almost universal disapprobation, and Mr. Calhoun heard for the first time the language of censure from his constituents. Some of his oldest and warmest friends were most active in their opposition to him; and the few who did not disapprove of his course dispaired of his re-election. Conscious of having acted from disinterested motives, and with a view to the public interest, he refused to retract or apologise, or to take any other step to insure his re-election than a public defence of the measure. He then represented the districts of Abbeville and Edgefield. By appointment he addressed his constituents at their respective court houses, where he vindicated the act in a manner so manly and effectual, by showing that it increased the power of the people, by rendering their representatives, the only officers of the Government whose direct appointment rested on them, more independent of executive patronage, that it turned the tide of public feeling almost as strongly in his favor as it before had been opposed to him. Though, on the passage of the bill, he had taken but little interest, yet, on the question of its repeal, he bore a conspicuous part and delivered an able speech, which abounded in deep constitutional views of the relation between the People and the Government, and between the House of Representatives and the Executive, and of which an estimate may be formed by the following extract from a speech, pronounced by one of his most talented political opponents. Mr. Grosvenor said, "He had heard with peculiar satisfaction the able, manly, and constitutional speech of the gentleman from S. Carolina." [Here Mr. Grosvenor, recurring, in his own mind, to a personal difference with Mr. Calhoun, which arose out of the warm party discussions during the war, paused for a moment, and then proceeded.] "Mr. Speaker, I will not be restrained. No barrier shall exist which I will not leap over, for the purpose of offering to that gentleman my thanks for the judicious, independent, and national course which he has pursued in this House for the last two years, and particularly upon the subject now before us. Let the honorable gentlemen continue with the same manly independence, aloof from party views and local prejudices, to pursue the great interests of his country, and fulfil the high destiny for which it was manifest he was born. The buzz of popular applause may not cheer him on the way, but he will inevitably arrive at a high and happy elevation in the view of his country and the world."

At this session, Mr. Calhoun introduced, and succeeded in carrying through, a bill to set aside the bonus paid by the United States Bank for its charter, and the dividends upon the stock in that institution, belonging to the Government, as a fund for internal improvement. It was rejected by Mr. Madison on constitutional grounds. A fate so unusual, and the extraordinary misconception of the character of the bill, caused by the rejection, require, brief as we propose to make this sketch, that we should enter a little into detail respecting it. In reporting and advocating the bill, it is manifest from the debate that Mr. Calhoun did not suppose that it involved the constitutional question, or that he was acting in opposition to the

views of the enlightened and upright officer then at the head of the Government; but that, on the contrary, it was his intention to act in strict conformity to the recommendation of the President, in his message at the opening of the session. Mr. Madison's language to Congress is as follows: "I particularly invite again their attention to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity."

Interpreting the message by what had been the practice of the Government, both under Mr. Madison and Mr. Jefferson, particularly in the construction of the Cumberland road, it was a natural conclusion, that a bill, which did not even propose to appropriate money to internal improvements, but simply to set apart a particular fund to abide the decision of the constitutional question thereafter to be made, was free from all objection of a constitutional character, and that it came clearly under the description of the means recommended in the message. Such, at least, was Mr. Calhoun's impression; and he accordingly avoided the constitutional question, as not involved in the discussion in the opening speech. Acting on this impression, the rejection of the bill, by the veto of the President, was wholly unexpected by Mr. Calhoun and the majority with whom he acted, and we cannot but think that it has proved unfortunate for the country. The bill carefully provided that the fund should be applied in the several States, in the ratio of their representation, respectively, in the most numerous branch of the national Legislature, in making such internal improvements in each State as Congress, with the assent of the State, should by law direct. The guards thus provided, by securing a just and equitable application of a fund drawn from a certain source of fixed amount among the States, under the concurrent direction of Congress and the Legislature of the State interested, would have prevented abuses as far as practicable, and particularly, that most dangerous of all abuses, the association of a question of policy with political movements for the advancement of local or personal interests. To such abuses Mr. Calhoun has always shown himself a resolute opponent, and on more than one occasion, at the great hazard of his popularity; while he has constantly, on all suitable occasions, proved by his acts that he believes that Congress has the right as well as the means of executing some of the powers expressly delegated to it, to make appropriations for internal improvements. Yet, because he has evinced a determination not to lend himself to the abuse of so delicate a power, an unjust attempt has been made to fix upon him a charge of inconsistency; a charge which, if his course be impartially examined, can only be sustained by confounding opposition to the abuse of a power with opposition to the power itself.

