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BY BRANCH'S SPEECH. Resolutions to instruct Mr. Mangum, second in the Senate of North Carolina, December, 1834.

THE SPEAKER.—The Senator from North Carolina, who has just resumed his seat, has asserted that ours is a government of "popular feeling," and this General Assembly possesses "great powers," under which it may safely adopt the resolutions now under consideration.

On the course of a long public life, we never before heard sentiments so advanced. Had they been uttered at a prominent assembly, or in all cases, they would have been, to the least of them, very objectionable.

How much more reprehensible they, then, when earnestly pressed in grave deliberation on the representatives of an enlightened people?—We hold our liberties so far as we are as "popular feeling?" If so, I have been laboring under a delusion all my life. I cannot, however, see that the people of a State, who was the first to throw off a foreign yoke, and among the first to assert the rights which were asserted the 4th of July, 1776, by a written constitution, will subscribe to such gross heresies.

I propose to examine the dogmas—first, then by those fundamental principles to which our Bill of Rights is based upon us often to recur; for if there was a time when a recourse to established political maxims was necessary, this is the time. It can be disguised that the present is a time of awful import; and it behoves therefore, to bring to our assistance the aid which may be derived from wisdom and patriotism of those who preceded us.

In December, 1776, when the fervor and disinterested love of country was at its height, did the pure patriots of the Revolution in this State, when assembled (at my native village) form our State Constitution, deem safe to rely on "popular feeling" for protection of the liberties they had only asserted? No, sir. No—they well knew that political freedom, the greatest boon ever bestowed by man, could be preserved only by the erection of barriers—constitutional barriers against the assaults of ambitious usurpers, or the more dangerous, but not less dangerous, insidious arch-intriguers. The memorable epoch in the history of the new country were fresh in their recollections, when the despots of the old world were compelled to acknowledge parchment the rights of man, and swear to the observance of the fundamental principles of civil and religious freedom.

Again: after the achievement of our liberties, and the formal recognition of independence by all nations, do you find our sagacious forefathers relying on this "popular feeling," which I have heard so much eulogized?—No, sir, you find those very men who alone and suffered so much for the cause of human liberty, assembled in convention to devise efficient checks against the inroads of power. Deeply conscious of the insufficiency of those rights, which had been hastily thrown out their rights by the articles of confederation, you find them, in a fit of mutual concession, after deliberate discussion, adopting and printing to the "thirteen plantations" the Senator has thought proper to designate these sovereign States) a constitution or form of government, in which power is cautiously distributed among the various departments, and vested in its exercise by the most judicious checks and balances. So distant then was North Carolina from offering power even under a writ of grant, that she was the last State one to come into the Union.

All she now be the first to break these safeguards of public liberty, to rest our rights, not on a written constitution, but on "popular feeling?"—With sleepless vigilance you find those who well knew what our liberties were, jealous of power, although in the hands of the father of his country; for in Washington erred under a written Constitution, in the recognition of protective principle, and in assent to the charter of the old United States Bank in 1791. But such was confidence justly reposed in Washington, that his very errors (if such were) were treated with great forbearance.

