NORTH CAROLINA SENTINEL.

LIBERTY....THE CONSTITUTION....UNION.

VOL. XVII. NEWBERN, FRIDAY, MARCH, 7, 1834. NO. 881

PUBLISHED
BY THOMAS WATSON.
TERMS.
Three dollars per annum, payable in advance.

REMOVAL OF THE DEPOSITES.

SPEECH OF MR. RIVES OF VIRGINIA,

(CONCLUDED.)

The honorable Senator from Kentucky has also taken exception to the President's reference to the clause of the Constitution which declares "the President shall take care that the laws be faithfully executed;" the President having referred to it as giving him the power to superintend and direct the conduct and operations of the Executive Departments. The honorable Senator contends that the true and sole operation of this clause is to empower the President, when the laws are forcibly resisted, to overcome that resistance by force. He says that he has made, and caused to be made, numerous researches into the contemporaneous constructions of the Constitution, and that he can find nowhere any color for the President's interpretation. Now, sir, I must be permitted to say that the honorable Senator's interpretation of this clause is far more latitudenarian than that of the President, and ascribes to it an operation infinitely more dangerous and extensive. The President, sir, has no power of himself, under the Constitution, to execute the laws by force. This depends upon Congress, to whom the power is expressly given to "call forth the militia to execute the laws," &c. It is true the President, by the Constitution, is Commander-in-chief of the army and navy, and of the militia, when called into actual service; but, as such, he is a mere instrument in the hands of Congress, by whom the objects and purposes for which he is to employ the forces under his command must first be designated.

The construction of the honorable Senator, then, is one of far more dangerous latitude than that of the President. The clause in question, sir, can have no reference to the execution of the laws by force, which is a matter exclusively under the control of Congress. It must refer to the faithful execution of the laws by other means—by the intervention of officers appointed for the purpose, whose fidelity in the discharge of their duties may be secured by the superintendence of the chief Executive officer. The honorable Senator has said, that in the various researches he has made, and caused to be made, he has found no trace of this construction. If he had taken the trouble to turn to the most obvious source of information on the subject—the proceedings and debates of the first Congress on the organization of the Executive Departments—he could not have failed to see that this clause was appealed to in the sense and for the purpose which the President has done. I will not fatigue the Senate by multiplying citations from a portion of our legislative and constitutional history, which is, doubtless, familiar to the minds of all, but will content myself with one or two brief extracts from a speech of Mr. Madison on that occasion, an authority for which I know the honorable Senator from Kentucky entertains, as all must, the highest respect. While discussing the question of the President's power of removal from office, he says: "But there is another part of the Constitution which inclines, in my judgment, to favour the construction I put upon it; the President is required to take care that the laws be faithfully executed. If the duty to see the laws faithfully executed be required at the hands of the Executive Magistrate, it would seem that it was generally intended he should have that species of power which is necessary to accomplish that end. Now, if the officer, when once appointed, is not to depend upon the President for his official existence, but upon a distinct body, I confess I do not see how the President can take care that the laws be faithfully executed."

Again, in the same speech he says—"I conceive that the President is sufficiently accountable to the community; and if this power is vested in him, it will be vested where its nature requires it should be vested; if any thing in its nature is executive, it must be that power which is employed in superintending, and seeing that the laws are faithfully executed; the laws cannot be executed but by officers appointed for that purpose; therefore, those who are over such officers naturally possess the executive power." It is obvious then that Mr. Madison viewed that clause in the light in which it has been referred to by the President; that the faithful execution of the laws committed to him was to be effected by "officers appointed for that purpose," and that fidelity in the discharge of their duties was to be secured by a power of superintendence and control over them on the part of the Chief Magistrate, who was made responsible for their conduct, and specially charged with the duty of seeing the laws faithfully executed.

