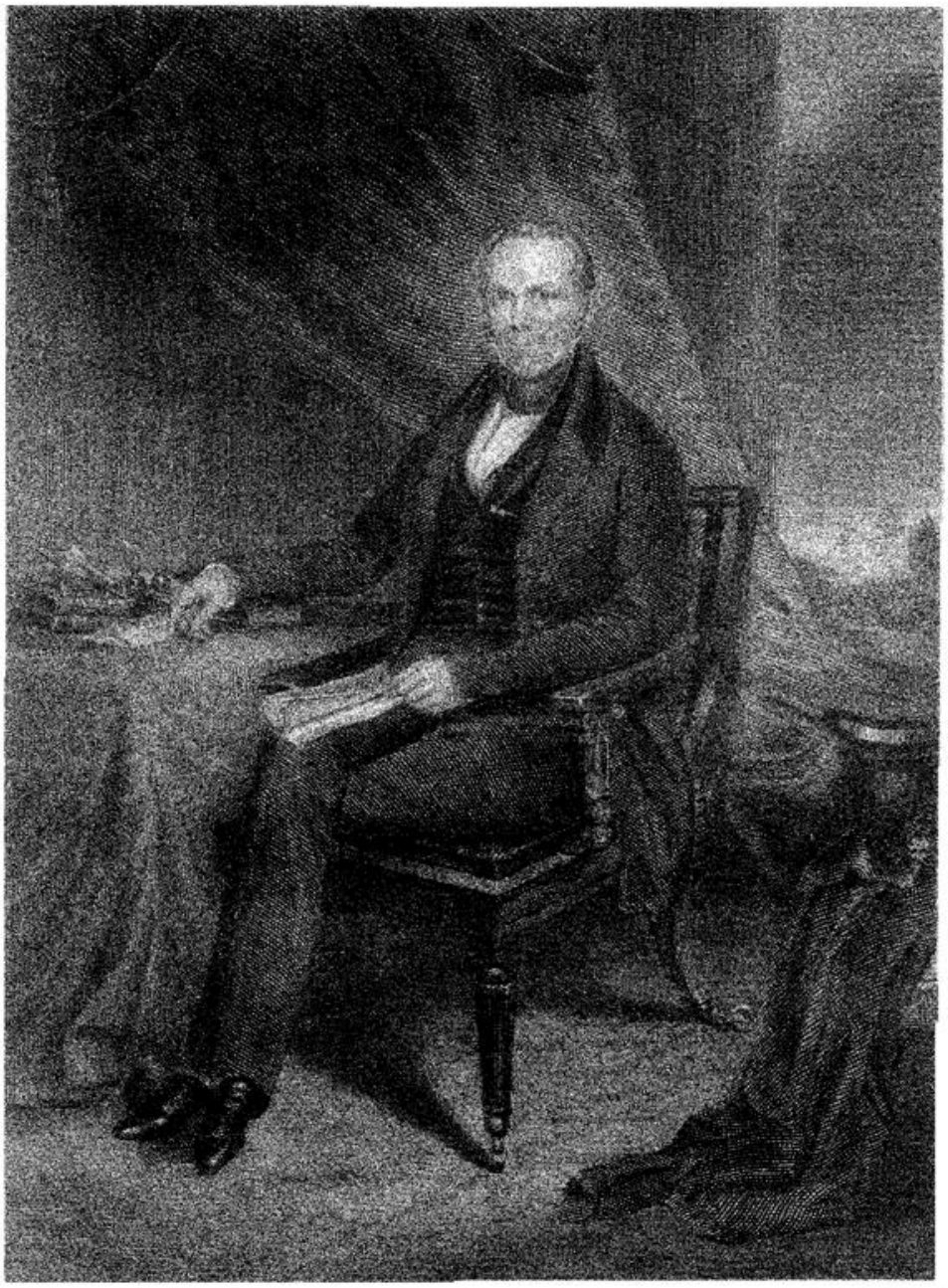


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Peint pour 1825

I am Your faithful &
Obedient Servant
H. Clay

THE

BIRTH PLACE

OF



Drawn by W. Croome.

Engraved by A.L. Dick

HENRY CLAY

HANOVER Co. Va.

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THE

LIFE AND SPEECHES

OF THE

HON. HENRY CLAY,

IN TWO VOLUMES.

COMPILED AND EDITED BY

DANIEL MALLORY

VOLUME I

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CONTENTS OF VOLUME I.

PREFACE, ... 5
LIFE OF HENRY CLAY, ... 9
SPEECH ON DOMESTIC MANUFACTURES, ... 195
SPEECH ON THE LINE OF THE PERDIDO, ... 200
SPEECH ON RENEWING THE CHARTER OF THE FIRST BANK OF THE UNITED STATES, ... 210
SPEECH ON THE AUGMENTATION OF MILITARY FORCE, ... 222
SPEECH ON THE INCREASE OF THE NAVY, ... 230
SPEECH ON THE NEW ARMY BILL, ... 240
SPEECH ON HIS RETURN FROM GHENT, ... 259
SPEECH ON THE UNITED STATES BANK QUESTION, ... 262
SPEECH ON THE DIRECT TAX, AND THE STATE OF THE NATION AFTER THE CLOSE OF THE WAR WITH GREAT BRITAIN, ... 268
SPEECH ON THE BILL FOR FORCING NEUTRALITY, ... 286
SPEECH ON COMMERCIAL RESTRICTIONS WITH FOREIGN NATIONS, . . . 289
SPEECH ON INTERNAL IMPROVEMENT, ... 294
SPEECH ON THE WAR BETWEEN SPAIN AND HER COLONIES, ... 297
SPEECH ON INTERNAL IMPROVEMENT, ... 300
SPEECHES ON THE EMANCIPATION OF SOUTH AMERICA, ... 321, 348
SPEECH ON THE SEMINOLE WAR, ... 364
SPEECH ON SOUTH AMERICAN AFFAIRS, ... 390
SPEECH ON THE SPANISH TREATY, ... 392
SPEECH ON THE PROTECTION OF HOME INDUSTRY, ... 405
SPEECH ON THE MISSION TO SOUTH AMERICA, ... 425
SPEECH ON THE GREEK REVOLUTION, ... 432
SPEECH ON AMERICAN INDUSTRY, ... 440
SPEECH IN REPLY TO JOHN RANDOLPH, ... 483
ADDRESS TO LA FAYETTE, ... 484

ADDRESS TO HIS CONSTITUENTS ON THE PRESIDENTIAL ELECTION OF 1825, . 486
SPEECH ON THE ELECTION OF PRESIDENT BY CONGRESS IN 1825, . . . 507
SPEECH ON AFRICAN COLONIZATION, ... 515
SPEECH ON THE CHARGE OF CORRUPTION, ... 538
SPEECH ON THE POLITICAL CONDITION OF THE UNITED STATES DURING J. Q. ADAMS'S ADMINISTRATION, ... 554
SPEECH ON RETIRING FROM OFFICE, ... 560
SPEECH ON THE COMMENCEMENT OF JACKSON'S ADMINISTRATION, . . 564
SPEECH ON THE EFFECT OF THE PROTECTIVE SYSTEM ON THE SOUTHERN STATES, ... 582
SPEECH ON THE REDUCTION OF DUTIES ON IMPORTS, ... 586
SPEECH ON THE NOMINATION OF MR. VAN BUREN, AS MINISTER TO GREAT BRITAIN, ... 599

PREFACE.

In writing the Biography of Henry Clay, we are conscious of entering a field several times explored, by individuals of great ability, who have spread before a delighted public the rich rewards of their researches. But its great amplitude — the loftiness of its hills — the breadth of its valleys — and the vastness of its enclosures, induce the belief, that the office of another explorer would not be altogether that of a gleaner; on the contrary, that the proper performance of its duties would result in the discovery of new beauties, and in the acquisition of new treasure. Under the influence of this belief, the resolution was taken and preliminaries settled of our undertaking, and ourself brought to its borders, indulging in visions of anticipated pleasure, not unlike those which an enthusiastic botanist experiences, who, with feranthos across his shoulders, and analyzing apparatus in his satchel, is about to enter the fair field of nature, to cull and examine the loveliest specimens of her skill. Personal gratification, however, was not the only nor chief motive prompting us to the undertaking. We desired to procure a larger and better collection than had ever been made of the mental gems of him who had moved in patriotic majesty over it, and adorned its enclosures of intellectual verdure with the brilliants of pure and lofty action; to gather and collocate these, we were strongly urged by the consideration that we should thus contribute, in some degree, to carry into execution that which forms one of the most interesting features of Mr. Clay's character — *a desire to submit his every public act to the closest public scrutiny* — a desire which has not been introduced to subserve a certain purpose, but which is coeval with his political existence, and which he has, under all circumstances, unequivocally avowed. A further motive was derived from our own ardent desire to behold a

more deeply-seated and generally-extended conviction of the purity, disinterestedness, and inestimable value of his services, which, in view of our own experience, we firmly believed would be the invariable issue of a careful and candid examination of them. That we sincerely and strongly wished the dissemination and establishment of this conviction we gladly affirm, not because we attached the slightest importance to it, considered as a mere isolated fact, but because we knew it would be productive of great and permanent good in the minds of all where it should find a lodgment.

It is a well known and prominent truth, that those who are familiar with the beauties and sublimities of the natural world, are distinguished for expansive, liberal, and noble views. An effect parallel to this is distinctly seen in those who are surrounded by the magnificent scenery of the mental and moral world, and whose dwellings are irradiated by their effulgent luminaries. Hence, a sage custom of the ancient Greeks, as related by one of their historians, of causing their youth to be similarly circumstanced — especially those who were being educated with direct reference to the assumption of the duties and responsibilities of public life. In qualifying these appropriately to discharge the former and sustain the latter, their guardians and preceptors deemed it of vital importance to place before them the noblest scenes and subjects. In close connection with the precept '*know thyself,*' they enjoined that of '*know the good and great of others.*' To them it was well known, that the contemplation of deeds of mental and moral grandeur was most salutary — that it generated a desire to imitate and surpass them — nay, more; that it limned them upon the walls of the soul, and filled it with the most beautiful intellectual imagery, which would eventually develope itself in action — magnanimous, patriotic, and conservative of the best interests of mankind. To attempt to prove that such deeds thickly adorn the field of Mr. Clay's history would be superfluous, since the fact is well established in all civilized countries.

So much in relation to the motives for our undertaking. A brief statement of the manner and circumstances of its performance may not be inappropriate.

Our visions of anticipated pleasure, at its commencement, were fully realized during its progress. We had expected to be rewarded by the discovery of intellectual diamonds of the first water, but not in such rich profusion as we found them. In consequence of the frequent struggles between our inclination and inability to gather and bring away all, we fear that many of intrinsic value have been left behind; but we trust and believe, that the most beautiful and impor-

tant specimens, will be found in our collection. Entire originality for it is not claimed, but aid from various sources has been received in its formation. Deeming the facts and events of Mr. Clay's career public property, we have freely taken and appropriated them, wherever found, without considering it incumbent upon us to designate their locality.

With regard to the Speeches of Mr. Clay, no labor has been spared in seeking for them, and it is believed that few, if any, which have been reported, will be found wanting in our collection. A brief memoir has been prefixed to each, illustrative of the subject and occasion on which it was delivered, and the fate of the question. In this labor, we have been materially assisted by Mr. EDWIN WILLIAMS, the former secretary of the American Institute; a gentleman well known for his accuracy and ability in historical and statistical matters.

In giving the result of our investigations, we express our fears that it will be found to contain imperfections, notwithstanding our endeavors to guard against them It has been exceedingly difficult to speak of Mr. Clay's eminent acts, without sliding imperceptibly into the path of eulogy. This, perhaps, has led to the error of saying too much sometimes, and too little at others. For defects of this nature, however, the intelligent reader will require no apology. But the deficiency most prominent, and one which we lament most sincerely, is, that of not having done justice to his transcendent talents and abilities as an orator. For this, an excuse must be furnished by our incompetency; the consciousness of which fell upon us, with overwhelming force, as we stood in the presence of his eloquence. We watched its wonderful and spirit-like movements and operations, and turned away from the task of adequate description, as we would have shrank from the fruitless endeavor to take the dimensions of a boundless and unfathomable ocean. Attempts at describing it we have indeed made, but they are abortive — dim shadows of its noble substance, and tenantless abodes of its beauty. Our belief of the utter impossibility to convey an adequate idea of it through the medium of written or verbal statement, has been confirmed by the opinion of those who have often beheld its manifestations. A distinguished senator remarked to us very recently, that Mr. Clay's eloquence was absolutely intangible to delineation — that the most labored and thrilling description could not embrace it, and that, to be understood, it must be seen and felt. Neither is it contained in those inimitable productions of mind — his speeches. Abundant evidences of its magic influence are found in these. The monuments heaved up by its hand of power, stand thick about its gorgeous pathway, which runs

through them all like a golden tissue, but *it* is not there. Its nature is too closely allied to etheriality to find a fit terrestrial abode.

What has been said of Mr. Clay's eloquence, is, to a great extent, true of his philanthropy and patriotism. No individual was ever less controlled by sectional feeling. The height of benevolence on which he planted himself was so lofty as to enable him, while legislating for his own country, in particular, to have an eye to, and care for, the interests of all other countries. In what manner and to what extent they have been benefited, by his exalted and humane services, it is believed an ample and authentic source of information will be found in our compilation of them. In the full assurance that these will endure the ordeal of the closest and most philosophic scrutiny to the end of time, we present them to the public, and cannot avoid giving utterance to the desire that they may be speedily subjected to it, and in the same liberal spirit which distinguished their performance. Should such a result be realized, we shall consider the time employed in gathering and arranging them most profitably occupied.

LIFE OF HENRY CLAY.

BIOGRAPHIC usage might require us to give the pedigree of the distinguished individual who forms the subject of the following memoir. Many considerations, however, combine to induce a departure from this usage. In the first place, we are strongly disposed to question the practical utility of it; and in the second, to doubt our ability, even after the most diligent search, to exhibit what is ordinarily the object of such a search — *an illustrious pedigree.* Indeed, we regard it as very problematical, whether we should be able to get beyond the pale of republican simplicity. But the most cogent consideration is the belief that our efforts would not be more highly appreciated than were those of the emperor of Austria by Napoleon Bonaparte. The Austrian monarch, desirous of proving his future son-in-law royally descended, was busily engaged in making the searches requisite to establish the fact. Napoleon, becoming acquainted with his intention, immediately visited him, and exclaimed, 'Stop, stop, sire! I alone am the author of my fortune, and desire it to be so understood: neither royal descent nor royalty has contributed any thing to its achievement, and though I might legitimately claim both, would not mention either.' We do not know that a similar indifference is felt by Mr. Clay, in relation to his lineage, but his plain, unostentatious habits, and firm adherence to republican principles, warrant us in presuming that such is the case. Certain it is, however, that for his present elevated position, he is as little indebted to any adventitious advantages of birth or fortune, as was the mighty conqueror; and with equal propriety might he say, in view of the means by which he had attained that position, I alone am the architect of my fortune. Without attempting, therefore, to invest his origin with the splendors of a titled ancestry, it may suffice to observe, that family reminiscences render it certain that his imme-

diate progenitors were distinguished for sterling worth, virtue and integrity. His father, a Baptist clergyman, labored in his official capacity with great acceptance, in a district of country in Hanover county, Virginia, familiarly denominated 'The Slashes,' where, on the 12th of April, 1777, his fifth child, Henry, was born. He was not destined to enjoy those instructions and counsels which a father only knows how to impart, — for when he had attained his fifth year, his father died. This event consigned him entirely to the care of his mother — a woman of an uncommonly vigorous mind, richly adorned with feminine graces, and every way competent to superintend his incipient education.

Unfortunately, the embarrassed condition of her husband's estate at his death, besides greatly augmenting her cares, prevented her from giving Henry that thorough course of study which she designed him to pursue. So far, therefore, from receiving a liberal, he did not receive a good elementary education. The lowly district school of that region, to which his instructions were limited, was deficient in almost every essential respect. But even under these inauspicious circumstances, in early boyhood he manifested a strong desire for knowledge, which in consequence of the pecuniary difficulties before mentioned, could not be gratified. All that the fondest maternal tenderness could do, was to lead him to the rills of learning, whose sweet waters, instead of allaying, rendered that desire more intense, and induced the resolution to seek its gratification at their unadulterated source. This, in after life, by his indomitable energy, he was enabled to execute.

The means of education afforded him, though meagre in the extreme, he did not uninterruptedly enjoy The straitened circumstances of the family made it necessary for him, in common with his brothers, to devote large portions of time to manual employments. He was no stranger to the use of the plough, the spade, and the hoe, over which literally by the sweat of his brow he earned his daily bread. He gained for himself the title of 'Mill Boy of the Slashes, by his frequent visits to a neighboring grist-mill, on the Pamunkey river. These he usually made, seated on a bag of grain thrown across a horse, which he thus rode with a rope bridle, without a saddle.

He appears not to have shrunk from any employment, however humble, when directed to it by his beloved mother. To her his attachment was most ardent, and often has he expressed his deep regret that he was permitted to enjoy her society during so brief a period. In 1792 she was married to Mr. Henry Watkins, and removed to Woodford county, Kentucky, accompanied by all her children, except Henry and his eldest brother. At the age of fourteen we find him in a small drug store, in Richmond, Virginia, kept by Mr. Richard Denny. His stay here was short, and at the commencement of 1792 he entered the office of Mr. Peter Tinsley,

clerk of the High Court of Chancery. Here he found employment more congenial to his taste than any to which he had hitherto devoted himself, as well as more ample means for mental culture.

The venerable chancellor Wythe, a gentleman of great personal worth and profound erudition, attracted by his industrious habits and amiable appearance, took him into his especial favor, gave him the benefit of his instructions, and finally made him his amanuensis. By the opportunities for familiar intercourse with this great man, which were now afforded him, the most salutary impressions were received and rapid advances made in the acquisition of knowledge. He sought to become better acquainted with his vernacular language, and in this was aided by his friend, who recommended several works for his perusal, calculated to assist him. Much of his time was employed in copying the lengthy official documents of the chancellor, who, being passionately fond of Greek, interlarded them liberally with passages from his most admired authors. This rendered his task peculiarly onerous, for he was compelled to copy them in the original, and by imitation, as he was ignorant of the language. He acquitted himself, however, to the entire satisfaction of his employer, won his esteem, obtained much valuable, legal, and general information, and laid the foundation of those habits of regularity and methodical application which were subsequently of such great practical advantage to him.

During the year of 1796 he left the office of Mr. Tinsley and went to reside with the attorney general of Virginia, Robert Brooke, Esq. Here his advantages for studying law were better than they had previously been, of which he eagerly availed himself, and with much success. The year 1797 appears to be the only one in which he pursued the study of law uninterrupted, yet it must be certain that during his residence of several years in the capital of Virginia, daily cognizant of legal proceedings, and associating with the most eminent legal gentlemen of the period, he acquired an amount of legal information neither inconsiderable nor unimportant. Near the close of the year he was licensed to practice law, by the judges of the Virginia Court of Appeals. He entered on the duties of his profession at Lexington, Kentucky, under auspices not the most favorable, as appears from his speech of June, 1842, at the same place. In this he says he 'was without patrons, without friends, and destitute of the means of paying his weekly board. I remember how comfortable I thought I should be, if I could make £100, Virginia money, per annum, and with what delight I received the first fifteen shilling fee. My hopes were more than realized; I immediately rushed into a lucrative practice.'

Though success most unexpected, crowned his first efforts, he did by no means relax his exertions to qualify himself more thor-

oughly for the profession he had chosen. While other young men of his own age, and not more eligibly situated, with regard to means and employment, were spending their evenings in recreations suited to their juvenile dispositions, he was eagerly conning over his own self-directed and unaided lessons of learning. Most assiduously did he devote his every leisure hour in enriching his mind, and in polishing his mental armor. Modest, unassuming, apparently feeble in constitution, languid and listless in his movements, he exhibited little in his deportment indicative of those lofty powers of eloquence and commanding talents, which in latent energy were reposing in his mind. An incident, however, occurred a short time after, at a meeting of a debating society, by which they were brought to light. He had been a member of the society some time, but refrained from taking an active part in its exercises. This was attributed to those traits of character before mentioned. At the meeting referred to, a question had been discussed at considerable length and apparently with much ability, on which the customary vote was about to be taken, when he observed in an under tone to a person seated by him, 'the subject does not seem to be exhausted.' The individual addressed, exclaimed, 'do not put the question yet, Mr. Clay will speak.' The chairman by a smile and nod of the head signified his willingness to allow the discussion to be continued by him, who thereupon arose under every appearance of trepidation and embarrassment. The first words that fell from his lips were, 'Gentlemen of the jury.' His embarrassment now was extreme; blushing, hesitating, and stammering, he repeated the words, 'Gentlemen of the jury.' The audience evinced genuine politeness and good breeding, by seeming not to notice his peculiarly unpleasant and trying condition. Suddenly regaining his self-possession, he made a speech of such force and eloquence, as to carry conviction and astonishment at once to the hearts of his hearers. Subsequently he took a prominent part in the debates of the society, and became one of its most efficient members.

Shortly after, he was admitted to the Court of Quarter Sessions of Fayette county, a court of general jurisdiction. Perhaps at no previous period was the Lexington bar more highly distinguished for the talents and learning of its members than at that time. Among them were George Nicholas, John Brekenridge, William Murray, and others, whose long established reputation and professional skill seemed to set competition at defiance. They found in Mr. Clay, however, a most formidable competitor: one who, though bland, courteous, and affable, in the ordinary intercourse of life, yet on the field of civic strife was as unyielding and invulnerable as the 'gnarled oak.' His talents secured respect, and soon placed him on a level with the highest. He possessed the unbounded confidence of the community where he resided, and the ease

with which he secured this was truly surprising. So perfectly insinuating and winning were his ways, and so captivating his appearance, that it was usually yielded at the first interview. Such attributes of mind and person could not and did not fail to surround him with influential and devoted friends, and secure for him a more than respectable patronage. A few short months previous he stood alone, a stranger, unaided, unfriended and destitute, amid the wilds of the then far-off west. Now, the obstacles which then seemed gigantic, had dwindled into insignificance. The rough and forbidding aspect of the road which he had marked out for himself to pursue, had entirely disappeared, and friends and favors poured in upon him from all quarters, and he found himself borne along by the breeze of popular approbation, unconscious that it had yet been awakened.

One to him important result of that confidence which a discerning and generous public reposed in him, was continual professional employment. His acute and refined sensibilities, his philanthropic heart, and sympathizing disposition, joined to his profound knowledge of human nature and commanding powers of eloquence, pointed him out as one eminently well qualified to conduct criminal cases. With these, therefore, we find him much and successfully engaged, and it is a remarkable fact, taking into consideration the large number of these cases committed to his care, that never in a single instance was he defeated. One of the most important early criminal suits in which he was retained, was that of the wife of a very reputable farmer by the name of Phelps, a woman who stood high in the estimation of those who knew her, and deservedly, for she had led hitherto an irreproachable life. In a fit of passion, caused by some personal reflection of her husband's sister, she seized a gun and shot her through the heart. The poor girl had only time to exclaim, 'Sister, you have killed me,' and expired. The great respectability of the parties caused the most intense excitement, and an immense crowd assembled to witness the trial. Of the fact of killing the proof was most abundant, and the only point to be considered was that which respected the nature of the crime. It was argued with great ability on the part of the prosecuting attorney, who labored hard to make it out a case of deliberate wilful murder; but in this he was foiled by the superior skill and adroitness of Mr. Clay, who not only succeeded in saving the life of his client, but obtained as light a verdict for imprisonment as the law would allow.

In another similar suit, which occurred shortly after, he evinced, if possible, greater ability. Two men, Germans, father and son, were indicted for murder, and were tried in Harrison county. The act of killing, in this instance also, was proven by evidence so clear and strong, that it was considered not only a case of murder, but an exceedingly aggravated one. The trial lasted five days, at

the close of which he addressed the jury in the most impassioned and eloquent manner, who were so moved by his pathetic appeals that they rendered a verdict of manslaughter only. After another hard day's struggle he succeeded in obtaining an arrest of judgment, by which his clients were set at liberty. They expressed their gratitude in the warmest terms to their deliverer, in which they were joined by an old ill-favored female, the wife of one and the mother of the other, who adopted a different mode, however, of tendering her thanks, which was by throwing her arms around Mr. Clay's neck and repeatedly kissing him, in the presence of the court and spectators. Respecting her feelings, he did not attempt to repulse her, but submitted with such grace and dignity to her caresses as to elicit outbursts of applause.

Mr. Clay manifested great sagacity in discerning and turning to his advantage a technical law-point, involving doubt. The following case illustrates this. A man by the name of Willis, indicted for murder, escaped conviction by the disagreement of the jury, and was put upon his trial the second time for the crime alleged. After hearing the arguments of the prosecuting attorney, he brought forward the well known rule of law, that the life of no one shall be put in jeopardy twice for the same offence, and insisted on its applicability to the case under consideration, contending that the trial, according to that rule, was manifestly illegal, and that therefore conviction would be impossible. At first the court was disposed to rule out his objections, which was met on the part of Mr. Clay with a prompt refusal to proceed with the case, unless allowed to view it in this aspect, and actually left the room for that purpose. He was soon recalled and permitted to proceed, and, without the remotest reference to the testimony previously given, he obtained an acquittal solely on the ground assumed. In only one instance do we find him engaged as public prosecutor, in which he procured the conviction of a slave for the murder of his overseer. With great reluctance he discharged the duties of his office in this case, and has often been heard to regret that he had any agency in procuring the execution of the friendless black.

In civil suits he also won great celebrity. In the settlement of important land claims, he rendered himself very conspicuous. It is related of him that being engaged in one that involved immense interests, he associated with him a prominent lawyer to whom he intrusted its management, as urgent business demanded his absence from court. Two days were occupied in discussing the legal points that were to govern the instructions of the court to the jury, on all of which his colleague was frustrated. Mr. Clay returned before a decision was rendered, and without acquainting himself with the nature of the testimony, or ascertaining the manner in which the discussion was conducted, after conferring a few minutes with his associate, he prepared and presented in a few words

the form in which he wished the instructions to be given, accompanying it with his reasons, which were so convincing that the suit was terminated in his favor, in less than an hour after he reëntered the court room.

His genius and talents now seen and acknowledged by all had gained for him high professional honors, and fitted him to act a prominent part on another and more extended field — that of the patriot politician. The date of his entrance on this field may be placed as far back as 1797, and it is worthy of particular remark, that the first subject he was led to investigate, on approaching it, was one peculiarly calculated to call into exercise those prominent features of his character, philanthropy and patriotism. Slavery, although existing in Kentucky in its mildest form, could not and did not appear to him otherwise than unsightly and revolting — an evil, and one of great magnitude; nor did he hesitate to pronounce it such. To him, its practical tendencies, in public and civil no less than in private and social life, were obviously bad. He saw it diffusing its baneful influences through the halls of legislation, and twining its sable folds around the very pillars of government, contaminating and withering. His was not the position of an unmoved or speculating observer; the mightiest energies, the holiest impulses of his nature were kindled within him, to arrest its progress, to break up the unnatural, the unhallowed alliance. But in yielding, as he did, prompt obedience to those emotions, he did not rush madman-like, impelled by a blind zeal, into the work, regardless of results. The sanguinary consequences of such a course rose up and stared him full in the face, with most appalling power, nor could he shut his eyes to the palpable fact, that it would inevitably eventuate in the utter annihilation of those very interests he sought to protect. It appeared necessary, therefore, to advance cautiously, to sit down, and, divested of all prejudice, wisely count the cost. He found it requisite to act the part of a skilful and experienced operator, not that of a conceited empiric; to have the bandage and the liniment ready before resorting to the scalpel and caultering iron. After taking the most enlightened view of the subject, regarding it in all its aspects and bearings, he came to the conclusion, that the only feasible method which would both ensure the safety of the body politic, and preserve inviolate their domestic institutions, was a gradual disengagement. Hence he sought by every available means, through .the press by his touching and eloquent descriptions, by night and by day, to secure the introduction of a provision to that effect, in a new constitution, then under consideration for adoption. Happy would it have been for Kentucky had she listened to the entreaties of her son in this behalf, for slavery would have long since ceased to blacken her borders. His humane efforts were not, however, successful; a majority of the members of the convention being opposed to the provision. It

cannot be doubted that Mr. Clay very clearly foresaw that the contest would thus terminate, possessing as he did accurate knowledge of the state of the public mind, in relation to the subject of slavery; hence our surprise and admiration. It is not more certain that his efforts were earnest and vigorous in defence of the measure, than that they were prompted by disinterested motives. The nature of his circumstances at this period is such as to render it certain that he did not stop to estimate the consequences of defeat, either to his popularity or his purse; in short, that so far as personality was concerned, '*cui bono*' was neither in his mind nor on his lips. How ridiculously absurd then, in the light of such abundant evidence to the contrary, the assertions of his enemies, that he was actuated by selfish motives, by an inordinate desire to attract attention. There was no ground for such a desire. In Kentucky, at least, his popularity would hardly admit of augmentation, and daily, and almost hourly the testimonials of approbation lavished upon him, and the high appreciation of his character, his services, and his talents, cannot be enumerated. Though defeated, he was not discouraged nor disheartened. Conscious that his action had been in accordance with his conviction of duty, he derived great consolation from the fact, and girded himself to do battle again for the same principle in a different connection.

Mr. Clay was a lover of Liberty, not exclusively on account of any particular advantages her possession might confer, but on account of her own intrinsic loveliness and inalienability. In looking at his political career, we find that his most gigantic efforts were put forth whenever he discovered a disposition to abridge her lawful exercise. It seems to have been even at its commencement a settled principle with him, to resist oppression under whatever form presented. This he discovered in the odious Alien and Sedition laws, enacted in 1798–9. These were anathematised by the democracy of the country, as hostile to our institutions, involving an unwarrantable assumption of power, manifestly unconstitutional, savoring strongly of tyrannical usurpation, and not to be tolerated. The Alien law empowered the president to command any alien whom he should judge dangerous to the peace and safety of the country, to depart out of the territory within such time as he should specify, under penalty of being imprisoned for a time not exceeding three years. The Sedition law was intended to guard against the abuse of speech and of the press. Besides subjecting to imprisonment, it imposed a heavy pecuniary fine, on such as combined, conspired, or united, to oppose any governmental measure,—who should utter, write, print, publish, &c., any false, and scandalous, and malicious writing, against the government of the United States or the president, &c. The appearance of these laws was greeted with one general outburst of indignation, from one end of the land to the other, but in no section was the expression of disapprobation.

more strongly marked or prompt than in Kentucky. In the front rank of those who opposed them stood young Clay, dealing blows so thick and heavy with the ponderous battle-axe of his eloquence, as to drive his foes in disorder and dismay from the field of political strife.

It is related that on one occasion the people had assembled in a large crowd in a grove near Lexington, to listen to a discussion to come off between the advocates and opposers of these laws. The greatest interest had been awakened, extensive preparation made by the combatants, and with the most inflammatory zeal they entered the lists. The assemblage was first addressed by Mr. George Nicholas, a gentleman of distinguished ability and commanding eloquence. His effort is represented as having been one of great vigor, and characterized by that logical and philosophical acumen, for which he was so celebrated. When he ceased, the populace, wrought up to the highest degree of enthusiasm, poured out their rapturous applause. 'Clay,' 'Clay,' was now loudly called from all directions, and as he ascended the stand, it was clearly perceptible by his eagle eye and compressed lips that no ordinary emotions were struggling in his bosom. As the spirit of the tempest finds the ocean when he descends in his mightiest energy, so he found the boisterous mass swelling to and fro like the surges of the deep. But he was at home doing his legitimate work, pouring the oil of eloquence over a turbulent sea of passion, until its tumultuous heavings subsided and left one quiet, calm, and unruffled surface. The subject in his hands appeared in a new light, and he soon succeeded in securing for it that attention which is accompanied with feelings too deep for utterance: like those experienced by one standing on the edge of a crater, gazing down into its fiery abyss. His predecessor had poured a flood of sunshine over the multitude, which caused those heartfelt, spontaneous out-gushings of joyful emotion, which are its usual comcomitants. But his office was that of the lightning's flash and thunder peal, hushing, awing, and subduing. When he closed there were no clamorous expressions, no deafening shouts of applause, but something far more significant he read in the quivering lips, indignant looks, and frowning brows around him; and heard, in the deep low growl that came up, a much more flattering tribute to his talents. He was followed by Mr. William Murray, an orator of great popularity, and well qualified to exhibit acceptably the merits of those laws, if indeed they possessed any. His efforts, however, were futile. The conviction of their pernicious tendency had been planted too deep in the minds of the people by Mr. Clay, to permit them to listen to their merits, or to allow them to believe that they had any. He would not have been suffered to proceed had not the previous speakers urgently solicited permission. Another attempt was made to reply, but the people could be restrained no longer, and made a

furious rush towards the place occupied by the speaker, who was compelled to make a precipitate retreat to escape personal violence. They now seized Nicholas and Clay, bore them on their shoulders to a carriage, and amid the most enthusiastic cheering, drew them through the streets of Lexington. A proud day was this for Mr. Clay; a day in which he earned a far more glorious title than any that royal hands could confer upon him, that of the 'great commoner.' It was the first of the bright days of the years of his fame — the sure precursor of that unfading chaplet which time was destined to bind about his brow.