Not so, however, with the elder Adams. It cannot be denied that, under the administration of Gen. Washington, two parties were formed, alike patriotic, but essentially different in their political tenets. Their differences were not brought fully into public view. But no sooner had the Federal party unfurled their banners under his successor, than the States Right Party, with Jefferson at their head, made a noble and successful stand against Federal usurpation. The people were raised to a just sense of the danger to which their liberties were exposed, and the seal of condemnation was affixed to the ill-advised measures of Federal usurpation. On Mr. Adams's overthrow, was established those principles which I then recognized as orthodox, and which I have ever delighted to cherish as fundamental truths in my political creed. I mean, sir, the exposition of our Constitution which is contained in the Virginia and Kentucky Resolutions of 1798-99, and in Madison's report. Under the administration of Jefferson, these principles were exhibited in full relief. The same exposition of the Federal Constitution, was faithfully observed under the Republican administration of Mr. Madison; and, as part of the history of this period, I beg leave to call the attention of this House to a proceeding in this very Assembly, (in which I had some share) very pertinent to the subject of the present debate. I refer, sir, to certain resolutions touching the votes of Mr. Stone, our then Senator in Congress, on the measures of Mr. Madison's administration in support of the war, into which we had been driven by the unjust policy of Great Britain. I myself, sir, moved the resolutions 21 years ago, disapproving of the conduct of Mr. Stone. Permit me to present the whole proceedings to the Senate, as they stand upon the Journals of that day. [Here the report and resolutions were read.] From these it appears that Mr. Stone was elected to the United States' Senate in 1812, a few months after the declaration of war against Great Britain, with a distinct understanding, on the part of the Legislature and the people, that he was in favor of a vigorous prosecution of it. In the session of Congress which ensued he was found voting against the supplies that were necessary to prosecute the war with effect. His abuse of our confidence was calculated to excite, and did excite indignation in every patriotic bosom, and called into action the energies of every man who believed that the war was waged in defence of our just rights. I can never forget the feeling which pervaded this body when the votes of Mr. Stone came to our knowledge. Our country was in arms, with a fierce and powerful enemy at our doors. Our army under the command of Gen. Hull had been surrendered up, if not from peridy, from gross incapacity, and the few men we had in the field were destitute of food and clothing. Our Treasury empty, and the country without the ability to borrow money. This desperate state of our affairs was in a great degree owing to the refusal of Congress either to raise the necessary funds or establish a basis for national credit. These facts you find embodied in the report which I have just read. We then believed, what I still believe, that they were sufficient to justify us, before an enlightened community, for the resolutions which were then adopted. But, sir, compare our course then, with the proceedings now under consideration. Do you find us doing more than was indispensably necessary to sustain our country? On the other hand, what are you now about to do? Prostrate and dishonor the State, and disgrace your country, by sending your Senator to do what no honorable man can do. For what purpose is all this done? To prove to the people that you are now good Jackson men, and thereby to enable some of you to ride into office on the strong current of "popular feeling," which the gentleman from Warren very seasonably invokes. Has he practised as a representative of the people what he so earnestly preaches? We shall see by and by. In the retrospect I am presenting to the Senate, we find little to attract our attention from the conclusion of the war to the end of Mr. Madison's administration, save the chartering of the United States' Bank in 1816. This renewed usurpation of Federal power was submitted to from a conviction that something of the kind was imperiously called for, to correct the deranged condition of the currency, resulting from the abuse of the paper system by the State authorities. When I first took my seat in the Senate of the United States in 1823, I met with the gentleman from Warren, then and for some years previous a member of the House of Representatives of the United States. Did this institution find favor with the gentleman at that time? or was he then, as he is now, its implacable opponent? We were then in the habit of interchanging opinions, and I had a full knowledge of, and well remember the course which he and his party then pursued; and, in order that it may be seen who has been false to principle, I must be permitted to make a brief narration of facts.

At that time I was desirous that

some statesman should be found, who, as the successor of Mr. Monroe, should carry out in his administration the republican principles I held, and bring the Government back to the good old doctrines of '98 and '99. In casting about for such a one, I found it was necessary to pass in review the pretensions of various rival candidates. Mr. Clay was objectionable, among other reasons, because his wild enthusiasm in the cause of liberty made him, in my opinion, unsafe. His project of connecting our destinies with those of the semi-barbarians of South America made me afraid of him. Mr. Calhoun was a latitudinarian in his construction of the Federal Constitution, as manifested by his reports while exercising a controlling influence over Mr. Monroe's administration. Mr. Adams had forsaken his old friends under circumstances well calculated to excite distrust. Mr. Crawford was not merely in favor of the United States' Bank, but, in his administration of the Treasury Department, he had aided the State Banks in a way that I decidedly disapproved of at the time, and by which the government lost upwards of a million of dollars. To whom then should we look?—The Tennessee Legislature had but recently presented the name of Gen. Jackson as a candidate. On my first acquaintance with him, early in December, 1823, I was pleased with the man. Before a general acquaintance, I had most enthusiastically admired his military achievements. His political opinions were orthodox so far as I could learn them. In my daily interviews with the gentleman from Warren and his colleagues, who now, far from claiming to be the exclusive friends of General Jackson, as his avowed and warm supporters, I was compelled to hear the most unmeasured vituperation of Gen. Jackson. I then stood alone in his support; and, sir, I can never forget the malignant hostility of the Senator from Warren, and those who thought with him, to their present idol. He was then a cruel, vindictive, blood-thirsty tyrant, not gifted with a single qualification that fitted him to be the President of the United States. Unable to construe the plainest law in the Statute Book; and, in fine, his election, it was asserted, would prove a "curse to the country." As to the victory of New Orleans, it had been better, they said, that the city should have been in flames, and the beauty and booty of the place offered up to a licentious soldiery, than the Constitution should have been violated by the suspension of the writ of habeas corpus. One of the gentleman's colleagues—I mean Gen. Saunders, the present Attorney General—in his public addresses to the people of his district, went so far, as I am informed and believe, as to superadd to his other charges against the General that of moral turpitude, manifested in the abduction of his neighbor's wife. He professed to know him well, having lived in his immediate neighborhood. Soon after the meeting of Congress in 1823, where do you find this present leader of the Jackson party? Going into caucus for the purpose of controlling that "popular feeling," he now ostentatiously shows his reverence. Do you find him and his party influenced by principle any more than now? No, sir. Mr. Crawford received the caucus nomination—the open and avowed friend of the United States' Bank; that monster which the gentleman and his party now pretend to hate with such holy fervor.

