

SPEECH OF F. NORCOM, ESQ.
OF EDUNTON.

Delivered in the House of Commons, on the 6th of December, 1834, on the Resolutions to instruct Mr. Mangum.

Mr. SPEAKER—I rise with great diffidence to propose my sentiments upon the House. It is the first time I ever made my appearance before a legislative body. Standing here an entire stranger to its members, this diffidence is increased from a conviction, that if I require abilities much more profound than such as I can bring to bear on the subject, to do justice to the case now under discussion. My constituents however would be surprised, should I sit a silent spectator of the scene now passing before us, and content myself with a simple negative vote. Urged on by this consideration, it becomes a duty to raise my humble voice against the adoption of the doctrines now attempted to be inculcated in these Resolutions. Permit me to remark, that I came here not on party ground; I am neither a Jackson, nor anti-Jackson member. I was sent here to guard the interest of an intelligent people, and to assist in legislation for the common good, not to advocate Jacksonism, nor to condemn the present Administration. Having no party views, no views, or political feelings, to gratify, I shall endeavor to confine my remarks to the matter now under consideration.

The 1st Resolution claims for the Legislature the right to instruct a Senator from this State. It admits on its face, that he is the Senator of the people of this State, and assumes (what I deny) that he has misrepresented the will of the people of the State. I desire to know by what authority we assert the fact, even if it be so, that he has misrepresented in this matter their wishes. We have no petitions or memorials before us to that effect, nor do I know, nor did I hear, that such a question was even agitated at the Poll at the last Election. Some gentlemen assert, that it was a topic in their counties at the election grounds; it may be so, but certain am I, that no such discussion took place in the district of country from whence I came, nor were such resolutions ever anticipated, much less acted upon.

But, sir, I contend the proposition as presented in the 1st Resolution, is an absurdity on its face, (and I mean no disrespect to the author) for, though it claims for us the right to instruct Mr. Mangum, it admits he is the representative of whom? Of No, sir, of the people of the State.

This Legislature owes its existence to our State Constitution, adopted in 1776. We cannot therefore, claim any power, by prescription, but we are indebted and must refer to that instrument for our powers; if you refer to it, the first article presents to you in clear and unequivocal terms, the fact, that all political power comes from and remains with the people. There is no intimation even, that this sovereign power has been delegated to the Legislature. It is in vain to attempt to derive this power now claimed from our Constitution, for the office of Senator was not known, nor that body in existence when our Constitution was adopted. The Senate is a creature of the Federal Constitution, which was not framed until 11 years after our's was adopted. Our Constitution, then, does not recognize such an office, and the power of electing the individual to the office, is conferred on us by the Federal Constitution, and that power alone in relation to it. We are made the instruments merely to elect the officer, but when elected, he is in by virtue of the Federal Constitution, as the representative of the State, not the representative of this body.

When we speak of a State politically, we mean the people of that State, not the Legislature of that State. This is but a body springing from and dependent on the people of the State, authorized to meet for legislative purposes. We, then, are but the special agents of the people, not the principals; for we are the representatives. Now, it is a well established maxim, that principals only can of right instruct their agents; this is then, in truth and in fact, nothing more than a claim set up by one set of agents, to instruct another agent; for I repeat this Legislative body is the agent of the people for legislative purposes here, and Mr. Mangum is the agent of the same people in another Legislative body at Washington.

We have no right to do that indirectly which we cannot do directly; and since the Senator holds his office under the Federal Constitution, and for the term of six years—there is no power granted us directly or indirectly, it will be admitted

by all, either to annul the office, shorten its duration, or change its tenure in any mode. For this body has no right to alter the objects in view, in effect and substantially, annulling that provision in the Constitution of the United States which fixes the term of the office at six years, and by indirect means, may change that body, intended to be substantial and somewhat fixed, into a floating mass that will change its policy and members as fast as parties change in the different legislatures.