After noticing one more point, we will conclude our view of Mr. Calhoun's congressional career. No one has more uniformly supported the doctrine of specific appropriations, or a rigid adherence to which the control of Congress over the moneyed transactions of the Government must mainly depend. The dangerous power had been given to the President, of transferring appropriations at his discretion from one branch of service to another in the War and Navy Departments, thus virtually converting specific into general appropriations, and thereby subjecting the disbursement in a great measure to his control. Mr. Calhoun at this session moved a resolution directing the Committee of Ways and Means to inquire into the expediency of repealing the act conferring so dangerous a power; and, notwithstanding the opposition of the committee, supported by the opinion

of the then Secretary of the Treasury, he succeeded in greatly restricting the power of the President in making transfers, though he could not effect an entire repeal of the act. The opposition to the measure rested on the ground, that the power was indispensable, as it was impossible to make the estimates so accurately, but that the appropriations must often prove insufficient—an opinion, which Mr. Calhoun proved to be practically erroneous in his administration of the War Department, at the head of which he was shortly after placed by Mr. Monroe, in December, 1817.

After a most brilliant congressional career of six years, in which, in originating or supporting almost every important measure, which in a period of great difficulty became necessary for the welfare and honor of the country, he had displayed talents of the highest order, as a legislator and an orator, we now find Mr. Calhoun placed in a new theatre, in which his capacity for administration was to be proved. Such was the deranged state of the department, such the vast accumulation of its business, and so imperfect its organization, that many of his friends dissuaded him from occupying a post of so much labor and danger; but he found in their arguments motives for accepting instead of declining the appointment. It was his ambition to be useful to the country; and where so much remained undone, he believed, whatever might be the danger and fatigue, much good might be accomplished. To give even a brief sketch of the history of his administration of the War Department for more than seven years, would exceed the limits prescribed to this article. Without attempting, therefore, to recount the means by which he effected such important improvements, suffice it to say, that, when he came into the War Department, he found it, in all its branches, in a state of confusion, and left it in a state of complete organization and order. He found upwards of \$40,000,000 of unsettled accounts, which he reduced to less than three, and completely prevented all further accumulation by the unexampled exactness of accountability which he introduced into every branch of the disbursements; and, in consequence of which, he was enabled to report to Congress in 1823, that, "of the entire amount of money drawn from the Treasury in 1822, for military service, including pensions, amounting to \$4,571,961 94 cts. although it passed through the hands of two hundred and ninety-one disbursing agents, there has not been a single defalcation, nor a loss of a cent to the Government." He found the army costing the country upwards of \$451 per man; he left the expense less than \$287; or, to do more exact justice to his economy, he diminished such part of the cost per man, as was susceptible of reduction by administration, (pay, &c. was fixed by law,) from \$229 to \$150, notwithstanding his liberal allowances to the officers and men, and a deduction for fall of prices, and thereby saved to the country annually more than \$1,300,000 in the expenditure of the army alone, without comprehending the other branches of the Ordnance, Engineer, and Indian Department, the saving in which amounted to several hundred thousand dollars per annum.

These improvements were effected under very adverse circumstances. Party excitement was high during the period, and Mr. Calhoun, from his position before the public, as a candidate for the Presidency, came in for his full share of opposition and misrepresentation, which were manifested by a powerful resistance to almost every measure which he recommended for the improvement of the Department: but now, when the excitement of the moment is passed, all are agreed in doing ample justice to the success and ability with which he organized and administered the department. Indeed, it is only by the perfect order and system introduced into it, that it is possible to explain how Mr. Calhoun found time for preparing his numerous reports, which are not surpassed in ability by our ablest public documents; particularly those up-

on our Indian affairs, internal improvement, and the reduction of the army; for the examination of the claims for revolutionary pensions; the thorough revivification of the Military Academy, the source of professional science, the establishment of a uniform and vigorous discipline throughout the army, supported by the most vigorous economy; a complete reorganization, which gave us, at the expense of a force of six thousand men, so officered as to be capable of a prompt enlargement, a peace establishment, having the military capacity and defensive power of thirty thousand; a survey of our maritime frontier by the most skillful engineers; the institution of a system of permanent fortifications, rendering our coasts invulnerable to an enemy; the establishment of a cordon of military posts, stretching from the upper lakes around our western frontier as physical and moral shackles upon Indian hostilities; and, finally, for his duties, as a leading and influential member of Mr. Monroe's able and enlightened cabinet.