I will now, Mr. President, advert to an argument of the honorable Senator from Kentucky, which, I confess, struck me with particular surprise. In order to sustain his position that the Constitution had not given the President a power of superintendence and control over the Executive Departments, he contended that in certain cases the heads of those Departments were responsible to, and compellable to act by, the Courts of Justice; and in support of this principle, he relied on the decision of the Supreme Court in the case of Marbury and Madison, an extract of which he read to the Senate. I was the more surprised, sir, at the doctrine and the authority coming from the honorable Senator of Kentucky, because he professes an adhesion to the creed of the republican party of that day; and yet it may be confidently affirmed that there never was a decision of that tribunal which gave more dissatisfaction to the republican party than that did, and especially to the great chief and leader of the party, who has recorded in various parts of his writings the most earnest and energetic condemnation of it. With all the deference I entertain for that exalted tribunal, I must say that the doctrines of Marbury and Madison appear to me utterly unsustainable, and such, I believe, would be the judgment of all parties at the present day. The senate, sir, doubtless recollect the circumstances of the case. Mr. Adams, on the eve of quitting the presidency, had appointed, with the concurrence of the senate, numerous officers, and among others, certain justices of the peace for this district. Their commissions had been signed by him, and the seal of state, perhaps, affixed to them; but they had not been delivered to the parties when Mr. Jefferson came into office. Mr. Jefferson finding them still in the department of state, when he succeeded to the presidency, and considering the appointments either as improper in themselves, or improperly made, and that commissions, like deeds, were incomplete and revocable till delivery, determined to withhold them. The parties applied to the supreme court for a mandamus, directed to Mr. Madison, then secretary of state, to compel the delivery of the commissions. The court decided that, though they had no jurisdiction to grant a mandimus in the case, (it not being embraced among those cases of original jurisdiction committed to them,) yet that the parties had acquired, by the signing and the sealing of the commissions, without delivery, an absolute and legal right to the offices in question, which might be enforced against an independent department of the government by a judicial tribunal.

I must leave it to Mr. Jefferson in his own strong language and with a reasoning which appears to me irresistible, to show the fundamental and dangerous errors of their decision, now relied on by the honorable senator from Kentucky. In a letter addressed to Mr. Hay, Attorney of the United States for the District of Virginia, during the progress of Burr's trial, at Richmond, he writes thus:

"I observe that the case of Marbury vs. Madison has been cited, and I think it material to stop at the threshold, the citing that case as authority and to have it denied to be law. 1. Because the judges in the outset, disclaimed all cognizance of the case; although they then went on to say what would have been their opinion had they had cognizance of it. This, then, was confessedly an extradudicial opinion, and as such, of no authority. 2. Because, had it been judicially pronounced, it would have been against law; for to a commission, a deed, a bond, delivery is essential to give validity. Until, therefore, the commission is delivered out of the hands of the Executive and his agents, it is not his deed. He may withhold or cancel it at pleasure, as he might his private deed, in the same situation. The constitution intended that the three great branches of the government should be co-ordinate, and independent of each other. As to acts, therefore, which are to be done by either, it has given no control to another branch."

"The Executive and Senate act on the construction that until delivery from the Executive Department, a commission is in their possession and within their rightful power, and in cases of commissions not revokable at will, where, after the Senate's approbation, and the President's signing and sealing, new information of the unfitness of the person has come to hand before the delivery of the commission, new nominations have been made and approved, and new commissions have issued.

"On this construction, I have hitherto acted; on this I shall ever act, and maintain it with the powers of the government against any control which may be attempted by the judges in subversion of the independence of the Executive and Senate within their particular department."