In 1803, Mr. Clay, in company with several of his personal friends, was spending several weeks at the Olympian Springs, in Bath county, for the benefit of his health, and during that time there was an election of members to the legislature. His friends, without his knowledge, and as appears contrary to his wishes, brought him forward as a candidate. The prospect of his election was not very flattering; indeed, it seemed to be impossible. Several candidates who were veterans in the business, had occupied the field sometime in advance of him, and besides electioneering warmly for themselves, employed the influence of powerful friends. Though he ran very well at the commencement, it was thought that he was somewhat behind. His opponents, besides using every legitimate, resorted to unfair means to accomplish his defeat, reporting that he was incapacitated for the office by ill health; that he did not desire, neither would accept it. Such measures in all probability would have been successful, had not his opportune return before the canvass had progressed very far, furnished occular proof of the falsehood of these assertions, and enabled him to counteract the influence of the slanderous reports put in circulation. It was repugnant to his feelings, contrary to his exalted ideas of honor, and did not comport with the dignity of the office to set forth personally his claims and qualifications. But yielding to the entreaties of his friends, and urged also by the base subterfuges and low intrigues every where practiced to defeat his election, he consented to enter the arena, and right well did he acquit himself, as the sequel will show. His remarks were few, exceedingly pertinent, conveying to the electors his views of state policy, refuting such of the reports as were false, and admitting such as were true: to wit, that he was young and inexperienced, that he had not proclaimed himself a candidate, nor sought their suffrage; but since his friends had seen proper to place his name before the people, it would be gratifying to them if he could be elected. While thus engaged in stump speaking, as it is termed in Kentucky, an incident occurred which it may not be amiss to relate. It illustrates his tact and ingenuity in seizing and turning to good account trivial circumstances, for which he is so celebrated, and to which he is indebted for the enviable title of being great in little things. He had been

engaged in speaking some time, when a company of riflemen, who had been performing military exercise, attracted by his attitude, concluded to go and hear what that fellow had to say, as they termed it, and accordingly drew near. They listened with respectful attention and evidently with deep interest, until he closed, when one of their number, a man about fifty years of age, who had evidently seen much backwoods service, stood leaning on his rifle, regarding the young speaker with a fixed and most sagacious look. He was apparently the Nimrod of the company, for he exhibited every characteristic of a mighty hunter, — buckskin breeches and hunting-shirt, coon-skin cap, black bushy beard, and a visage which, had it been in juxtaposition with his leathern bullet pouch, might have been taken for part and parcel of the same. At his belt hung the knife and hatchet, and the huge indispensable powder-horn across a breast bare and brown as the bleak hills he often traversed, yet which concealed as brave and noble a heart as ever beat beneath a fairer covering. He beckoned with his hand to Mr. Clay to approach him, who immediately complied. 'Young man,' said he, 'you want to go to the legislature, I see?' 'Why, yes,' replied Mr. Clay, 'yes, I should like to go, since my friends have seen proper to put me up as a candidate before the people; I do not wish to be defeated.' 'Are you a good shot?' 'The best in the country.' 'Then you shall go; but you must give us a specimen of your skill; we must see you shoot.' 'I never shoot any rifle but my own, and that is at home.' 'No matter, here is old Bess, she never fails in the hands of a marksman; she has often sent death through a squirrel's head one hundred yards, and daylight through many a red skin twice that distance; if you can shoot any gun you can shoot old Bess.' 'Well, put up your mark, put up your mark,' replied Mr. Clay. The target was placed at the distance of about eighty yards, when, with all the coolness and steadiness of an old experienced marksman, he drew old Bess to his shoulder and fired. The bullet pierced the target near the centre. 'Oh, a chance shot! a chance shot!' exclaimed several of his political opponents. 'A chance shot! He might shoot all day and not hit the mark again; let him try it over, let him try it over.' 'No; beat that, beat that, and then I will,' retorted Mr. Clay. But as no one seemed disposed to make the attempt, it was considered that he had given satisfactory proof of being the best shot in the county; and this unimportant incident gained him the vote of every hunter and marksman in the assembly, which was composed principally of that class of persons, as well as the support of the same throughout the county. The most remarkable feature respecting the whole transaction is yet to be told. Said Mr. Clay, 'I had never before fired a rifle, and have not since.' The result of the election proved Mr. Clay much more popular than it had been supposed he was; he was elected almost by acclamation. Our astonishment may well

be excited, when we consider that this was the first time that he was a candidate for an office, and the circumstances under which it took place. It must be certain that he was esteemed a young man of great promise and ability. That confidence he seems so early to have inspired he has ever retained, and it is a no less just than flattering tribute to his worth, that where he is known best, there he is esteemed the most. This appears from the fact that the citizens of Fayette county have never refused him an office when brought forward by his friends as a candidate.

At the time of his election to this, his first office, the public mind was much agitated in reference to the Lexington Insurance Company. Felix Grundy, a political partizan of great eminence, had proclaimed himself hostile to its existence, and expressed his intention to move the repeal of its charter. This question was brought to bear directly on the election, and as the views of Mr. Clay were known to be opposed to his, he was selected to advocate the claims of the institution. The attempt made during the ensuing session to procure the repeal of the incorporating law was easily defeated by him, but in the succeeding one Mr. Grundy himself was a member, and a majority of the House came pledged to support the measures advocated by him. Argument in such a state of things it was thought would avail little; for the representative, feeling bound to obey the will of his constituents, would be compelled to vote for the repeal, although convinced of its injustice. The debate that ensued was one of great ability, conducted by Mr. Clay and Mr. Grundy, and attracted crowds of spectators. They were both young, aspiring after forensic honors, and both eloquent. Mr. Grundy, though wily, shrewd, and a good political manager; in strength of argument, force, and felicity of illustration, and the faculty of setting his subject in a strong light before his hearers, was evidently inferior to his antagonist. Mr. Grundy at first waged an aggressive war, and with great boldness and vigor demolishing his enemy's outposts, pushed his way far into his country. Elated with success, and the ease with which he overcame all opposition, he imagined victory already achieved. But he was destined to be checked midway in his brilliant career, to encounter his enemy's strong *corps de reserve*. The contest is represented as having exhibited a scene of eloquent sublimity, seldom witnessed or surpassed. Mr. Grundy had marshalled his forces with the skill of a veteran, and flanked by powerful auxiliaries, was proceeding in the utmost regularity, and as he thought with absolute certainty, to strike the last decisive blow. A phalanx thus appointed, led on by such a general, seemed invincible, and indeed was, if any could be in such a conflict. Up to the time of the grand onslaught, Mr. Clay seemed to be regardless of the operations of his adversary. He was, however, silently engaged in collecting and arranging his resources, and treasuring his energies

for the final hour; and when it came he arose and hurled them at the heads of his mighty foe and emissaries as the avalanche hurls his ice-mount, or the volcano his scathing flood of flame. Mr. Grundy's struggle to maintain his ground was desperate, but short, for no force could do it under such circumstances; and, finding himself borne backwards by the impetuosity of his assailant, he attempted to effect an honorable retreat. In this he failed, and was finally compelled to surrender.

Although the measure passed the house, the senate, whose members had listened to the discussion, without any efforts, pro or con, refused most unanimously to sustain it; and thus the company, through the efforts of its vindicator, was suffered to retain its charter.

An event occurred during the session of 1805, highly illustrative of the versatility of Mr. Clay's genius. An attempt was made to obtain the removal of the capitol from Frankfort. Mr. Clay, in a speech delivered at the time, reverted to the peculiar physical appearance of the place, as furnishing an argument in favor of the proposed removal. Frankfort is walled in on all sides by towering rocky precipices, and not unlike a vast pit. It presents, said Mr. Clay, the model of an inverted hat. Frankfort is the body of the hat, and the lands adjacent are the brim. To change the figure, it is nature's great penitentiary; and if the members would know the bodily condition of the prisoners, let them look at those poor creatures in the gallery. As he said this he directed their attention to some half a dozen emaciated, spectre-like specimens of humanity, who happened to be moping about there, looking as though they had just stolen a march from the grave-yard. On observing the eyes of the house thus turned towards them, and aware of their ghostly aspect, they screened themselves with such ridiculous precipitancy behind the pillars and railing as to cause the most violent laughter. This well-directed effort at wit and humor was completefully successful, and the house gave their votes in favor of the measure. The resolution, however, was never carried into effect, as it was found impossible to agree upon a new location. It would be difficult, and perhaps not particularly desirable, to follow Mr. Clay through all the various and numerous services rendered by him in the legislature of Kentucky. We shall give an outline only of them, presenting such specimens as shall illustrate the leading characteristics of his mind, and dwell longer on that portion of his history which regards him as connected with the management of the affairs of the nation. While acting in the capacity of a state legislator, he was distinguished for zeal in prosecuting his professional labors, which soon conducted him to the summit of that lofty legal eminence, far above the murky regions of pettifoggery and low intrigue. Here, surrounded by an atmosphere redolent of judicial purity, and seated fast by the throne of Justice,

he exerted himself to preserve inviolate the sanctity of her temple, and to see that her decisions were rigidly and impartially enforced. He particularly delighted, on the one hand, to procure her favors for the poor and obscure, in facilitating the approach to her courts of those who by poverty or oppression were debarred access; and on the other, to oppose the unjust prosecutor. No bribe could induce him to countenance, directly or indirectly, his designs. While acting under the influence of these most noble principles, he became engaged in an unpleasant affair of honor. It appears that Col. Joseph Hamilton Daviess, district attorney of the United States, had struck an inn-keeper in Frankfort, who had made some remark offensive to him; the inn-keeper endeavored to obtain legal reparation for the wound his honor had sustained, and for that purpose applied for a writ. This was readily obtained, but owing to the high standing and influence of the accused, no lawyer could be found who was willing to conduct the prosecution. In this state of things, after consulting with his friends he wrote a letter to Mr. Clay, detailing the facts in the case, and soliciting his aid. He promptly sent a reply, in which he consented to act as his attorney. The suit was brought at Lexington, and Mr. Clay, whose sympathetic feelings were warmly interested in behalf of his client, vindicated him from the rude and unreasonably harsh treatment which he received at the hands of Mr. Daviess, who was his own attorney. Mr. Clay's strictures were keen and cutting to such an extent, that Col. Daviess, at a pause in the trial, sent Mr. Clay a note, couched in not very civil, and somewhat threatening terms, warning him to desist from such bitter remarks. Mr. Clay replied that he should conduct his client's case as his judgment prompted, uninfluenced and unawed from any source — least of all from his client's antagonist. At the close of the trial Col. Daviess sent him a challenge to single combat, which he accepted. Subsequently the affair was settled, through the mutual interference of the friends of both parties, and the most cordial friendship existed between them till the death of Col. Daviess, who was killed at the battle of Tippecanoe.

Near the close of 1806 Mr. Clay received an application from Aaron Burr to appear in his behalf. Burr had been arrested on a charge of being engaged in illegal military operations. The popular mind was much agitated by the belief of his treasonable designs, founded on various rumors of his projected invasion of the Mexican provinces, in which the whole western territory was implicated. While these rumors were occasioning much public anxiety, two men, named John Wood and J. M. Street, arrived from Virginia and located at Frankfort. Their object seemed to be to publish a weekly paper, which they styled the 'Western World,' in which they revived an old political controversy which had slumbered nearly twenty years. The subject of the rumors-

was also introduced into its columns, and several statements made in reference thereto, which seemed, if true, to make out the evidence of treason and conspiracy as more than probable. They were however, for the most part assumptive, and not substantiated by any well authenticated testimony, besides appearing under a very questionable character, being contained in communications over the signature of 'an observer.' It was subsequently ascertained that these were written by one of the most violent federalists of the day — notorious for his antipathy toward the democratic party, of which at that time Mr. Burr was a distinguished member. His name was Humphrey Marshall. He and his emissaries, to accomplish their purposes, resorted to the most base and dishonorable means. In an address prepared by Mr. Marshall, he reiterated the statements of 'an observer,' of which he himself was the author, and also charged the leading members of the Jefferson party in Kentucky, among whom were Mr. Clay's most intimate friends, with the treasonable design of annexing that state to the Spanish dominions in North America. The address was laid before the legislature, who investigated the matter; but not succeeding in eliciting any thing to corroborate the charges made, it was dropped. The public mind was wrought up to a high degree of indignation at these attempts to ruin some of the most worthy and talented men in the community. While the public was still under the influence of the sympathetic feelings excited in behalf of those against whom such gross accusations had been made, Mr. Burr was charged with a conspiracy of more recent date, and in course was regarded with the same sympathy extended to those previously criminated. He was esteemed a persecuted patriot, and his innocence was matter of popular belief. It was thought pretty generally, that his arrest originated in deep-rooted prejudice existing in the mind of colonel Daviess, the district attorney, a warm admirer of colonel Alexander Hamilton, who was killed in a duel by Mr. Burr. There was good ground for believing that the attorney was prompted more by revengeful feelings than a desire of promoting the administration of justice. During the same year, soon after Mr. Burr had returned from New Orleans, the public mind was again inflamed by the 'observer,' which contained statements of such a nature as to direct the attention of the district attorney to Mr. Burr, whose arrest he attempted to procure, but without success. Mr. Burr witnessed the proceedings, and in a speech which he made at the time, alluded to them, which he characterized as harsh and oppressive in the extreme, expressing himself perfectly willing, and indeed soliciting to be tried by an unprejudiced court. His dignified deportment, and fair, open proposition, caused the popular feeling to be deeply enlisted in his favor. His request was granted, a jury chosen, and a day appointed for trial. When it arrived, universal surprise was created by the

novel and very unusual course pursued by Col. Daviess. He moved the discharge of the jury in consequence of an important witness being absent. He succeeded, to the great regret of Mr. Burr, who was desirous of placing the whole business before a competent and impartial judicial tribunal.

The attorney, some months subsequent, imagined himself warranted in resuming the prosecution. The second day of December was appointed for the trial. On the day previous Mr. Burr addressed a note to Mr. Clay, soliciting his aid, of which the following is an extract. 'I have no design nor have I taken any measure to promote a dissolution of the Union, or a separation of any one or more states from the residue. I have neither published a line on this subject, nor has any one, through my agency or with my knowledge. I have no design to intermeddle with the government or to disturb the tranquillity of the United States, or of its territories, or any part of them. I have neither given, nor signed, nor promised a commission to any person for any purpose. I do not own a musket, nor bayonet, nor any single article of military stores; nor does any person for me, by my authority, or with my knowledge. My views have been fully explained to, and approved by, several of the principal officers of government, and I believe are well understood by the administration, and seen by it with complacency. They are such as every man of honor, and every good citizen must approve. Considering the high station you now fill in our national councils, I have thought these explanations proper as well to counteract the chimerical tales which malevolent persons have so industriously circulated, as to satisfy you that you have not espoused the cause of a man in any way unfriendly to the laws, the government, or the interests of his country.'

Mr. Burr was doubtless aware of the scruples felt by Mr. Clay respecting the propriety of acting as his counsel, which scruples were occasioned principally by the new and interesting relation just assumed by him — that of United States senator. Mr. Clay's doubts were satisfied, and he consented to appear at his trial as his attorney, in connection with Col. John Allen. To them Mr. Burr in the expectation of securing their services, had previously sent a large sum of money, which they declined receiving, and returned to him. The day appointed for trial at length arrived, and again the attorney sought to delay the proceedings of the court, on the ground of the absence of an important witness. Mr. Clay strenuously contended that such tardy procedure, where such interests were involved, and where the most speedy action was requisite, was unsanctioned by correct judicial usage; that the accused was sustaining material injury in consequence of the obstacles thus thrown in the way of his establishing his innocence, which he was impatiently and anxiously waiting to do. Mr. Clay's representations succeeded. The attorney was required by the court to

proceed immediately. Accordingly all the evidence he could produce was spread before the grand jury, who, after a patient and careful investigation, returned the indictment accompanied with their refusal to consider it a true bill, and reasons for the same,—alleging that the testimony contained nothing to criminate the accused, 'nor can we from all the inquiry and investigation of the subject discern that any thing improper or injurious to the government of the United States, or contrary to the laws thereof, is designed or contemplated.' Their decision was received with the strongest demonstrations of approbation from all quarters, which were exceedingly gratifying to Mr. Clay, and served to strengthen his conviction of Mr. Burr's innocence when he consented to act as his counsel. It is unnecessary to say, that had he been aware of Mr. Burr's real designs, no inducement could have been held out by that person strong enough to have determined him to appear in his defence. Subsequent events show this to be true — events which removed all doubts as to Mr. Burr's guilt. A mass of unequivocal testimony had been obtained, in relation to his operations upon which he had already entered, and of his future projects, by the exertions of Mr. Jefferson, which testimony was exhibited to Mr. Clay, at Washington, where he repaired soon after the trial to take his seat in the senate. One of the most remarkable and indubitable portions of the evidence alluded to, was a letter in cipher which Mr. Burr had sent by captain Samuel Swartwout to the commander of the United States army, general Wilkinson, which contained a somewhat circumstantial account of his proceedings and intended proceedings. In this he expressly stated his design of seizing on Baton Rouge, preliminary to extending his conquests into the Spanish provinces. Such disclosures opened the eyes of the public to the true character of Mr. Burr, and called forth expressions of their just indignation, in which Mr. Clay also united,—who, after an interval of several years, for the first time subsequent to the trial, met Mr. Burr in the city of New York. Mr. Clay was sitting in the court room of the City Hall, when a gentleman approached and tendered him his hand with the customary salutation. But Mr. Clay recognizing, treated him with marked coldness and refused to receive or return the proffered civility. Mr. Burr, however, endeavored to engage him in conversation, congratulating him on his successful efforts at Ghent, in relation to the treaty, and an arrangement which he and his associates had effected with Great Britain, whereby valuable commercial advantages were secured to America. To all his efforts at conversation Mr. Clay turned a deaf ear, replying very briefly to his inquiries and giving him no encouragement to proceed. On leaving, Mr. Burr requested the privilege of a brief interview with him, who in answer, informed him where he had taken lodgings. The colonel, however, did not call, and thus terminated all the intercourse ever had

by Mr. Clay with him. We have thus endeavored faithfully and impartially to record all the facts in relation to that intercourse, that the world may see and decide upon the truth or falsehood of the charges made against Mr. Clay, in consequence of it. How can they be tortured so as to yield any evidence calculated to impeach his integrity? How to make it appear manifestly wrong to act as his counsel, and to conduct that trial, the right to which was guarantied by the constitution? But above all, how can they be made to furnish a foundation for those cruel charges of acting in concert with the accused, of being privy to his plans, as aiding and abetting him, and of disrobing him of his hard, well earned, unspotted robes of legal and political purity, and clothing him in the black habiliments of a traitor, engaged in bartering away the liberties of his country? But in the language of another, 'the shaft, though aimed with a will sufficiently deadly, fell upon a breast of steel.' The charge of treason preferred against a man who has done more for his own country than any other living statesman, and whose voice has echoed beyond her confines, and with a tone of creative power called other republics into being, is like the other infamous calumnies that have been propagated against the same illustrious individual, and like them, must soon be lost amid the lumber of forgotten things. Such conspiracies to ruin a patriot can only end in the prostration of the conspirators.

'He who of old would rend the oak,
Dreamed not of the rebound.'

Mr. Clay's election to the senate of the United States was for one session only — the unexpired portion of general Adair's term, who had resigned his seat. Immediately after his initiation into his new office, he engaged actively in the senatorial business. He found the senate discussing the merits of a bill providing for the erection of a bridge over the Potomac. Its erection was strongly desired by the inhabitants of Washington and Alexandria, and as strongly deprecated by those of Georgetown. Many efforts were made by both parties to secure his services in aid of their particular predilections, but nothing definite could be ascertained respecting his views in relation to the bill, and he refused to commit himself by pledging his support or opposition to it. He was not, though, indifferent to the proposed measure, but diligently employed himself in settling in his own mind the question of its constitutionality, and in deciding on its expediency. The result of his investigations was the conviction that it was sanctioned by the constitution, and a judicious measure of internal policy. He so regarded it in a speech which he made in its favor, by which he succeeded in producing a similar conviction in the minds of all the members who had not pledged themselves to oppose it, and thus secured its passage. This speech, although never reported, is represented as one of his happiest efforts, distinguished for satire and humor, as

well as gravity and sound logical argument, indeed, as embodying all the characteristics of a perfect specimen of eloquence. From the ground there taken, and the first time publicly, as to what he deemed true governmental policy, in relation to internal improvement, he has never in a single instance receded. With proud satisfaction may the friends of that system of which he has been justly styled '*the Father*,' point to this unparalleled example of unwavering adherence and fidelity to principles since demonstrated to be the only permanent source of our national prosperity. In what an interesting attitude do we behold their originator and vindicator — a youth from Kentuckian wilds, rising up in the midst of grave senators and hoary-headed sages, and stretching out a timid, yet patriot-nerved arm, towards the shrine of Liberty. He plucks from her altar a burning brand and applies it to those inflammable materials which his genius and talents had collected around him. The flame that followed, though bright, he did not suppose would be seen and felt far beyond the precincts of her home. The utmost stretch of his fancy could not present to him the cheering vision, of the deepest recesses of the woody wilds he had left, illumined by its benign beams — that they were destined to play around the summits of the Alleghanies, glance across the broad prairie, blaze over the lake, and flash along the river, penetrating every department of industrial life, with their developing, moulding, and preserving power, until the broad breast of our vast republic should beam bright and beautiful as the 'brow of night.'

An anecdote is related of Mr. Clay, aptly illustrating his ability to encounter opposition, in whatever manner presented. A senator from Connecticut had endeavored to inspire the younger members of the senate with a respect for him, nearly allied to awe, and to this end was accustomed to use towards them harsh and exceedingly haughty language, but especially to make an ostentatious display of his attainments and his supposed superior knowledge of the subject under discussion. Mr. Clay could ill brook his insolent looks and language, and haughty, overbearing manner, and took occasion in his speech to hit them off, which he did by quoting the laughable simile of Peter Pindar's Magpie:

'Thus have I seen a magpie in the street,
A chattering bird we often meet,
A bird for curiosity well known,
With head awry,
And cunning eye,
Peep knowingly into a marrow bone.'

It would be difficult to say which was the greater, the merriment which this sally caused, or the chagrin of the senator mentioned.

During the session an attempt was made to clothe the executive with power to arrest and confine colonel Burr, if deemed necessary by him, without experiencing the delays often consequent on the

uncertain operations of law. Mr. Clay did not take an active part in the discussion that ensued, but barely recorded his vote against it. He regarded the suspension of the act of habeas corpus, by which alone this power could be conferred, as highly dangerous, and which could be justified in the greatest emergency only. He thought it, however, unadvisable to mingle in the discussion in consequence of having acted as Mr. Burr's counsel. The measure passed the senate, but was defeated in the lower house.

In the month of February of the same year, Mr. Clay exerted himself to procure an appropriation for the purpose of constructing a canal in Kentucky, having presented a resolution to that effect. The subject was referred to a committee, to whom as chairman he submitted a lengthy and able report. He also brought forward a resolution to improve the navigation of the Ohio river, which was favorably received by the senate, and adopted with unanimity. The secretary of the treasury also was called upon to obtain all the information he could impart and report the same, relative to constructing canals and making such other internal improvements as might come legitimately within the sphere of congressional action. With what deep interest Mr. Clay regarded the prosecution of these and kindred works, may be learned from the phraseology of the resolutions which he introduced recommending them. In the report before mentioned there is the following passage. 'How far is it the policy of the government to aid in works of this kind when it has no distinct interest? Whether indeed in such a case it has the constitutional power of patronage and encouragement, it is not necessary to be decided in the present instance. The resolution directing the secretary to procure information, is as follows. 'Resolved, that the secretary of the treasury be directed to prepare and report to the senate at their next session a plan for the application of such means as are within the power of congress, to the purposes of opening roads and making canals, together with a statement of undertakings of that nature, which as objects of public improvement may require and deserve the aid of government, and also a statement of works of the nature mentioned, which have been commenced, the progress which has been made in them, and the means and prospect of their being completed, and all such information as in the opinion of the secretary shall be material, in relation to the objects of this resolution.'' This resolution passed almost unanimously.

At the expiration of his senatorial term the citizens of Fayette county gave him their suffrages again for the state legislature, to which he was elected by a majority much larger than his most sanguine friends expected. In consequence of the part Mr. Clay had performed in the affair of colonel Burr, his popularity sustained some diminution, which, however, was only temporary. His enemies attempted to excite similar feelings of odium towards him

with which Mr. Burr was visited, and partially succeeded, but which were dissipated by an address made by Mr. Clay, in relation to his connection with him, and succeeded to such an overwhelming extent in turning the tide of calumny directed towards him, against his enemies, that it would have been exceedingly hazardous for any one, in the presence of his friends, to repeat the slanderous charges. He was elected speaker of the assembly at the next session, although opposed by a very popular member as a candidate for the same office. In this station he was distinguished for zeal, energy, and decision, exhibited in discharging its duties. He would sometimes engage in the debates of the house when a subject of unusual interest was before it. An attempt was made during this term worthy of the dark ages — an attempt to prohibit the reading of any British elementary work on law, and reference to any precedent of a British court. Contrary to what might have been expected, this monstrous proposition, this antinomian attempt found favor in the eyes of more than four-fifths of the members of the h' ıse, and had not Mr. Clay rushed to the rescue, the whole system of common law, so far as Kentucky was concerned, would have been destroyed. His timely interference averted the catastrophe. The prohibition was advocated on the ground that it was inexpedient for an independent nation to derive any assistance in the administration of justice, from the legal decisions of a foreign court; especially from those of the one in question. It cannot be doubted that the friends of the prohibition were stimulated by ardent though somewhat bigoted patriotism. Those deep seated feelings of repugnance towards the nation at whose hands we had received such oppressive treatment but a few years previous, had not yet subsided, and very naturally extended to every thing pertaining to that nation. This fact partially apologizes for that intemperate and inconsiderate zeal with which more than four-fifths of the house set about demolishing what it was vitally important should be incorporated with the fabric of our liberties, and become a constituent part of the same. They desired to be removed as far as possible from Great Britain, in legal as well as in other respects, without carefully considering the effect of that removal. This law, viewed through the distorted medium of prejudice and hatred, seemed a huge excrescence on the body of our institutions, whose incumbency exerted a crushing instead of a sustaining influence, draining their energies, instead of imparting to them no inconsiderable portion of their vitality, and instantly the axe of judicial reform was seized by these sapient legislators for its amputation. Against this fratricidal attempt, Mr. Clay raised his powerful arm. He had witnessed with feelings of unfeigned regret, this rash attempt to lay violent hands on that system with which was associated every thing valuable and venerable in jurisprudence. That system which might justly be styled the legal Thesaurus of

the world, founded by the hand of social exigency amid fearful convulsions, and reared by the united efforts of the most eminent jurisconsulats the world ever saw, he endeavored to shield against the ruthless assaults of this legislative vandalism. He was aware that the popular opinion considered this system as unnecessarily voluminous — an immense mixture of superfluities, prolixities, and absurdities, unadapted to, and unneeded by, our institutions. These erroneous apprehensions and long existing prejudices, he combated and corrected. He demonstrated its utility by a lucid exposition of the beauty, symmetry, and simplicity of its fundamental principles, and its necessity, by depicting in most glowing colors the disastrous consequences which would inevitably follow its destruction. Fearing, however, that the resolution would pass, he met its supporters in the spirit of compromise, and moved so to amend it, that the prohibition should extend to those decisions only, that had been given since the fourth day of July, 1776. His reasons for permitting those to remain, which were given previous to that period, were as convincing as they were sensible. He argued that up to the time of the declaration of independence, the laws of the one nation were those of the other, and that therefore the adoption of the primary resolution would be in effect abolishing our own laws. He is said to have given on this occasion, one of the most splendid specimens of elocution ever witnessed. A gentleman who was present describes it as a perfect model. 'Every muscle of the orator's face was at work; his whole body seemed agitated, as if each part was instinct with a separate life; and his small white hand, with its blue veins apparently distended almost to bursting, moved gracefully, but with all the energy of rapid and vehement gesture. The appearance of the speaker seemed that of a pure intellect, wrought up to its mightiest energies, and brightly glowing through the thin and transparent veil of flesh that enrobed it.' His control over his auditory was most absolute and astonishing — now bathing them in tears, and now convulsing them with laughter, causing them to alternate between hope and fear, love and hate, at his bidding. When he concluded, scarcely a vestige of opposition remained, and the amended resolution was adopted almost by acclamation. While the prominence, which this and similar efforts gave Mr. Clay, was a source of satisfaction to him, and gratification to his friends, it was attended with the unpleasant effect of exposing him to the keenest shafts of his political enemies. In the year 1808 he was most violently assailed by Humphrey Marshall, an ultra federalist, a man of talents and eloquence. He let no opportunity pass unimproved to give vent to his rancorous feelings toward Mr. Clay, and indeed towards all the prominent supporters of Mr. Jefferson's administration. He had repeatedly attacked Mr. Clay through the press, but now, being a member of the legislature, was enabled to make them in person.

Mr. Clay's friends, desirous of bringing them together, made arrangements to this effect, by not re-electing him speaker. Mr. Marshall seemed anxious to measure weapons with Mr. Clay; following him in all his movements, and opposing him at every turn. In the early part of the session, Mr. Clay placed several resolutions before the house, relating to the embargo and British orders in council, remonstrating against the arbitrary demands of that nation, and pledging Kentucky to action, comformable to the decisions of the general government in relation thereto. They recognized Mr. Jefferson's policy as sound, approved his measures, and pronounced him entitled to the thanks of his country, for the ability, uprightness, and intelligence which he displayed in the management, both of our foreign relations and domestic concerns. Mr. Marshall endeavored to procure their amendment, so as to condemn the embargo, and reprobate, without stint or measure, Mr. Jefferson's administration. Their rejection was most emphatic, by a vote of sixty-four to one — he voting in their favor, — and Mr. Clay's were adopted by the same vote. But the vials of Mr. Marshall's fiercest and most vituperative wrath were reserved for the occasion when Mr. Clay stood up in defence of his favorite policy, of affording protection to domestic industry, by introducing a resolution, declaring that it was expedient for each member of the house, for the purpose of giving unequivocal evidence of his attachment to this principle, to clothe himself in fabrics of domestic manufacture. This patriotic attempt was not only denounced by his foe as demagogic, and prompted by motives of the most inordinate and grasping ambition; but leaving the resolution, he attacked its author in genuine billingsgate style. Utterly regardless of every rule of gentlemanly courtesy, parliamentary propriety, or common decency even, he exhausted the vocabulary in search of opprobious and insulting epithets, which he applied in the spirit of the most liberal abuse. Such foul and unmerited treatment could not be quietly borne by a person of Mr. Clay's ardent and sensitive temperament, and he rebuked him in language deservedly harsh, and calculated to sting him to the quick. The quarrel progressed until it reached that stage where Mr. Clay considered himself bound, according to Kentuckian interpretation of the law of honor, to challenge Mr. Marshall to meet him and settle it in single combat. It was accepted, and the parties, pursuant to appointment, met and exchanged two or three shots, resulting in a slight wound to each. The duel was terminated by the interference of the seconds, who protested against its further procedure.