The gentlemen who advocate these Resolutions are driven to this expedient, for the whole question resolves itself into this: Is this Legislature the supreme, or sovereign power of the State? (for no one denies that the Senator is the representative of the sovereign power.)—If this be so, we can instruct or command; if not, we have no such authority. The wildest advocate here for these Resolutions, will not content, I presume, that this Assembly constitutes the sovereignty; for one of the inherent principles of sovereignty is, that there is no other earthly power to revise or annul its acts; but do we not see that the Governors of many States have a veto on the acts of their Legislatures? do we not know that our Supreme Court can annul any act of this body they deem unconstitutional? Again, sir, another attribute of sovereignty is, that it never dies, it is always alive; but 40 days hence, this body will be dissolved, will cease to have an existence, and the people shall deputize others to call into being. Sir, gentlemen have passed this Resolution without giving it that notice it deserved, so anxious were they to rush on to the consideration of the field open in the second Resolution. One more remark on this subject and I will dismiss it. Some gentlemen passed over this resolution with a notion of just kind—that the right to instruct necessarily followed the right to elect; the fallacy of that position will be indicated by extending this principle to other officers; for if it be true, the Senate of the United States can instruct the Judges of the United States Supreme Court, and our Legislature may on that ground, if it be so, instruct our Judges to reverse a decree or judgment given by them, or compel them to resign.

On reflection, Mr. Speaker, I am perfectly astonished to find so many precedents of late, where Legislatures have exercised this power and without serious opposition. My mind is so perfectly clear that we have no such power, I should be unable to account for a different opinion in any one professing to understand the principles on which our Federal Government is based, were I not aware of the fact, that all public bodies, like individuals, are prone to assume power, whenever an opportunity presents itself to gratify a prevailing desire. And it appears to be the peculiar business of modern politicians, to discover that our forefathers did not know what they were about, or did not mean what they said. As the poet expresses it—

"Our fathers were fools, to wise we grow,
In future days, our sons will think us so."
Let me now sir, take up the 2d Resolution. It directs Mr. Mangum, in the name of the people, to expunge a certain Resolution, by which the Senate of the United States express their opinion, that the President in removing the National Treasury, had done an act, not authorized by the Constitution or laws, but in derogation thereof.

The vote I am called upon to give on this resolution, demands of me, and of all others, the most rigid scrutiny. It is but two days since, sir, before I could take my seat in this body, I was required to stand at that desk, with my hand upon the Holy Evangelist, and before God and this House, to swear that I would protect, defend, and support the Constitution of the United States.

I trust that every member will pass in this hour of excitement, and reflect, that on this subject his vote is given under the obligations of an oath. No conscientious man therefore, can vote for the adoption of this 2d resolution, until his mind has had the conviction wrought upon it, that there is some article of the Constitution, or some existing law, authorizing the act complained of, by the Senate of the United States. And ye honest farmers, who profess not to be skilled in the law, nor learned in constitutional questions, require of such of your party as profess to know, to show you this law, or constitutional provision, before you go with them. Let it be so plain and obvious, that you may put your hand on it when required by your constituents; do not swear it is there, unless you can find it, or have seen it; if this thing concerns it is said, is a thorn that works and rankles deep when violated even innocently. What are

may have been the causes which induced this motion, in whatever shape its fathers may present it, turn and twist it into all the forms it may be susceptible of by the most astute mind, still the whole question rests upon one point in my opinion, to wit: Was this act of the President authorized by the Constitution or existing laws? If there be any proper authority for the act and you know it, then may your conscience be safe in voting for their adoption; but if there be no such authority, he who votes for them knowingly, must be a traitor to the Constitution, and regardless of his oath.

I trust sir, there is no one in this house, whose judgment is so warped by party feeling, as to disregard these high and solemn obligations, or so weak, as to regard his action on this resolution as a mere act of expediency.