This answer of Mr. Jefferson, sir, to the Supreme Court, appears to me to be conclusive and irrefragable. It shows that the doctrine of Marbury vs. Madison was wrong, not merely with regard to the merits of the particular case, but dangerously wrong, in another aspect, in asserting a claim of the judiciary, (which is now reiterated by the honorable Senator from Kentucky,) to control an independant branch of the Government, in matters confided by the Constition to its separate and responsible action. As this last aspect of the decision involves a question of the gravest import—one affecting that fundamental principle not merely of our constitution, but of free government in general, which prescribes the separation and mutual independence of the three great Departments, Legislative, Executive, and Judicial; a question too in regard to which the imputed opinions of the present Chief Magistrate have been freely commented upon in the course of this discussion, I beg permission of the Senate, while I have the writings of Mr. Jefferson in my hand, to read what was uttered by this great Republican oracle on this important subject. In a letter addressed by him in 1819 to Judge Roane, himself, one of the most profound constitutional jurists of our country, he expressed himself thus:—"My construction of the constitution is very different from that you quote. It is, that each department is truly independent of the others, and has an equal right to decide for itself what is the meaning of the constitution in the cases submited to its action; and especially where it is to act ultimately and without appeal. I will explain myself by examples, which, having occurred while I was in office, are better known to me, and the principles which governed them. A legislature had passed the sedition law. The federal courts had subjected certain individuals to its penalties, of fine and imprisonment. On coming into office, I released the individuals by the power of pardon committed to Executive discretion, which could never be more properly exercised than where citizens were suffering without the authority of law, or, which was equivalent, under a law unauthorized by the constitution, and therefore null. In the case of Marbury and Madison the federal judges declared that commissions signed and sealed by the President, were valid although not delivered. I deemed delivery essential to complete a deed, which, as long as it remains in the hands of the party, is as yet no deed, it is in *posse* only, but not in *esse*, and *I* withheld delivery of the commissions." Yes, sir, *I*, the President, not the Secretary, withheld the commissions. They cannot issue a mandamus to the President or legislature or to any of their officers—(the constitution controlling the common law in this particularly.) When the British treaty of 1807 arrived, without any provision against impressment of our seamen, I determined not to ratify it. The Senate thought I should ask their advice. I thought that would be a mockery of them, when I was pre determined against following it, should they advise its ratification. The constitution had made their advice necessary to confirm a treaty, but not to reject it. This has been blamed by some; but I have never doubted its soundness. In the cases of two persons antenati, under exactly similar circumstances the federal court had determined that one of them (Duane) was not a citizen; the House of Representatives, nevertheless, determined that the other, (Smith of South Carolina) was a citizen, and admitted him to a seat in their body. Duane was a republican, and Smith a federalist, and these decisions were during the federal ascendency. These are examples of my position, that each of the three departments has equally the right to decide for itself what is its duty under the constitution, without any regard to what the others may have decided for themselves under a similar question."

Without entering at this time, sir into any discussion of those important principles, I will only say that if the present Chief Magistrate has sinned against the Constitution by any doctrines which he has advanced, or is supposed to entertain, on this subject, he has sinned in company with the great apostle of American liberty and of the rights of man.

To sum up then, in a few words, the results of what has been said, I think it has been shown that, according to the true theory of the Constitution, the President of the United States, in whom the "executive power is vested," is, made responsible for the conduct and procedings of all the Executive Departments—that as a necessary consequence of that responsibility, he has a constitutional right to inspect, superintend, and control, the operations of those Departments—and that at the very organization of the Government immediately succeeding the adoption of the Constitutions, the correctness of these principles was acknowledged in the most formal manner, and after the fullest discussion, by an explicit recognition of the power of the President to remove from office any of the functionaries of the Executive Departments—a power which has never since been questioned.

But to avoid the application of these principles to the subject under consideration, the extraordinary novelty has been advanced that the Secretary of the Treasury is not an executive officer. How then has it happened, Mr. President, that from the origin of the Government to the present day, he has been associated with the Heads of the other Departments in the Cabinet of the President? By what title could the President of the United States require of him, as we know has been often done, "his opinion in writing upon subjects relating to the duties of his office," which the Constitution authorizes him to do only "of the principal officer in each of the Executive Departments?" Do gentlemen expect us to forget the most familiar facts which have been passing under our eyes, for nearly, half a century, in order to sustain their novel theories? On what, then, sir, is this new doctrine founded, that the Secretary of the Treasury is not an executive officer Is it that in the mere title of the act for the establishment of the Treasury Department, it does not happen to be styled an Executive Department? The acts for the establishment of other Departments are styled, it seems, in the title, (forming no part of the law itself) "An act to establish an Executive Department, to be denominated the Department of War," and so likewise of the State and Navy Departments, while the act for the establishment of the Treasury, is simply styled in its title, "An act to establish the Treasury Department."