In 1809, a case of contested election came before the legislature, in the settlement of which, Mr. Clay acted a conspicuous part. The electors of Hardin county had given four hundred and thirty-six votes for Charles Helm, three hundred and fifty for Samuel Haycroft, and two hundred and seventy-one for John Thomas, two

of whom were entitled to seats. It appeared that Mr. Haycroft, at the time of the election, held an office, which, according to the constitution of Kentucky, rendered him ineligible to a seat in the general assembly. Mr. Clay submitted his views of the case, in a report prepared by him, as chairman of a committee appointed in accordance with a motion made by him to inquire whether Mr. Haycroft was entitled to a seat, and if not, to decide on the claims of Mr. Thomas to one. This report was adopted unanimously, and has since constituted the rule in similar cases in Kentucky. Its doctrines are so sound, and at the same time so simple, that we cannot forbear inserting an extract. 'The fact being ascertained that Mr. Haycroft held an office of profit under the commonwealth at the time of the election, the constitutional disqualification attaches and excludes him; he was ineligible and therefore cannot be entitled to his seat. It remains to inquire into the pretensions of Mr. Thomas. His claim can only be supported by a total rejection of the votes given to Mr. Haycroft, as void to all intents whatever. It is not pretended that they were given by persons not qualified according to the constitution, and consequently, if rejected it must be not for any inherent objection in themselves, but because they have been bestowed in a manner forbidden by the constitution or laws. By an act passed 18th of December, 1800, it is required that persons holding offices incompatible with a seat in the legislature, shall resign them before they are voted for; and it is provided that all votes given to any such person prior to such resignation shall be utterly void. This act, when applied to the case in question, perhaps admits of the construction that the votes given to Mr. Haycroft, though void and ineffectual in creating any right in him to a seat in the house, cannot affect in any manner the situation of his competitor. Any other exposition of it is, in the opinion of your committee, wholly inconsistent with the constitution, and would be extremely dangerous in practice. It would be subversive of the great principle of free government that the majority shall prevail. It would operate as a deception of the people, for it cannot be doubted that the votes given to Mr. Haycroft were bestowed upon a full persuasion that he had a right to receive them. And it would infringe the rights of this house, guarantied by the constitution, to judge of the qualifications of its members. It would, in fact, be a declaration that disqualification produces qualification — that the incapacity of one man capacitates another to hold a seat in this house. Your committee are therefore unanimously and decidedly of opinion that neither of the gentlemen is entitled to a seat.' This act closed his career in the legislature of Kentucky, to which he tendered his resignation soon after. He was elected to the senate of the United States for two years — the unexpired portion of Mr. Buckner Thurston's term, who had resigned his seat in that body. During Mr. Clay's continuance in

the legislature, he had produced the deepest impression of his ability and talents, and won the favor of his associates, to what extent may be determined from the fact of their selecting him for the office before named, by a vote of two thirds. He retired, accompanied with their expressions of sincere regret for his loss, and high estimate of his services. The annals of Kentucky present no brighter spot than that which in imperishable characters records his name. It is the oasis of her history, verdant and beautiful, begirt with the wreath of his noble deeds, brilliant with the gems of benevolence, philanthropy and patriotism.

The manner in which he discharged his duties while connected with her legislature, is forcibly described by one intimately acquainted with him. 'He appears to have been the pervading spirit of the whole body. He never came to the debates without the knowledge necessary to the perfect elucidation of his subject, and he always had the power of making his knowledge so practical, and lighting it so brightly up with the fire of eloquence, and the living soul of intellect, that without resorting to the arts of insidiousness, he could generally control the movements of the legislature at will. His was not an undue influence; it was the simple ascendency of mind over mind. The bills which originated with him, instead of being characterized by the eccentricities and ambitious innovations which are too often visible in the course of young men of genius suddenly elevated to power and influence, were remarkable only for their plain common sense, and their tendency to advance the substantial interests of the state. Though he carried his plans into effect by the aid of the magical incantations of the orator, he always conceived them with the coolness and discretion of a philosopher. No subject was so great as to baffle his powers, none so minute as to elude them. He could handle the telescope and the microscope with equal skill. In him the haughty demagogues of the legislature found an antagonist who never failed to foil them in their bold projects, and the intriguers of lower degree were baffled with equal certainty whenever they attempted to get any petty measure through the house for their own personal gratification or that of their friends. The people, therefore, justly regarded him as emphatically their own.

In the winter of 1809–10, soon after he took his seat the second time in the senate, his attention was turned towards a subject kindred to that to which it had been directed when he first became a member of that body — that of domestic manufactures. It is a remarkable fact, that the first two subjects which demanded and secured his aid on entering congress, were those of primary importance to the welfare of the republic — subjects subsequently shown, in the unillusive light of experience, to be not only as intimately connected with private as with public prosperity, but as constituting the very *lungs of Liberty herself*, generating and dif-

fusing copious alimental streams to every organ and member of her body, thus producing that health and vigor whereby she was enabled to extend proper encouragement and protection to all her children. Up to this period but little thought, and less action had been bestowed by government upon the subject of domestic manufactures, and the light duties imposed on articles of foreign growth and manufacture, were for the purpose of raising a revenue, and not intended to afford any protection or encouragement to any branch of domestic industry. Our country, instead of putting her young, muscular hands vigorously forth, and from her own inexhaustible resources constructing such articles as she needed, sat still in the same supine attitude of abject dependence on Great Britain which she was in when the war of the revolution commenced, stretching them out to foreign artificers, and receiving those articles at their hands. How long she might have remained in this inglorious position, it is difficult to determine, had not her relations with that nation assumed an aspect so threatening and belligerent, as to alarm and induce her to withdraw and employ them in her own protection. Now the increasing prospect of war served in some degree to arouse the nation from that lethargic state of indifference in which it had so long slumbered. At least it was deemed advisable to anticipate such an event, by making provision for the materials usually needed in such an emergency. Accordingly a bill was introduced to appropriate a sum of money to purchase cordage, sail cloths, and the ordinary munitions of war, and so amended as to give preference to articles of domestic growth and manufacture, provided the interests of the nation should not suffer thereby. Mr. Lloyd, a senator from Massachusetts, moved to strike out the amendment granting the preference, and supported his motion by a long and powerful speech. A general and interesting discussion ensued, in which the policy of extending direct protection by the government to domestic manufactures was considered. Mr. Clay was among the first to avow himself decidedly in favor of the policy, and by his speech made at the time proved both its expediency and wisdom. His remarks were plain and practical, chiefly confined to statements of facts, with brief comments, yet so philosophically and skilfully arranged as to produce their intended effect. In the course of his observations, he alluded to that preference generally given in our country to articles of foreign production, by saying, that 'a gentleman's head could not withstand the influence of the solar heat unless covered with a London hat; his feet could not bear the pebbles or the frost unless protected by London shoes; and the comfort and ornament of his person was consulted only where his coat was cut out by the shears of a tailor *just from London.* At length, however, the wonderful discovery has been made that it is not absolutely beyond the reach of American skill and ingenuity to produce these articles, com-

bining with equal elegance greater durability. And I entertain no doubt that in a short time the no less important fact will be developed, that the domestic manufactures of the United States, fostered by government, and aided by household exertions, are fully competent to supply us with at least every necessary article of clothing. I, therefore, *for one*, (to use the fashionable cant of the day,) am in favor of *encouraging them;* not to the extent to which they are carried in England, but to such an extent as will redeem us entirely from all dependence on foreign countries.'

Mr. Clay exposed the fallacy of the specious reasoning of Mr. Lloyd and other members hostile to the measure, who based their opposition on the ground of the bad practical tendency of a system of domestic manufactures fostered by government; and in illustration of which they cited the wretched and most famished condition of the operatives of Manchester, Birmingham, and other manufacturing cities of Great Britain. They maintained that the introduction of such a system into America would be attended with the same sad consequences — that these were the natural results of such a system, surrounded by such governmental encouragement, and inseparably connected with it. Mr. Clay in reply declared that this was a *non sequiter* — that although such consequences might be, and doubtless were *incidental* to such a system, it by no means followed that they were unavoidably and inevitably consequent upon it under all circumstances. The case instanced, he said, furnished no proof to that effect,— that the deplorable condition of the manufacturing districts of Great Britain had not been, neither could be satisfactorily accounted for in the manner attempted. It was not attributable to the fact of their being manufacturing districts — to the existence of that system which they were then considering, but *to the abuse of that system.* That it would be just as philosophical and logical, in view of the excruciating sufferings of the gormandizer, to conclude that the invariable tendency of food when introduced into the stomach is deleterious, as to adduce the squalor and wretchedness of England's manufacturing population as proof positive of the pernicious tendency of the system under which they operated. This was not sufficiently restricted. It was too grasping — intended to make her the manufacturing monopolist of the world, and so shaped as to shut out effectually all rivalry. To this grand, distinctive feature of that system the evil in question could be directly traced — an evil that would be seen attendant on any vast, artificial establishment similarly conducted, whether encouraged by public or private patronage. That the objections, therefore, of opposing members lost all their validity when directed towards the system itself, which they possibly might possess when directed towards the feature mentioned, if it were not known that this was merely conventional, and not inherent, which might be retained or rejected at pleasure.

It had not been, indeed it could not be denied, that to this system, badly as it was organized, England was materially indebted for that extensive developement of her natural resources which she had made, and especially for her maratime importance. That her literary and scientific institutions owed their permanence and eminence mainly to it, which had diffused also streams of beneficial influence through every part of her vast dominions. In the case of England, throwing the broad shield of her protection around this system, two results were witnessed, the satisfaction of her own and the world's wants in relation to manufactures. But it was not intended nor desired to imitate her in this respect by carrying the principle of protection so far. The public aid solicited for the American manufacturer was moderate, just sufficient to enable him to supply the domestic demand for his fabrics. The measure, even then, was most obviously one of expedience and wisdom, and doubtless always would be; but there were indications to render it certain that it would soon become one of necessity. There was a strong prospect of our being deprived of our accustomed commercial intercourse, in consequence of the arbitrary and illegal proceedings of the belligerent nations of Europe, and that we should be obstructed by military power from an exercise of our right to carry the productions of our own soil to the proper market for them. The circumstances that then surrounded the country rendered it imperiously incumbent upon her to look to herself, and in herself, and from her inestimably valuable raw materials make for herself such articles as were requisite for her prosperity in peace, and protection in war. In short, to take such measures as to forever obviate the necessity of resorting to the workshops of the old world for them. Mr. Clay referred to our immense natural resources, scattered in rich and varied profusion over the land, as furnishing an argument in favor of the policy he was advocating. In contending for our manufacturing interests, it by no means followed, as had been intimated, that he deemed them of paramount importance to the nation. He did not hesitate to admit that on the culture of the soil her happiness and wealth chiefly depended;— that here lay the mine from which her treasury must be replenished by the hand of agriculture, if she would have an overflowing one, and expressed his decided belief that commerce was, and ought to be more indebted to it than to manufactures. He did not desire the department of the plough and sickle to be encroached upon by that of the spindle and shuttle; yet he contended that it was proper that we should supply ourselves 'with clothing made by our own industry, and no longer be dependent for our very coats upon a country that was then an envious rival, and might soon be an enemy. A judicious American farmer in the household way,' said he, 'manufactures whatever is requisite for his family. He squanders but little in the gewgaws of Europe.

He presents in epitome what the nation ought to be *in extenso.* Their manufactures should bear the same proportion, and effect the same object in relation to the whole community, which the part of the household employed in domestic manufacturing bears to the whole family.' The view taken by Mr. Clay was so enlightened, sound and practical, as to commend the bill to their most favorable consideration, and induce them to adopt it as amended. The salutary effects that flowed from it soon became apparent. The public purveyors immediately succeeded in making arrangements for the specified articles with American capitalists, on most advantageous terms, so that when the storm burst upon us, as it did soon after, though not perfectly prepared for its encounter, we were not as defenceless as we should have been, had our dependence been placed exclusively on foreign nations. The impetus given to domestic manufactures was astonishing, resulting in their increase during the following year over those of the year previous, to the amount of more than fifty millions of dollars. Of this increase, Mr. Madison, in his message to congress the following session, makes most favorable mention, by declaring that he felt particular satisfaction in remarking that an interior view of the country presented many grateful proofs of the extension of useful manufactures; the combined product of professional occupation and household industry. He expressed his conviction that the change which had introduced these substitutes for supplies heretofore obtained by foreign commerce, might, in a national view, be justly regarded as of itself more than a recompense for those privations and losses resulting from foreign injustice, which first suggested the propriety of fostering them. Here then, from that system, while yet in the germ, was gathered an antepast of that immense fruition, which it was destined to yield, when its stately trunk had towered in symmetry and majesty toward heaven, imparting prosperity and security to millions of freemen, dwelling beneath its branches. But let it not be forgotten that it is to the persevering and unremitting exertions of Henry Clay that we are indebted for the planting and the growth of that goodly tree.

He had scarcely ceased from his efficient labors in procuring the adoption of the bill before mentioned, when another opportunity presented itself for the exercise of that expansive patriotism for which his every public act is distinguished, and one which he embraced with his characteristic eagerness and promptitude. There was strong prospect that the United States would be dismembered of a portion of her territory — the large and fertile district included between the Mississippi and Perdido Rivers, being the present states of Mississippi and Alabama, and the territory of West Florida, or the greater part of it. To prevent this, Mr. Clay came boldly forth, triumphing over all opposition, and clearly vindicated her right to it. The United States became possessed of it in 1803,

when it was ceded to her by France, with every thing appertaining just as she had received it from Spain, who formally acquiesced in the cession in 1804. The United States, from conciliatory motives partly, and partly in consequence of events which they could not control, suffered it to remain in the possession of Spain, who temporarily exercised authority over it. But her authority was now being subverted, a large portion of the inhabitants of the province refusing to submit to it. Reports also were rife that agents despatched by the king of England, were actively engaged in endeavoring to induce the people to come under British government. In this emergency, president Madison, thinking that longer delay in taking possession of it would expose the country to ulterior events which might affect the rights and welfare of the Union, contravening, perhaps, the views of both parties, endangering the tranquillity and security of the adjoining territories, and afford fresh facilities to violations of our revenue and commercial laws, issued his proclamation, directing that immediate possession should be taken of the said territory. Mr. Claiborne, governor of Orleans territory, was instructed to take immediately the requisite steps for annexing it to that over which he presided, and to see that the laws of the United States were rigidly enforced, to which he yielded prompt obedience. At this conjuncture the cry that came up from the party opposing his administration was loud and long. They attempted to prove that this measure was not only impolitic and uncalled for, but extremely unjust toward Spain, intended to involve us in a war with England, who, as her ally, would take umbrage on account of it, and that it was also unconstitutional. The federalists, through the press, and in legislative assemblies, represented the country as already surrounded in circumstances of great peril in consequence of this procedure. A warm debate ensued in congress on a bill reported by a committee to whom the proclamation was referred, which declared that the laws then in force in the territory of Orleans, extended and had full force to the river Perdido. Mr. Pope, one of the committee, in a speech made at the time, explained the grounds which induced them to make the report, and was followed by Mr. Horsey, a senator from Delaware, in opposition. He pronounced the title of the United States invalid, thought it inexpedient to take possession of the territory by force, and questioned the right of the president to issue his proclamation to that effect. He declared that document both *war and legislation*, inasmuch as it authorized occupancy by military force, and invested a governor with all the authorities and functions in regard to the province in question, that he legitimately possessed in presiding over his own. His sympathies seemed to be strongly enlisted in behalf of the king of Spain, whose prospective loss he deplored in language of deep commiseration. His speech was in many respects able, but it had been much more appropriately de-

livered in Madrid at the foot of the Spanish monarch's throne, and in the presence of his court, than at Washington, beneath the ægis of liberty, and surrounded by patriotic and intelligent freemen. Mr. Clay regarded with feelings of deep regret as well as surprise, this anti-republican effort, this unnatural attempt by a son of Freedom to support the unfounded pretensions of a foreign prince to a portion of her own blood-bought soil,—that soil from which he drew his sustenance, and on which were reared those institutions that constitute it an appropriate asylum for the down-trodden of every other nation beneath the canopy of heaven. Although laboring under a severe indisposition, he could not, while he possessed the power of utterance, sit tamely still and listen to such sentiments promulgated in the very temple of liberty. He rose to reply in that graceful, dignified manner, so peculiar to himself. As he drew up his tall form into that commanding attitude which he was accustomed to assume as preliminary to a mighty parliamentary effort, it could be easily discovered in his countenance, what was the nature of his feelings, and how deep the fountain of eloquence had been stirred within him, whose effusions, directed with unerring precision, were soon to bear his auditory away on their resistless tide, to the goal on which his keen eye was fixed. This speech of Mr. Clay may justly be regarded as one of the most finished specimens of argumentative eloquence, profound investigation, purity of diction, and logical reasoning, that the records of any legislative body can furnish. It evinced by its demonstrative and inferential character, the most thorough and patient examination of the subject, in all its minute details, and indicated most clearly his main design to be, not a brilliant and striking display, calculated to please and captivate the fancy, but to array before the senate a formidable front of facts, to hem in the whole house with a wall of adamantine argument, which could be neither scaled nor sapped; and he was completely successful. He commenced by a brief exordium of the most caustic irony, which fell like molten lead upon the heads of his opponents. He expressed his admiration at the more than Aristidean justice which prompted certain gentlemen, in a question of territorial title between the United States and a foreign nation, to espouse the cause of the foreign, presuming that Spain in any future negotiations, would be magnanimous enough not to avail herself of these voluntary concessions in her favor in the senate of the United States. He said he would leave the honorable gentleman from Delaware to bewail the fallen fortunes of the king of Spain, without stopping to inquire whether their loss was occasioned by treachery or not, or whether it could be traced to any agency of the American government. He confessed that he had little sympathy for princes, but that it was reserved for *the people*, the great mass of mankind, and did not hesitate to declare that the people of Spain had it most unreservedly

and most sincerely. He went into a minute and circumstantial history of the territory in dispute, and proved by a chain of reasoning the most clear and satisfactory, that its title was in the United States. In doing this he adopted that mode which the nature of the subject suggested, by a critical examination of all the title papers, transfers, and all other documents in any way relating or appertaining to it. He examined the patent granted by Louis the XIV to Crozat in 1712, which patent covered the province in question, and declared that it was at that time designated by the name of the Province of Louisiana, and was bounded on the west by old and new Mexico, and on the east by Carolina. This document he regarded as settling the question beyond all doubt, that the country under consideration was embraced within the limits of Louisiana. He proved that it originally belonged to France, who claimed it by virtue of certain discoveries made by La Solle and others during the seventeenth century; that she ceded it to Spain in 1762, who retroceded it to France in 1800, by the treaty of St. Ildefonso, and that it belonged to the United States by purchase from her as a portion of Louisiana in 1803. After the most thorough investigation, considering all the ambiguous expressions unintentionally incorporated with the treaties relating to the territory, and applying to them the most impartial and rigid rules of construction, he presented the title of the United States to it as most indefeasible, and as standing on a basis which all the sophistry, and ingenuity, and ill-directed sympathy of the opposition could not shake. He then proceeded to inquire if the proclamation directing the occupation of property thus acquired by solemn treaty was an unauthorized measure of war and legislation. In this, his vindication of the course pursued by Mr. Madison was most triumphant. He proved by citing acts of congress passed in 1803–4, that the president was fully empowered to authorize the occupation of the territory. He maintained that these laws furnished 'a legislative construction of the treaty correspondent with that given by the executive, and they vest in this branch of the government indisputably a power to take possession of the country whenever it might be proper in his discretion; so far, therefore, from having violated the constitution in the action he had taken and caused to be taken, he had hardly carried out its provisions, one of which expressly enjoined it upon him to see that the laws of the United States were faithfully and impartially executed, in every district of country over which she could rightfully exercise jurisdiction. After settling the questions of title and constitutional action of the president, he proceeded to notice some of the arguments of the opposition against taking forcible possession, which attempted to show that war would result. 'We are told,' said he, 'of the vengeance of resuscitated Spain. If Spain, under any modification of her government, choose to make war

upon us for the act under consideration, the nation, I have no doubt, will be willing to meet war. But the gentleman' (Mr. Horsey) 'reminds us that Great Britain, the ally of Spain, may be obliged by her connection with Spain to take part with her against us, and to consider this measure of the president as justifying an appeal to arms. Sir, is the time never to arrive when we may manage our own affairs without the fear of insulting his Britannic majesty? Is the rod of British power to be for ever suspended over our heads? Does congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean? we are immediately warned of the indignation of offended England. Is a law of non-intercourse proposed? the whole navy of the haughty mistress of the seas is made to thunder in our ears. Does the president refuse to continue a correspondence with a minister who violates the decorum belonging to his diplomatic character, by giving and deliberately repeating an affront to the whole nation? we are instantly menaced with the chastisement which English pride will not fail to inflict. Whether we assert our rights by sea or attempt their maintenance by land — whithersoever we turn ourselves, this phantom incessantly pursues us. Already has it had too much influence on the councils of the nation. It contributed to the repeal of the embargo — that dishonorable repeal which has so much tarnished the character of our government. Mr. president, I have before said on this floor, and now take occasion again to remark, that I most sincerely desire peace and amity with England; that I even prefer an adjustment of all differences with her, before one with any other nation. But if she persist in a denial of justice to us, or if she avails herself of the occupation of West Florida to commence war upon us, I trust and hope that all hearts will unite in a bold and vigorous vindication of our rights.' The effect produced by Mr. Clay's speech was most obvious, inducing many of the most strenuous opposers of the course pursued by the president, who were firmly resolved on recording their votes in disapproval of it, to come frankly forward and candidly to acknowledge their error, and express their determination to sustain him in this measure. They were true to their declaration, and thus the approval of the proclamation was secured. But 'had there been at that time in the senate no democratic champion like Mr. Clay — one who could stand up among the tall and fierce spirits of faction to vindicate the rights of our country, and utter a solemn warning in the ears of those who would wantonly throw the key of her strength into the hands of an enemy — it is difficult to say how imminently dangerous might have been the present condition of the republic.'

Mr. Clay's labors during the remainder of the session were arduous and unremitted, as well as most valuable, to particular individuals as well as to the nation. The discharge of his duty

towards his country, he seems ever to have considered of the most pressing importance, and it is gladdening to the heart of every true American to witness the disinterested, the noble and generous manner with which it was performed. In whatever relations, and however circumstanced we find him, we see him presenting, in this respect, one unvaried aspect. He took an active part in all the discussions of consequence, where any important and essential principle was involved. He was several times appointed one of a committee, to whom matters of interest were referred. Here he displayed accurate discrimination, soundness of judgment, and great ability, in immediately discerning and seizing the strong points of a subject, calculated to render conspicuous its merits or expose its defects. He acted as chairman of a committee, to whom was recommitted a bill, granting a right of preëmption to purchasers of public lands, in certain cases, and reported it with amendments, which were read. After receiving some alterations, it was again recommitted, reported, and finally passed the senate. The cause of the poor settler and the hardy pioneer could not have been committed to better hands — to one who would more studiously and feelingly consult their best interests. Experience had made him acquainted with the privations, wants, and toils, which they were compelled to encounter, in causing the forest to recede before their slow, fatiguing march, and this opened a wide avenue to the fountain of his sympathetic feelings, which gushed spontaneously forth whenever he contemplated the evils and the difficulties which beset their path. This he exerted himself to render as smooth as possible. Hence he early and continually advocated a most liberal policy towards that class of his country's yeomanry, maintaining that she should extend to them every facility in her power, consistent with wisdom and justice. Mr. Clay has always watched the movements of the emigrant with feelings of almost paternal solicitude, and wherever he has pitched his temporary tent, or made his permanent abode, there he has exerted himself to induce his country to extend her beneficial legislation, and to lay at his door as many of the benefits of civilized life as possible, with their ameliorating influences. How illiberal then, how unjust the attempts of those inimical to him, to convert his noble benevolence into a weapon of hostility against him, by endeavoring to procure credence for those senseless reports, which represented him as unfriendly to the interests of the emigrant, and as endeavoring to aggrandize himself at their expense. But time is fast dispelling the cloud of error, which was thus raised and caused to brood over the public mind, and the sun-light of truth is pouring in its irradiating beams, most clearly revealing the justice and wisdom of his advocacy, in relation to the public domain.

His attention was engrossed by other and correlative subjects soon after — that of the protection of the hardy back-woods men and

frontier inhabitants against Indian depredations, and the regulating of intercourse between them. He reported a bill supplementary to an act entitled 'an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontier.' This was placed before a committee, of which he was chairman; and by his philanthropic exertions and diligent labors, the whole west were laid under deep obligations to him, for those wise measures adopted in reference to them, whereby their interests and lives were shielded against the predatory attack of the aborigines.

He warmly espoused the cause of the people of Orleans Territory, who were desirous of forming a constitution and government. Accordingly, on the twentieth of April of the same session, he succeeded in causing such action to be taken relative to the subject, as to secure an amendment of a bill before the senate, so as to require the laws, records and legislative proceedings of the state, to be in the English language. A few days subsequent, leave of absence was granted him during the remainder of the session.

On the third day of December, 1810, the commencement of the third session of the eleventh congress, Mr. Clay was found in his place in the senate. A subject that had been much agitated in private many months previous, and up to that time, was now brought forward for public discussion — that of re-chartering the United States bank. This was the all absorbing topic of the session, and called into exercise Mr. Clay's most vigorous powers. His instructions from the legislature of Kentucky required him to oppose the re-charter of that institution, and these were in coincidence with his own views relative to it. It had been his design to limit his opposition to merely recording his vote against the renewal of its charter, without entering into the discussion which would probably ensue, but the virulent and menacing character of the proceedings of those advocating its re-charter, unsealed his lips, and caused him to apply the lash of his eloquence to their backs with most tremendous effect. These embraced the whole body of the federal, and many of the democratic party — an array of members and strength which might have deterred any ordinary man from confronting. Against this, he stood almost alone, deserted even by Mr. Pope, his colleague: yet he stood firm; and, from the effect that followed his exertions, proved himself more deserving the title of 'Macedonian Phalanx,' than the federal party to whom he had applied it. The attack was provoked by that party, and it was made in the spirit of conscious might, which not only meets opposition with the utmost certainty of overthrowing, but which seeks it. He alluded to that deep-seated prejudice in the public mind, against the bank, and the foundation of that prejudice. It did not escape his notice that the bank was created by the federal party — its warmest and most devoted friends, then resorting to

every expedient and means to prolong its existence. He was also well aware of the aid rendered that party, by Mr. Crawford and others, who had in this measure left the democratic ranks and gone over to it. He referred, also, to the astounding fact, that the institution was in reality in the hands of foreigners, since foreign capitalists were more deeply interested in its continuance than our own, who owned a moiety only of its stock; neither did he fail to suggest, that perhaps the violent struggle then going on to keep it in existence, was instigated and maintained, to no inconsiderable extent, by foreign influence. In no equivocal manner he depicted the absurdity, to say nothing of the danger, of permitting Great Britain to acquire such an influence as she evidently could acquire, by having her monetary interests, to so great an extent, identified with the United States bank — an influence which would place facilities in her hands, that, in case she felt disposed, she could use to our most serious detriment. These and many other considerations, he brought forward as furnishing good and valid ground of alarm, and legitimately calculated to awaken patriotic opposition. But his greatest fundamental objection was one which he derived from the constitution itself, and one which he urged with a vehemence sure to prevail. He maintained that no specific provision was found in that instrument, authorizing or permitting the charter of the bank, neither could it be so construed as to imply the power to that effect. In opposing, therefore, the renewal of its charter, his remarks were principally confined to the objectionable feature of its unconstitutionality; and they furnish one of the strongest arguments against a national bank ever made, and one that is often referred to as authority of a high order. It may be well to insert a portion of his speech, illustrative of their pertinence and beauty.

'This vagrant power to erect a bank, after having wandered throughout the whole constitution in quest of some congenial spot to fasten upon, has been at length located, by the gentleman from Georgia, on that provision which authorized congress to lay and collect taxes. In 1791 the power is referred to one part of the instrument, and in 1811 to another. Sometimes it is alleged to be deducible from the power to regulate commerce. Hard pressed here, it disappears, and shows itself under the grant to coin money.

'What is the nature of the government? It is emphatically federal, vested with an aggregate of specific powers for general purposes, conceded by existing sovereignties, who have themselves retained what is not so conceded. It is said that there are cases in which it must act on implied powers. This is not controverted, but the implication must be necessary, and obviously flow from the enumerated power with which it is allied. The power to charter companies is not specified in the grant, and I contend is of a nature not transferable by mere implication. It is one of the most exalted acts of sovereignty. In the exercise of this gigantic

power we have seen an East India Company erected, which has carried dismay, desolation and death, throughout one of the largest portions of the habitable world — a company which is in itself a sovereignty, which has subverted empires, and set up new dynasties, and has not only made war, but war against its legitimate sovereign. Under the influence of this power we have seen arise a South Sea Company, and a Mississippi Company, that distracted and convulsed all Europe, and menaced a total overthrow of all credit and confidence, and universal bankruptcy. Is it to be imagined that a power so vast would have been left by the constitution to doubtful inference? It has been alleged that there are many instances in the constitution, where powers in their nature incidental, and which would necessarily have been vested along with the principal, are nevertheless expressly enumerated, and the power to make rules and regulations for the government of the land and naval forces, which it is said is incidental to the power to raise armies and provide a navy, is given as an example. What does this prove? How extremely cautious the convention were to leave as little as possible to implication. In all cases where incidental powers are acted on, the principal and incidental ought to be congenial with each other, and partake of a common nature. The incidental power ought to be strictly subordinate, and limited to the end proposed to be attained by the specific power. In other words, under the name of accomplishing one object which is specified, the power implied ought not to be made to embrace other objects which are not specified in the constitution. If then, as is contended, you could establish a bank to collect and distribute the revenue, it ought to be expressly restricted to the purpose of such collection and distribution. It is mockery worse than usurpation, to establish it for a lawful object, and then to extend it to other objects which are not lawful. In deducing the power to create corporations, such as I have described it, from the power to collect taxes, the relation of principal and incident are prostrated and destroyed. The accessory is exalted above the principal. As well might it be said that the great luminary of day is an accessory, a satellite to the humblest star that twinkles forth its feeble light in the firmament of heaven.

'Suppose the constitution had been silent as to an individual department of the government, could you, under the power to lay and collect taxes, establish a judiciary? I presume not; but if you could derive the power by mere implication, could you vest it with any other authority than to enforce the collection of the revenue? A bank is made for the ostensible purpose of aiding in the collection of the revenue, and whilst it is engaged in this, the most inferior and subordinate of all its functions, it is made to diffuse itself throughout society, and to influence all the great operations of credit, circulation, and commerce. Like the Virginia justice,

you tell the man whose turkey had been stolen, that your books of precedents furnish no form for his case, but then you will grant him a precept to search for a cow, and when looking for that he may possibly find his turkey! You say to this corporation, we cannot authorize you to discount — to emit paper — to regulate commerce — no! our book has no precedents of that kind. But then we can authorize you to collect the revenue, and whilst occupied with that, you may do whatever else you please.

'What is a corporation, such as the bill contemplates? It is a splendid association of favored individuals, taken from the mass of society, and invested with exemptions, and surrounded by immunities and privileges. The honorable gentleman from Massachusetts has said that the original law establishing the bank was justly liable to the objection of vesting in that institution an exclusive privilege, — the faith of the government being pledged that no other bank should be authorized during its existence. This objection, he supposes, is obviated by the bill under consideration; but all corporations enjoy exclusive privileges — that is, the corporators have privileges which no others possess; if you create fifty corporations instead of one, you have only fifty privileged bodies instead of one. I contend that the states have the exclusive power to regulate contracts, to declare the capacities and incapacities to contract, and to provide as to the extent of the responsibility of debtors to their creditors. If congress have the power to create an artificial body and say it shall be endowed with the attributes of an individual, if you can bestow on this object of your own creation the ability to contract, may you not in contravention of state rights confer upon slaves, infants, and *femes covert*, the ability to contract? And if you have the power to say that an association of individuals shall be responsible for their debts only in a certain limited degree, what is to prevent an extension of a similar exemption to individuals? Where is the limitation upon this power to set up corporations? You establish one in the heart of a state, the basis of whose capital is money. You may erect others, whose capital shall consist of land, slaves, and personal estate, and thus the whole property within the jurisdiction of a state might be absorbed by those political bodies. The existing bank contends that it is beyond the power of a state to tax it, and if this pretension be well founded, it is in the power of congress by chartering companies to dry up all the sources of state revenue. This government has the power to lay taxes, to raise armies, provide munitions, make war, regulate commerce, coin money, etc., etc. It would not be difficult to show as intimate a connection between a corporation established for any purpose whatever, and some one or other of those great powers, as there is between the revenue and the bank of the United States.'

Mr. Clay noticed the danger to which the United States were

exposed from the fact that the capital of the bank was principally subject to foreign control, in the following glowing language.

'The power of a nation is said to consist in the sword and the purse. Perhaps at last all power is resolvable into that of the purse, for with it you may command almost every thing else. The specie circulation of the United States is estimated by some calculators at ten millions of dollars; and if it be no more, one moiety is in the vaults of this bank. May not the time arrive when the concentration of such a vast portion of the circulating medium of the country in the hands of any corporation will be dangerous to our liberties? By whom is this immense power wielded? By a body who, in derogation of the great principle of all our institutions, responsibility to the people, is amenable only to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this government — would not the traitor first aim, by force or corruption, to acquire the treasure of this company? Look at it in another aspect. Seven tenths of its capital are in the hands of foreigners, chiefly English subjects. We are possibly on the eve of a rupture with that nation. Should such an event occur, do you apprehend that the English premier would experience any difficulty in obtaining the entire control of the institution. Republics, above all other governments, ought most seriously to guard against foreign influence. All history proves that the internal dissensions excited by foreign intrigue, have produced the downfall of almost every free government that has hitherto existed; and yet gentlemen contend that we are benefited by the possession of this foreign capital!'