For the causes deduced from that experience, obtained by perusing the history of other nations, our forefathers saw proper, in framing the fundamental laws of this nation, to separate the sword and the purse. It would have been strange indeed, had they not done so, being men of such wisdom as were those who composed the Convention, and so well acquainted with the rise and fall of other nations. I will not detain the House, sir, with a sketch of the histories of Rome or Greece, England or France; it is sufficient for our purposes to know, that those who drafted our Federal Constitution saw proper to place the Treasury under the exclusive control of the Representative body, whilst the sword was confided to the Executive branch: The National Revenue is already great, and destined to become immense. When this Revenue is once brought to the hands of certain collectors of it, the law requires that it shall be deposited in certain places and placed to the credit of a certain officer, who is under oath and heavy bonds for its safe-keeping—this officer is called the Treasurer. At this stage of the process, these funds so deposited become a part of what is called the National Treasury. Having been so collected and deposited according to law, the next question which presents itself is, how is this money to be drawn out again, and by what authority? Now sir, here comes the gist of this controversy. It is admitted, on all sides, the money was placed there according to law, and we must now refer to the Constitution and the laws to see what mode is required to abstract it. In the 9th article of the 6th section of the Constitution, you will find this only article on the subject: "No money shall be drawn from the Treasury, but in consequence of appropriations made by law." When an appropriation is made, the money can be drawn out, not by the Executive, but by the Secretary of the Treasury as recognized by this article. If the President can draw it out, by order, without law, and place it where he pleases, and not where (its guards) the legislative body require it to be kept, pray what security have you for its forthcoming; and what security would there be, or what use in the constitutional barriers, were the Executive an ambitious, popular and desperate man, aiming at a more secure and Kingly office? I do not wish to be understood as intimating the present Executive had any such design in view, for I believe him yet honest and patriotic; but laws are made, and constitutional barriers are erected, to secure us against traitorous and designing men. What our ancestors refused to entrust to Washington, I am not disposed to confide to any other President.

I will now submit to the candid judgment, untrammelled by passion or party, if this act of the Executive, now under consideration, can be successfully supported by his party here, unless they show some law, authorizing the President to abstract this money from the place where the law ordered it to be kept, and place it under his own keeping.

The plea set up by some, that he did not remove the deposits, but that it was Mr. Taney, is too miserable an evasion to merit a reply. Even the President desisted so obvious a subterfuge himself, and is it not strange that we find men here, professing honesty and intelligence, supporting this very act, which drowns from him many of the most able and honorable men in this nation; who before this act were his ardent supporters—even sir, if I mistake not, Mr. Forsyth, his own Secretary of State, and his skillful advocates in the Senate, condemned the act—but still you say, Mr. Mangum shall not dare do so.

To drop this digression and return to the question. I now call upon those gentlemen who advocate these Resolutions, to show us the law, or the semblance of one, which authorizes this act of the Executive. There is no evading that clause of the Constitution just read to you, by raising a cry against "the Bank"; that will do, out of doors for a political harangue, but is no argument fit to be addressed to men of sense. There is but one question to be made between this act of the Executive and the Bank—Was the money safe there. You all admit it was. This being so, how can the Bank question affect this. If the Bank be unconstitutional; if it be a political machine, or a monster—if it be all these things, how do you perceive, or by what course of reasoning do they justify the President in his

act? Does a violation of law or morals on the part of the Directors of the Bank, afford a justification or excuse to the President for his violating the Constitution? Certainly not. Then, away with the Bank hobby—let it die in peace, since political machinations have given it its quietus, dismiss the subject, and defend this act on its own merit, if it have any, not on the supposed demerits of that Institution.

But we are told the Senate was trying the President; they were travelling out of their legitimate duties in pronouncing upon his act. Well Sir, supposed this to be all true, how can it be inferred from the mal-conduct of the Senate, that the President was right? The Senate did not accuse him of treason, bribery or corruption; nor did they arraign him or try him; but for argument sake, admitting that body to have done all this, does it prove that the President was authorized by law to commit the deed complained of? No Sir; the Senate say, the President in that case acted without authority of law, or of the Constitution, but in derogation thereof; and instead of defending the act itself, gentlemen leave that, because indefensible, and accuse the body who originated the complaint of travelling out of their legitimate sphere—a forcible defence indeed.