Early in 1824, Pennsylvania espoused the cause of Gen. Jackson, and his most formidable rival in that State, Mr. Calhoun, was dropped; his friends joined our standard. Inspired with renewed hopes by such an acquisition of strength, we entered the lists with these exclusive, and, in spite of their Coffin Hand Bills and Benton pamphlets, circulated by thousands at a heavy expense to the party, we overcame them in North Carolina by a majority of more than five thousand votes. Do you find the gentleman from Warren yielding a ready obedience to the will of the people, as thus unequivocally expressed, and acknowledging the right of insurrection? No, sir; but, on the contrary, he openly refused to obey their will. It is known that General Jackson received a plurality of electoral votes, a majority of the whole number. Hence the election devolved on the House of Representatives. There you find the gentleman and his Van Buren party, pertinaciously resisting the right of the people to choose their own Chief Magistrate, and virtually co-operating with Mr. Clay, who was charged with an improper coalition with Mr. Adams. The result was, they defeated the well ascertained wishes of the people by the election of Mr. A. Not having been able to direct them by their caucus nomination, they contemptuously disregarded the direct instructions of the people, through the ballot box. By the election of Mr. Adams, a wound was inflicted on the elective franchise, in the person of Gen. Jackson, which instantly elicited all the patriotic fervor which animated his early friends, and prompted them, with one accord, to

exert every nerve to vindicate the violated rights of their country. When Mr. Clay (who, like the gentleman from Warren, had disregarded the will of the people, in voting for Mr. Adams) was nominated to the Senate, I felt it my duty to oppose the nomination and to denounce the coalition. It was not, sir, until the gentleman and his party discovered that they could no longer find safety save under the banners of our national ship, which again held her glorious course upon the deep, with the broad pendant of the Hero of New Orleans flying at her peak—it was then, and not till then, that this party were willing to enlist under their commander. They were generously taken off the wreck of the Crawford boat; we pitied their distresses; and what is the return they have made us? They have risen upon us, their benefactors, and, seizing on the ship, have turned us adrift as no longer worthy of the service. True, sir, we had but little confidence in the disinterestedness of some of their leaders; but as the mass of all parties are honest, we did not scruple to receive them into full communion. To the original sin of Mr. Adams, in going into office in opposition to the wishes of a majority of the people, he very soon superadded others, which we attacked in their first inception. He asserted the right to act independently of the Senate, in the appointment of Ministers to Panama. As the humble organ of the patriot band with which I had the honor of acting in the Senate of the United States, I forthwith submitted resolutions disapproving, in strong terms, the unlawful claims of power made by Mr. Adams. A most able and elaborate discussion ensued. The rights of the Senate were asserted and maintained in a most triumphant manner. But, sir, we were in a minority then, as we are now. The argument, however, went forth to the American people, and Mr. Adams stood rebuked before them. About this time, some of our recruits, anxious to signalize themselves in their new service, and willing to remove the suspicions which properly attached to them, made an assault upon Mr. Clay, then Secretary of State. General Saunders, of whom I have before made honorable mention, led the attack. Mr. Clay, he said, had removed some printers, who had been appointed by his predecessors to publish the laws of Congress. This he censured as an insidious attempt to control the freedom of the press. The tocsin of alarm was sounded; the palladium of liberty was proclaimed to be in danger; and the patriots of the land were summoned to the rescue. Retrenchment and reform were the order of that day. The profligality of Mr. Adams's administration was loudly condemned. A committee of retrenchment was appointed; and an elaborate report, reflecting on the lavish expenditure of Mr. Adams's administration, was spread on the journals of Congress. Ten or twelve millions of dollars were required by him to meet the annual expenditures of the Government, and this was stigmatized as an extravagant demand on the Treasury. He was further accused of retaining officers to perform nominal duties, at a heavy expense to the nation; and, on this head, specifications were made—among others, the 3d Auditor.