His powerful arguments and convincing reasoning prevailed — resulting in a most signal victory over those opposed to him, who entered on the discussion with sanguine expectations of success. The charter was not then renewed. Many more subjects of interest came before the senate during the session of 1810-11, in the consideration of which he displayed his usual zeal and solicitude in behalf of the interests of the commonwealth, which were now with favor generally recognized. Mr. Clay had produced an impression of his eloquent powers and brilliant talents, that was not confined to his associates and those witnessing their every day exercise, but it was as extensive as his country. His reputation as a debater, orator, and sound logical reasoner, was now immovably established. The star of his fame, which first appeared in the political horizon, under circumstances of doubt and gloom, struggling through dense clouds of indigence and obscurity, emitting what political animosity termed an *ignis fatuus* glare around the cabins of the emigrant and the hunter in western forests, was now in the *ascendant*, illuminating and vivifying, not only the woody homes, the rural hamlets, and sylvan abodes of his own forest land, but mingling its bright beams most beautifully with those that streamed from

Liberty's altar. Henceforth it will be our delightful duty to mark it steadily careering its glorious way upwards, higher and higher, making its blessed influences to be felt in every nook and corner of our extensive country, penetrating the kingly court, flashing amid the diadems of crowned heads, and introducing hope and peace into the tenement of the oppressed on distant shores. It requires no prophetic skill to predict, from present indications, that it is rapidly approaching the zenith, when (every philanthropic heart will hope) its effulgence shall illumine the globe.

At the close of his second term of service, which was for two years, he returned to Kentucky, but his fame had preceded him — the eyes of Kentuckians had been fixed gratefully on him during his senatorial services, and they were prepared to return him speedily to the halls of congress, to adorn which, he had given such abundant proof of his capability. According to the proclamation of the president, congress convened on the fourth day of November, 1811, and on the first ballot for speaker to the house of representatives, Mr. Clay was elected by a majority of thirty-one over the opposing candidates. When it is recollected that this was his first appearance in that body, it must be regarded as a remarkable occurrence, and entirely aside from the ordinary course of events; indeed, as an instance of early and strong confidence reposed in one, to which a parallel cannot be found in the history of any individual. There were many circumstances, however, explanatory of this hasty, unreserved reliance. He was known to have acted in that capacity in the legislature of Kentucky, and to have discharged its duties with singular ability and acceptance; also of his conspicuity in the senate they were not ignorant, and perhaps a desire to see Mr. Randolph, of Virginia, restrained in his gross violations of order and decorum, for which he was noted, whom it was imagined Mr. Clay could curb, induced several members to vote for him, who otherwise had not supported him for the office. That confidence so generously, spontaneously, and by him so unexpectedly yielded, he very appropriately noticed, in a pertinent speech made by him on assuming the responsible station, and he proved by his faithfulness, zeal, and decision, with which he discharged its onerous duties, that it was most judiciously confided. He showed himself equal to the task of curbing Mr. John Randolph, or any other turbulent spirit in the assembly over which he presided. He was subsequently chosen several times to fill the same important post, and never did he betray his trust, or disappoint the just expectations of his friends. The manner in which he exercised his authority may be considered as somewhat stern, slightly approximating to arbitrariness, evincing great decision and firmness of character, and a disposition not to tolerate the slightest disrespect or indignity towards the house. During the long period in which he discharged the functions of speaker, including many sessions

of great turbulence and strife, not one of his decisions was ever reversed on an appeal from the chair. This fact speaks volumes in his praise.

At the time when he was inducted into his office, the affairs of the republic were in an exceedingly critical condition. Those who had been sustaining themselves with the cherished expectations that England would repeal her orders in council, since the revocation of the edicts of France had removed the causes inducing their passage, now utterly abandoned them, on beholding her, instead of relaxing, enforcing them more rigorously than ever. To every unbiassed mind, the time seemed to have arrived when it was necessary to rise and put a stop to the long series of unprovoked depredations and outrages, committed against our commerce, by both that and the French nation. Such was the juncture of affairs as to make it obvious that if the American nation would preserve the semblance of freedom even, and command national respect, she must resort to more efficient measures than she had hitherto employed; that she must retrieve her tarnished honor, and vindicate boldly her rights. France manifested some disposition to be influenced by the remonstrances of the United States against her spoliations, by rescinding the opprobious Berlin and Milan decrees of Napoleon, which she had so construed as to make them sanction the seizure and confiscation of our property. Not so, however, with Great Britain; she refused to recognize their repeal, and even pretended to deny that they had been revoked. She still persisted in obstructing the commerce of America, declaring all the ports of France in a state of blockade, seizing our merchantmen bound to them, and confiscating their cargoes, in direct violation of the law of nations, permitting any neutral power to trade to any foreign port, when the blockade is not maintained by the actual presence of an adequate force. But England, by proclamation, blockaded every French port, from the Elbe to Brest, interdicting all vessels from entering them which did not carry on their trade through her, and seized such as made the attempt, while at the same time she neglected to keep a naval force on the coast of France sufficient to legalize the blockade. Her cruisers pursued our trading vessels to the very mouths of our own rivers and harbors, and seized, condemned, and confiscated them for violating this *pseudo* blockade. It seemed, by the number and enormity of the illegalities practiced towards us by Great Britain, as though she had commenced an organized, systematic crusade against our commerce, which aimed at nothing less than its utter extinction. But her barbarous system of impressment capped the climax of her cruelties. Under the assumed right of searching our ships, thousands of our seamen had been forced into her service on suspicion that they were British subjects. This execrable custom had carried seven thousand American freemen into cap-

tivity, as appeared from official reports made during that session, and the number was constantly augmenting; scarcely a breeze came across the Atlantic without wafting to our shores intelligence of some fresh enormity. To submit quietly to such unheard of oppression, would be an anomaly in the history of civilized nations. To expect redress by mild measures was out of the question. These had long been tried and found ineffectual. Madison, Pinckney, and Monroe, in their correspondence with the British government, had remonstrated again and again, but to no other purpose than to embolden the aggressor in his nefarious proceedings. There seemed, therefore, no alternative left the United States but to put themselves strongly on the defensive, and by force of arms, put a stop to these accumulating injuries. Every thing lovely in liberty, every thing sacred and hallowed in the memory of those by whom it was won, protested against further forbearance, and forbade further delay in unsheathing the sword of retributive justice. In short, the conviction had become deep and settled that nothing short of *war* could preserve an inch of canvass on an American vessel, on the face of the ocean.

Thus circumstanced, the United States seemed to be shut up to forcible resistance. The eyes of the whole country were turned towards congress, looking for measures of relief. It had been convened earlier than usual, that the subject of a declaration of war might come speedily before them. It is needless to remark that Mr. Clay's views were favorable to war. An individual like him, jealous of his country's honor almost to a fault, who could never contemplate oppression but with feelings of the deepest detestation, nor without experiencing the instantaneous desire to punish it; would grasp the weapons of defence instinctively, and if necessary, pour out his blood like water, rather than bow submissively beneath the galling yoke. With him, then, there was no equivocation nor hesitation, in advocating prompt warlike action, although he was compelled to do it in the face of formidable opposition. There was a strong party in the United States at that time, friendly to Great Britain, and disposed, rather than array themselves against her in a sanguinary conflict, to submit quietly to her rapacious attacks upon our liberties and lives. This party was well represented in congress. Many members of talent and influence were found in its ranks, in both houses, and they did not hesitate to employ them detrimentally to the interests of their country. But happily these found in him a giant champion — one who was well able to guard them, and willing to spend his last energy in their support. Lowndes, Calhoun, and other powerful coadjutors also stood with him, who labored hard to inspire the same ardent flame of patriotism in the breasts of others, that burned so intensely in their own.

In the message of the president, the causes of complaint against

Great Britain were stated. and also a concise summary of the abuses we had received, and were then receiving at her hands. It recommended the adoption of efficient and immediate measures of redress, by providing the means of prosecuting vigorously a war of defence and offence. This document was referred to a committee, which was selected by him. He was extremely solicitous that the subject of our foreign relations should receive that consideration which their exceedingly interesting character demanded; and to secure this, he was careful to choose those whose views, in reference to them, coincided with his own. Peter B. Porter, of New York, was the chairman of the committee. He presented their report to the house on the 29th of November. It stated succinctly and in a patriotic tone, the injuries we had received at the hands of both England and France, denominating them as 'so daring in character, and so disgraceful in execution, that it would be impossible for the people of the United States to remain indifferent. We must now tamely and quietly submit, or we must resist by those means which God has placed within our reach. Your committee would not cast a slander over the American name, by the expression of a doubt which branch of this alternative will be embraced. The occasion is now presented when the national character, misrepresented and traduced for a time, by foreign and domestic enemies, should be vindicated.

'If we have not rushed to the field of battle like the nations who are led by the mad ambition of a single chief, or the avarice of a corrupted court, it has not proceeded from a fear of war, but from our love of justice and humanity. That proud spirit of liberty and independence, which sustained our fathers in the successful assertion of their rights against foreign aggression, is not yet sunk. The patriotic fire of the revolution still burns in the American breast, with a holy and inextinguishable flame, and will conduct this nation to those high destinies which are not less the reward of dignified moderation than of exalted virtue.

'But we have borne with injury until forbearance has ceased to be a virtue. The sovereignty and independence of these states, purchased and sanctified by the blood of our fathers, from whom we received them, not for ourselves only, but as the inheritance of our posterity, are deliberately and systematically violated. And the period has arrived, when, in the opinion of your committee, it is the sacred duty of congress to call forth the patriotism and resources of the country. By the aid of these, and with the blessing of God, we confidently trust we shall be enabled to procure that redress which has been sought for by justice, by remonstrance and forbearance, in vain.'

They introduced into the report suitable resolutions for accomplishing the object which it proposed, which received the deliberate and careful consideration of the house.

Mr. Clay, being in the chair, had little opportunity to engage in the stirring debate that followed, yet he seemed to infuse a portion of his own glowing spirit into the friends of the measure, which caused others to approach it in the most determined resolution of sustaining any feasible and just course calculated to sustain the dignity and honor of the nation. The doctrines of the report were soon known throughout the country, and were hailed by the great mass of the people with every demonstration of approbation, and the echoes of their loud rejoicings rang back through the halls of congress like the tones of the 'storm stirred deep,' with most thrilling effect on the hearts of their representatives. The whole nation was kindled into a blaze by that document; it was what the people had been expecting, and impatiently waiting for. This applied the last bundle of fagots to the flame of patriotism that burned in the hearts of millions remote from the neighborhood of the outrages complained of, the extent and enormity of which, vague rumor only had conveyed to them. But this instrument made them acquainted, not only with their number, but also with their turpitude and murderous design. It showed them, on the one hand, the haughty, menacing attitude of England, and on the other, our own crouching, succumbing posture at her feet. It placed in bold relief before them, the babaric depredations of the former on the ocean, her inhuman treatment of our seamen, and the huge paw of her lion tearing and lacerating our commercial interests whenever it could be placed upon them. The exhibition was viewed with feelings of surprise and indignation, causing them to stand aghast, and with difficulty to credit the evidence of their senses — to believe the picture accurately drawn. But the period of their stupified amazement was brief, and then the loud yell of vengeance which succeeded, was such as freemen only can send up when the iron heel of oppression is on their necks, and their precious heritage in his ravenous jaws. Like the earthquake, it shook the whole land, and its burden, repeated from every hill-top and valley, was *war, vindictive war.* For this there was great unanimity among the populace, who could not rest, now that the knowledge of the long-inflicted wrongs was brought to their dwellings; but there was not a corresponding unanimity in congress. It was painful to Mr. Clay to witness, in some members, a manifestation of awe and reverence even towards Great Britain, and in others, feelings of favor. By the revelations that had been made, his soul was wrought up to the highest point of manly and bold resistance, and he could not conceive it possible, that free legislators, similarly circumstanced with himself, could be affected otherwise. In many he witnessed a disposition to believe that the country was not in a suitable condition to commence and carry successfully on a war with so formidable a power as England. Our small and badly equipped army, our depressed navy, exhaust-

ed treasury, heavy indebtedness, and general lack of the requisite means, were pleaded by those opposed to the rupture. But Mr. Clay, in the towering majesty and strength of an intellectual giant, took all the obstacles and objections which their combined force could bring forward, in his powerful grasp, and compressed them into a nut-shell, entirely divested of their intimidating power. Among those opposed to war was Mr. Randolph. 'Mr. Randolph's intellect was then in its vigor, and the effort which he made in opposition to the report of the committee was perhaps the greatest in his whole congressional life. The extensive resources of his mind, the stately march of his eloquent periods, the startling flashes of his indignation, and the sneering devil that lurked in his tone and look, rendered him an opponent at that day, whom it was by no means safe to encounter. Mr. Clay was the only man in the house, who could dash aside, with unerring certainty, the weapons of this Ishmael.'

On the sixth of December the house resolved itself into a committee of the whole, and took up the report. After a brief speech from Mr. Porter, elucidating and maintaining its positions and resolutions, it was adopted. It furnished ground of discussion in the house for several days, warmly and vigorously sustained by its friends, and violently opposed by its enemies. Among the latter, Mr. Randolph rendered himself the most conspicuous, both by his anti-republican and eccentric views, and the hostility evinced by him towards all who dissented from them, whom he visited with the most bitter personal invective. His fertile imagination conjured up a host of reasons, to deter us from embarking in the offensive war, which the report recommended. He threatened the advocates of it with the total loss of their political power, and magnified the might of England to an overwhelming extent; suggesting that it would be far more appropriate to approach her in a suppliant position, with downcast looks and folded arms, than to rush with shield and buckler and rashly dare her to the conflict. He seemed to sympathize with Great Britain, deprecating that censure heaped upon her as unjust, and advocated the policy of farther negotiations with her. His arguments, and those of his friends, were, however, unavailing, and when the debate ceased, the resolutions were separately adopted by large majorities.

On the thirty-first of December, the house again resolved itself into a committee of the whole on a bill from the senate providing for the raising of twenty-five thousand troops. Mr. Breckenridge being in the chair, an opportunity was furnished Mr. Clay to express his views in relation to it, which he embraced. Among those in favor of war in the house, much diversity of opinion prevailed in regard to the number of men it was desirable to raise. Many were in favor of fifteen thousand only — a force in his

estimation by far too small to meet the exigences which had then arisen, and would be likely to arise. The secretary of war, in his report, had stated that at least twelve thousand troops would be wanted for the sole purpose of garrisoning the fortresses on the sea-board. During the progress of the proposed war, it might be deemed important to attack and subjugate Quebec in Canada, in which case it would be necessary, he contended, to post in the various military stations of strength on the route, a considerable number of men, to retain their possession. Allowances he thought should be made for the various contingences probable to occur, always incident to the operations of an army, and calculated to diminish their number. Even if the projected invasion of the British Provinces should be abandoned, Mr. Clay contended that the single circumstance of the immense extent of frontier to be guarded, rendered it obvious that twenty-five thousand men would constitute a force by no means too large. Inasmuch as it was the painful but imperative duty of America to strike the blow, he was in favor of so concentrating her energies, that when it fell, there would remain no necessity for its repetition. Subsequent events have proved his policy both wise and sagacious.

Mr. Randolph mingled his erratic and visionary views in the discussion, and exerted himself to the utmost, to foment prejudice against a regular army; the effect of which would be worse than that of the locusts of Egypt, famishing, impoverishing, and deluging the country with blood, and erect a throne to some idol conqueror. Said Mr. Clay in reply, 'I am not the advocate of standing armies: but the standing armies which excite most my fears, are those which are kept up in time of peace. I confess I do not perceive any real source of danger in a military force of twenty-five thousand men in the United States, provided only for a state of war, even supposing it to be corrupted, and its arms turned by the ambition of its leaders against the freedom of the country. I see abundant security against any such treasonable attempt. The diffusion of information among the great body of the people, constitutes a powerful safeguard. The American character has been much abused by Europeans, whose tourists, whether on horse or foot, in verse and prose have united in depreciating it. It is true we do not exhibit as many signal instances of scientific acquirement in this country, as are furnished in the old world, but it is undeniable that the great mass of the people possess more intelligence than any other people on the globe. Such a people, consisting of upwards of seven millions, affording a physical power of about a million of men capable of bearing arms, and ardently devoted to liberty, cannot be subdued by an army of twenty-five thousand men. The wide extent of country over which we are spread, is another security. In other countries, France and England for example, the fall of Paris or London is

the fall of the nation. Here are no such dangerous aggregations of people. New York, and Philadelphia, and Boston, and every city on the Atlantic, may be subdued by a usurper, and he will have made but a small advance in the accomplishment of his purpose. Even let the whole country east of the Alleghany, submit to the ambition of some daring chief, and the liberty of the Union will be still unconquered. It will find successful support from the west. A great portion of the militia, nearly the whole, I understand, of Massachusetts, have arms in their hands, and I trust in God that this great object will be persevered in, till every man in the nation can proudly shoulder the musket, which is to defend his country and himself. A people having, besides the benefit of one general government, other local governments in full operation, capable of exerting and commanding great portions of the physical power, all of which must be prostated before our constitution is subverted — such a people have nothing to fear from a petty contemptible force of twenty-five thousand regulars.'

Many of the opposition affected to believe that the interests of the country would not be subserved, whether the war eventuated in her favor, or that of her enemy; they could see nothing to be gained by it; to which Mr. Clay said, 'I will ask what are we not to lose by peace? — commerce, character, a nation's best treasure and honor! If pecuniary considerations alone are to govern, there are sufficient motives for the war. Our revenue is reduced by the operation of the belligerent edicts, to about six millions of dollars. The year preceding the embargo, it was sixteen. Take away the orders in council, it will again mount up to sixteen millions. By continuing, therefore, in peace — if the mongrel situation in which we are deserves that denomination — we lose annually, in revenue alone, ten millions of dollars. Gentlemen will say, repeal the law of non-importation. If the United States were capable of that perfidy, the revenue would not be restored to its former state, the orders in council continuing. Without an export trade, which these orders prevent, inevitable ruin will ensue if we import as freely as we did prior to the embargo. A nation that carries on an import trade without an export trade to support it, must in the end be as certainly bankrupt, as the individual would be who incurred an annual expenditure without an income.'

Mr. Clay contended that England, in assigning the cause of her aggressions to be the punishment of France, with whom she was at war, was practicing a deceptive part; that this was her ostensible and not real course. It was her inordinate desire of supremacy on the seas, which could not brook any appearance of rivalry, that prompted her hostilities. She saw in your numberless ships, which whitened every sea, in your hundred and twenty thousand gallant tars, the seeds of a naval force, which, in thirty years, would rival her on her own element. *She therefore commenced the odious*

system of impressment, of which no language can paint my execration! She DARED *to attempt the subversion of the personal freedom of your mariners!'*

He closed by expressing his decided conviction of the justice of the undertaking, and hoping that unless redress was obtained by peaceable means speedily, war would be resorted to before the close of the session.

On the fourth of January following, the bill passed the house, after several ineffectual attempts to introduce amendments, by a vote of ninety-four to thirty-four, several voting for, who at the commencement of the discussion were bitterly opposed to it. This was the initiatory step taken by the government in relation to the war.

On the twenty-second of the same month, the committee to whom that portion of the president's message was referred that contemplated a naval establishment, reported a bill in favor of its increase. To this also Mr. Clay gave his most vigorous support, advocating the construction of several warlike vessels, combating the many specious objections of those opposed to its increase, and showed clearly their fallacy. He described three degrees of naval power. The first was one of sufficient magnitude and strength as would enable us to go forth and successfully cope with that of any belligerent nation on the globe. But such a force, he contended, it was out of the power of the American nation to raise, neither under her present circumstances was it particularly desirable.

The second, was one by which we should be able to beat off any naval force or armament which Great Britain, or any other nation, might be able to send to and permanently station on our coasts. The force requisite would be about one third of that despatched by the foreign nation, according to nautical experience. He estimated that twelve line-of-battle ships and fifteen or twenty frigates would be sufficient to keep at bay the most formidable fleet England could send against us and maintain in American waters, during her conflict with European powers. A naval force like that, however, he admitted could not be raised then, but he urged congress to take such measures as should secure its construction as soon as possible, and estimated that its completion might be confidently expected in a few years. To him there was nothing in the vast extent of Great Britain's naval resources intimidating. He maintained that her great distance from us, the perils which would environ a squadron on a foreign shore, and the ease with which, from the extent of our sea-coast, we could harass or escape an enemy, furnished proof sufficient to convince any unprejudiced mind, that we should be able very soon to assemble a navy capable of maintaining all our maritime rights and interests. The correctness of Mr. Clay's views has since been amply verified, and the accuracy with which he foresaw and foretold future

events shows him to have been gifted with no ordinary degree of prescience.

The third degree of naval force, Mr. Clay regarded as entirely in the power of the nation to raise and sustain. It was a force competent to prevent any single vessel, however large, from interrupting our coasting trade, from entering our harbors, and levying contributions from our large cities. This he argued and proved was within the immediate means of the nation, although vigorously opposed by those hostile to the war. He triumphed, however, singularly over them, reprobating with severity the policy that refused to provide against any dangers because it could not guard against all. 'If,' said he, 'we are not able to meet the gathered wolves of the forest, shall we put up with the barking impudence of every petty cur that trips across our way?'

It was Mr. Clay's ardent desire to provide a navy whose power should be commensurate with the interest it was designed to protect. This, our limited means in actual possession, the unavailability of those in our immediate vicinity, but above all, the depressing tendency on our financial department of those measures of inhuman cruelty towards our mariners on the one hand, and of arbitrary commercial exactions on the other by transatlantic powers, forbade us to expect. His remarks at that time in relation to this branch of our national defence, are worthy of the most attentive perusal. They abound with lucid argument, beautiful illustration, and convincing demonstration, with which it would be difficult to find a speech of similar length more replete.

It was an invariable rule with Mr. Clay, from which we find no instance of his deviation, whenever he investigated a measure of a public nature, to determine first accurately its bearing upon the whole community; how the happiness and prosperity of the nation would be affected by its introduction; and in the second place to graduate his efforts accordingly. Although rich in mental resources, possessing an inexhaustible intellectual mine, and an unfailing fountain of eloquence, he never drew largely on these when a subject of chimerical sectional importance came before him. It was only when one involving the public honor or dishonor arose — one on which the destinies of the republic were suspended — one which aimed at subverting or upholding the liberties of the people — that he made great drafts on them. He never wandered through the interminable wilds of diffuse debate, undetermined and undirected. As a skilful physician ascertains the state of his patient before prescribing for him, so Mr. Clay, previous to legislation, carefully scanned the social, civil, and political condition of the whole region for which he was to legislate, and then, without any meandering or circumlocution, procured and applied the appropriate remedy. Though often found amid the dust of debate, it was not of his own raising. The caballers of faction, the more

easily to accomplish their base designs, often darkened the political atmosphere, which one blast of his eloquence seldom failed to purify. Perhaps at no previous period in our political history were demagogues, both in and out of congress, more busily or violently engaged than at this. Disclosures of the most astounding character had been made, and were making, by which it appeared that there were those who waited only for a suitable occasion to barter away their country's freedom for foreign gold. The arguments of those who opposed an increase of our navy were of such a nature as to cause their patriotism to be questioned. Notwithstanding it was a fact which could not be concealed, that our sea-coast was entirely defenceless and exposed to the ravages of a hostile nation, and our commerce crippled, many contended that nothing beneficial could be realized from such increase, and even went so far as to say that our foreign commerce was not worth protecting. Mr. Clay was convinced that it was the most provident measure that could under the then existing circumstances be adopted, and advocated it with a zeal and energy that knew no bounds. He demonstrated its necessity, not only to the Atlantic states, but to the vast west. 'If,' said he, 'there be a point more than any other in the United States demanding the aid of naval protection, that point is the mouth of the Mississippi. The population of the whole western country are dependent on this single outlet for their surplus productions. These productions can be transported in no other way. Close the mouth of the Mississippi, and their export trade is annihilated. Abandon all idea of protecting by maratime force the mouth of the Mississippi, and we shall hold the inestimable right of the navigation of that river by the most precarious tenure. The whole commerce of the Mississippi, a commerce that is destined to be the richest that was ever borne by a single stream, is placed at the mercy of a single ship lying off the Balize! Can gentlemen, particularly from the western country, contemplate such possible, nay probable events, without desiring to see at least the commencement of such a naval establishment as will effectually protect the Mississippi?' He showed the intimate connection of commerce with a navy, by saying that 'a marine is the natural, the appropriate guardian of foreign commerce. The shepherd and his faithful dog are not more necessary to guard the flocks that browse and gambol on the neighboring mountain. Neglect to provide the one, and you must abandon the other. Suppose the expected war with Great Britain is commenced — you enter and subjugate Canada, and she still refuses to do you justice — what other possible mode will remain to operate on the enemy, but upon that element where alone you can come in contact with her? And if you do not prepare to protect there your own commerce and to assail his, will he not sweep from the ocean every vessel bearing your flag,

and destroy even the coasting trade?' To the argument that foreign trade was not worth protecting, he asked, 'What is this foreign commerce that has suddenly become so inconsiderable? It has with very trifling aid from other sources, defrayed the expenses of the government ever since the adoption of the present constitution, maintained an expensive and successful war with the Indians, a war with the Barbary powers, a *quasi* war with France, sustained the charges of suppressing two insurrections, and extinguishing upwards of forty-six millions of the public debt. In revenue, it has since the year 1789 yielded one hundred and ninety-one millions of dollars.' Alluding to the eminent danger of our commercial metropolis, he remarked, 'Is there a reflecting man in the nation who would not charge congress with a culpable neglect of its duty, if for the want of such a force a single ship were to bombard one of our cities? Would not every honorable member of the committee inflict on himself the bitterest reproaches, if by failing to make an inconsiderable addition to our gallant little navy, a single British vessel should place New York under contribution?'

Mr. Clay's arguments went home to the hearts of the members of the house with most convincing energy, dispelling the dense cloud of prejudice which interested faction, strongly controlled by foreign influence, had succeeded in raising, driving his opponents from their strong holds of open opposition, and dragging from their hiding places those who were dealing their blows in secret. He succeeded in causing the congressional pulsations to be in unison with his own — to pass the bill by a handsome majority. Thus an appropriation was secured for repairing and enlarging the shield of our protection, that it might be able to meet and ward off the blow that seemed about to descend upon us, secured mainly by the indefatigable exertions of Mr. Clay. The result was in complete accordance with his far-seeing sagacity. Augmented and equipped according to the provisions of the bill, our navy was sent forth to battle and to victory. With the cry of our impressed and suffering seamen, mingled soon the joyful notes of triumph; release speedily succeeded; aggression ceased, and beneath the 'star spangled banner,' respected and honored, our merchantmen pursued their way to traffic where they pleased unmolested.

Most of the state legislatures signified their approval of the measures adopted by congress in relation to the war by corresponding resolutions. Kentucky early regarded with just indignation the tyrannical treatment of Great Britain, and evinced a disposition to resort immediately to coercive measures for redress, and guarantied her support to the extent of her ability to any course the general government might think proper to pursue. She declared that 'should we tamely submit, the world ought to despise

us — we should despise ourselves — England herself would despise us.' In view of the prospect of immediate rupture, she resolved that 'the state of Kentucky, to the last mite of her strength and resources, will contribute them to maintain the contest and support the right of their country against such lawless violations, and that the citizens of Kentucky are prepared to take the field when called on.'

After the passage of the navy bill, which was on the 29th of January, 1812, congress was employed with matters pertaining to our relations with Great Britain, in all of which Mr. Clay exhibited untiring energy and unflagging zeal. In the language of another, 'in all of them Mr. Clay was the champion and the guide of the democratic party. No difficulties could weary or withstand his energies. He moved in majesty, for he moved in strength. Like the Carthaginian chief in the passage of the Alps, he kept his place in front of his comrades, putting aside with a giant effort every obstacle that opposed his progress, applauding the foremost of his followers, and rousing those who lingered by words of encouragement or reproach, until he succeeded in posting them upon a moral eminence from which they could look down upon the region where their prowess was to meet its long expected reward.'

On the first day of April ensuing, the following document was transmitted by the president to congress:

'Considering it as expedient under existing circumstances and prospects, that a general embargo be laid on all vessels now in port, or hereafter arriving, for the period of sixty days, I recommend the immediate passage of a law to that effect.'

Mr. Porter, the chairman of the committee on foreign relations, to whom the message was referred, reported a bill, and the house went into a committee of the whole to consider it. A warm and protracted discussion ensued, and Mr. Clay was among the first to come forward and express his hearty concurrence with the opinion of Mr. Madison relative to the embargo. 'I approve of it,' said he, 'because it is to be viewed as a direct precursor to war. As an American and a member of that house, he felt proud that the executive had recommended the measure.'

As a matter in course, those who opposed war opposed the embargo, which was obviously intended as a step preparatory to it, to give sufficient time to place our commercial interests in a secure condition, so that when hostilities should actually commence, our trading vessels should not be in a situation to become an easy prey to British cruisers. Among the most rabid was Mr. Randolph, who denounced the embargo, and in opposition to Mr. Clay, declared it a subterfuge — a retreat from battle — and not a step preparatory to war. 'Sir,' said he, 'we are now in secret conclave. The eyes of the world are not upon us, but the eyes of God behold our doings. He knows the spirit of our minds. Shall we

deliberate on this subject in the spirit of sobriety and candor, or with that spirit which has too often characterized our discussions like the present? We ought to realize that we are in the presence of that God who knows our thoughts and motives, and to whom we must render an account for the deeds done in the body. What new cause of war or of an embargo has arisen within the last twelve months? The affair of the Chesapeake is settled; no new principles of blockade have been interpolated in the laws of nations. Every man of candor would ask why we did not then go to war twelve months ago.' He said that the honorable speaker was laboring under a mistake by declaring that the message was for war; that he (Mr. Randolph) had 'too much reliance on the wisdom and virtue of the president to believe that he would be guilty of such gross and unparalleled treason.'

Mr. Clay replied in a becoming manner, in language that fell upon the house burning with the fire of his patriotic eloquence. 'The gentleman from Virginia need not have reminded them in the manner he had of that Being who watched over and surrounded them. From this sentiment we should draw very different conclusions from those which occurred to him. It ought to influence them to that patriotism and to a display of those high qualifications, so much more honorable to the human character. The gentleman asks what *new* cause of war has been avowed? The affair of the Chesapeake is settled, to be sure; but only to paralyse the spirit of the country. Has Great Britain abstained from impressing our seamen — from depredating upon our property? We have complete proof in her capture of our ships, in her exciting our frontier Indians to hostility, and in her sending an emissary to our cities to excite civil war, that she will do every thing to destroy us. Our resolution and spirit are our only dependence. Although I feel warm upon this subject, I pride myself upon those feelings, and should despise myself if I were destitute of them.'

Mr. Randolph still persisted in his intemperate opposition, averring that public sentiment was not in favor of either the embargo or war, and said that he had 'known gentlemen not inferior in gallantry, in wisdom, in experience, in the talents of a statesman, to any upon the floor, consigned to oblivion for advocating a war upon the public sentiment.' That the public mind was averse to these measures, Mr. Clay proved to be not true, by citing the great unanimity in the southern and western states, among both federalists and republicans, and the unequivocal resolutions of *fourteen state legislatures* in favor of both. If possible, Mr. Randolph was exceeded in the fierceness of his opposition by Mr. Josiah Quincy of Massachusetts; at least by the low and scurrilous language in which he expressed it. He condemned the embargo as treasonable to the interests of the nation, as absurd and contrary to

common sense. He boasted of having sent, in connection with his colleagues, expresses to the eastern cities, in the expectation that an embargo would be laid, that information to that effect might be given to merchants, so that they could obtain clearances for their vessels before it should take effect. Said he, 'we did it to escape into the jaws of the British lion and of the French tiger, which are places of repose, of joy and delight, when compared with the grasp and fang of this hyena embargo. Look now upon the river below Alexandria, and you will see the sailors towing down their vessels as from a pestilence, against wind and tide, anxious to escape from a country which would destroy instead of preserving them. I object to it because it is no efficient preparation, because it is not a progress towards honorable war, but a subterfuge from the question. If we must perish, let us perish by any hand except our own; any fate is better than self-slaughter.'