I dislike, Mr. Speaker, these Resolutions for another reason; they do not show on their face their real object. I have a natural repugnance to clothing any thing in false colours, or giving it a false face. This 2d Resolution requires a Senator to do what we well know he cannot, nor will not do: the real object and design of these Resolutions is then to compel him to resign, that a thorough-going Jackson man (as they flatter themselves) may be elected in his place. If this be the intention, why not openly and candidly say so at once; do they expect to gull the great mass of the people by cloaking the Resolution so that they may not distinctly comprehend what is meant? I fear that is the real object, and some in this House too will be caught in the net.

So far, Mr. Speaker, I have confined myself to what I deemed the real merits of the question. If I had been disposed to make a harangue or resort to the usual cant of the day, there are many things on which I might have harped for hours—the abuses, if not corruptions, in the Post Office Department, the unjustifiable dismissal of Mr. Duane, the sudden and frequent changes in the Cabinet, the origin of the opposition to the United States Bank, and the extraordinary claims set up by the Executive, as his original or inherent powers, would afford a theme whereon I might descant for days. But I believe none of these have any direct or necessary bearing on the question at issue among us; and so far from clogging this question with extraneous matter, it is the duty of all to strip it of its exotics and simplify the case as much as practicable, that it may be comprehended by the community at large.

Before I take my seat, I must beg the indulgence of the House a few minutes longer, until I comment on a rising evil in our country; and the best return I can make the ladies and gentlemen present for the silence and attention with which they have honored me, is to make my remarks as short as possible. I will repeat that I am no party man, nor did I come here as such. I am as great an admirer of the President personally, as any supporter of these Resolutions ought to be. Whatever act of his I can support, shall have my hearty concurrence; but this act of his, now under consideration, I do not approve, nor do I know of but one or two individuals in the whole Albemarle District who do approve of it; yet that District was almost unanimous once for him. I have no doubt there are many in my District who are still his supporters, but they are to be found among that portion of the people who do not, or cannot unfortunately read, and so have never in fact, become rightly informed on these subjects. I shall not avail myself of an occasion like this to abuse Gen. Jackson or Mr. Van Buren, but I do most solemnly protest against and denounce the introduction into this State of these party names, that induce our citizens to worship men instead of principles; or those party measures, said to have been cultivated in New York by Mr. Van Buren, and recently transplanted in this State. I must confess the course which has been pursued in this House, from the very start of this subject, has wrought upon my mind the conviction, that there is too much reason to fear the charge to be true. Why is it, Sir, "the question" has been called for at the end of each speech so loudly by the advocates of these Resolutions alone? How is it they fear discussion—why turn away from the light of truth—why are these gentlemen so silent? We hear no reason, no argument from them.—They keep off and shun debate, and cry Jackson, United States Bank, monopoly, corruption, Battle of New Orleans, &c. But it is a mistake to attribute this political manœuvre to Mr. Van Buren; it is too old; and we hear and know of its extraordinary success in France, by Bonaparte. He succeeded in connecting his name with the destiny of France; he did much indeed for her glory, and in a short time, Napo-