Now, sir, if this difference in the title was not the result of mere accident, as I am inclined to think it was, for I find that the title was the same as of the other acts, in all the preliminary and intermediate proceedings, down to the very passage of the act, (after which, according to the preliminary custom, a formal entry is made on the journal to this effect—"ordered that the title of the act" be so,) if, sir, I say this difference was not merely accidental, it is sufficiently explained by the different organization of the Treasury Department compared with the other Departments. The organization of the other departments, is simple and homogeneous, consisting in each, of one principal officer the head of the Department, and of Clerks employed under him, to perform, as he shall direct and arrange it, the business of the Department.—But, on the other hand, the organization of the Treasury Department is complex and diversified. It consists not only of one principal officer, the head of the Department, and his clerks, but of various other officers, of a high and important grade, whose respective functions are classified and arranged by the law itself—such as the Comptroller, the Auditor, the Register, the Treasurer. The functions of some of those officers, of the Comptroller and of the Auditor for example, seem to partake somewhat of the judicial character; and it will be seen in the debates on the organization of the Treasury Department shat this idea was suggested in relation to the Comptroller particularly, by Mr. Madison, who, for that reason, proposed to modify differently the tenure of his office. The same idea, we have seen it stated in the newspapers, in regard to the character of the Auditor's functions, has recently furnished, in my own State, the ground of an able and ingenious argument against the constitutionality of a particular act of Congress. The organization of the Treasury Department there, embracing officers of this description, whose functions appeared to partake, in a considerable degree, of the judicial character, doubts might have arisen as to the propriety of demonstrating the whole Department an Executive Department; though certainly in regard to the head of the Department himself, his functions are obviously and exclusively executive.

What sir are those functions prescribed by the act for the establishment of Treasury Department? To report and prepare plans for the improvement and management of the revenue, &c. to prepare and report estimates of the public expenditure, &c.; to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts, &c. and to grant warrants for money to be issued from the Treasury, in pursuance of appropriations by law; and to execute services relative to the sales of public lands, &c. All these functions, I think, sir, must be allowed to the Executive. The only other duty prescribed by the act is to make report and information to either branch of the Legislature, &c. respecting all matters referred to him by them, or which shall appertain to his office, &c. It is this circumstance, it seems of reporting to Congress which is considered as divesting the Secretary of the Treasury of the character of an Executive officer. But, sir, does not the President himself, the chief Executive officer, report to Congress? Is he not required by the constitution to "give, from time to time, to Congress, information of the state of the Union, and to recommend to them such measures as he shall judge necessary and expedient;" in other words to report to Congress both facts and opinions, just as the Secretary of the Treasury does? Do not the other Heads of Departments, also report whenever required, to Congress? Are not resolutions adopted almost every day in the one House or the other, directing them to report on some matter or other?

The circumstance of reporting to Congress, then, surely cannot divest the Secretary of the Treasury of the character of an Executive officer; which character he has borne in the practice of the Government, and in the understanding of the community, as well as in the view of the law, from the adoption of the constitution to the present day. As little, sir, can the omission to denominate him an Executive officer, in the mere title of the act establish the Department, of which, he forms a part, have that effect, (explained too, as that omission is by the circumstances to which I have adverted,) if the functions assigned to him by the act itself, be, as I think all must admit them to be, Executive in their nature. But there is still another criterion, if another were necessary, for ascertaining the character of his office. I mean its tenure. The Secretary of the Treasury holds his office by precisely the same tenure as every other Head of a Department. He is removable by the President precisely in the same way as other Secreteries are, and that removability is declared in the act creating the Treasury Department, in identically the same terms and manner, that the removability of the other Secretaries is declared, in the acts constituting their respective Departments. By reference to the debates of Congress in '89 on the power of removal by the President, it will be seen that the removability of public officers by the President, was considered as depending solely on the circumstance of their being Executive officers or otherwise. All Executive officers were regarded as mere assistants and substitutes of the President in the exercise of that Executive power which the Constitution had vested wholly in him, and as such ought to be, and were removable by him, at pleasure. The act establishing the Treasury Department, therefore, in expressly recognising as it does the removability of the Secretary of the Treasury by the President, virtually declares him to be an Executive officer.