The freedom of our elections was pronounced in imminent peril from the patronage of the General Government's being brought in conflict with them. By this charge great plausibility was given by Mr. Adams's having placed Mr. Clay in the line of safe precedents; and the imprudent manner in which Mr. Clay had excused himself for voting for Mr. Adams, in opposition to the instructions of his Legislature, was seized upon, and produced a powerful effect on the public mind. The bare idea of Mr. Adams's employing the patronage of the Government to control, in any way, the right of the people to choose a successor, was made the basis of a most violent assault, both upon him and Mr. Clay. And here I must pause to render an act of sheer justice to those distinguished statesmen. If ever the patronage of the Government was corruptly employed to carry out the coalition with which they were charged, no instance has ever come to my knowledge. In fine, we pledged ourselves, in every possible manner, to bring back the Government to its pristine purity. All these pledges were, from time to time, assumed by General Jackson, but more especially in his Inaugural Address, on the 4th of March, 1829; to which I beg permission to call the attention of the Senate.

The management of the public revenue—that searching operation in all governments—is among the most delicate and important to us in ours; and it will, of course, demand the constant share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. The recent demonstration of public sentiment in respect to the list of executive offices, in character too legible to be overlooked, the risk of reform which will require, particularly, the correction of those abuses, that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the consideration of those cases which, involving the rightful course of appointment, and have placed, or threatened to place, in unqualified or incompetent hands.

Suffice it to say, the people triumphed in the election of General Jackson, in 1828; and no person, Mr. Speaker, participated in this triumph more sincerely than I did, under a firm belief that the principles I had been advocating all my life would form the basis of General Jackson's administration. In addition to which, I entertained towards him a most ardent personal attachment; and in the fullness of my heart, I believed him to be one of the greatest and best of men, and, in a festive hour, said so. For this declaration, I have been often taunted, and, perhaps, justly. Did any one, however, doubt my sincerity then? No, sir; my acts spoke louder than my words. Does any person doubt my sincerity now? No, sir. Can the parasites and sycophants, who surround him, say as much? When powerless, they opposed him with the most malignant hate; when he is clothed with power and patronage, and able to reward them, they fawn and flatter, and for their fawning and flattering, expect their pay with as much certainty as the laborer does his hire. At that time, I had a strong hold on the affections and confidence of my fellow citizens of North Carolina. As an evidence of it, I had, during the previous winter, been re-elected to the Senate of the United States for six years from the 4th of March, 1829, without opposition. On the arrival of Gen. Jackson in Washington in February, 1829, I met him with an affection almost filial, and as much alive to the success of his administration as any man living. I was perfectly satisfied that the solicitude of his friends should be directed to the preservation of his well-earned laurels, and that this could be effected only by a strict and faithful adherence to the principles which had borne him into office. I often told him he would have less excuse in disregarding these principles than any President since the days of Gen. Washington; that he was sustained by an overwhelming majority of the American people, and had it in his power always to do right, without regard to expediency.

Without solicitation on my part, he desired me to become a member of his Cabinet, and take charge of the Navy Department. I returned him my warmest acknowledgments for so distinguished an evidence of his confidence; but remarked, that I doubted my ability to discharge the duties of that Department, either to my own satisfaction or that of my country, and that I must ask time to consult with my friends. To this he consented, and I promised to call and give him an answer next evening. The first person I asked counsel of was my friend and colleague, Gov. Iredell, now perhaps within the hearing of my voice, a gentleman whose high claims to confidence are universally acknowledged, and (to borrow a figure of the gentleman from Warren) whose inherent virtues and talents rendered him peculiarly fit to perform so delicate an office. He unhesitatingly said, that, inasmuch as it was the first appointment of that grade ever tendered to a citizen of North Carolina, and as it was an honor intended to be conferred on the State through me, I was not at liberty to decline. The next friend with whom I consulted, was the Senator from Burke, then a member of the House of Representatives of the United States—a friend indeed I may call him—a friend while in favor, but still more a friend when in adversity. His merits and just claims on the State I will speak of elsewhere. His counsels were substantially the same as those of Gov. Iredell. I then sought interviews with many others, and finding there was but one opinion among my friends as to the course proper for me to pursue, I, in due time, signified my acceptance of the trust. This was some ten or fifteen days before the inauguration of Gen. Jackson. In the mean time, the Cabinet arrangements were announced, by authority, in the Telegraph. Among the members was Major Eaton, my personal friend, a gentleman for whom I entertained the kindest feelings, and whom I would have gone further to serve than any other member of the proposed Cabinet. We were brought up in the same neighborhood. But as soon as his name was announced, many of the best friends of Gen. Jackson expressed their decided disapprobation of his appointment; first one, and then another remonstrating against it. Among the objections urged, were the circumstances connected with his recent marriage. Finally, on the urgent representation of one of the President's friends, he consented that Major Eaton should not go into the Cabinet, as originally designated, but should be transferred to the Post Office Department, which was not at that time considered a Cabinet appointment. This was communicated to me in a few minutes afterwards, and, in order to enable the President to accomplish his object without wounding the feelings of Major Eaton, I immediately waited on Gen. Jackson, and proposed to him, in the presence of Major Eaton, that, inasmuch as Judge McLean's friends had manifested some anxiety for his promotion, Major E. and myself might be permitted to tender him the choice of the three Departments in his (Gen. Jackson's) name, remarking at the same time, that it would give strength to the Administration; adding also, that if he preferred the Navy Department, which had been assigned to me, I would go into the Post Office Department; or, on the contrary, he preferred the War Department, the Major should go into the Post Office Department. General Jackson not only consented to my proposition, but expressed a high sense of what he was pleased to consider my magnanimity. Some of these facts are now, for the first time, made known, and they will doubtless surprise our Gen. Jackson and Major Eaton. If necessary, however, they can be established in a court of justice, and, when taken in connexion with a movement made a few days afterwards, which I will not weary the Senate by narrating, they will convince, if no conviction Gen. Jackson or Major Eaton, or both, of their ingratitude.