In meeting the storm of opposition which raged like a tempest around him, Mr. Clay is represented to have been 'a flame of fire.' He had now brought congress to the verge of what he conceived to be a war for liberty and honor, and his voice, inspired by the occasion, ran through the capitol like a trumpet-tone sounding for the onset. On the subject of the policy of the embargo, his eloquence, like a Roman phalanx, bore down all opposition, and he put to shame those of his opponents who flouted the government as being unprepared for war. 'Why is it,' he exclaimed, indignantly, 'that we are no *better* prepared? Because the gentlemen themselves have thrown every possible obstacle in our way! They have opposed the raising of an army — the fitting out of a naval armament — the fortification of our frontiers — and now talk of the madness of engaging in a war for which we are not *prepared!* It is asked what new cause of war? In reply I will ask what *old* cause of war is avenged? Has Great Britain abstained from impressing our seamen? I have no doubt but that the late Indian hostilities on the Wabash were excited by the British. Is not this cause of war?'

There was no withstanding his eloquent and patriotic appeals. They made every heart in the house vibrate and glow with intense desire to arouse and avenge the aggravated abuse heaped upon us by our foreign foe.

After an ineffectual attempt to procure an amendment to the bill by extending the embargo to ninety days, it passed by a vote of seventy to forty-one. It was then sent to the senate, which introduced the amendment proposed in the house, which was adopted by it, and after receiving the signature of the president, it became the law of the land on the fourth day of April.

Now war had become the settled policy of the nation; indeed the first initiatory step was taken. The Rubicon had been approached, and not to cross it would entail disgrace. Congress, therefore,

set vigorously about preparing for war. The tardy procedure of government in bringing the subject to a crisis, it was thought would operate prejudicially in its prosecution, by allowing the eagerness and zeal then so prevalent for the conflict to subside. A result of the correspondence then going on between America and England, and which was continued after the embargo had taken effect, was, to render undecided a large and patriotic portion of the people, who were earnest in demanding redress, but as long as there was the slightest prospect of obtaining it by negotiation, chose to delay rather than meet the expenses and horrors of war. Hopes were entertained, from time to time, by the tone of the British minister's communications, that all differences between the two nations would be pacifically arranged. But it soon appeared obvious, that nothing satisfactory would be proposed by him, that Great Britain had an ulterior object in view, in causing such expectations to be created, and that it would be better to abandon at once, and forever, all reliance upon this mode of procedure, resorted to from motives of the most amicable nature, on the part of the United States, and pursued so long and faithfully, yet ineffectully. Hope finally fled, though reluctantly and with a heavy heart, casting many 'a lingering look behind,' and 'grim visaged war' assumed her place. The most amicably disposed threw down the olive branch, and seized the sword. Remonstrance, entreaty, argument, and forbearance had been exhausted, and the nation, conscious of the righteousness of her cause, arose, buckled on her armor, and appealed to the God of battles for the maintenance of her rights.

Mr. Clay was one of a deputation appointed to wait upon Mr. Madison, to urge upon him the pressing necessity of making speedy and efficient preparation for the event which would inevitably occur. The views of congress, and of the country generally, relative to the subject of war, he spread before the president, argued that it was impolitic to waste any more time in fruitless negotiation, and expressed his sincere conviction, that, with their present resources, and those of which they could avail themselves, judiciously employed, as they would be by patriotic and indignant freemen, no alarming apprehensions need be entertained respecting the nature of the result. The muscular and mental energies of a free and united yeomanry of an independent and enlightened nation, arrayed in defence of *home* and every thing that made it happy, he believed constituted a force invincible — one that could not be crushed by the hireling soldiery of the combined powers of Europe.

The president, though inclined to advance with extreme caution, whose trepidation was increased by several members of his cabinet opposed to warlike movements, was nerved with fresh courage and fired with fresh patriotism, by the energetic remarks of Mr. Clay,

and induced to hasten the blow from the axe of executive power, which alone could burst the bands which bound and restrained the thunderbolt of war.

About this time, while in the exercise of his official prerogative, Mr. Clay became entangled in a disagreeable controversy with Mr. Randolph. This gentleman, though possessing talents and eloquence of a high order, employed them in such a manner as to make himself distinguished for the most extravagant eccentricities and wild vagaries. There had existed not the most cordial understanding between him and Mr. Clay, during several months previous. Their intercourse was not very uniform; sometimes it would be suspended for weeks, when not a word would be spoken by either to the other. The great difficulty of living on terms of intimacy or common civility even, with Mr. Randolph, caused Mr. Clay to adopt this course. He did not desire to offend the capricious gentleman, nor to place himself in a situation to receive offence from him. Occasionally, when the milk of human kindness was superabundant in his heart, Mr. Randolph would approach, and in the most honied accents and blandest manner, salute Mr. Clay and inquire after his health, with every demonstration of regard.

One of Mr. Randolph's peculiarities was exceeding uneasiness under restriction; indeed, he seldom quietly submitted to any parliamentary restraint, however necessary and salutary. He regarded the rules of the house as trammels and shackles, more honored by the breach than observance, and struggled violently against their enforcement in his case. During the day previous to that when the controversy mentioned occurred, Mr. Clay, in conversing with a friend of Mr. Randolph, remarked that the president would probably transmit a message to congress, recommending a declaration of war, on the following Monday. This information was communicated to Mr. Randolph, who the next morning appeared in his seat, and commenced one of his usual windy harangues, without submitting any motion to the house. After discussing some time the subject of our foreign relations, although he well knew that such discussion was designed to be strictly private, manifesting more than his accustomed hostility to declaring war with Great Britain, and zeal in justifying her cruelties towards the United States, he was called to order, on the ground that there was no resolution before the house. Mr. Bibb, being in the chair, suffered him to proceed. Soon after, Mr. Clay resumed his seat, when he was again called to order, and required to submit his motion in writing to the chair. Mr. Clay observed that a standing rule of the house rendered it incumbent on any member who attempted to address it, after a few pertinent prefatory remarks, to submit his proposition in due form to the house, and then confine his remarks to it. 'My proposition,' said Mr. Randolph, 'is that it is not expe-

dient at this time, to resort to a war with Great Britain.' He expressed great surprise when it was decided by the speaker that he could not proceed to discuss his proposition unless it was seconded and reduced to writing. 'Then I appeal from that decision.' The speaker briefly stated his reasons for his decision, which was sustained by a vote of sixty-seven to forty-two. 'Then, sir, under the compulsion to submit my motion in writing, I offer it,' said Mr. Randolph. The speaker replied, 'there is no compulsion in the case, because the gentleman may or may not offer it, at his option.' The motion was read from the chair, and the speaker observed that the house must first agree to consider it, before it could be in order to debate it. From this decision Mr. Randolph appealed, but at the suggestion of a friend, withdrew his appeal. Mr. Clay made a brief speech, justifying his decision, and then put the question whether the house would consider Mr. Randolph's resolution. It was rejected by a vote of seventy-two to thirty-seven.

Mr. Randolph, thus compelled to take his seat, was greatly chagrined. On the following day he published a vindictive address to his constituents, in which he inveighed in the most bitter terms against Mr. Madison's administration, declaring that the movements that had been made in reference to war, were not made with the intention of promoting the welfare of the country, and desired those whom he represented not to sanction the proposed declaration. Freedom of speech he declared had been invaded; that for the first time in the person of their representative had it been decided, that silence must be maintained upon the most important subject that could be brought forward for legislative action. He characterized this as 'usurpation, more flagitious than any which had ever been practiced under the reign of terror by the father of the sedition laws, and the people must interfere and apply a remedy or bid adieu to a free government forever.'

Mr. Clay noticed this singular paper in a communication over his own name, which was published in the National Intelligencer, reviewing briefly the controversy, stating the grounds of his action in relation to it, and established the two following principles: 'that the house had a right to know through its organ, the specific motion which a member intends making before he undertakes to argue it at large, and that it reserves to itself the exercise of the power of determining whether it will consider it at the particular time when offered, prior to his thus proceeding to argue it.' These principles have subsequently formed the rule in the house in similar cases, the operation of which has tended, in no small degree, to promote the interests of the country, by restraining within proper bounds the freedom of debate.

On the first of June, the president despatched to the house a message, containing a summary statement of our grievances demanding reparation, narrating the various pacific and often repeated

attempts of the United States to adjust all existing difficulties with Great Britain, remarking the cold indifference or haughty repulse with which the latter had invariably met the amicable advances of the former, and recommending to the early consideration of congress the question whether the United States should 'continue passive under these progressive usurpations and these accumulating wrongs, or opposing force to force in defence of their natural rights, should commit a just cause into the hands of the almighty disposer of events.' An 'immediate appeal to *arms*' was recommended in a report of the committee on foreign relations, to whom the message was referred, on the eighteenth, and the act declaring war passed both houses of congress the same day, and on the nineteenth Mr. Madison issued his proclamation, declaring hostilities as actually commenced. On the sixth of July congress adjourned, to assemble on the first Monday in November.

The crisis towards which so many eyes had long been directed, had at last come — a crisis which, though sought by government, was sought reluctantly. Any measure that would have obviated its necessity, had been embraced with eager joy. Every expedient was resorted to, in order to prevent the waste of treasures and effusion of blood, with which it would be attended. The great master spirits, Messrs. Clay, Lowndes, Cheves and Calhoun, the bold pioneers in paving the way to and hastening on this crisis, did not attempt to shrink from their duty, nor to shake off the solemn responsibility which they assumed to their country in undertaking to conduct the ark of her liberties, now when they had guided it into the roaring vortex of war. They did not prove recreant to the precious trusts committed to their care, by traitorously deserting their posts. Though the billows of fierce conflict dashed against its sides, they did not withdraw the hand that had hitherto supported it. There was no looking back, no cowardly avoiding of danger, but shoulder to shoulder manfully they breasted the dark surges of belligerent strife, until in safety the harbor of success was finally attained.

With the view of shortening the conflict and ameliorating the condition of those engaged in it as much as possible, previous and subsequent to the declaration of war, they sought to place the financial department of the nation in a situation to meet the demands that would be made upon it in case of that event. In pursuance of this view, the secretary of the treasury, Mr. Gallatin, whose reputation for financiering stood high, was selected to devise and report a system that should accomplish the desired object. The public disappointment was excessive when his report appeared, which, instead of exhibiting any new feature infinance — instead of deriving revenue from the vast, existing and appropriate national sources — proposed to obtain it in the old obnoxious ways from excise, stamp duties, &c. Although deeply regretting that a

more efficient plan was not provided, still, with a spirit that seemed resolved to turn to the best possible account the propositions of the secretary, they commenced levying taxes according to his plan. To this end Mr. Cheves, chairman of the committee of ways and means, diligently employed himself in preparing bills, whose object was the raising of revenue. After their completion and presentation, a discovery was made that well nigh proved fatal to this. It was ascertained through the efforts of Mr. Smiley, an intimate friend of the secretary of the treasury, that both he and the president were opposed to levying taxes at the time of the declaration of war, declaring 'that the people would not take both war and taxes together.'

The non-concurrence of the executive in their financial scheme, was a source of bitter though unavailing regret to Mr. Clay and his coadjutors. It was, to be sure, defective, but had not this insuperable obstacle been interposed in the way of its being carried out, the treasury would have been to a considerable extent replenished with funds; the early want of which was a serious detriment felt during the whole war. To the influence of Mr. Gallatin, in a great measure, doubtless, the opposition of Mr. Madison to the conjunction of the two measures was owing. He was very susceptible of influence, especially from those in whom he reposed confidence, such as he did in the secretary. The same kind of influence, inducing him to procrastinate a declaration of war, Mr. Clay found him laboring under, when, as one of a deputation, he was sent to wait on and urge him to delay no longer, telling him that farther argument was useless, that the *ultima thule* of talking had been reached, and that the time for prompt and vigorous *action* had arrived. To illustrate the difference between speaking and writing, and *acting*, he repeated to Mr. Madison an anecdote of two Kentucky judges. 'One talked incessantly from the bench. He reasoned every body to death. He would deliver an opinion, and first try to convince the party that agreed with him, and then the opposite party. The consequence was that business lagged, the docket accumulated, litigants complained, and the community were dissatisfied. He was succeeded by a judge who never gave any reasons for his opinion, but decided the case simply for the plaintiff or defendant. His decisions were rarely reversed by the appellate court, the docket melted away, litigants were no longer exposed to ruinous delay, and the community were contented.' This humorous sally of Mr. Clay occasioned the president much mirth, who replied by relating an anecdote which occurred to him, of a French judge, who, said he, after hearing the arguments of the parties, put their papers in opposite scales, and decided the case according to the preponderance of weight.

Attempts on the part of the United States to prevent hostilities, did not cease until war had been declared, and even then a dispo-

sition was manifested to put a speedy termination to them, for in one week after this event, Mr. Jonathan Russell, our *chargé d'affaires* at the court of St. James, received instructions to agree to an armistice as a preliminary to a treaty, provided the British government should repeal her orders in council, and discontinue the impressment of our seamen, and afterwards without insisting upon any particular agreement. All our pacific efforts, however, were fruitless, our proposals refused with disdain, and accompanied with language of reproach and insult, even conveying the idea that the conduct of the United States was pusillanimous. She refused to treat with us at all, unless as preliminary we would recall our letters of marque and reprisal, and cease all hostile acts towards British property and British subjects. Such degrading conditions could never be submitted to by the United States, although the federal party were willing and even clamorous to comply with them. The virtue and patriotism of the people, however, preponderated over all the vile attempts at causing the nation to accept the disgraceful terms dictated by her haughty foe, to procure the repose she desired. The middle of September found us still endeavoring to procure an adjustment of our difficulties amicably. The proposals of Mr. Russell, though of the most liberal nature, were treated contemptuously, and at an interview on the seventeenth of September, lord Castlereagh expressed great astonishment that American commissioners should still continue to indulge the expectation that the right of impressment should ever be relinquished, and even had the arrogance to say that '*our* friends in congress had been so confident in that mistake, that they had ascribed the failure of such an arrangement solely to the misconduct of the American government.' The demands of the British in insolence seemed to have no limits; asking if the 'United States would deliver up the native British seamen who might be naturalized in America.' 'If,' said lord Castlereagh, 'the American government was so anxious to get rid of the war, it would have an opportunity of doing so, on learning the revocation of the orders in council.'

It was sufficiently obvious now that nothing remained but to prosecute the war as vigorously as possible. Our arms, in several cases, had been unsuccessful. The circumstances of the delivery of Detroit into the hands of the enemy by general Hull, were such as to render it certain that treason had some agency in it. These disasters tended to dampen the ardor of some, and to render more confident and blustering demagogues and federalists, who went about croaking like birds of ill omen, doing all in their power to infuse a spirit inimical to the course then pursuing, and bring opprobrium on the administration party. They continually referred to those partial failures as the sure prognostics that the whole country would fall an easy prey to the enemy. But these reverses were

subsequently in a measure repaired, by the successful and gallant achievements of a body of western volunteers, led on by general Harrison, over the British and their allies, the barbarous savages. Our brilliant victories on the sea were such as to kindle up the expiring energies in the hearts of the despairing, and to nerve to nobler deeds the intrepid. They evinced what could be accomplished by determination and valor combined. The British frigate Guerriere had been captured by captain Hull, commander of the frigate Constitution; commodore Rodgers had rendered most signal service to our commercial interests; all which tended to impart a fresh impulse to our army and navy.

During the interval between the adjournment and re-assembling of congress, Mr. Clay watched the progress of the war with the most intense interest. *This was the all-absorbing subject of his soul*, engaging its every faculty and principle; and the efforts which he made to secure its successful termination were as strenuous as they were unremitted. In public assemblies, in private circles, it was the theme on which he dwelt continually, and around which he twined the richest wreaths of his oratorical and colloquial skill. He always had a weapon ready to prostrate the opposition of the federalist and demagogue, however speciously presented. The grounds of encouragement to proceed, and the prospect of ultimate success, were so clearly elucidated by him, that the timid gathered confidence, and the bold redoubled their energies. Hope and courage were his constant companions, from which fear and cowardice fled away. These spread their animating influences far and wide, and like a beacon light lit up the whole land. Had Mr. Clay been engaged in a personal enterprize in which he had embarked his all, where fortune, fame, reputation, and life itself were at issue, he could not have manifested greater solicitude for the result, or put forth more gigantic efforts to render it favorable, than he did in relation to the war of the nation. If patriotism, undoubted and unadulterated, be not deducible from his agency in originating, prosecuting and consummating the war, on what page of the world's annals is it chronicled? The history of the Grecian and Roman republics furnish many instances of exalted, self-sacrificing patriotism — of those who under its influence met death as joyfully as they would have met a friend. Inspired by this principle we hear one of their bards exclaim,

> 'Dulce est pro patria mori.'
> It is sweet to die for one's country.

But the lofty action of Mr. Clay in connection with this his country's crisis, his prompt response to her cry for aid, his unwavering attachment to her cause, and his ardent devotion to her interests, present an example of patriotic love and zeal, which may be placed by the side of similar ones on the records of those

nations, without the slightest fear of disparagement,—indeed as justifying the belief that if she had required a similar sacrifice, the victim would not have been wanting.

Mr. Clay advocated war, not as an experimental measure, not for the purpose of furnishing him an opportunity of gratifying his ambitious private projects, as his enemies desired it to be believed, but as the *dernier resort*, as that only which could raise from her prostrate condition his country, and restore her to that rank to which she was entitled as an independent nation. The result proved the correctness of his prediction, while it exposed the falsity of that pronouncing the measure as certain to eventuate in her ruin.

When he first approached the subject, he found it surrounded by a cloud of gloom, rendered dense and dark by the adverse circumstances of his country, and which was made every day more murky by the unpatriotic attitude of the disaffected, and the insidious efforts of the openly hostile. To dispel this, all his energies were directed, and on the re-assembling of congress, pursuant to adjournment, he was gratified to behold some few glimmerings of light through the sombre mass. This cheering indication, added to the reviving influence imparted to him by his recent immediate contact with the people, fired his soul with an irrepressible fervency, and caused the flame of his patriotic ardor to burn so intensely as to consume all opposing materials. For this flame, plenty of fuel was furnished by those, who evinced, by their deadly hostility, a desire to see the unequal struggle then going on between England and the United States, terminate in favor of the former. In some, this hostility, breaking over all bounds of decency, vented itself in the grossest lampoon. Their endeavors appeared more like the spasmodic efforts of a drowning man, than the skilfully directed attempts of enlightened opposers, as though they were determined, if possible, to accomplish the fulfilment of their predictions, which now, from the recent victorious feats of our arms, seemed quite dubious. Soon after the commencement of the session, the first subject of importance that came before the representatives of the people, was that of increasing the army. Mr. Clay, and those whose views were coincident with his, desired to concentrate the nation's energies in prosecuting the war to a glorious completion; to do which, fresh and gratifying evidence had been given. To secure this, it was proposed to augment the army by a recruit of twenty thousand men. The committee on military affairs in the house reported a bill for the purpose, which was considered in committee of the whole, and debated at length. From the opposition, this proposition met the most violent assault, and also those who supported it. The warmest opposers were found in the persons of Messrs Randolph, Pitkin and Quincy. The speech of the latter gentleman is said to have 'produced disgust on all sides

of the house,' and for violence and abuse stands unrivalled. Its most scurrilous expressions have been expunged; enough, however, remains to determine its original character. Speaking of the war, he observed, 'there is nothing in history like this war since the invasion of the bucaneers. The disgrace of our armies is celestial glory compared to the disgrace reflected on our country by this invasion;' (the proposed invasion of Canada;) 'yet it is called a war for glory! Glory? Yes, such glory as that of the tiger when he tears the bowels from the lamb, filling the wilderness with its savage roars; the glory of Zenghis Khan, without his greatness; the glory of Bonaparte. Far from me and mine, and far from my country be such glory!' He stigmatized those in favor of the war as 'household troops, who lounge for what they can pick up about the government house; who come here, and with their families live and suck upon the breast of the treasury; toad-eaters, who live on eleemosynary, ill-purchased courtesy, upon the palace, swallow great men's spittle, and get judgeships, and wonder at the fine sights, and fine rooms, and fine company, and most of all, wonder how they themselves got there.' The state of public feeling in Massachusetts respecting the invasion, he stated by saying, that 'he had conversed upon the question with men of all ranks and conditions in Massachusetts, with men hanging over the plough and on the spade, judicious, honest, patriotic, sober men, who, if it were requisite, and their sense of moral duty went along with the war, would fly to the standard of their country at the winding of a horn, but who now hear yours with the same indifference they would have heard a jews-harp or a banjo.' He was particularly severe on those in the house who advised the rigid prosecution of the war, by calling them 'young politicians, with the pin-feathers yet unshed, the shell still sticking upon them; perfectly unfledged, though they fluttered and cackled on the floor; who favored such extravagant and ignorant opinions of a very proud nation.' He said, 'it would ill become a man whose family had been two centuries settled in the state, and whose interests, connections and affections were exclusively American, to shrink from his duty for the yelping of those blood-hound mongrels who were kept in pay to hunt down all who opposed the court; a pack of mangy hounds of recent importation; their backs still sore with the stripes of European castigation, and their necks marked with the check collar.'

Mr. Clay replied to him in a speech of most pointed yet merited rebuke, and couched in language that stung like a scorpion. During the course of his remarks, Mr. Quincy took occasion to travel out of his way to attack the character of Mr. Jefferson. This uncalled for and unexpected abuse of an aged ex-president, a patriot living in retirement, Mr. Clay thus notices.

'Neither his retirement from public office, his eminent services,

nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. In 1801, he snatched from the rude hand of usurpation the violated constitution of his country, and *that* is his crime. He preserved that instrument, in form, and substance, and spirit, a precious inheritance for generations to come, and for *this*, he can never be forgiven. How vain and impotent is party rage directed against such a man! He is not more elevated by his lofty residence on the summit of his own favorite mountain, than he is lifted by the serenity of his mind, and the consciousness of a well-spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not less moved by the storms that beat against its sides, than is this illustrious man by the howlings of the whole British pack set loose from the Essex kennel.'

Speaking of the notoriety Mr. Quincy had gained by attempting to impeach Mr. Jefferson a few years previous, he said, 'the final vote stood one for, and one hundred and seventeen against the proposition!' (of impeachment.) 'The same historic page that transmitted to posterity the virtue and the glory of Henry the Great of France, for their admiration and example, has preserved the infamous name of the frantic assassin of that excellent monarch.' Mr. Clay vindicated most ably the character of that exalted patriot, from the foul aspersions thus attempted to be cast upon it; after which, he alluded to the vacillating course pursued by those opposed to the administration party, in the following language. 'The course of that opposition by which the administration of the government has been unremittingly impeded for the last twelve years, is singular, and I believe unexampled in the history of any country. The administration has not been forgetful of its solemn obligations. No art has been left unessayed, no experiment promising a favorable result left untried, to maintain the peaceful relations of the country. When some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more alarming an embargo was imposed. It would have accomplished its purport, but it was sacrificed on the altar of conciliation. Vain and fruitless attempt to propitiate! Then came along the non-intercourse, and a general non-importation followed in the train. In the mean time, any indications of a return to the public law and the path of justice on the part of either belligerent, are seized upon with avidity by the administration. The arrangement with Mr. Erskine is concluded. It is first applauded, and then censured by the opposition. No matter with what unfeigned sincerity, with what real effort the administration cultivates peace, the opposition insist that it alone is culpable for every breach that is made between the two countries. Restriction after restriction has been tried. Negotiation has been resorted to until further negotiation would have been disgraceful.

Whilst these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war — the proud, the spirited, the sole repository of the nation's honor — the men of exclusive vigor and energy. The administration, on the contrary, is weak, feeble, and pusillanimous — incapable of being kicked into a war. The maxim, 'not a cent for tribute, millions for defence,' is loudly proclaimed. The opposition is tired, sick, disgusted with negotiation. They want to draw the sword and avenge the nation's wrongs. When, however, foreign nations, perhaps emboldened by the very opposition here made, refuse to listen to the amicable appeals, which have been repeated and reiterated by the administration, to their justice and their interests — when, in fact, war with one of them has become identified with our existence and our sovereignty, and to abstain from it was no longer possible, behold the opposition veering round and becoming the friends of peace and commerce. They tell you of the calamities of war — its tragical events — the squandering away of your resources — the waste of the public treasure, and the spilling of innocent blood. Now we see them exhibiting the terrific forms of the roaring king of the forest. Now the meekness and humility of the lamb. They are for war and no restriction when the administration is for peace. They are for peace and restrictions when the administration is for war. You find them tacking with every gale, displaying the colors of every party and of all nations, steady only in one unalterable purpose, to steer if possible into the haven of power.'

Mr. Clay's sentiments in relation to the British system of impressment were of the most affecting description, drawing tears from the eyes of almost every individual present, and concluded by saying, that 'My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy at sea or on land, and negotiate the terms of a peace at Quebec or Halifax. We are told that England is a proud and lofty nation, which, disdaining to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men — lash ourselves to our gallant tars, and expire together in one common struggle, fighting for free trade and seamen's rights.'

A correct idea of the effect produced it is impossible to gather from his reported speech, though in general accurately given. Look, tone, gesture, and manner contributed largely to its greatness, — perhaps as much as the 'thoughts that breathe and words that burn,' which in one continuous stream fell from his eloquent lips, causing the hearts of his hearers to thrill alternately with

pleasure and pain. It is represented as having been an exquisite specimen of grand eloquence — a felicitous blending of the beautiful, pathetic and sublime. He seemed to wave the enchanted wand of the fabled magician, now spreading peace and quiet, and now causing the most stormy emotions to swell the hearts of those who listened to him. The editor of the National Intelligencer says that the pathetic effect produced by the appeal admits not of description. Although the day was extremely cold, so cold that Mr. Clay, for the only time in his life, was unable to keep himself warm by the exercise of speaking, there were few individuals in the house who did not bear witness by their streaming eyes to the orator's control over their sensibilities. Members of both political parties —men whose patriotic souls had been sustained by his eloquence, and those who had been writhing and agonizing under his indignation, forgot their antipathies and wept together.

Mr. Clay had the pleasure of seeing the bill, as advocated by him, pass the house, on the fourteenth of January, 1813, by a vote of seventy-seven to forty-two. On the sixteenth (having passed the senate,) it received the signature of the president; and thus was taken another and very important step in carrying out that system of manly and bold resistance devised and introduced by him, and which was destined to redress all our grievances and restore our violated rights.

On the eighteenth of February, congress proceeded to ascertain the result of an election for president and vice president, which was as follows. For president, James Madison, one hundred and twenty-eight, De Witt Clinton, eighty-nine. For vice president, Elbridge Gerry, one hundred and thirty-one, Jared Ingersoll, eighty-six. Thus the re-election of Mr. Madison furnished undoubted evidence that the people, from whom there is no appeal, sustained the measures of war.

On the twenty-fourth of May, Mr. Clay was elected speaker to the house again, over Mr. Pitkin, by a majority of thirty-five, and whenever an opportunity was afforded him, he mingled in the discussions that were almost constantly agitating the house, in reference to prosecuting the war. At the commencement of this, the first session of the thirteenth congress, he called the attention of the house to that portion of the president's message which describes the manner in which the British had been waging war; which characterized it as 'adding to the savage fury of it on one frontier, a system of plunder and conflagration on the other, equally forbidden by respect for national character, and by the established rules of civilized warfare.' In a few pertinent remarks, he adverted to this description embodied by the message, censuring somewhat severely the nation guilty of such enormities, and said, 'if they should be found to be as public report had stated them, they called for the indignation of all christendom, and ought to be embodied

in an authentic document which might perpetuate them on the page of history.' An investigation instituted on a motion of Mr. Clay, in reference to these, developed the astounding fact that the most barbaric outrages were committed repeatedly, on American prisoners, by the savage allies of the British, with their approval. The indignation of the house was aroused to a high pitch, on learning the truth of the report, which took immediate measures for causing to be laid before it every instance of such flagrant violation of the rules of warfare recognized by all civilized nations.

War had now become the settled policy and regular business of the nation; a business which though at first she performed rather bunglingly, was now despatched in a more workmanlike manner. The plough, the spade, and the various implements of husbandry and mechanism, had become partially forgotten, by the familiarity which had been effected with the musket and the sword, so that greater skill was manifested in the use of the latter, which resulted in greater success than accompanied the first attempts at their use. York, the capital of Upper Canada, had fallen into our hands, and five naval victories had been achieved. Indecision and timidity had to a great extent disappeared, and a spirit of indomitable determination had been made to take their place, mainly through the irresistible influence of Mr. Clay's eloquent appeals. These were all-powerful, agitating the whole nation, paralyzing opposition, and organizing and arraying the talent, influence, and means of all classes, to do battle to death, if necessary, in defence of our precious liberties. A noble and enthusiastic feeling was diffused throughout the country. Public opinion was far and wide aroused in favor of the war, and its majestic roar shook down the unconsecrated temples of treason, and bared their secrets to the light of heaven. Patriot answered aloud to patriot — the sentinels of freedom caught up the watchword — from town to town the signal fires flashed free, and all things proclaimed that the spirit of the country was up for glory.

Both the friends and foes of Mr. Clay agree that at this period the control he had acquired was almost unlimited. In the house it was probably equal to that which he had acquired a few years previous in the legislature of Kentucky. This was always exercised in the spirit of the greatest liberality, and in such a manner as to promote the public interests. Towards the close of 1813, negotiations for peace commenced, at the suggestion of Alexander, the emperor of Russia, who proffered his mediation between the two belligerent nations. On the part of the United States, his proffer was favorably received, and a willingness manifested to accede to it, accompanied with expressions of regret that the commercial interests of Russia should be infringed or endangered in any way by her collision with Great Britain. This was first formally made at Washington, by the Russian minister, M. Dasch-

koff, as early as March of the same year, and eagerly embraced by the president. It had, however, several months previous, been hinted to Mr. Adams, our minister at St. Petersburgh, by the emperor himself, who manifested great desire that hostilities should cease. On the part of Great Britain his pacific proposition was rejected, who alleged that the peculiar nature of her domestic and naval regulations rendered incompatible its acceptance, but declared her perfect willingness to treat with the American envoys, either at London, or Paris, or indeed at any convenient place selected by the two powers. This proposal was accepted, and the preliminary steps taken to accomplish the object proposed. Messrs. Albert Gallatin and James A. Bayard were selected as two of the commissioners for the United States, and directed to repair without delay and join Mr. J. Q. Adams, at St. Petersburgh, there to await the further action of government.

A short time after, a proposal from the English ministry to negotiate with us at Gottingen was accepted, and Messrs. Clay and Jonathan Russell were selected commissioners, who, in connection with the three in Russia, were invested with full power to treat with lord Gambier, Henry Goulborne, and William Adamos, commissioners on the part of the British government.

Although Gottingen had been first agreed upon as the city where to conduct the negotiation, subsequently it was determined that Ghent should be the place. The sixth of August, 1814, found the plenipotentiaries of both nations (except Mr. Gallatin, who joined them soon after,) at the latter city, ready to proceed with their legitimate business. They commenced by a mutual interchange of kind feeling, evincing a disposition to approach the subject in the true spirit of conciliation, and to frame their stipulations so as to subserve the interests of the powers they represented. In consequence of the proximity of the British ministers to their government, they enjoyed a superior advantage over the American commissioners, of which they availed themselves freely, for whenever they received from the latter a note of any importance, it was directly sent to London, where its contents were carefully scrutinized by the English ministry, who prepared and sent back an answer containing instructions, which were to govern their actions in relation to it. This mode of procedure adopted by them, greatly retarded the negotiation, while the remoteness of the American negotiators from their government, made it impossible for them to resort to a similar method. The plan which they adopted on receiving a communication from the former, was to consider its contents deliberately, and with great circumspection; after which it was committed to the care of one of their number deputed to prepare an answer. This underwent a rigid examination, when each member considered it in private, making such alterations as he deemed proper. Afterwards they all assembled and subjected

them to a thorough scrutiny, which terminated in their adoption or rejection. Their proceedings in detail were never reported, so that it is impossible to state to what extent they were influenced by each member of the diplomacy, but it is matter of general credence that Mr. Clay, in their joint colloquial meetings, bore a prominent part and exercised a controlling power over the character of the stipulations. It is understood that Mr. Gallatin drew up more official communications than any one of his associates, that Mr. Adams ranked next, and Mr. Clay next. The various papers prepared by these gentlemen during the period of their negotiation, which continued about five months, furnish some of the finest specimens of English composition. For purity of diction, terseness of style, happy illustration, and logical construction, they will not suffer in comparison with the best political disquisitions in the English language.