The power of removal, existing alike in regard to the secretary of the treasury and the other heads of departments, may be rightfully exercised for reasons so various that it is impossible to reduce them to any general classification. The president, who possesses the power, is to judge, in the first instance at least, of the reasons for its exercise. In the debate of '89, so frequently appealed to on this subject, Mr. Madison said, "If a head of a department shall not conform to the judgment of the president in doing the executive duties of his office, he may be displaced." The honorable Senator from New Jersey, (Mr. Southard,) who spoke a few days ago, cited the opinion expresed by Mr. Madison in the same debate, that the president might be impeached for a wanton removal of a public officer. Sir, I do not doubt it; but I beg leave to remind the honorable senator of a correlative opinion delivered by Mr Madison on the same occasion—that the president might be properly impeached also for neglecting to remove a public officer, when the public interest demanded it. And this, sir, suggests the true mode of testing the question which has been raised of the president's constitutional power, to remove the late secretary of the treasury, for his refusal, (in the language of Mr. Madison just cited,) "to conform to the judgment of the president" on the subject of the public deposites. Let us reverse the case which actually occurred, and suppose that the secretary of the trearury, instead of the president, had desired a transfer of the public deposites—that he did so without any sufficient reason, and was about to commit them to banks of questionable solvency or of notorious insolvency. If the President entertaining a different opinion of the expediency and propriety of the measure, had stood by, and renouncing the salutary control which the constitution had placed in his hands by the power of removal, had permitted his secretary quietly to consummate his purpose; on the ground that the president had no right to interfere with a discretionary power entrusted to congress by a head of a department, what then would have been said? We should have heard, sir, denunciations not less loud and vehement, than those which have been uttered on the present occasion, thundered against him, but upon a different principle. We should then have been told, sir, that the president had been recreant to his high trust—that he had been armed with the power of removal expressly to protect the public interests from the faithlessness or incapacity of public officers, and that, in failing to exercise it, he had weakly and wickedly betrayed his duty to the constitution and to the country.

Having thus reviewed, Mr. President, the doctrines, to me, I must say, novel doctrines, of constitutional law which have been advanced by the honorable Senator from Kentucky, (Mr. Clay,) I will detain the Senate but with a few words more. The honorable Senator told us, with a deep and mournful pathos, that we are in the midst of a revolution—a happy and auspicious revolution, like the "civil revolution of 1800," which, according to Mr. Jefferson, was "as real a revolution in the principles, as that of '76 was in the form, of our government." A like salutary revolution "in the principles of the government," we have seen accomplished during the last five years of its administration. In that time, sir, we have seen the Government brought back to its "republican tack"—from the deviation of latiudinous power into which it had fatally fallen—we have seen an unconstitutional and corrupting system of internal improvements, under the patronage of the federal authority, arrested, and these great local interests remitted to their natural and safe guardians, the governments of the States—we have seen the Bank, the "first born" of federal usurpations, foiled in its efforts to perpetuate its existence, and to confirm its triumph over the sanctity of the constitution—we have seen, finally, the American System of the honorable Senator himself; a system which we of the South have felt to be one, not of protection, but oppression—we have seen that, too, partially overthrown and abandoned. Here, indeed, is a happy and glorious revolution for those who have cherished the cardinal principles of limited constitutional construction, of freedom, of industry, of equality of public burthens. And for those great results, we are indebted to the firmness, the vigor, the patriotism, of the individual who now presides over the administration of the government—sustained by the virtuous confidence of a free people.

We have sir, the authentic and positive declaration of the honorable Senator from Kentucky himself, made on this floor during the last session, that it was owing to the known and determined opposition of the Chief Magistrate to the protective system, sustained as it was foreseen he would be by an increased popular support in the present Congress, that the honorable Senator consented to yield what he did of that system in the compromise of the last winter. The other great reforms of national policy have been accomplished by the direct agency of that high power which the constitution has placed in the hands of the President, as a shield among other purposes, for the protection of the just rights of the States, and which he has faithfully and firmly wielded for that object.—Used, sir, as that power has been, I cannot sympathise in the sentiments of indignant reprobation with which its exercise has been denounced by the honorable Senator from Kentucky. It is a power, sir, which has been exerted in the best constitutional times of England and of our own country. In England, sir, William the Third, a veneration for whose memory is pronounced by a late writer on the constitutional history of England to be the true test of English whiggism, exercised it—an exercise rendered necessary, and justified, we are told, by one of the historians of the time, by a strong party in the House of Lords, "who entertained deep designs." Our own Madison, sir, than whom there never lived a man more virtuous, more conscientious, more scrupulous in the use of power, nor yet one firmer in the discharge of duty, did not hesitate to exercise it. The limited opportunities of research I have had, disclosed no less than half a dozen instances in which he resorted to the veto, four of those during the first term of his presidency—and one of them, (the veto of the "Bonus Bill for Internal Improvement,") the very last act of his public life, thus rendering an appropriate and impressive homage to the constitution on retiring from its highest trust. I cannot see then, in the use of the veto by the present Chief Magistrate, any cause of alarm for the liberties of the country.