During the second term of Mr. Monroe's Presidency, the country was deeply agitated with the question of the choice of his successor. The names of six distinguished individuals were offered to the public, among which was that of Mr. Calhoun. It is not surprising that, with so many candidates, the excitement should be great, and the personal antipathy caused by the clashing of opposite pretensions violent. Mr. Calhoun came in for a full share of detraction. Events turned the controversy, so far as he was concerned, more particularly between his friends and those of Mr. Crawford. A difference of opinion on the subject of a congressional caucus, as the means of designating the candidate, contributed mainly to give it that direction. Whatever might have been the propriety of members of Congress nominating a candidate for the Presidency, when the practice was first introduced, experience had induced Mr. Calhoun to believe that its long duration without interruption, combined with the great increase of the patronage of the Government, had rendered its continuance dangerous to the liberty of the country, by placing in the power of the President the choice of his successor through his influence over the members of Congress. Under this impression, his friends took an active and decided stand against a nomination by a congressional caucus. The friends of Mr. Crawford, on the contrary, taking an opposite view of the subject, necessarily came into conflict with those of Mr. Calhoun. Subsequent events have amply justified the course pursued by the latter. On the failure of the people to make choice of a President, the election devolved on the House of Representatives, and the result has probably satisfied all that Congress is not the proper depository of such a power, and that it can be lodged with safety only with the people. And it would be difficult to assign a reason against the final choice being brought into the House of Representatives, which would not strongly apply to a previous nomination by the members of Congress.

During the canvass, the friends of Mr. Calhoun had rested their hopes of success, in no small degree, on the support of Pennsylvania; but when that great State indicated a preference for the present distinguished and patriotic Chief Magistrate, he did not hesitate to advise his friends to diminish the number of candidates, by withdrawing his name, so as to strengthen the probability of a choice by the people, and, consequently, to lessen the hazard of the election being devolved upon the House of Representatives. That course was accordingly adopted.

This memorable contest terminated in returning Gen. Jackson, Mr. Adams, and Mr. Crawford, as the three highest candidates to the House, and the election of Mr. Calhoun, by the people, as Vice President, by a large majority.

During the whole canvass Mr. Calhoun bore very kind personal and political relations with both of the leading candidates; but, acting on the

principle which has governed him throughout, and which, in fact, had placed him in opposition to a congressional caucus, he did not hesitate to avow his opinion that the members of the House, in discharging the high duties which devolved upon them, ought to act in reference and subordination to the will of the people. He believed that, in choosing a Chief Magistrate, the Constitution reposed confidence really on the people, and not on the House of Representatives; that, when the power devolved upon a latter, it was the result of chance; and that the members, thus accidentally obtaining the power of selecting from the three highest candidates, were absolved from the obligation of regarding, as far as it could be ascertained, the will of their constituents, on the discretion, in the choice of a President, a higher confidence had been intentionally reposed by the Constitution. The opposite rule, whilst it would leave the designing free to pursue their selfish ends, could not fail to excite and agitate the country, to embarrass the operations of an administration brought in against the will of the majority, and to end at the next election in a violent conflict of parties, as is now be apparent to all. Such at least were Mr. Calhoun's conceptions; and acting upon them, he found himself placed in opposition to the late administration at the commencement of it career. It is not in his nature to shrink from difficulties, however great. Without waiting to ascertain how far he would be sustained by the co-operation of others, he maintained his position resolutely and openly, at the hazard of drawing down on himself the whole weight of the administration. The events which followed, and which terminated in the overthrow of that administration and the election of Gen. Jackson to the Presidency, and the re-election of Mr. Calhoun to the Vice Presidency, are too recent to require particular notice.

The office of Vice President, from the neglect of the immediate predecessors of Mr. Calhoun to execute the duties assigned to it by the Constitution, had, in the estimation of the people, lost much of its importance. Mr. Calhoun has sedulously devoted himself to the high trust committed to his charge; and by the promptness and ability with which he has executed his duties, he has restored to the office a dignity and character which it had not possessed since the Vice Presidency of Mr. Jefferson. His decisions have given universal satisfaction to opponents as well as friends, with a single exception, which from its peculiar character, and the circumstances which attended it, cannot be entirely passed over in a narrative of his public acts. We allude to his decision respecting the power of Vice President, as presiding officer of the Senate, to call a Senator to order for words spoken in debate. That Mr. Calhoun, under a reckless and malignant activity of misrepresentation, never before surpassed, suffered greatly in the estimation of his fellow-citizens for a time, cannot be doubted; but that they resulted from the circumstances under which the decision was made, and not from the want of correctness in the decision itself, can be as little doubted by any one, now that the excitement has subsided, who will take the trouble to examine the grounds upon which it rests. Never was there a period known, when there was so much excitement in the Senate, as the one when the decision was made. It was during the first open contest between the administration and the formidable opposition, by which it was finally driven from power; and when an orator, distinguished for the sarcastic and erratic traits of his eloquence had produced the highest agitation. Mr. Calhoun was known to be opposed to the administration. A case of the kind had never before occurred in the Senate, and the principle on which the decision rested was novel. Under such circumstances it was not extraordinary that, before there was time to examine its correctness, unworthy motives, which he is incapable of feeling in the discharge of his high duties, should, in the excitement of the me-