The favorable indications which appeared at the commencement of the negotiation, soon gave place to those of a different character. The tone of the British commissioners, in laying the foundation of the treaty, soon became so dictatorial as almost to preclude the possibility of proceeding with it. In enumerating the various subjects which they designed to review and determine, besides the seizure of mariners from merchantmen on the high seas, boundary line, and the privileges heretofore enjoyed by the United States in carrying on their fisheries within the limits of British jurisdiction, they declared as a *sine qua non* to the completion of the treaty, that it must embrace provisions for rendering pacific the various Indian tribes within our borders, for settling their boundaries by a specific treaty with Great Britain, and that the right to purchase their lands without her consent must be unconditionally ceded. On such grounds the American commissioners unhesitatingly and unanimously refused to advance. The overbearing and haughty pretensions and arbitrary demands thus set up and insisted on at the very outset, seemed to interpose an insurmountable barrier towards effecting an amicable and honorable arrangement with our foe. Not only did she by prescription unadvised with us, exhibit an intention to have it all in her own way, but she avowed her design to obtain the control of certain islands in Passamaquoddy Bay, over which our right of jurisdiction had not been questioned up to that time, and to cause us to agree not to keep any naval force on the lakes, nor garrison soldiers on their eastern shores. The thought of submitting for a moment to such obnoxious exactions and requisitions could not be tolerated, and the American commissioners peremptorily informed them that negotiation under such circumstances was entirely out of the question, and that an unqualified abandonment of the objectionable portion of their demands must be complied with, before their consent to proceed another step in the business could be obtained. They

saw it was requisite to be thus decided, in order to put an early and effectual stop to such unwarrantable assumptions and encroachments, which, if quietly submitted to, they clearly foresaw (by their maintaining a right to 'vary and regulate their demands,') would be indefinitely extended. In their first despatches to Washington, therefore, instead of holding out any encouragement of success, they stated that there was no 'hope of peace.' Immediately after their arrival, they were spread before the people by the public journalists, whose indignation was greatly augmented, on becoming acquainted with treatment ostensibly given for the purpose of consummating a treaty of peace on grounds of mutual reciprocity, but which in reality recognized the nation with whom it was to be effected, as enslaved rather than free. The demands of England were characterized as 'arrogant, insulting to the United States, meriting instantaneous rejection, and demanding the united exertions of every citizen of these states, in the vigorous prosecution of the war until it shall be terminated in a just and honorable peace.'

The publication of their despatches was not anticipated by our commissioners, and great was their astonishment on perusing them in the newspapers at Ghent. Their fears were excited lest it should have an unfavorable bearing on the negotiations, if it did not put an abrupt period to them. The English negotiators maintained a guarded silence on the subject. Mr. Clay being solicitous to ascertain their opinions in relation thereto, addressed them, beginning with lord Gambier, whom he accosted by saying, 'you perceive, my lord, that our government has published our despatches, and that now the whole world knows what we are doing here.' 'Yes,' said he, 'I have seen it with infinite surprise, and the proceeding is without example in the civilized world.' 'Why, my lord,' said Mr. Clay, mildly, 'you must recollect that at the time of the publication of those despatches, our government had every reason to suppose, from the nature of the pretensions and demands which yours brought forward, that our negotiation would not terminate successfully, and that the publication would not find us here together. I am quite sure that if our government had anticipated the present favorable aspect of our deliberations, the publication of the despatches would not have been ordered. Then your lordship must also recollect, that if, as you truly asserted, the publication of despatches pending a negotiation is not according to the custom of European diplomacy, our government is organized on principles totally different from those on which European governments are constituted. With us, the business in which we are here engaged is the people's business. We are their servants, and they have a right to know how their business is going on. The publication, therefore, was to give the people information of what ultimately affected them'

Although unable to controvert this explanation by Mr. Clay, of the reasons for publishing the official papers relative to the negotiation, he expressed himself not perfectly satisfied with it, and his opinion was concurred in by his colleagues. However, the injurious consequences apprehended from their publication were not experienced, and the business of the treaty proceeded as if it had not been made.

Mr. Clay reciprocated an act of kindness of Mr. Goulborne, who had sent him a British periodical containing an account of the taking of Washington by the arms of his nation, by sending to him some American papers which he had recently received, describing a splendid victory won on lake Champlain or lake Erie, by the navy of *his* country over that of the British.

After the receipt of such unpleasant intelligence from Ghent, it was resolved that redoubled energy should be put forth in pushing forward the war, which caused the noble feats of our gallant navy and army to be greatly multiplied. At Plattsburgh, Chippewa, and many other places, victory perched upon our banner. The hearts of our hardy sailors gathered fresh strength, whose successful attempts in annoying the enemy by capturing his trading vessels, caused the most bitter lamentations throughout his realm, and underwriters to advance their rates of insurance between England and Ireland from three-fourths of one to five per cent. The determined spirit thus evinced by us, Great Britain correctly attributed to the arbitrarily assumptive course which she attempted to pursue in conducting the negotiations at Ghent; a spirit which she had the sagacity to discover would never brook the slightest shade of vassalage, or permit the acceptance of dishonorable terms, and also the wisdom to avert the destructive consequences which her varied and wide-spread interests would certainly sustain from the aggressions of those actuated by it, in speedily removing the causes by which it was aroused. A recession was immediately made, not only by the British ministers, who reduced their *sine qua non* so as to require only the effection of Indian pacification, but by the public journalists in both England and her provinces. They spoke in more respectful terms of the United States, and abated to a good extent their domineering attempts. Still some of the objectionable terms proposed at first as the basis of an arrangement, were adhered to. The cession of such a portion of our territory as should secure a permanent and safe communication to England between Quebec and Halifax, was required pertinaciously. The American commissioners assumed the responsibility, at the risk of breaking off the negotiation, of rejecting such terms, and indeed all that did not come within the limit of their instructions, by informing the English commissioners, that it was perfectly fruitless, besides a waste of time, to bring forward and attempt to connect with the treaty, subjects

respecting which they were not empowered to negotiate; subjects which were many of them foreign to their purpose, had no natural relation to it, and which if desirable might be definitely settled by subsequent negotiation, without being made a party to their present proposed arrangement. They affirmed that they had 'no relation to the subsisting differences between the two countries; they are inconsistent with acknowledged principles of public law; they are founded neither on reciprocity nor on any of the usual bases of negotiation, neither on that of the *uti possidetis* or of *status ante bellum*; they would inflict the most vital injury on the United States by dismembering their territory, by arresting their natural growth and increase of population, and by leaving their northern and western frontiers equally exposed to British invasion and Indian aggression; they are above all dishonorable to the United States, in demanding from them to abandon territory and a portion of their citizens, to admit a foreign interference in their domestic concerns, and to cease to exercise their natural rights on their own shores and in their own waters. A treaty concluded on such terms would be but an armistice. It cannot be supposed that America would long submit to conditions so injurious and degrading. It is impossible, in the natural course of events, that she should not, at the first favorable opportunity, recur to arms for the recovery of her territory, of her rights, and her honor. Instead of settling existing difficulties, such a peace would only create new causes of war, sow the seeds of permanent hatred, and lay the foundation of hostilities for an indefinite period. It is not necessary to refer such demands to the American government for its instruction. They will be only a fit subject of deliberation when it becomes necessary to decide upon the expediency of an absolute surrender of national independence.'

There was no mistaking the meaning of such language, respectful but pungent, expressing perspicuously the true principles of diplomatic action. Although it was self-evident that the spirit which dictated such sentiments as that communication contained, would not allow any truckling or swerving, still the British negotiators appeared determined to persevere until they accomplished what from the very commencement seemed to be to them a favorite feature in the treaty, viz: *the exposure of our whole northern frontier to the mercy of their nation.* She found that the Indian hordes could be advantageously employed by her, indeed she had already employed them to such an extent as to give, so far as she was concerned, a most truculent aspect to the war; hence the invincible determination manifested by her legalized commissioners, to have the treaty so framed as to secure to her their absolute control. This disposition was regarded by the American commissioners with feelings not only of regret, but of horror, who protested against 'the employment of savages, whose known rule

of warfare is the indiscriminate torture and butchery of women, children, and prisoners,' as constituting 'a departure from the principles of humanity observed between all civilized and christian nations even in war.' They stated that instead of endeavoring to effect *that control*, it would be much more comportable with the dignity and grandeur of the British nation to abandon forever the barbarous practice, and to stipulate with America to that purpose in case of waging any future war with her. They would not recede an inch from the ground which they had taken, in relation to the Indians and northern frontier. After directing their combined diplomatic artillery against them for the space of several weeks incessantly, to drive them from it, but without the slightest success, the British diplomatists finally abandoned it. Soon after, the American commissioners proposed to guaranty the pacification of the Indians when the treaty should be ratified, and expressed their unaltered determination to treat upon no subjects respecting which they had received no instructions. To this their opponents acceded, and the negotiation proceeded, the American commissioners dictating nearly all the terms, and finally issued in the production of a treaty, on the twenty-fourth of December, 1814.

Throughout the negotiation the utmost unanimity prevailed among our ministers, and never was there a difference of opinion, except in one instance. This related to certain fishery privileges, and the navigation of the Mississippi river.

In a treaty of peace concluded in 1783, between Great Britain and the United States, it was stipulated that the latter should enjoy the liberty of taking fish of every kind on all the banks of Newfoundland, Grand Bank, gulf of St. Lawrence, and in all other places where the inhabitants of both countries had been accustomed to fish — that the same should be enjoyed on all the coasts, bays and creeks of his Britannic majesty's dominions in America; that she should have full permission to dry and cure fish in the unsettled bays, &c. of Nova Scotia, Magdalen Islands, and Labrador, so long as they should remain unsettled, but that after they were settled, such permission must be sanctioned by their occupants; and also that the Mississippi river should be open forever to the navigation of both nations, from its mouth to its source. The latter stipulation was included in a treaty negotiated by Mr. Jay, in 1794.

The United States, anticipating that the subjects of the fisheries and navigation of the Mississippi would be brought forward by the British government, had directed the secretary of state, Mr. Monroe, to give her commissioners special instructions relative to them. He accordingly authorized them, in case she should require the United States to relinquish her fishing privileges, to treat the requisition as it deserved. They were given to understand that these privileges must not be brought into the discussion, and that,

if insisted on, their negotiations must terminate. He instructed them not to grant to Great Britain the right to navigate any river within the exclusive jurisdiction of the United States.

At an early stage of the negotiation, it had been intimated to the American commissioners by the British, that the privilege in question would not be renewed, unless the United States offered something to Great Britain which should be deemed an ample equivalent. The subject of this equivalent caused the difference of opinions to which allusion has been made. Mr. Adams contended that no equivalent could or ought to be demanded for the right of fishing stipulated in the treaty of 1783. He did not believe with his colleagues, that the article in that treaty, relating to this right, expired at the commencement of the war, but contended that it had survived the war, and that therefore it was absurd to treat concerning the *renewal* of a right, of which they were then in the legitimate possession. The great importance of preserving this right unabridged was felt by all. Mr. Gallatin went so far as to propose to permit Great Britain to exercise the right of navigating the Mississippi as an equivalent for that of fishing in the waters within her jurisdiction. After a warm debate, Messrs. Adams, Gallatin and Bayard declared themselves in favor of doing so, and Messrs. Clay and Russell opposed. Mr. Clay then affirmed, that his signature should not be appended to a treaty including such a proposition, who was joined soon after by Mr. Bayard, and consequently it was not included. A most animated discussion ensued, in which Mr. Clay demonstrated the impolicy of extending such a privilege to Great Britain, contended that America ought to come out of the war in the uinimpaired possession of all the rights and privileges which she enjoyed prior to its commencement, and that the right of discussing the question of the fisheries did not come within the purview of their instructions. In regard to the navigation of the Mississippi, a mere glance at its unlimited connections and dependencies, the vast advantage which an easy access to them would confer, rendered no deliberation requisite in deciding upon granting a right to it to Great Britain. It would be almost tantamount to placing in her hands a tube communicating with the very vitals of the republic, through which she could suck its life blood; it would give her unbounded facilities for employing against us the numerous tribes of Indians at the north west, of which she would doubtless with avidity avail herself, and greatly to our detriment, and thus jeopard the great and growing interests of the whole west. As it respected the right which she imagined she possessed in virtue of the treaties of 1783 and 1794, Mr. Clay contended that the grounds upon which it was based were supposititious, and that therefore it could not be valid; that at the dates of those treaties, it was supposed that the law of nations would

entitle her to the right, inasmuch as it was believed that her dominions bordered on the Upper Mississippi, and that this supposed bordering of her territory on the river, was the principal reason adduced in stipulating for the right of its navigation; that now since it was certainly determined and known, that such was not the fact, she possessed no natural grounds on which to found the right; that Spain at the date of those treaties owned the entire western bank of the river from its mouth to its source, and consequently possessed an equal interest with the United States in its navigation, who could not, therefore, convey to a third party that interest, or any portion of it, unsanctioned by the former; that in 1803, by purchase, the United States became possessed of the entire Spanish interest, which placed her upon different grounds from those on which she stood in 1783 and 1794. Besides, Mr. Clay argued, what connection is there between the fishing privilege, and the right of navigating the Mississippi? The treaties showed none, their nature none. Why select as the equivalent for the privilege, the Mississippi? Why not barter the Potomac, or the Hudson for it? There was something calculated to excite suspicion in this attempt of our powerful enemy to introduce her invincible navy to the 'father of rivers.' It looked like feeling for the *purse-strings of the nation.* He would as soon yield a portion of her blood-bought territory, as this noblest of her streams, to become the resort of the British lion, where he might make his permanent lair, and eventually place his huge paw upon the crest of her eagle. Though as anxious as his colleagues possibly could be for the preservation of their fishing privileges, he could not consent to effect it by a purchase so expensive as that proposed. Thus Mr. Clay remained immovably determined to act in accordance with his convictions of duty in consulting the interests of that nation which he represented. The value of those interests, undoubtedly secured by the decided position which he assumed and maintained, is of such magnitude as to be inappreciable; they constitute a corner stone of the temple of liberty, destined to abide as long as she shall make it her abode.

Subsequently to the British ministers' becoming acquainted with the conclusion of the American commissioners, respecting the exchange, they, in a counter project of a treaty, submitted to the latter, proposed among other articles one to renew the right of navigation in question, without any equivalent. After much deliberation this was rejected. Finally, it was mutually agreed by both parties to refrain from inserting any article in the treaty, relating either to the fisheries or the navigation of the Mississippi. Thus the pride of the west and the glory of America was suffered to roll his majestic tide in beauty and grandeur to the ocean, unburthened by foreign vessels and unfettered by regal sway.

Several years afterwards, Mr. Clay became involved in an un-

pleasant controversy between Messrs. Russell and Adams, which originated from something connected with their negotiations at Ghent. On the day next subsequent to the signing of the treaty, the commissioners drew up a sketch of their discussions in relation to the difference of opinion among them, concerning complying with the demands of the British commissioners, which represented the offer of the navigation of the Mississippi as made by a *majority* of the American plenipotentiaries. At the same time, Mr. Russell communicated to Mr. Monroe the fact of his being in the minority in that offer, and declared his intention of submitting his reasons for disagreeing with his associates, at a future convenient period, which he subsequently carried into effect. These papers were deposited among the documents of the nation, where they remained till 1822, when they were placed before the house of representatives, at its request, by the president, together with a private communication from Mr. Russell, purporting to be a duplicate of one found among the private papers of the president. A statement was made by each of these letters, between which there was a discrepancy, which caused Mr. Adams to reprimand Mr. Russell severely, through the medium of the press. Mr. Clay addressed a letter to Mr. Russell designed to be private, in which he signified his acquiescence in the reprimand, and also gave a concise statement of their debates connected with their disagreement. It appeared that Mr. Adams was laboring under the impression that Mr. Clay coincided with him in construing the treaties of 1783 and 1794, or that part of them referring to the fisheries and Mississippi, from the fact of his signature being attached to the communication of the American to the British commissioners, embodying the views of the former in relation to them. Mr. Clay corrected that impression by declaring that he had not concurred with him. He stated that his object in advising the insertion of the words '*a majority*,' in the despatch to the secretary of state, was to announce to his government the fact of a division among them, and with the view of concealing it from the power with whom they were treating, he appended his signature to the communication. The dispute was maintained some time between Messrs. Russell and Mr. Adams, and with great acrimony, but no impeachment of Mr. Clay's conduct or motives was attempted by either. Both awarded to him the honor of having acted well his part, in bringing to so felicitous a consummation the treaty of peace.

Immediately after the close of the negotiation, Mr. Clay repaired to Paris, having resolved not to visit England until he learned the ratification of the treaty. At the request of Mr. Crawford, our minister at Paris, he took lodgings in his hotel, where he found an invitation to a ball, given by Mr. Hottinguer, the American banker, in honor of the conclusion of the treaty. There he was introduced to the celebrated madame de Stael, and had a pleasant interview with her.

She informed him that she had recently visited England, and had openly espoused the cause of the United States there, remarking that the British were greatly exasperated against them, and entertained serious intentions of despatching the duke of Wellington at the head of their armies, for the purpose of inflicting proper, and as they thought well merited chastisement upon them. He politely thanked her for the interest she had manifested in behalf of his country, at the same time expressing his regret that England had not carried out her *intentions*. 'Why?' said she. 'Because, madame, if he had beaten us, we should only have been in the condition of Europe, without disgrace. But if we had been so fortunate as to defeat him, we should have greatly added to the renown of our arms.'

He afterwards met her at a select coterie at her own dwelling, where he found the marshals of France, duke of Wellington, and many other persons of rank. On introducing Mr. Clay to the duke, madame de Stael repeated the above anecdote. He replied promptly and gracefully, that had he been so fortunate in the execution of such a commission as to triumph over a foe evincing as much bravery as the Americans had, he should regard it as a greater honor than the most brilliant victory he had ever achieved.

Mr. Clay tarried at the French metropolis two months, during which time news of the glorious victory at New Orleans was communicated to him, whereupon he was heard to remark, 'now I can go to England without mortification.' He expressed, however, much chagrin at the reported flight of a body of Kentucky militia from the field of battle on that occasion, but declared his belief, from a personal acquaintance with their bravery, that it must be false.

Soon after, he went to England, where the treaty had been ratified formally, a few days previous to his leaving Paris. In England he received the most marked attention, and formed many valuable acquaintances, which subsequently proved a source of pleasure and profit to him. He won the esteem of lord Castlereagh, who treated him with particular politeness, offering to present him to the prince regent, which Mr. Clay civilly declined, in consequence of his unwillingness to submit to the courtly formalities of such an introduction.

Several days had elapsed, when he was informed by his host that an individual desired to speak with him. Mr. Clay requested that he might be admitted, who accordingly was, who proved to be a person splendidly dressed, and, refusing to be seated at Mr. Clay's request, announced himself as the first waiter of my *lord Castlereagh!* 'Indeed!' replied Mr. Clay, 'what is your pleasure with me?' 'Why, if your excellency pleases,' said the man, 'it is usual for a foreign minister when he is presented to lord Castlereagh to make to his first waiter a present, or pay the custom-

ary stipend;' at the same time presenting him with a catalogue of names of foreign ministers, with the amount that each had paid him placed opposite his name.

Mr. Clay, believing it a vile attempt to extort money from him, endeavored to get rid of him in the easiest way possible, by saying that he was not the minister to England; that Mr. Adams, who was, would probably soon arrive from Paris, who would doubtless comply with the custom of the country in that respect. The servant, not being inclined to release him so easily, quickly replied, that it was immaterial whether he was a resident or special minister. Mr. Clay thought finally that the most effectual way to release himself, was to comply with his demand, and presented him a small sum.

While he was at London the battle of Waterloo was fought, and he witnessed the public rejoicings on account of its favorable termination to the British. He was one day dining at lord Castlereagh's house in company with many of the nobility, when the conversation turned on the late victory, and the whereabouts of Napoleon, as it was not known where he had gone. Some intimated that he had sailed for America. 'If he goes there,' said lord Liverpool to Mr. Clay, 'will he not give you much trouble?' 'None whatever,' instantly replied Mr. Clay, 'we shall be glad to receive such a distinguished, though unfortunate exile, and we shall soon make a good democrat of him.'

During his residence in England, Mr. Clay passed his time very agreeably, and laid the foundation for many grateful reminiscences. By the late sir James Mackintosh he was delightfully entertained. He embraced the opportunity of renewing his intimacy with lord Gambier, whose amiable qualities and piety had secured Mr. Clay's strong attachment. With him he spent a week, visiting with him during that time several places of interest, one of which was the residence of a descendant of William Penn.

In September, 1815, he embarked for New York, where, on his arrival, he and Mr. Gallatin were complimented with a public dinner.

In every transaction of a public nature in which Mr. Clay has had any agency, he has always rendered himself conspicuous; but in no one did he gather greener laurels, or make a longer stride towards immortal fame, than in that of the negotiation at Ghent. Rumor had preceded him, trumpeting his honors — the faithful and scrupulously jealous manner in which he had almost sleeplessly watched over the interests of his country, and crushed with the strength of a giant the incipient risings of a disposition to destroy or abridge her natural or conventional rights; and when he approached her shores, she opened wide her arms to receive him. In Kentucky, warm, noble-hearted Kentucky, his reception was like that of a dutiful and affectionate son in the long and

passionate embrace of a beloved mother. She welcomed him with a tenderness that would hardly allow the winds of heaven to visit him with gentle rudeness. Enthusiastic rejoicings were enkindled, and spontaneous outpourings of grateful feeling were lavished upon him like rain. He had even been re-elected to congress while he was still in Europe, and unanimously. A doubt having arisen touching the legality of this election, a new one was commenced, which resulted as at first.

At the commencement of the next session, the house again called him to preside over its deliberations, where he soon became engaged in directing successfully the affairs of the nation. As a matter in course, the *new treaty* was brought forward at an early stage, out of which the federalists, and the opposers of the war in general, endeavored to obtain food for their carping, fault-finding appetites. Passing indifferently and silently by the great advantages which it secured to the United States, they sought, with an eagerness worthy of a better cause, to find some defective or weak point. If in this they were successful, although it might be so diminutive as to escape the detection of any except their microscopic vision when thus employed, it was ridiculously amusing to listen to their barkings, and howlings, and wranglings over it, often for hours; and the multitude and variety of hard names and scurrilous epithets which they would bandy about on such occasions, rendered it necessary for one to go beyond the English vocabulary if he desired to satisfy his curiosity respecting their location. But Mr. Clay soon brought to bear upon them the tremendous battery of his eloquence, which sent the whole yelping pack to their kennels, both in and out of congress. This he did on the twenty-ninth of January, 1816.

Said he, on that occasion, 'I gave a vote for the declaration of war. I exerted all the little influence and talents I could command to make the war. The war was made. It is terminated; and I declare with perfect sincerity, if it had been permitted to me to lift the veil of futurity, and to have foreseen the precise series of events which has occurred, my vote would have been unchanged. We had been insulted, and outraged, and spoliated upon by nearly all Europe; by Great Britain, by France, Spain, Denmark, Naples, and, to cap the climax, by the little contemptible power of Algiers. We had submitted too long and too much. We had become the scorn of foreign powers, and the derision of our own citizens.'

These opposers laid no small emphasis upon the fact that no stipulation was contained in the treaty respecting the impressment of our seamen. He met this in a strain of lofty argument, whose pungency sank into their hearts like a spear. Said he, 'one of the great causes of the war and of its continuance was the practice of impressment exercised by Great Britain; and if this claim had been admitted by necessary implication or express stipulation, the

rights of our seamen would have been abandoned! It is with utter astonishment that I hear it has been contended in this country, that because our right of exemption from the practice had not been expressly secured in the treaty, it was therefore given up! It is impossible that such an argument can be advanced on this floor. No member who regarded his reputation would venture to advance such a doctrine.'

He concluded by stating the position in which the country ought to be speedily placed; advised the preservation of her present naval and military force; to make provision for the increase of the navy; to fortify her most defenceless points; to multiply military roads and canals; and to commence in earnest the great work of internal improvement. 'I would see a chain of turnpike roads and canals from Passamaquoddy to New Orleans, and other similar roads intersecting the mountains, to facilitate intercourse between all parts of the country, and to bind and to connect us together. *I would also effectually protect our manufactories.* I would afford them protection not so much for the sake of the manufacturers themselves as for the general interest.'

Mr. Clay resumed his duties in the house by evincing the same far reaching anxiety for the welfare of his whole country, that he manifested when he resigned his station for a foreign mission. To his influence, in a great measure, the origin of the war was owing, its bold prosecution, and satisfactory termination. But besides the advantages which we reaped as the fruits of it, we realized many detrimental consequences incidental to it. An immense debt had been contracted; our commercial, manufacturing, and agricultural interests had been partially suspended, if not totally neglected; we found ourselves greatly in want of articles, the product of mechanical ingenuity, to supply which it was necessary to resort to foreign work-shops; this of course caused large exportations of specie, which seldom returned; the bank issues amounted to upwards of one hundred millions of dollars, while at the same time there was only about fifteen millions of specie in the country. These institutions had of course been obliged to suspend specie payment; distress and pressure every where abounded, and the well disposed and patriotic began seriously to look about them for measures of relief, and restoration to the country. The most judicious and reflecting in the nation, believed that the greatest source of distress was to be found in the deranged state of the currency. Indeed it was completely vitiated. The government paper, bearing interest at six per cent., the redemption of which it had guarantied by pledging the faith of the nation, was depreciated some twenty per cent., and doubt and distrust in money matters were prominent features of the condition of the country. Something must be done, it was obvious, to remove

that doubt, and restore confidence, or general stagnation would invade every industrial department throughout the nation. At this period, the individual states presented the singular appearance of being engaged in doing what the constitution evidently intended should be performed by the general government, namely, in reality regulating the currency, through the banking institutions operating under their sanction. This they were executing in a most unfinancial-like manner, in many instances making their paper a legal tender, thus compelling the creditor to accept it or yield his claim.

In this state of things, it was imperiously demanded of congress to interpose the power vested in it by the constitution, and recover that control over the currency which it had suffered to be usurped by the states. The articles in that instrument granting congress the exclusive power of coining money, and prohibiting the states from doing it, and also from issuing bills of credit, rendered it apparent that the power of regulating the general currency was lodged with that body. This was the belief of the most able financiers of *that* time, and adopted by those of the present. Acting under the influence of this belief, Mr. Madison had at the opening of the session of 1815 – 16, recommended 'the establishment of a national bank,' which 'he regarded as the best and perhaps the only adequate resource to relieve the country and the government from the present embarrassment. Authorized to issue notes which will be received in all payments to the United States, the circulation of its issues will be coëxtensive with the union, and there will exist a constant demand, leaving a just proportion to the annual amount of the duties and taxes to be collected, independent of the general circulation for commercial and social purposes. A national bank will therefore possess the means and the opportunity of supplying a circulating medium of equal use and value in every state and in every district of every state. Established by the authority of the United States, accredited by the government to the whole amount of its notes in circulation, and intrusted as the depository of the government with all the accumulations of the public treasure, the national bank, independent of its immediate capital, will enjoy every recommendation which can merit and secure the confidence of the public. Organized upon principles of responsibility, but of independence, the national bank will be retained within its legitimate sphere of action without just apprehensions from the misconduct of its directors, or from the encroachments of the government. Eminent in its resources, and in its example, the national bank will conciliate and lead the state banks in all that is necessary for the restoration of credit, public and private. And acting upon a compound capital, partly of stock, and partly of gold and silver, the national bank will be the ready instrument to enhance the value of the public securities, and to restore the currency of the national coin.'

Such were Mr. Madison's views in relation to a national bank, which were immediately referred to the committee on the national currency; and on the eighth of January, 1816, the chairman of that committee, Mr. John C. Calhoun, of South Carolina, presented an able and elaborate report in relation thereto, advocating the immediate chartering of such a bank as the president had recommended, and detailed its prominent features. When the bill was brought forward for the action of the house, Mr. Clay unequivocally declared himself in favor of its provisions in a speech of great ability and argumentative force, although well knowing that he would thereby subject himself to the charge of inconsistency. He was charged with it by his political enemies, who magnified his departure from the position taken by him in 1811 in relation to the same bank, into a monstrous blemish in his political character; which, if correctly considered, is seen to constitute an ornament, instead. A careful contrast of the grounds *on* which, and the circumstances *under* which he then opposed that institution, with those on and under which he now advocated it, will, to any unprejudiced mind, forever exempt him from that charge. Such a contrast will clearly show, that the total change of circumstances which had taken place during the five years that had elapsed since he first examined the merits of that bank, and that wrought in the policy of the general government in that time, to say nothing of the experience received in prosecuting the war, of the utility of and necessity for such an establishment, not only disarmed and rendered invalid now, objections which then were both valid and weighty when directed against it, but absolutely converted them into arguments in its favor. At the time when it was proposed to renew the charter of the old United States bank, Mr. Clay did not think it so essential in accomplishing any of the objects definitely specified in the constitution, as to justify its establishment, on grounds purely constructive. It was supported, too, principally by the federal party, and on the ground that its agency was requisite in executing the financial concerns of government; which ground then was falsely assumed, inasmuch as the local banks of the several states had, in certain cases, been employed to perform that office, which they were successfully executing. They, therefore, being known to compass the specific object for which it was stated the charter of the bank was to be renewed, it was justly regarded by Mr. Clay as a matter of supererogation to renew it, and accordingly he opposed its renewal. In 1816, Mr. Clay supported the bank mainly on the ground of its *necessity*, to enable congress to exercise that ample and salutary supervision over the commercial and monetary interests of the country, which the constitution expressly gave it; and that, therefore, out of this very necessity, was fairly deducible its constitutionality, since it was absurd to suppose that the constitution would

grant to congress a specified right, and at the same time withhold the only means by which it could exercise that right. A stormy and protracted discussion arose respecting the bank charter, during which Mr. Clay came again into collision with Mr. Randolph, causing unusual sensation in the house, and giving rise to apprehensions that something serious might grow out of it. Mr. Randolph animadverted somewhat harshly upon Mr. Clay's custom of maintaining a uniform silence in his private intercourse respecting his change of opinion in regard to the expediency and constitutionality of a United States bank, using language that might admit of very offensive construction. When he ceased, Mr. Clay, with his usual self-possession and deliberation, rose, and in a few words declared that the offensive language needed explanation; that he should refrain from saying what he conceived himself bound to say, until Mr. Randolph should make it. Mr. Randolph rose, and made the explanation, which Mr. Clay pronounced unsatisfactory; and Mr. Randolph again explained, disavowing all intention to offer offence. During the altercation, an almost breathless stillness had been preserved in the house; a pin might be heard to fall in any part of it.

The bank bill passed the house by a vote of eighty to seventy-one, and the senate by a vote of twenty-two to twelve. On the tenth of April it became a law, went into operation in the early part of 1817, and more than justified the expectations of its friends, in regard to its influence for good upon the varied interests of the country.

During this session, Mr. Clay gave his support to a bill proposing a reduction of the direct tax laid upon the United States. He expressed himself in favor of a moderate land tax, and regarded the existing one as too high for a state of peace. He maintained that 'in time of peace we should look to foreign importations as the chief source of revenue, and in war when they are cut off, that it was time enough to draw deeply on our internal resources.' His plan was to make up for a still further decrease of the land tax, by an increase of the duties on imports.

It was deemed desirable to increase the pay of members of congress, which led to the framing and passage of the celebrated compensation bill. It was generally agreed among the members that their compensation (six dollars per day,) was not sufficient for their maintenance at Washington, and allow them to enjoy the society of their families. The principal question that arose respected the mode by which it should be increased. Some were in favor of a stipulated salary, and others of an increase of the *per diem* pay. On the sixth of March, colonel Richard M. Johnson, one of the committee to whom the business had been referred, reported a bill regulating the pay of members, by a salary of fifteen hundred dollars per session, for each member in congress, which

passed both houses. Mr. Clay voted for this bill, but at the same time declaring his preference for the *per diem* rate. The passage of this bill proved particularly obnoxious to the demagogues, throughout the country, who exerted themselves incessantly to excite the passions of the people, evidently for the purpose of accumulating political capital. In no section of the union did the excitement rage to such an extent as in Kentucky. It seemed as though scarcely an individual in the whole state was friendly to it. The ambitious and designing demagogues and ultra federalists united in Kentucky their furious forces, with exultations of delight at what appeared to them the certain prospect of accomplishing the total overthrow of Mr. Clay. They had succeeded to such a degree in kindling a flame of indignation against the measure, that there were at least some grounds of danger. They had long been impotently watching for this opportunity, and now from their various places of concealment they rushed forth, bent upon accomplishing their purpose. After some consultation as to the mode they should adopt, it was finally determined that Mr. John Pope, an eloquent and influential gentleman, should take the field in opposition to Mr. Clay. Accordingly, he immediately commenced political operations in the approved style of the country, by riding about among the inhabitants, addressing them often, setting forth his own merits and claims, and decrying those of his rival. It was not until after being repeatedly importuned by his friends, that Mr. Clay would consent to take the field in person against Mr. Pope. He finally went forth for the first time in his life, to vindicate in person to his constituents, his public political acts.