I confess, sir, I consider those liberties far more seriously threatened by the unconstitutional institution with whose grasping ambition we are now struggling. If, sir, it shall triumph in this vital struggle, then, indeed, a fatal revolution will have been accomplished. The time will have arrived, which was foretold by the great republican statesman, (Mr. Jefferson,) whose prophetic and instinctive warnings were read to us by the Senator from Missouri, when a monied power, self-constituted and irresponsible, will have superseded the delegated and responsible Government of the people in its action. Gentlemen in the course of this debate have declaimed much on the dangerous influence of money. But the only money whose influence they seem to regard as dangerous, is the money of the people—money raised and appropriated by the representative of the people—disbursed by responsible officers—locked up by the "strong bolts and bars of the law" from corrupt use! But they seem to be wholly insensible to the danger of money in the hands of a great corporation, wielding an immense capital at will, without control, without responsibility.

Let Congress, sir, abstain from unconstitutional appropriations; let the public expenditure be restrained to the simple and economical wants of republican government; let the accountabilty of public disbursements be enforced: and we shall have but little danger to apprehend from the money of the people.—But, sir, we shall by those means have provided but a poor security against the danger of money, if, at the same time, we invite its concentration in the hands of an organized association, and give it thus artificial faculties of united action and accumulated power.

A profound thinker, sir, with whom I have had the good fortune to serve in the public councils, but who is now in private life, and to whom it affords me sincere gratification to have this opportunity of paying the tribute of a cordial and respectful remembrance, (Mr. S. C. Allen, of Mass.) has beautifully and philosophically said, that "associated wealth is the dynasty of modern States." Sir, it is so. This modern dynasty is now seeking to establish its way over us in the worst of all forms—that of a great legal corporation, ramified and extended through the Union, directed by irresponsible authority, controlling the fortunes and the hopes of individuals and communities—influencing the public press, dictating to the organs of the public will.

I may be permitted, Mr. President, to recall to the recollection of the Senate, the solemn language of a great patriot and statesman of another country, on an occasion not unlike the present. It was in the memorable impeachment of Warren Hastings, sir, that Edmund Burke, with the profound sagacity which belonged to his genius, held the following impressive language to the highest judicial and legislative body of his country:

"To-day the Commons of Great Britain prosecute the delinquents of India. To morrow the delinquents of India may be the Commons of Great Britain. We all know and feel the force of money, and we now call upon you for justice in this cause of money. We call upon you for the preservation of our manners—our virtues. We call upon you for our national charter. We call upon you for our liberties."

Sir, an American Senator, applying to his own times and country, the solemn appeal of the British patriot, might well say—To-day the Congress of the United States sits in judgment on the monopolists of the Bank. To-morrow the monopolists of the bank may be the Congress of the United States. All history hath taught us the dangerous power of moneyed coporations, and we now see and feel that power exerted in the most dangerous of all forms, in assailing the purity of our republican manners, undermining the stability of our institutions, and awing the deliberations of our public councils. Sir, the American people—yes, sir, the people—when their true voice shall be heard, call upon us for justice in this great cause of money violating and trampling upon the guarantees of freedom. They call upon us for the preservation of the public morals, exposed to a new and daring corruption They call upon us for the vindication of our national character from the scandal of practices before unknown in our history. They call upon us for the rescue of their liberties from the grasp of a selfish and unrelenting moneyed despotism. They call upon us, sir, for the performance of these high duties, and worthily, I trust, will the call be answered by the firmness, the constancy, and the patriotism of their Representatives.