leon and France were in the mouths of the multitude as one and inseparable. All Frenchmen love and adore France by education or nature, and by connecting his name with her, he became equally an object of adoration with the people. So, Sir, it was with Jackson. He fought and gained a victory at New Orleans—he killed Indians also, (and he who kills an Indian in this country is immediately exalted, and must with many of necessity be a very great man)—and there is no foreseeing, Sir, where this virtue will carry a certain individual yet, perhaps into one of our highest offices. To destroy Mr. Adams and raise Gen. Jackson, this war-cry was raised through our nation. Jackson, the Hero of Orleans, who killed both English and Indians, must therefore be a great and good man. The people of all classes, however ignorant, can understand and appreciate killing; most every man, woman and child in the nation know that Gen. Jackson gained a battle at New Orleans—they know that he is a farmer, and that he lives in Tennessee. But ask, and find how many of the voters in this State know what Clay, Calhoun or Webster have done for their country. They know nothing of their labors or services, nor do they know where they live, what professions they follow, and in truth, the great mass know nothing of them. All men can appreciate mere manual acts, such as are calculated to strike the mind with awe; but they cannot duly estimate, nor can you learn them to properly appreciate the value of civic honors or diplomatic services. It becomes then every man of truth, sense or patriotism, to endeavor to awaken this part of the community, and inform them, not to keep up this watch-word and Jackson yell forever. To illustrate the effect produced in our country by this man-worship. I beg to call your attention to the notorious fact, that strong high Tariff men at the North would "hurray for Jackson and the Tariff;" at the South, "Jackson & down with the Tariff." In the West it was "Jackson and Internal Improvement;" in the South, "Jackson and destruction to the system." Does not all this show that man-worship has superseded principles, for we see elements exactly opposite unite under his name to do him reverence—Now, "Jackson and Van Buren" is the watch-word by uniting the latter (unknown to the people) with the former, who is known to all, he must come in as successor and be worshipped in turn. You see men of diametrically opposed political views, in the different sections of our country, uniting on Jackson & Van Buren, though Jackson is no candidate for any office.

It is a matter of high import in my opinion for the consideration of every man of principle, to unite and destroy this man-worship. It is a source of deep humiliation and regret, well calculated to destroy that high, noble and lofty independence of spirit so requisite to preserve liberty, or gain it, to see a nation of free-men worshipping a thing like themselves. If it ever becomes necessary for this people to desert their God and worship man, let them go there (pointing to Washington's portrait) and worship at the altar of that great and good man. There is not to be found the eye of Mars, or front of Jove; but there is dignity and virtue on that brow rarely to be seen. Patriotism and worth have long passed away. Go then, I say, fall down, and offer up your thanks for liberty and the Constitution. No man will say nay.

TWENTY-THIRD CONGRESS.

SENATE.

Monday, Jan. 5.

Mr. Calhoun submitted the following resolution: Resolved, That a Select Committee be appointed to inquire into the extent of Executive patronage; the circumstances which have contributed to its great increase, &c. &c. the expediency and practicability of reducing the same, and the means of such reduction, and that they have leave to report by bill or otherwise.

The Senate proceeded to the special order of the day, being the bill concerning French Spoliations, previous to 1800; when Mr. Robbins addressed the Senate at some length, in support of the bill.

Tuesday, Jan. 6.

Mr. Clay, from the Committee on Foreign Relations, to which had been referred that portion of the President's message on the subject of our Relations with France, made a voluminous report thereon, occupying one hour and a half in reading of it. The report concluded with the following resolution: Resolved, That it is inexpedient, at this time, to pass any law vesting in the President authority for making reprisals upon French property, in the contingency of provisions not being made for paying to the United States the indemnity stipulated by the Treaty of 1813, during the present session of the French Chambers.

The report was made the order of the day for this day week, and 20,000 copies were ordered to be printed. The resolution, submitted yesterday by Mr. Calhoun, relative to the extent of Executive patronage, was adopted, and Messrs. Calhoun, Webster, Southard, King of Georgia, Bibb and Benton, were appointed the committee in pursuance to said resolution.

Wednesday, Jan. 7.

On motion of Mr. Clay, 10,000 copies of the Oration delivered by Mr. Adams in honor of Gen. Lafayette, were ordered to be printed.

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Thursday, Jan. 8.

The bill granting indemnity for French spoliations was taken up by Messrs. Wright and King of Georgia, addressed the Senate in opposition to the bill.

Friday, Jan. 9.

The Senate proceeded to the special order of the day, being the French Spoliations bill (prior to 1800).