It has been said that Mr. Clay was the first Kentuckian who preserved dignity and independence of character on an electioneering tour. It was customary at that day in Kentucky, for any one who solicited an office in the gift of the people, to clothe himself in tattered garments, and in the attitude and with the tone of a menial, to go around among them and thus ask it at their hands. Mr. Clay's exalted sense of dignity and honor would not permit him to conform to this degrading custom, and he visited his constituents attired just as he would go to his seat in congress. He appealed to the people, expressing his entire willingness to be governed by their will, as he was in duty bound, and that he would vote for the repeal of the offensive law, if they instructed him to do so. He corrected their erroneous impressions, and occasionally made those happy and effective appeals to their hearts, which he knew so well how to direct, and he soon found himself almost entirely reinstated in their affections. Mr. Pope, perceiving that he was fast losing ground, made a desperate effort at regaining it, by challenging his rival to meet him on a designated day and discuss their respective claims to the suffrage of the people. It was unhes-

itatingly accepted. They met according to appointment, and in the presence of an immense assemblage, fought their battle of argument, which resulted in the signal defeat of Mr. Pope. Mr. Clay was re-elected by a large majority. The compensation bill was among the first subjects considered by congress after it convened again, which was repealed. The *per diem* allowance was finally increased to eight dollars per day.

During the canvass, Mr. Clay met an old hunter who had previously been his devoted friend, but now opposed him on the ground of the compensation bill. 'Have you a good rifle, my friend?' asked Mr. Clay. 'Yes.' 'Does it ever flash?' 'Once only.' 'What did you do with it, throw it away?' 'No, I picked the flint, tried it again, and brought down the game.' 'Have I ever flashed but on the compensation bill?' 'No.' 'Will you throw me away?' 'No! no!' quickly replied the hunter, nearly overwhelmed by his enthusiastic feelings, '*I will pick the flint and try you again!*' Ever afterwards he was the unwavering friend of Mr. Clay.

An Irish barber residing at Lexington, had always given Mr. Clay his vote, and on all occasions when he was a candidate for office, electioneered warmly for him. His ardent temperament and unrestrained passions frequently involved him in scrapes and difficulties, out of which Mr. Clay had generally succeeded in extricating him. While the canvass was progressing, after the compensation bill, the barber did not evince his usual zeal and animation, on the contrary seemed to be indifferent as to the result of the election. To all inquiries for whom he designed to vote he answered evasively. He was accosted a few days previous to the election, by a gentleman for whom he entertained the most profound regard, with the question, 'for whom, *Jerry*, do you mean to vote?' Regarding his interrogator with an earnest, shrewd look, he replied, 'Faix, an' sure, docthur, I mane to vote for the man who can't put more nor one hand into the *threasury*.' Mr. Pope, the opponent of Mr. Clay, had the misfortune to lose an arm in early life, and this circumstance, while it gave pertinence to the Irishman's reply, indicated for whom he intended to vote. A few days subseqent to the election, the barber met Mr. Clay in Lexington, and approaching him, burst into tears, saying that he had wronged him, and manifested bitter regret for his ingratitude. 'My poor dear wife,' said he, 'got round me, blubbering, and was after vexing herself and me too. She tould me that I was *too bad, too bad*, to desart like a base spalpleen, me ould frind. 'Niver's the time, Jerry, dear, when you got in jail or any bad fixin', *niver's the time* he didn't come to you an' hilp you out. Och! bad luck to you, for not giving him your vote.'' The barber was ever after true to Mr. Clay.

In all matters of public importance brought before the house,

whenever it was compatible with his station, Mr. Clay interested himself, concerning which his manifestation of regard for the welfare of his country was characterized by unusual uniformity. There was nothing fitful or erratic about his zeal; it burned with a steady, certain light, revealing the secrets of his very soul, in relation to his public intentions and desires. Defeat could not diminish, nor opposition extinguish it; always irrepressible, conflicting circumstances only rendered it more intense. No measures passed through his hands without bearing its impress, and so deep as to appear a part of the same. But there were periods of extraordinary interest, when it blazed with more than meteoric brilliancy — when it constituted the aurora borealis of the political horizon, seen and admired by the whole universe. One of these periods we now approach — a period which reflects the highest honor on his character, for philanthropy and benevolence, and which caused his memory to be enshrined in the hearts of millions remote from the field of his fame — the period of the struggles of the Spanish colonies in South America, to become independent of the mother country. These he contemplated with as much anxiety and solicitude for their result, as though he had been an actual participator in them.

Happily for America, the allotment of Providence introduced Mr. Clay to the stage of public action at one of the most critical times in her history, when just such influence as he could exert was imperiously demanded. The din of the revolution had hardly died away, and the blood with which it was achieved scarcely dried up, when he first came forward in the defence of his country's rights. The spirit of 'seventy-six' had indeed felled the tall trees of tyranny, and plucked up the rank weeds of oppression, and planted the germ of liberty. But the little band of men inhaling that spirit, who had arrayed around the place of the precious deposit a rampart of iron hearts, after irrigating and enriching it with their blood, had either sunk down to an enviable rest in the sacred soil, or with diminished energy and flagging zeal still maintained their posts. Their pristine strength, however, the storm of war had swept away, and though they still stretched out their scar-covered arms to shield it from invasion, their feeble efforts were hardly sufficient to the task. Dangers were numerous, boding disaster in case the vigilance of that veteran band should slumber. The enemies of freedom, though beaten back, had retired with their weapons in their hands, and from their secret lurking places looked forth, ready to avail themselves of the first favorable moment to sally forth and nip it in the bud. Such were the circumstances, when Mr. Clay joined that weak and diminished company of watchers. He found the tree of liberty a strong and vigorous plant, unfolding its beautiful leaves, but needing great care and culture. There was much foreign rubbish to be removed which

retarded its growth. A glance at its situation determined his course. Nothing within the compass of his ability necessary to hasten on its progress towards maturity, was wanting. Morning, noon and night found him pouring the dew of his diligence upon it in copious effusions. Under its genial influences the trunk shot upward stately and strong, and the wide-spreading branches soon bent beneath large clusters of delicious fruit. The taste of that fruit caused the heart of the nation to bound with gladness, and her good and great men to desire that the inhabitants of the *whole world* might partake of it. Not a few of them gave utterance to that desire in words that burned with benevolence, but none spoke louder or with more effect than Mr. Clay. His voice infused courage into the hearts of those who were toiling to plant a similar tree on the fertile pampas of South America. Its thunder-tones reverberated among the lofty heights of the Andes, and rang through the halls of the incas. The hunter heard them, and departed for the battle-field to seek a nobler quarry. The gauchios left his lasso on the plain and buckled on his armor. From rank to rank of their embattled hosts they pealed, and nerved their arms to deal the liberating blows.

The first public expression of Mr. Clay's feelings in relation to South American independence, was made in connection with a proposition to reduce the direct taxes of the United States, which he thought too high for a state of peace. The aspect of our foreign relations at that time was peculiarly amicable, although, from a report that the Spanish minister had made an informal demand for a portion of Florida, seemed to indicate that a rupture with Spain was by no means improbable, and he expressed himself in favor of husbanding our means as much as practicable, in anticipation of such an event. At the same time, he hinted the propriety of assisting her colonial dependents in their endeavors to establish a free government. His remarks caused Mr. Randolph to express his sentiments concerning the same subject, which among other things charged Mr. Clay with entertaining a esire for conquest, indeed as being influenced by unworthy motives. He said he was not 'going a tilting for the liberties of South America.' She came not to our aid; let us mind our own business, and not tax our people for the liberties of the people of Spanish America. He declared that her inhabitants were incapable of appreciating or enjoying liberty. He thought Mr. Clay had imbibed the war-spirit of Europe. 'The honorable gentleman has been sent on a late occasion to Europe; he had been near the field of Waterloo, and he was apprehensive had snuffed the carnage and caught the infection.' He intimated that Mr. Clay advocated an increase of the army for the purpose of marching them to the scene of action. 'What! increase our standing army in time of peace on the suggestion that we are to go on a crusade to South America?' Mr.

Clay denied having made the most remote suggestions to that effect, — that his remarks were incapable of being so construed. 'Do I not understand the gentleman?' — 'I am sorry I do not. I labor under two great misfortunes — I can never understand the honorable speaker, and he can never understand me.' Such being the case, Mr. Randolph remarked, he should be under the necessity of abandoning the argument with him, since it would be impossible to proceed.

Mr. Clay again alluded to the same subject a few days after, in a most feeling manner. A bill was brought forward to prohibit 'our citizens from selling vessels of war to subjects of a foreign power,' which he vigorously opposed because of its evident bearing upon the belligerent state of South America. He said it was impossible to conceal the true character of that bill. 'Bestow upon it what denomination you will, disguise it as you may, it will be understood by the world as a law to discountenance any aid being given to the South American patriots, now in a state of revolution against the parent country. With respect to the nature of that struggle, I have not now for the first time to express my opinion and wishes. I wish them independence. It is the first step towards improving their condition. Let them have a free government, if they are capable of enjoying it. At any rate let them have independence. *Yes, from the inmost recesses of my soul I wish them independence.* In this I may be accused of imprudence in the utterance of my feelings on this occasion. I care not, when the independence, the happiness, the liberty of a whole people is at stake, and that people our neighbors, our brethren occupying a portion of the same continent, imitating our example, and participating of the same sympathies with ourselves.'

During the following month an attempt was made to appropriate and pledge the bonus paid by the United States bank into the public treasury, as a permanent fund to be employed in constructing works of internal improvement. Mr. Clay gave his hearty concurrence to this measure, declaring his belief that 'there were no two subjects which could engage the attention of the national legislature, more worthy of its deliberate consideration, than those of internal improvements and domestic manufactures.' A bill was passed constituting such fund, but the president vetoed it on alleged constitutional grounds.

Mr. Clay's remarks caused great interest to be felt in behalf of South American liberty, and during the summer following, the president appointed three commissioners, Messrs. Rodney, Graham, and Bland, to proceed to South America, and examine her political, civil and social condition as preliminary to rendering them any assistance. Mr. Clay regarded the appointment as impolitic, and when a bill came before the house in March 1818, providing for the support of government, objected to having it

embrace a clause appropriating thirty thousand dollars for their compensation, for constitutional reasons. For it he proposed to substitute an amendment, appropriating eighteen thousand dollars as the outfit and one year's salary of a minister from the United States to the Independent Provinces of the river La Plata in South America. He accompanied the presentation of the amendment with a speech of great power, evincing great geographical and historical knowledge, and setting forth clearly the condition of the people. The amendment, however, was not adopted.

Many members of prominence differed with Mr. Clay, for whose opinions he expressed his respect, and regretted that his own convictions of expediency and duty led him to take a different view of the subject. He directly avowed that considerations of liberty and humanity had no little weight with him in advocating their cause, but at the same time his belief, that the adoption of the measure under consideration, while it would add to the renown of the republic, would render material assistance to those who were greatly in need of it. He vindicated himself from the charge which had been made, that he was desirous of fomenting a war between the states and Spain. He indulged in animating anticipations of the number and importance of the governments which might be formed in those vast, fertile, and beautiful provinces. To attempts at proving the movements of the colonists as rebellious, opposing the lawful government of Spain, he replied by clearly showing that if that power had possessed a legal claim to their allegiance, she had forfeited it by withholding that protection requisite to entitle her to it, and that consequently the people of Spanish America were contending for nothing more than their legal and natural rights. 'But' said Mr. Clay, 'I take a broader, bolder position. I maintain that an oppressed people are authorized, whenever they can, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our own. We must therefore pass sentence of condemnation upon the founders of our liberty, say that they were rebels and traitors, and that we are at this moment legislating without competent powers, before we can condemn the course of Spanish America.' He contended that if we were justified in our attempts at independence, much more was she, who had writhed beneath the scourge of oppression so long, so much longer than we; that if they were worthy of success, if they were entitled to succeed from the justness of their cause, then surely we ought to wish it, especially when we consider the barbarous character of the war. He maintained that we were deeply interested, in recognizing their independence. Even then our commerce with those provinces was considerable, and would greatly increase after they should become permanently settled as free and independent nations. The

act would attach them to us, nay, it would bind them to us by relations as intimate as those of kindred; they would become our powerful allies. Mr. Clay said he took this ground, not because he desired to force our principles where they were not wished, but simply from feelings of sympathy. We knew by experience how sweet it was to receive that when we were in circumstances that tried men's souls. There could be no danger, nor objection to stretch out towards their people the hand of friendly sympathy, to present to those abused and oppressed communities an expression of our good will, to make them a tender of those great principles which we have adopted as the basis of our institutions. Their ignorance and inability had been brought forward, by those opposing the measure, as completely incapacitating them for self-government. These, he contended, had been greatly magnified, but admitting them to be as unqualifying as they had been represented to be, the fact ought rather to increase our pity for them, and to urge us to seek the more earnestly, by all reasonable and just means within our reach, their liberation from that detestable system which chained them to such a servile state. He ridiculed the idea that recognition could be made a just pretext for war. 'Recognition' said he, 'without aid is no just cause of war; with aid, it is not because of the recognition, but because of the aid, as aid without recognition is cause of war.' Mr. Clay's efforts were not successful at this time; no minister was despatched to South America; the friendly mission was deferred until 1821, when he submitted, on the tenth of February, a resolution to the house, 'declaring that the house of representatives participated with the people of the United States in the deep interest which they felt for the success of the Spanish provinces of South America, which were struggling to establish their liberty and independence, and that it would give its constitutional support to the president of the United States, whenever he might deem it expedient to recognize the sovereignty and independence of those provinces.'

On this resolution, a warm and protracted debate ensued, which was finally adopted, by a vote of eighty-seven to sixty-eight, and Mr. Clay was appointed chairman of a committee to communicate to the president the action of the house.

On the eighth day of March, 1822, the president transmitted to the house of representatives a message recommending the recognition, which Mr. Clay had so long struggled for. On the twenty-eighth the vote of recognition was taken, when it appeared that there was but one dissenting voice.

Thus at last were the noble and generous efforts of the patriot statesman crowned with success as complete as they had been persevering. Years had elapsed between their commencement and glorious consummation; years of toil, anxiety, and hope, but

now the harvest time had come. The president and congress, from vehemently opposing his views in relation to their independence, by his persuasive arguments were brought over to them, who officially stretched out the hand of the nation, to clasp with friendly pressure those of the infant republics of the south. As a matter of course, the act was denounced as one of folly and fraught with danger, by the personal and political enemies of Mr. Clay; but the truly philanthropic, throughout the land, regarded it with approbation, and described it as just what the greatest free nation on the globe should do towards those who were worthy of it. It was applauded throughout the world, but particularly by those towards whom it was directed, with enthusiastic expressions of gratitude. The supreme congress of Mexico voted him the thanks of the nation, for his zeal and efficient labors in their behalf.

During the struggle, his speeches were frequently read at the head of the patriot army, and the effect was always to increase their intrepidity and valor. The name of Clay became associated with every thing dear and valuable in freedom, and was pronounced by both officer and soldier with reverence; and many were the epistolary notices which he received, of the high estimation in which his services were held, by that suffering, but successfully struggling people. The following is a specimen.

'BOGOTA, 21*st November*, 1827.

SIR, — I cannot omit availing myself of the opportunity afforded me by the departure of colonel Watts, *chargé d'affaires* of the United States, of taking the liberty to address your excellency. This desire has long been entertained by me, for the purpose of expressing my admiration of your excellency's brilliant talents and ardent love of liberty. All America, Colombia, and myself, owe your excellency our purest gratitude, for the incomparable services you have rendered to us, by sustaining our course with a sublime enthusiasm. Accept, therefore, this sincere and cordial testimony, which I hasten to offer to your excellency and to the government of the United States, who have so greatly contributed to the emancipation of your southern brethren.

'I have the honor to offer to your excellency my distinguished consideration.

'Your excellency's obedient servant,

'BOLIVAR.'

To the above, Mr. Clay replied, of which the following is an extract.

WASHINGTON, 27*th October*, 1828.

'SIR, — It is very gratifying to me to be assured directly by your excellency, that the course which the government of the United States took on this memorable occasion, and my humble efforts, have excited the gratitude and commanded the approbation of your excellency. I am persuaded that I do not misinterpret the feelings of the people of the United States, as I certainly express my own, in saying that the interest which was inspired in this country by the arduous struggles of South America, arose principally from the hope that along with its independence would be established free institutions, insuring all the blessings of civil liberty. To the accomplishing of that object we still anxiously look. We are aware that great difficulties oppose it, among which not the least is that which arises out of the existence of a large military force, raised for the purpose of resisting the power of Spain. Standing armies, organized with the most patriotic intentions, are dangerous instruments. They devour the substance, debauch the morals, and too often destroy the liberties of a people. Nothing can be more perilous or unwise, than to retain them after the

necessity has ceased which led to their formation, especially if their numbers are disproportioned to the revenues of the state.

'But nothwithstanding all these difficulties, we had fondly cherished and still indulge the hope that South America would add a new triumph to the cause of human liberty, and that Providence would bless her as he had her northern sister, with the genius of some great and virtuous man, to conduct her securely through all her trials. We had even flattered ourselves that we beheld that genius in your excellency. But I should be unworthy the consideration with which your excellency honors me, and deviate from the frankness which I have ever endeavored to practice, if I did not on this occasion state that ambitious designs have been attributed by your enemies, to your excellency, which have created in my mind great solicitude. They have cited late events in Colombia as proofs of these designs. But slow in the withdrawal of confidence which I have once given, I have been most unwilling to credit the unfavorable accounts which have from time to time reached me.

'I cannot allow myself to believe that your excellency will abandon the bright and glorious path which lies plainly before you, for the bloody road passing over the liberties of the human race, on which the vulgar crowd of tyrants and military despots have so often trodden. I will not doubt that your excellency will in due time render a satisfactory explanation to Colombia, and to the world, of the parts of your public conduct which have excited any distrust, and that preferring the true glory of our immortal Washington to the ignoble fame of the destroyers of liberty, you have formed the patriotic resolution of ultimately placing the freedom of Colombia upon a firm and sure foundation. That your efforts to that end may be crowned with complete success, I most fervently pray.

'I request that your excellency will accept assurances of my sincere wishes for your happiness and prosperity.

'H. CLAY.'

His magnanimity, his disinterestedness, and his philanthropy, stand out in bold relief, in the above extract from his apeal to Bolivar. It evinces the same spirit of kind regard for the welfare of the South American republics which he invariably manifested towards that of his own. Its tone, the nature of its sentiments, and its more than open frankness, utterly preclude the belief that selfishness had any agency in its dictation. It exhibits him, cherishing as strong a desire that the happy institutions, immunities, and privileges of liberty should be established and enjoyed in them, as he felt in supporting and perpetuating those of his own. No one can rise up from its perusal and candidly question the purity of his motives, nor charge him with an overweening ambition. In short, no one unblinded by prejudice can fail of beholding in it, his generous, uncalculating attitude.

During Mr. Madison's administration, Mr. Clay was twice offered a seat in his cabinet by him, or the mission to Russia. The president reposed in him most unbounded confidence, and correctly appreciated his preëminent abilities. At the breaking out of hostilities, Mr. Madison selected him as commander-in-chief of the army. But Mr. Clay, thinking that he could render his country more efficient service in her public councils, declined all attempts at removing him from them, though he well knew that he did so at the expense of his private interests. These, however, never appear to have entered into or influenced in the least his calculations. 'My country first, myself afterwards,' is legibly written on every part of his public career.

After the accomplishment of his desires in relation to South America, he again reverted to his favorite policy; favorite, because he saw its intimate connection with the growth and prosperity of his country, as calculated to develope her vast resources, and to pour into her lap the blessings of a virtuous and free people. The formation of Mr. Clay's attachment to internal improvements and domestic manufactures, is coeval with his entrance into congress; and when matters demanding immediate attention had been disposed of, he would bring them forward, and labor to make the conviction of their importance sink deep into the heart of the nation. When Mr. Madison returned, with his objections, the bill appropriating the bonus of the United States bank for purposes of internal improvements, Mr. Clay expressed his astonishment. He had confidently calculated on its receiving the signature of the president; for he had particularly invited the attention of congress, in his message, 'to the expediency of exercising their existing powers, and where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.' Mr. Clay had heard, through the medium of uncertain rumor, that Mr. Madison designed to veto the bill, whereupon he sent him a communication, requesting him, if he entertained any constitutional scruples about signing it, to let the whole matter rest and pass over to his successor for action. The president, however, took a different view of the subject, and on the third of March, returned the bill. On the following day, Mr. Monroe was inducted into his office, who, it was conjectured, prior to seeing Mr. Madison's veto-message, had prepared his inaugural address in such a manner as to recommend, in strong terms, the policy of promoting internal improvements, but that, on reading Mr. Madison's objections to the bill, he changed his opinion. It was thought he was led to do so partly from fear, and partly from a desire to conform his views with those of his predecessor. Subsequently he stated that a careful investigation had conducted him to the conclusion, that the power of making internal improvements was not vested in congress, and that to clothe that body with it, an amendment of the constitution was requisite. Opposition such as this policy had encountered, from so exalted a source as that of three chief magistrates, (Messrs. Jefferson, Madison and Monroe,) would have appalled a mind of ordinary strength and perseverance; but Mr. Clay was one who never formed an opinion with precipitancy, but only when, by the most diligent inquiry, he had established a foundation for it in reason and philosophy. Erected upon this basis, he would adhere to it, though confronted by the

combined opposition of the world. A compromise of principle he was a stranger to. Nothing disheartened, therefore, by the magnitude of the obstacles opposed to his progress in advocating his favorite measures, by those high in authority, he seemed to gather fresh energy from every new one that he encountered. In March, 1818, a resolution was submitted to the house, declaring that congress had power to construct military post-roads and canals, and also to appropriate money for that object. The opposition to this presented a formidable array of strength, and brought forward every objection that political ingenuity could devise. Mr. Clay did not deem it advisable to consume the time of the house in examining in detail any except those denominated *constitutional*. His whole aim, therefore, was to prove that the power alleged in the resolution, was derivable from the constitution; and this he accomplished in the most convincing manner. In construing this instrument, he observed the same rules which governed his action in relation to the bank bill of 1816. He maintained that every power, which *appeared necessary and proper*, to secure the lawful exercise of constitutional rights, *was fairly impliable*, and that this *necessity and propriety* must be determined by the discretion of those who exercised it, 'under all the responsibility of a solemn oath,' and the knowledge that they were the subjects of those laws that they passed, and that they were amenable to the *people*, who held in reserve the right to resist tyrannic usurpation. Mr. Clay argued that the power to *establish* post-roads, expressly specified in the constitution, involved the power to *construct* them. This position he illustrated with the clearness of demonstration, by referring to that clause which gives congress the power of making war, and employing the resources of the country in prosecuting it. He declared that, from the same provision, the power of transporting those means was derived by implication; and that therefore, to secure such transportation, congress might legally construct military roads, &c. His adversaries, compelled to yield before his powerful reasoning, fell back, and intrenched themselves behind the *concession* that peculiar emergencies might justify the exercise of the power in question. From this he drove them, by proving that this *concession contained the admission* that the constitution conveyed 'the power; and,' said Mr. Clay, 'we may safely appeal to the judgment of the candid and enlightened to decide between the wisdom of these two constructions, of which one requires you to wait for the exercise of your power until the arrival of an emergency, which may not allow you to exert it, and the other, without denying the power if you can exercise it during the emergency, claims the right of providing beforehand against the emergency.' They finally fortified themselves behind the position, that it was not requisite for the general government to construct such works, because individual enterprise would do it

as soon as sectional interests should demand their construction. Here he hemmed in and captured them. His motion was adopted by a vote of ninety to seventy-five. It was a triumph, and a signal one, over opposition that had been accumulating and strengthening during two previous administrations; and which in the then existing one, was directed against him with all the violence and impetuosity that reserved energies could impart to it. It must have been a moment of proud satisfaction to the indefatigable statesman, as he beheld the last vestige of opposition disappear beneath his feet, and himself the sole occupant of the place on which he had so happily succeeded in founding a basis for that noble, incomparably noble system, fraught with every good and every immunity which a virtuous people could desire. This system has since been erected so much under his supervision, and through his direct instrumentality, as to give him the title of 'its father.'

Mr. Clay advocated the policy of carrying forward the construction of the Cumberland road, as rapidly as possible, and exerted himself from time to time, to procure appropriations for that purpose; with what earnestness, we may learn from his own language, declaring that 'he had to *beg*, *entreat*, *and supplicate* congress, session after session, to grant the necessary appropriations to complete the road.' Said he, 'I have myself *toiled until my powers have been exhausted and prostrated* to prevail on you to make the grant.' A monument of stone has been erected on the road, surmounted by the genius of liberty, and bearing as an inscription, the name of 'Henry Clay.' The importance of this road to the public may be learned from some remarks made by Mr. Clay, on the occasion of a dinner given him by the mechanics of Wheeling, Virginia, in which he declared the great interest that work had awakened in his breast, and expressed his ardent desire that it might be prosecuted to a speedy completion. He said that a few years since, he and his family had employed the whole or greater part of a day, in travelling the distance of about nine miles, from Uniontown to Freeman's on Laurel Hill, which now, since the construction of the Cumberland road over the mountains, could be accomplished, together with seventy more, in the same time. He considered its importance so great to the union, that he would not consent to give it up to the keeping of the several states through which it passed.

Mr. Clay's latest congressional efforts in behalf of internal improvements, were made on the sixteenth of January, 1824, when he made a speech before the house, on a bill authorizing the president to cause certain surveys and estimates of roads and canals to be made. Mr. Monroe and a strong party of supporters assumed the ground, that congress had no control over the post roads, other than to use such as had been established by the states individually,

and that their construction and repair (and consequent alteration and closure) did not belong to the general government. To this doctrine Mr. Clay replied, by saying, 'is it possible that this construction of the constitution can be correct—a construction which allows a law of the United States, enacted for the good of the whole, to be obstructed or defeated in its operations by a county court in any one of the twenty-four sovereignties? Suppose a state, no longer having occasion to use a post-road for its own separate and peculiar purposes, withdraws all care and attention from its preservation. Can the state be compelled to repair it? No! Then may not the general government repair this road, which is abandoned by the state power? And may it not protect and defend that which it has thus repaired, and which there is no longer an interest or inclination in the state to protect and defend? Is it contended that a road may exist in the statute book, which the state will not, and the general government cannot repair and improve? What sort of an account should we render to the people of the United States, of the execution of the high trust committed to us for their benefit, if we were to tell them, that we had failed to execute it because a state would not make a road for us? The same clause of the constitution which authorizes congress to establish post roads, authorizes it also to establish post offices. Will it be contended that congress, in the exercise of the power to establish post offices, can do no more than adopt or designate some preëxisting office, enacted and kept in repair by state authority? There is none such. It may then fix, build, create and repair offices of its own, and its power over the post roads, is by the constitution equally extensive.' Mr. Barbour, of Virginia, was among the most vigorous assailants of the policy advocated by Mr. Clay. He contended, that if it were carried out, an encroachment on the rights of the states would be the inevitable consequence; that their jurisdiction would be abridged. He was answered in such a manner as to show that there was no ground of alarm to be apprehended from that source; that all the control which the general government sought to exercise, related simply to constructing and preserving the road, and the maintenance of the necessary measures of its defence, and that all illegal acts committed upon it would be left for adjudication by the state through which it passed. Mr. Clay contended that the general government derived the right of constructing canals, from the specified rights of making war and regulating domestic and foreign commerce. His reasoning was clear and conclusive, and when the final vote was taken, the majority was much greater than the most sanguine supporters of the measure had anticipated, showing a great increase since 1818, when he discussed the same subject. The opposition were now prostrated, indeed they had on this occasion brought out their whole strength, and many were

heard to say, that if defeated now, they should regard the policy of internal improvements permanently settled. Many, therefore, who had formerly opposed it, on witnessing Mr. Clay's complete triumph, adopted his views, and came over to his aid.

It has always been a prominent principle with Mr. Clay, in his legislative career, to give a judicious direction to his exertions, so that if they were successful, his country would be benefited, but if unsuccessful, that she should not sustain any harm. In this one feature of his action, is seen, as in a mirror, the purity of his patriotism. His exertions, as directed towards the subject of internal improvements, have been productive of incalculable benefit to the nation, and to individuals. They have awakened, and employed, and given an impetus to an amount of enterprise unmeasured, the salutary effects of which, every hill and vale of our vast country has felt. And the sea has felt them too; the sails of commerce have been multiplied by them, and foreign shores have groaned beneath the burdens of rich freights, which they have heaped upon them. But who, in imagination, even, can enumerate the number and the depth of the new channels of enterprise which they are destined yet to create, where industry may roll her golden tide, and build by their sides the abodes of a mighty, free, and happy people. Through the long vista of years to come, it needs no prophetic ken to look, and read, on many a monument of adamant, interspersed among them, in characters of imperishable fame, inscribed the name of HENRY CLAY.

Near the commencement of 1817, efforts were made by the friends of the free colored population in the United States, to ameliorate their condition. For this purpose, a meeting was convened at Washington, on the twenty-first of December, 1816, over which Mr. Clay was called to preside. On taking the chair, he stated the object of the meeting to be, to consider the propriety and practicability of colonizing the free people of color of the United States, and of forming an association relative to that object. In regard to the various schemes of colonization which had been suggested, that appeared the most feasible, which contemplated some portion of the coast of Africa. *There*, he said, ample provision might be made for the colony itself, and it might be rendered instrumental in introducing into that extensive portion of the globe, the arts of civilization and christianity. He said there was a peculiar and moral fitness in restoring them to the land of their fathers. He went on to state, that he had understood it constituted no part of the object of the meeting to touch or agitate in the slighest degree, a delicate question connected with another portion of the colored population of our country. It was not proposed to deliberate on or consider at all, any question of emancipation, or that was connected with the abolition of slavery. It was upon that condition alone, he was sure that many gentlemen from the south

and west, whom he saw present, had attended, or could be expected to coöperate. The meeting resulted in the formation of the Colonization Society, of which Bushrod Washington was chosen president.

In March previous, Mr. Clay expressed his views relative to holding congressional caucuses, for the purpose of making nominations. He thought them not compatible with the nature of the powers delegated to them by the people, as calculated to meet their disapprobation, and establish a precedent which might prove dangerous to their liberties.

When congress adjourned, in March, 1817, the house unanimously voted Mr. Clay their thanks, for the ability and impartiality with which he had presided over their deliberations, and the correctness of his decisions on all questions referred to the chair. He replied in an apposite and beautiful manner, saying that next to the approbation of one's own conscience, and one's own country, was that of the immediate representatives of the people. He spoke of the difficulties of legislation; said there were three periods that might be denominated difficult; the first was that which immediately preceded a state of war; the second was that which existed during its continuance; and the third was that which immediately succeeded it. The last was the one through which they had just passed — the most difficult of the three, when every thing pertaining to the general and state governments was unsettled, and when disorganization to a greater or less extent prevailed; when the task of supplying deficiences, strengthening weaknesses, and correcting abuses, was by no means light or pleasant. He congratulated them on the efficient manner in which they had discharged that task, to which the records of the house bore ample testimony. He closed by tendering them his thanks, for the flattering expression of good feeling with which they had honored him, presuming that it was prompted more by a spirit of kindness, than by a sense of justice to him, as he was sure he did not merit it, and by pledging their united efforts, as an offering to their common country, in advancing their best interests.

When he reached Lexington, its citizens gave him a dinner, and as heretofore, showered on him their enthusiastic approbation and applause.