From the Richmond Enquirer.

RESIGNATION OF MR. RIVES.

We take leave, under existing circumstances, to lay before our readers the following Letter from Wm. C. Rives, Esq. We have no authority to publish it—but we "*take it upon our own responsibility.*" We think it due to him—and due to the people—Rumours have been thrown into circulation, to the injury of Mr. R.—upon which his letter puts the extinguisher.

We understand, that on Saturday last Mr. R. resigned his office in the Senate—on which occasion "he made a neat and appropriate speech, and left the chamber."

He has addressed a letter to the Speakers of both Houses of the General Assembly, covering his resignation. We lay this interesting document also before our readers—this morning.

WASHINGTON, Feb. 21st, 1832.

"I yesterday had the pleasure of receiving your letter of the 18th instant, and avail myself of the very first moment of leisure to reply to it. I am sorry that my friends should, for a moment, have given any credit to the rumour that I am going into the Cabinet. There is not, my dear sir, the slightest foundation for this rumour; and I beg you to be assured, and to assure all my friends, that no earthly considerations would induce me, standing in the position I now do, to take an Executive appointment. Whatever other denunciations may be poured out against me, no suspicion shall rest upon the purity of my motives in the course which, from the deepest conviction, I have pursued here. I shall throw myself fearlessly upon the *People* of Virginia, to sustain and vindicate the principles I have contended for, in their name. I go at once into *private* life, to co-operate, nevertheless, to the best of my ability, in the mantainance of the principles which have heretofore been cherished by Virginia, and with the distinct understanding, that I invoke the judgment of the *people* upon my conduct in the coming elections. The issue will thus be joined with our adversaries in an emphatic manner, and in the way best calculated to arouse the *vigilance* of the people in the selection of their representatives. Our friends are *unanimous* as to the expediency of this course, as well as to the absolute necessity of my resignation, under existing circumstances. I do not think you have adverted, with sufficient attention, to the language of the instructions. If they had required me to vote for the *law*, or other *legislative* act to restore the Deposites, I could and would have voted for it, however inexpedient I think such a measure would be. But the instructions, (under the plan of operations, which is now settled in the Senate,) could be satisfied only by my voting for Mr. *Clay's resolutions*, which being declaratory of opinions, the reverse of which I have maintained, I could not vote for, without a complete compromise of personal honor. This, I shall make anparent, in a letter of resignation, which I shall address to-morrow to the Speakers to be laid before the General Assembly. I feel the most perfect conviction that you and all my friends will approve my conduct when you see the whole ground. By the bye, the resolutions of the Legislature were not received from the Governor till to-day.

"I shall go upon the republican principle which we have always recognized in Virginia, to obey or resign; and my resignation, under the circumstances of the case, will be the most unequivocal recognition I could make of the authority of the Legislature. Be assured, I shall give no countenance to the sophsim of Mr. Southard and Mr. Freelinghuyson, that the Senator must look to the *People* and not to the *Legislature*—a principle, which opens the widest door for the evasion of all responsibility on the part of the Senators of the U. States. I pray you, my dear sir, and all my friends, to contradict, *by authority*, in the most unequivocal manner, the rumor of my going into the Cabinet, which, I repeat, is, and will continue to be, without any foundation. This is the weapon with which my enemies are seeking to deprive me of the confidence and regard of my native State, by creating the impression that I am looking to other distinctions. My highest and only ambition is to serve her, and I will not yet believe that the factious and clamorous politicians have deprived me of her good opinion, when my conduct and principles shall be understood, and redeemed from malignant misrepresentation.

"Present my most cordial respect to Mr. ——, and tell him I entertain the most sanguine belief, that he will approve my course, when it is fully before him; and such, I persuade myself, will be the judgment of all our friends."

WASHINGTON, Feb. 22d, 1834.

To the Honorable the Speaker of the House of Delegates,

SIR:—I have the honor to enclose a Communication to the General Assembly of Virginia, which I pray you to have the goodness to lay before the House of Delegates.

I avail myself, with great pleasure, of the occasion to offer you the assurances of the distinguished consideration with which I am your Fellow-Citizen and most obedient servant.

W. C. RIVES.