Mr. Benton then addressed the Senate, in opposition to the bill, having concluded after speaking for about two hours, the subject was over to Monday, with the understanding that Mr. Webster is then to appear in support of the bill.

HOUSE OF REPRESENTATIVES.

Saturday, Jan. 10.

The House resumed the consideration of the following resolution, submitted yesterday by Mr. Gambler: Resolved, That the Secretary of the Treasury be directed to communicate to the House whether, in his opinion, it is practicable or convenient for that Department to collect, safely keep, and disburse the public moneys of the United States without agency of a Bank, or Banks; and if so, report to this House the best mode, in his opinion, by which that object can be accomplished.

After much discussion, the resolution was laid on the table by a vote 106 to 97.

Monday, Jan. 11.

The House resumed the consideration of the bill regulating and equalizing the pay of the officers of the Navy, when a debate arose which continued until the House adjourned.

Tuesday, Jan. 12.

Mr. Hubbard, from the Select Joint Committee appointed on the 2d instant to deliver the thanks of Congress to John Quincy Adams, for his appropriate oration on the 11th of a character of Lafayette, reported to the Committee had discharged its duty by addressing a letter to Mr. Adams; which, together with Mr. Adams' reply, he sent to the Chair.

The letters were read from Mr. Adams' table, and 50,000 copies of the Oration was ordered to be printed.

The House resumed the consideration of the following resolution offered on Monday, by Mr. Chilton:

Resolved, That the Committee on the subject of the National Bank, be instructed to inquire into the expediency of applying the revenues of the country, such works of public improvement as the respective States of the Union, may be necessary for the facilitating of commerce with foreign Nations, and among the several States. And that they moreover report their opinion of the best and most practicable mode of ascertaining and determining the nationality and importance of such improvements as may be proposed within the several States.

Mr. Chilton resumed the speech he commenced yesterday, on the subject of the resolution; and, without concluding, gave way to a motion for orders of the day.

The House resumed the consideration of the bill regulating and equalizing the pay of the officers of the Navy, when the subject was discussed until the House adjourned.

Wednesday, Jan. 13.

The discussion of the bill regulating and equalizing the pay of the officers of the Navy, was resumed, and continued until the House adjourned.

Thursday, Jan. 14.

A resolution, submitted by Mr. Hamer, instructing the committee of the Judiciary to inquire into the expediency of amending the Constitution of the United States, so as to limit the service of the Judges of the Supreme and Inferior Courts to a term of years, was discussed at some length, without arriving at a decision.

Friday, Jan. 15.

The proceedings of to-day were an uninteresting nature, the whole sitting being almost exclusively devoted to the consideration of private bills.

LEGISLATURE OF N. C.

Wednesday, Jan. 15.

SENATE.

William E. Crump was elected Major of Cavalry attached to the 5th Brigade.

The bill to subject legacies, distributive Shares, &c. to attachment in like manner as other property, and the bill to incorporate the Montgomery Gold Mining Company, were postponed indefinitely.

HOUSE OF COMMONS.

Mr. J. W. Guinn, from the Committee of Propositions and Grievances made unfavorable Reports on the petitions of Lucy R. Hendrick, Lucy T. Reas, and Jacob Lassiter. Concurrent in.

The bill to amend the Charter of the Raleigh and Wilmington Road Company, was laid on the table until the 3d Monday of November next, on motion of Mr. Smallwood. Ayes 71, Noes 50.

Mr. Long presented the following Resolutions: Whereas, by the Constitution of the United States, Congress alone is clothed with authority to borrow money on the credit of the Government; And whereas the Post Master General has taken upon himself the exercise of this high power, involving the rights to the people of the United States, without the authority of the Representatives: Be it therefore Resolved, By the General Assembly of North Carolina, that the Post Master General, in borrowing money out of the moneys of Congress, has violated the plain meaning of the Constitution, and that, therefore, he is liable to be held in bondage to the nation.