As a statesman, Mr. Van Buren, in my opinion, stood pre-eminently and high as you may imagine. I have conferred with Gen. Jackson in his selection of this individual for the State Department. It is known to many of my friends that I did not hesitate, on all proper occasions, to express the opinion that he would be the most fit person we could select as the successor of Gen. Jackson. Mr. Calhoun and his friends were not ignorant of these facts, and hence I was by no means a favorite in their estimation.

As so in Gen. Jackson was inaugurated, and our nominations were confirmed by the Senate, each member took charge of the Department assigned to him, particularly anxious, I doubt not, to give a lat to the Administration, by a diligent and faithful discharge of the trust committed to him. I can speak for myself, at all events, never did I labour more assiduously.

About the last of May, my family came on, to mingle with a society to which they were strangers. They found the lady of the Secretary at War, a native of the City, excluded from this society, and did not deem it their duty or right to endeavour to control or counteract the decisions of the ladies of Washington; nor did they consider themselves at liberty to inquire whether those decisions were correct or otherwise. Engaged, as I was continually, with the all engrossing affairs of the Navy Department, I did not know, at night when my family had visited in the day, nor when they had not; and thus the time passed without, I can confidently assert, the least interference, on my part, with matters that belonged exclusively to them. At length, however, a friend of ours, with his family, came on from Nashville—a gentleman of high character, and a particular friend of the President. After having taken one of my daughters on an excursion to Philadelphia and New York and returned, my family, for the first time during their residence in the City, determined, on the eve of his departure for home, to invite a few acquaintances to spend the evening with our guest and his family. Whom they had invited, I know not, and accordingly met with many ladies and gentlemen; and of his meeting, unimportant in itself, I should not have thought again, but for a singular communication, a few days afterwards, by Gen. Jackson, touching it; by which I was informed that Maj. Eaton was displeased, because Mr. Campbell and Doctor Ely were at my house on such an occasion. I had heard of many things connected with this delicate subject before; but this was the first time any thing so favorable had been reported. As you will readily imagine, my feelings were excited, and I instantly demanded of Gen. Jackson, by what authority Maj. Eaton, or any one else, questioned my right to invite whom I pleased to my house. "By no authority," he replied, "but Maj. Eaton considers it very unkind in you to give an invitation to these gentlemen, inasmuch as they have been talking about Mrs. Eaton."

Mr. Campbell was the pastor of a church, in the city, in which Gen. Jackson had a pew, & which he had regularly attended up to this time. Three of his Cabinet ministers, myself included, likewise had pews in the same church, and were generally in attendance on Sundays. This gentleman was, so far as I knew or believed, one of the most exemplary persons in the place, and, withal, a most eloquent divine. Doctor Ely was a minister of the Gospel, a resident of Philadelphia, then on a visit to the City of Washington, and was invited by Mr. Campbell to accompany him to my house. These things, you may be assured, created some emotion; yet they were of so commonplace a character, that I personally myself the President of the United States would soon become ashamed of them. I therefore endeavored to suppress my feelings. Not so, however, with the President. He became more and more perturbed, and soon after invited Mr. Campbell's church, pressing on me, to do as he liked. As for Maj. Eaton, he scarcely returned the ordinary salutations whilst we were in the discharge of our official duties.