In January, 1817, the subject of the well known Seminole war was brought before the house for its consideration. Several features relating to the mode in which it had been conducted, demanded, in the opinion of many humane members, a critical investigation. The character which had been given to that war, by the chieftain to whose management it was intrusted, was reflecting strongly on the honor and justice of our country. She had sustained a grievous injury from a portion of the Seminole Indians, who, during the last war, aided the British arms against

her, and feeling that she had just cause for seeking redress, despatched general Andrew Jackson, at the head of a strong military force, to obtain it. He marched into their territory, and in a short time so reduced them, that a portion sued for peace. A treaty was accordingly prepared, in August, 1814, but which was not signed by many of the chiefs, except those previously friendly to our country, who constituted only about one third of the nation. This misnomered treaty, from its cruel and unheard-of tyrannical exactions, had found a much more appropriate resting place by the side of the ruthless interdicts of a Nero, or a Trajan, than in the archives of a christian nation. The poor natives, reduced to actual starvation, their wigwams and villages in ashes, withering in the dust beneath the feet of the conqueror, had no alternative but to submit to death, or just such terms as he chose to dictate. They preferred the latter, which was meted out with a hand nerved with all the unrelenting sternness of patriotism, without any of its mercy. The Indians obtained what they sought, but they paid dearly for it. The instrument granted them peace, on condition that they would cede a large portion of their territory to the United States, and yield them important powers and privileges over the remainder, and deliver into the hands of the conqueror the prophets of their nation. It needed only a superficial knowledge of the Indian character, to perceive that their proud and haughty spirit would not long brook a compliance with terms so abjectly humiliating. Not many months elapsed before they began to renew their depredations on our frontiers. Though acts of cruelty, on the part of the Seminoles, were of frequent occurrence, apparently calling loudly for vengeance, still they were greatly palliated by a letter from ten of the Seminole towns, addressed to the commanding officer of fort Hawkins, on the eleventh of September, 1817, in which it was stated that not a solitary white man had been butchered by them, except in revenge for the unprovoked murder of an Indian. 'The white people,' it declared, 'killed our people first, the Indians then took satisfaction. There are yet *three men* that the red people have never taken satisfaction for.' The governor of Georgia, accurately acquainted with all the facts, declared his honest and sincere conviction that they were not in fault. But supposing the whites had *not* been guilty of outrages on the Seminoles, subsequent to the date of the treaty, yet its unjustly oppressive character, the paucity of their chieftains' signatures attached to it, and the obligations imposed on the United States, by the ninth article of the treaty of Ghent, towards the Indian tribes, to say nothing of the law of nature, justified, in our humble opinion, the attempts of the Seminoles to shake off the insupportably heavy burden which military despotism had bound upon them. In view of these facts, in relation to general Jackson's treatment of the Seminoles, it is unnecessary to say, that his second expedition against them was

not marked by *one mitigating or lenient feature;* that they were treated more like *dogs* than men; that their chiefs were decoyed by him into his camp, and there seized and instantly put to death. In short, that every principle of honor, humanity, and justice, which ought to accompany the operations of a civilized army, was *utterly disregarded.* It is not surprising, therefore, that the patriotically disposed, in congress, on beholding the dark spot gathering on the escutcheon of their country's fame, in consequence of such high-handed proceedings, should rise up and attempt to efface it. General Jackson's conduct in the Florida war, was made the subject of special investigation, during the session of 1818–19. A series of resolutions were offered to congress, severely censuring it, which Mr. Clay sustained in a speech of unparalleled ability. Although on terms of personal intimacy with the general, although he accorded to him his just meed of praise, for the distinguished service he had rendered his country in the battle of New Orleans, still Mr. Clay thought he had transcended the limits of both law and equity, and did not allow his feelings of friendship for him to interpose any obstacle to the frank and fearless avowal of his sentiments. He commented very severely upon his treatment of *Indian prisoners, in ordering their inhuman massacre,* after obtaining possession of them, by the artifice of a '*false flag*,' not hesitating to pronounce it wanton, barbaric, and uncalled for. But his flagrant violations of the rights of neutrality called forth his sharpest animadversions. During the campaign, two Indian traders, Messrs. Arbuthnot and Ambrister, the former a Scotchman, the latter an Englishman, had fallen into the hands of general Jackson. Ambrister was found in the Indian camp, Arbuthnot within the limits of Spanish jurisdiction. The Englishman was suspected of having instigated the savages to make war upon the whites, and the Scotchman was charged with informing the Indians of their rights, as secured to them by the treaty of Ghent, and of having advised them to maintain them by force of arms. These unfortunate men, he ordered the one to be shot and the other hung, in direct opposition to the decision of a court martial of his own choosing. The turpitude of this act, Mr. Clay exhibited in its true colors. He contrasted the execution of Arbuthnot with the blackest act of Napoleon, the execution of Louis of France, and showed that for atrocity, and disregard for justice and clemency, it cast the latter far into the back-ground. His aggression committed upon the Spanish authorities, in seizing upon St. Marks and Pensacola, fell under the rod of his reprobation. Mr. Clay denounced these acts as falling little short of tyrannic usurpation, and which could not be justified on any ground of justice or reason. His speech on this occasion, has been compared to the polished orations of Sheridan, in the case of Hastings, but as exhibiting a much milder spirit, one of sincere sorrow, instead of revenge.

The resolutions were rejected by a small majority, which is not surprising, on considering that Mr. Monroe, his cabinet, and nearly all the house, were disinclined to arraign the conduct of general Jackson in the Seminole war, and when we reflect that Mr. Clay did not repeat his efforts, as he usually did. The general, who soon after visited Washington, took umbrage at Mr. Clay's speech, and carried his animosity so far as to refuse to have any intercourse with him, although he called on him directly after his arrival, thus evincing an unabatement of friendship.

To whatever part of Mr. Clay's congressional career we turn our eyes, we invariably find him actively engaged in building up that magnificent system of domestic utility, whenever circumstances admitted. This he commenced, as we have seen, previous to the war, and his attachment to it had been increasing ever since, until the conviction of its indispensable importance to the country had sunk so deep into his mind, as to cause him to toil unremittingly, in order that the beneficial influences of that system might be diffused over it as soon as possible. For these, the farmer at his plough and the mechanic in his shop were stretching out their hands. These, our infant manufactories, which sprang up to supply the demands caused by the war, demanded, and these were requisite to make the union (what Mr. Clay never lost sight of,) independent in *reality*, as she was in *name*, of all foreign powers.

It was obvious to both parties in congress, that in order to accomplish an object so essential to the welfare of the nation, a *protective tariff* was necessary. Accordingly, on the twelfth of March, 1816, Mr. Lowndes, of South Carolina, one of the committee of ways and means, made a report relative to the policy of protection. He sustained the policy by an able speech, and was followed by Mr. Calhoun, who also advocated it. Mr. Clay yielded his unqualified assent and vindication, and sought to cause the bill to be so formed as to secure efficient protection for woollen fabrics. It was finally adopted.

In April, 1820, the subject of a protective tariff came again before congress. The distress which the country had experienced since 1816, was seen to have originated, in a great degree, from inadequate protection, particularly that which had fallen upon the manufacturing districts. To a bill revising and improving the tariff of 1816, Mr. Clay gave his ardent support. As on former similar occasions, he urged its adoption on the high ground of national utility. 'I frankly own,' said he, 'that I feel great solicitude for the success of this bill. The entire independence of my country of all foreign states, as it respects a supply of our essential wants, has ever been with me a favorite object. The war of our revolution effected our political emancipation. The last war contributed greatly towards accomplishing our com-

mercial freedom. But our complete independence will only be consummated after the policy of this bill shall be recognized and adopted.' The bill, though passed by the house, was defeated in the senate.

In 1824, the distress of the country had increased to such an enormous extent, that the most serious apprehensions began to be entertained, lest the productive energies of the land would be completely annihilated, unless some remedy should be devised. There was no department which did not feel its blighting influence; navigation and commerce, no less than agriculture and manufactures, tottered beneath the tremendous weight of gloom, which, like a dense cloud of ruin, overshadowed the whole nation. Our vessels were either lying idle at their moorings, or mostly going in ballast; all encouragement for enterprise was taken away; produce was plenty, but purchasers few; our granaries and store houses were full to overflowing, and in many instances, their contents were going to decay; to obtain money, except at ruinous rates, was out of the question, consequently labor was in little demand and poorly rewarded; the depreciation of property of all kinds was unparalleled, and disorder and embarrassment pervaded every rank and condition of every industrial department. It was under such circumstances, that a farther revision and enlargement of the tariff of 1816 was proposed. In the house, the committee on manufactures reported a bill to that effect, at the same time expressing their opinion, that the evils which then existed, were clearly traceable to inefficient protection of domestic industry, and of relying too much on foreign producers, thereby allowing the specie, the life-blood of the country, to be drained out of it. This defect the bill proposed to remedy. Mr. Clay came forward in its support, under the most solemn impressions of the exceedingly lamentable condition which his country was in, and evinced, by every tone of his voice and look of his countenance, his deep anxiety to extend to her the hand of speedy relief. 'If it were allowable for us at the present day,' said he, 'to imitate ancient examples, I would invoke the aid of the Most High. I would anxiously and fervently implore his divine assistance, that he would be graciously pleased to shower on my country his richest blessings, and that he would sustain, on this interesting occasion, the individual who stands before him, and lend him the power, moral and physical, to perform the solemn duties which now belong to his public station.' He felt that it was indeed a sad sight, to behold a free and mighty nation sitting in sackcloth and ashes, with her hands shackled by a policy as unwise as it was foreign to her interests, with which, had they been free, she could have clothed herself with beautiful garments, excited the envy and admiration of the world, and brushed like chaff every vestige of depression and distress from her borders. He contended that the causes of

these were easily discoverable, and as easily removable; that they were entirely within our control, and that we had but to will it and the work was done, and it was high time, he said, to set about it. Evils of every description had been accumulating during the last ten years, until they had become so numerous and great as to be no longer patible. But it was a source of satisfaction to know that they *need not be endured* — that they were medicable — that with a change of policy they would disappear, as certainly as darkness disappears before light. A cultivation of her own resources, he said, would relieve the country. If she would break away from that state of foreign vassalage, into which she had voluntarily entered, the streams of commerce would again fertilize her fair fields. If she would but exend her hand and pluck from her breast the thorn, which her own suicidal policy had planted there, he avowed his belief that the rose of industry would spring up in its place. This change of policy, he believed, would accomplish all that would be requisite to her peace and prosperity. In supporting the bill, however, he had to encounter much and strong opposition, at the head of which stood Daniel Webster. The collision of these eloquent and intellectual giants, is said to have been inconceivably grand. Says a gentleman who witnessed it, 'the eloquence of Mr. Webster was the majestic roar of a strong and steady blast, pealing through the forest; but that of Mr. Clay was the tone of a god-like instrument, sometimes visited by an angel touch, and swept anon by all the fury of the raging elements.' Mr. Clay, aware that he was contending for the very vitality of his country, had nerved himself up to one of his mightiest efforts, one which would demolish every opposing obstacle, and plant his foot in complete triumph on the ruins of the strongest holds of his assailants. He turned aside every weapon directed against his system, and entirely disarmed all opposition. The bill passed the house on the sixteenth of April, by a vote of one hundred and seven to one hundred and two, and shortly after became a law, and its beneficial effects were felt throughout the country. The operations of this system, in connection with the United States bank, which was now rapidly correcting the derangements in the currency, filled the land with gladness and prosperity. Enterprise came forth from his retiracy, to which the previous embarrassment had driven him, and shaking the dust of sloth from his garments, cast his eyes about over the vast and beautiful field which invited his occupancy. Encouraged by the loud and united voices of this wisely regulated institution, and the American system, he took immediate possession. The desert bloomed, the forest fell, the mill arose, and the wheel of industry, which before was slumbering on its rusting axle, under the guidance of his potent hand began again its healthful revolutions, and soon the land was belted by her green and golden tracks. He hushed the voice of woe, and caused the loud shout of joy to go

up from every hill and vale throughout the nation. After she had enjoyed his life-imparting influence eight years, Mr. Clay thus describes her appearance. 'We have the agreeable contemplation of a people out of debt, innumerable flocks and herds browsing on ten thousand hills and plains covered with rich and verdant grasses, our cities expanded, and whole villages springing up as it were by enchantment, our exports and imports increased and increasing, our tonnage, foreign and coastwise, fully occupied, the rivers of our interior animated by countless steamboats, the currency sound and abundant, the public debt of two wars nearly redeemed, and, to crown all, the public treasury overflowing, embarrassing congress, not to find subjects of taxation, but to select the objects which shall be relieved from the imposts. If the term of seven years were to be selected, of the greatest prosperity which this people have enjoyed since the establishment of their present constitution, it would be exactly the period of seven years which immediately followed the passage of the tariff of 1824.' Who can doubt, after an impartial survey of the whole ground, (and a superficial one is sufficient,) who can doubt that the materials for limning the above strong, but correct picture, were furnished by a *sound currency*, and a *judicious tariff*. As long as the term *tariff* shall remain in the English vocabulary, will the memory of Henry Clay, in all the verdancy of spring, abide in the heart of the nation.

Notwithstanding the sturdy opposition which Mr. Webster arrayed against this system, as advocated by Mr. Clay, he became its ardent supporter when time had tested and proved its importance. Many other public functionaries also, who had assailed it in the most vindictive manner, laid down their weapons, and cordially embraced, with strong protecting arms, its salutary provisions. Even bigotry and prejudice were forced into an unwilling acknowledgement of its utility, and were soon seen placing themselves in a situation where its benign influences would fall upon them.

In 1819, the most exciting question that ever agitated the councils of the nation, came before congress for adjustment — the question of admitting Missouri as a state into the Union. It was correctly called a '*distracting question*,' for it caused a political earthquake, whose quaking influences were felt from one end of the land to the other; and even now its recollection causes a sensation of terror to come over those who were the immediate witnesses of it. Its contemplation made the stout-hearted patriot, and the immovably good of all classes, to turn pale with fear, who believed, that unless it could be calmed, it would engulph in irremediable ruin the liberties of the republic. It was not the simple question of admission which convulsed the country, but the terms with which it was proposed to connect her reception into the confederacy — terms involving another question, one which furnished

all the fuel which kindled the fires of the most acrimonious strife, in every section of the nation — the *question of slavery.* The question of admission divided the country into two great parties. A large and respectable portion of her representatives at Washington, desired the admission to be unconditional, while the other wished it to be subject to certain conditions, among which was the following: that 'all children of slaves, born within the said state after the admission thereof into the union, shall be free, but may be held to service until the age of twenty-five years, and the farther introduction of slavery or involuntary servitude is prohibited, except for the punishment of crimes whereof the party shall have been duly convicted.' With the certainty of intuition, Mr. Clay foresaw and predicted the alarming consequences which would flow from the fiery crucible of public debate, if this combustible condition was placed in it, and rang the tocsin peal of his voice in the ears of the nation. Although opposed to slavery, and declaring that if he were a citizen of Missouri, he would strenuously oppose any farther introduction of slaves into her, and provide for the emancipation of those already within her borders, still he believed we had no right to compel her to adopt our opinions, especially as she was unrepresented, and preferred leaving the subject of slavery to be settled by her alone.

The condition, however, was made the subject of the most stormy debate in the house, and carried. The bill containing it was sent to the senate, which returned it to the house, after rejecting the condition. Neither house would abandon its opinion, consequently the bill for admitting Missouri was defeated, and unfortunately the question was laid over for the action of the next session. This gave time greatly to augment and embitter the tempest of contention that had been raised over this matter in congress, which soon drew within its eddying vortex, in one fierce wrangle, the *entire people.* Their representatives, on the adjournment of congress, carried the infection among them in every direction, which created the most violent monomania relative to this condition, demanding the sacrifice of ease, domestic avocations, and even health itself. The press reeked with inflammatory appeals, and when they reässembled at the session of 1819–20, they were almost wafted to their seats on the wings of the furious commotion. Under such circumstances the discussion was renewed, which was conducted in such an angry manner as to add fresh fuel to the flame raging without. Resolutions in favor of, and opposed to the condition, were passed by several states, and placed on the tables in congress, which already groaned beneath the ponderous weight of similar documents, from associations and public meetings throughout the country. These, instead of shortening, tended only to prolong the debate. At one time, Mr. Clay spoke about four hours against the condition, but his speech, we regret to say, was

never reported. Those who were in favor of subjecting her admission to the specific condition, brought forward the acts of congress passed in connection with the admission of Ohio, Indiana, and Illinois, into the union, which was coupled with a similar condition, or one even more restrictive in relation to slavery, as proof that it had a right to impose conditions on admitting a state. The principal argument of those opposed to the condition was derived from the constitution, which they contended bestowed on congress no power whatever over slaves, except what had already been exercised, in prohibiting their importation after the year 1808, that the slave states never would have joined the confederacy, if the power now claimed had been conferred by the constitution, that the day when it should be usurped, would be the last of the union, that Louisiana, Kentucky, Tennessee, Mississippi, and Alabama, had been admitted into the union, unsubjected to any such condition, and that therefore Missouri should also be received on the same ground.

After the smoke of the political battle had somewhat cleared up, the vote was again taken on the question of restriction, which showed a majority in the senate against, and in the house for it. At the same time before congress was an application from Maine for admission to the privileges of a state, which the senate coupled with that of Missouri, but the house refused to sanction the union. Finally, the question was referred to a joint committee from both houses, who attempted to decide it by compromise. By this, Missouri was admitted without restriction, but it was provided 'that in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the state contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be and is hereby forever prohibited. Provided always, that any person escaping into the same, from whom labor or service is lawfully claimed, in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.'

By this act of congress the territory was authorized to frame a constitution and state government, which should not infringe any article of the constitution of the United States, and required to transmit to congress 'a true and attested copy of the same,' when a final resolution of congress would be requisite to its admission into the union.

In June, 1820, the territory complied with these conditions, and introduced into her constitution an article making it the duty of the legislature 'as soon as might be to pass such laws as were necessary to prevent free negroes and mulattoes from coming to

and settling in the state under any pretext whatever.' This clause called forth the most violent censure of the friends of restriction, which caused the flames of contention to burst out anew and with redoubled violence. Mr. Clay found himself, in the autumn of 1820, obliged to resign his seat as speaker, and retire from congress, to repair by the practice of law, his fortune, which had been greatly diminished by heavy losses sustained by his becoming security for a friend.

At the commencement of the session of 1820–21, the constitution of Missouri was placed in the hands of a committee, who reported in favor of her admission. The senate passed an act to that effect, but the house rejected it. The admission of Missouri was opposed on the ground that free people of color were citizens of the state of their residence, and as such they possessed an undoubted right to remove to Missouri, and that her prohibition of their removal within her limits, was a flagrant violation of the constitution of the United States. On the other hand it was maintained that whether bond or free, the African race were not parties to our political institutions, that therefore free negroes and mulattoes were not citizens within the meaning of the constitution of the United States, and that even if the constitution of Missouri *were* repugnant to that of the United States, the latter was permanent and would overrule the conflicting provision of the former, without the interference of congress.

Such was the question which menaced a disruption of the union. Almost daily, in some form or other, it presented itself, wearing a more threatening aspect at each successive appearance, engendering in the hearts of the two contending parties, feelings of the most bitter animosity, clogging the wheels of government, and effectually impeding, and almost extinguishing all legislative action. Says one familiar with this question, 'popular meetings, legislative resolves, and other demonstrations of feeling and passion were resorted to; crimination and recrimination followed; and separation, disunion, and civil war, with all its infinite of horrors, were the common topics of every village and hamlet. Had a few more materials of excitement been kindled, the work of destruction would have been instant and complete.

In this crisis, when the last lingerings of hope seemed to have departed, that an amicable adjustment of the question would be effected, all eyes were turned towards Mr. Clay, as the only person who could avert the calamities which seemed suspended over the nation. He reached Washington on the sixteenth of January 1821, and found congress in the greatest scene of confusion imaginable. Legislation was absolutely terminated. The most envenomed feelings of hatred rankled in the bosoms of the two parties, who, frowning darkly on each other, bore a stronger resemblance to two belligerent armies, with their weapons in their hands,

impatiently waiting for the word to rush into the maddening conflict, than to companies of grave and sober legislators. He was immediately waited on by both parties, who expressed the strongest anxiety that the *vexed question* might be settled and entreated him to devise some method by which it might be consummated. He expressed his views freely, and urged them to select some common ground on which both parties could meet and harmonize their opinions. On the second day of February, he made a motion to commit the question to a committee of thirteen, to be chosen from both parties, a number suggested by the original states of the union, which was accepted. Mr. Clay, in a report submitted to the house on the tenth of February, by him as chairman of the committee of thirteen, introduced a resolution for the admission of Missouri, on the following conditions:

It is provided that the said state shall never pass any law preventing any description of persons from coming to or settling in the said state, who now are or may hereafter become citizens of any of the states of this union, and also that the legislature of the said state by a public act shall declare the assent of the state to this provision, and shall transmit to the president of the United States, on or before the fourth Monday in November next, an authentic copy of the said act, upon the receipt whereof, the president by proclamation shall announce the fact, whereupon and without any farther proceedings on the part of congress, the admission of the said state into the union shall be considered as complete, and it is provided further that nothing herein contained shall be construed to take from the state of Missouri, when admitted into the union, the exercise of any right or power which can now be constitutionally exercised by any of the original states.' The report was made to include this provision with direct reference to those who opposed the admission in consequence of the repugnance of a clause of the constitution of Missouri to the constitution of the United States, which, if they were sincere in their opposition, would cause them to desist. The house took up the report on the twelfth, when Mr. Clay entered into a minute detail of the deliberations of the committee, the difficulties that attended them, and the causes which led to the adoption of the resolution in the report, and concluded by beseeching them to cherish a feeling of conciliation, and to temper their proceedings by moderation. The report was rejected in committee of the whole on the state of the union, but was afterwards adopted in the house. On the third reading of the resolution, another sharp debate ensued, which was terminated by Mr. Clay, who is represented as having reasoned, remonstrated, and entreated, that the house would settle the question. He is represented as having been almost the only individual who was collected and calm. While others were covered with the foam of fierce debate, and lashed into fury by the com-

bined influences of political or personal animosity, he seemed like one dwelling in the region of perpetual serenity on some lofty mountain, and contemplating unmoved the storm that was raging and bursting around its base. 'Every darker passion seemed to have died within him, and he looked down upon the maddening and terrific scene with that calm and sublime regret, and gave utterance to his thoughts in that high, majestic, and pathetic eloquence, which seemed almost to designate him as a superior being commissioned by heaven to warn our country against the sin of anarchy and blood.' The resolution, notwithstanding his exertions, was lost.

On the fourteenth, the two houses met for the purpose of ascertaining the result of an election that had been held for president and vice president, and while the ceremony was being performed, a scene of confusion occurred, on the presentation of the votes of the electors for Missouri. The senate withdrew, and with much difficulty Mr. Clay finally succeeded in restoring order, when the senate, on its being announced to them that the house was ready to complete the business for which they were assembled, returned. On proclaiming the result, it appeared that James Monroe had received two hundred and thirty-one votes, including those of the electors from Missouri, and two hundred and twenty-eight, if these were excluded. While the president of the senate was announcing the result, two members of the house claimed the floor to inquire what disposition had been made of the votes of Missouri, whereupon a scene of confusion and turmoil ensued, that beggars description, and the house was compelled to adjourn, in order to put a period to it.

The rejection of the report of thirteen, both in and out of congress, was regarded as a disaster. Those who had been most active in effecting it, soon began to repent their rashness, and the blackness of despair seemed to be settling down upon the councils of the nation. Mr. Clay sagaciously concluded that the feelings of despondency which they began to evince, would, if allowed to take their course, accomplish what reason, and argument, and philosophy could not; that they would cause the headstrong to reflect, and retrace their steps. He had driven them to the very '*ultima thule*' of argumentative debate, applying the lash of logic at every step, until they had become insensible to its infliction. 'What is your plan as to Missouri,' he would say to them. 'She is no longer a territory. She is a state, whether admitted into the union or not. She is capable of self-government, and she is governing herself. Do you mean to force her permanently from the union? Do you mean to lose the vast public domain which lies within her limits? Do you mean to drive her back to a territorial condition? Do you intend to coërce her to alter her constitution? *How* will you do all this? Is it your design to employ the bayonet? We tell

you frankly our views. They are, to admit her absolutely if we can, and if not, with the condition which we have offered. You are bound to disclose your views with equal frankness. You aspire to be thought statesmen. As sagacious and enlightened statesmen, you should look forward to the fearful future, and let the country understand what is your remedy for the evils which lie before us.'

Various propositions were submitted in both houses, for the purpose of healing the breach which every day seemed to be widening, but all fell short of accomplishing the object. Finally, on the twenty-second, Mr. Clay presented the following resolution:

'Resolved, that a committee be appointed on the part of the house, jointly with such committee as may be appointed on the part of the senate, to consider and report to the senate and house of representatives respectively, whether it be expedient or not, to make provision for the admission of Missouri into the union, on the same footing as the original states, and for the due execution of the laws of the United States within Missouri, and if not, whether any other, and what provision adapted to her actual condition ought to be made a law.'

This resolution was adopted in the house by a majority of nearly two-thirds, and in the senate by a much larger one. The committee, Mr. Clay proposed, should consist of twenty-three, a number answering to all the states in the union, and so exerted his influence in their selection, as to secure a majority favorable to the settlement of the whole matter, in the manner and form proposed.

The joint committees met on the twenty-fifth of February, 1821, and proceeded to consider and discuss the question of admission. Mr. Clay, with a vigilance that did not slumber for an instant, exerted himself to infuse into the members of the committees a portion of his own conciliatory spirit, exhorting them to mutual concession, and declared that it would be utterly futile to report any plan of adjustment in which they could not unanimously concur, when it should be submitted to the final test. So firmly convinced was he, that the effort which they were then making, was the last feasible one that *could* be made for the settlement of the question on which they were deliberating, as to cause him to address individually the members of the committees, in order to make such thorough preparation as to preclude the possibility of defeat. And it was found on the next day that such preparation had been made; the resolution was adopted by a vote of eighty-seven to eighty-one in the house, and despatched to the senate, which unhesitatingly agreed to it, and thus the question which had convulsed congress for three sessions, and nearly distracted the land, was at last settled, and mainly through the influence of Mr. Clay. The proclamation of the president was issued, and Mis-

souri took her place among her sisters of the confederacy. This event was greeted with the highest demonstrations of joy, and Missouri, beautiful Missouri, from her majestic forests and broad prairies, from her ancient mounds and mighty rivers, pealed her loud anthems of grateful praise to her and her country's deliverer, hailing him as the second Washington, as one who had plucked the brand of discord from the hands of ten millions of enraged and exasperated people, and put in its place the olive branch of peace. The incense of exulting hearts was lavished on Mr. Clay like rain. His agency in settling one of the most difficult and dangerous questions that ever has arisen since the adoption of our present constitution, was clearly seen, deeply and gratefully felt, and thus publicly acknowledged. No one then was so blind as not to see that it was his hand that rent the pall of gloom, which enshrouded the whole land. His labors and his incessant and health-destroying toils to bring this question to a happy consummation, constituted a topic of conversation which was in the mouth of every one. Although the journals of the day do not record the many speeches made by him on the occasion, yet it is reported that his exertions in speaking and acting were almost superhuman. If a stranger arrived in Washington, whose influence he thought could be made to bear favorably on the settlement of the question, he instantly endeavored to enlist it. Mr. Clay himself was heard to say, that so intense had become his excitement, and so exhausting his efforts, his life would in all probability have been sacrificed to them, if the admission of Missouri had been delayed a fortnight longer. There is no doubt, that he taxed his patriotism, his eloquence, his philanthropy, his intellect, and his every attribute of mind and body, to the utmost, and strained the bow of life almost to breaking, to accomplish this, and it is saying very little to observe, that a nation's thanks are his due, and that his signal service, in allaying the most tremendous storm that passion, prejudice, and sectional feeling ever raised, has imposed a debt of gratitude upon her, which posterity alone can pay.

At the time of the greatest turbulence over the Missouri question, when the fury of the contending parties in congress had broken down every barrier of order and decency, and was rushing rampant over the field of debate, certain southern gentlemen in the house, headed by Mr. Randolph, concocted a plan for withdrawing the entire body of members from the slaveholding states, from its deliberations, and abandon the business to the representatives of the other states. Had this been carried out, anarchy, civil war, and the effusion of blood would have followed inevitably. About this time, when an amicable settlement was nearly despaired of, and when the house was in session one evening, Mr. Randolph approached Mr. Clay and said, 'Mr. speaker, I wish you would

leave the house. I will follow you to Kentucky, or any where else in the world.' Mr. Clay, regarding him with one of his most searching looks for an instant, replied, in an under tone, '*Mr. Randolph*, your proposition is an exceedingly serious one, and demands most serious consideration; be kind enough to call at my room to-morrow morning, and we will deliberate over it together.' Punctual to a minute, Mr. Randolph was there, and closeted with Mr. Clay, discussed for some time the then all absorbing question connected with the admission of Missouri. Mr. Clay maintained, with all the force of his fine colloquial powers, the *plan of compromise*, as the wisest and best which he could suggest, and, in his opinion, that could be suggested, declaring his sincere conviction that the slaveholding states might adopt it, without any sacrifice of principle or interest. On the other hand, Mr. Randolph contended that it could not and would not be adopted; that the slave states occupied a correct position, and would maintain it at all hazards, and would not proceed an inch towards a compromise. They finally separated without agreeing on any thing that was calculated to harmonize their action in congress. 'Oh! Mr. Randolph,' said Mr. Clay, as the former was about stepping from the house, 'Mr. Randolph, with your permission I will embrace the present occasion to observe, that your language and deportment on the floor of the house, it has occurred to me, were rather indecorous and ungentlemanly on several occasions, and very annoying indeed to me, for, being in the chair, I had no opportunity of replying.' Admitting that such, perhaps, might be the case, Mr. Randolph replied that he too had often been much vexed at witnessing Mr. Clay's neglect to attend to him when speaking. Said he, 'I have seen you often, when I have been addressing the chair, I have seen you often turn away your head and ask for a *pinch of snuff*.' 'Oh! you are certainly mistaken, Mr. Randolph, you are mistaken if you think I do not listen to you; although I frequently turn away my head, it is true, and ask for a pinch of snuff, still I hear every thing you say, when seeming to hear nothing, and I will wager, retentive as I know your memory to be, Mr. Randolph, *that I can repeat as much of any of your recent speeches as you yourself can*.' 'Well, I do not know but I *am* mistaken,' he replied, 'and suppose we drop the matter, shake hands, and become good friends again.' 'Agreed,' said Mr. Clay, and extended his hand, which was cordially embraced by Mr. Randolph. They never spoke to each other, however, during the remainder of the session.

Soon after this meeting, Mr. Clay was successively, and without concert, informed by the late governor Edwards and general C. F. Mercer, the one a senator and the other a member of the house, that Mr. Randolph was present at and witnessed the death scene of the gallant and lamented commodore Decatur, that he remained gazing a long time upon his corpse, agitated with deep emotions,

and that he had been heard to express a desire to have, and with Mr. Clay, an affair of honor similar to that which brought Decatur to his untimely end. This information naturally put Mr. Clay upon his guard, and ever after during the session, whenever he met Mr. Randolph, he refrained from addressing him.

It is said that Mr. Randolph used all his influence in trying to induce one of the gentlemen above mentioned not to agree to a settlement of the Missouri question, as he (Mr. Randolph) feared that this, if accomplished as it was desired, would secure Mr. Clay's election to the presidency.

During the same session, and some time previous to their interview, Mr. Randolph accosted Mr. Clay with a look and manner betokening the deepest concern, exhibiting to him a letter couched in very abusive and insulting terms, threatening to cow-hide him, and asked Mr. Clay's advice as to the course he should pursue in relation to it. 'What caused the writer to send you such an insulting epistle, Mr. Randolph?' said Mr. Clay. 'Why, I suppose,' said he, 'it was in consequence of what I said to him the other day.' 'What *did* you say?' 'Why, sir, I was standing in the vestibule of the house, when the writer came up and introduced to me a gentleman who accompanied him, and I asked him what right he had to introduce that man to me, and told him that the man had just as *good a right* to introduce *him* to me, whereat he was very indignant, and said I had treated him scandalously, and turning on his heel went away. I expect that made him write the letter.' 'Do you not think that he was *a little out of his head to talk in that way?*' replied Mr. Clay. 'Why, I have been thinking about that,' said Mr. Randolph, 'I *have* my doubts respecting his sanity.' 'Well, that being the case, would it not be the wisest course not to bring the matter before the house? I will direct the sergeant-at-arms to keep a sharp look out for the man, and to cause him to be arrested, should he attempt any thing improper.' Mr. Randolph expressed his acquiescence in the speaker's opinion, and nothing more was heard of the subject.

On another occasion, when the same question was before the house, Mr. Randolph informed Mr. Clay that he had come to the conclusion to abandon his invective and caustic irony in debate, and in future to confine himself to pure argument; that he had come to this conclusion in consequence of the advice of chief justice Marshall. He tried pure argument, but was unsuccessful, not awakening any interest in those who listened to him. He finally fell back into his old eccentric, sarcastic track, where he was at home, and crowds flocked to hear him, as usual. In Mr. Randolph's hands ridicule was a powerful weapon, and one which no member knew how to use better than he, but sound reasoning and logical disquisition he wielded awkwardly — they were untempered weapons when used by him, about as effective as a rush in

the hands of a child. One day he came in contact with a very able debater, Mr. Sheffey, one of his colleagues from Virginia, who, in a playful sally, had made some remarks which aroused the irascible temper of Mr. Randolph, who replied to him and concluded by offering him the following *morceau* of advice. 'My worthy colleague possesses talents of a high order, but they are not very versatile. They qualify him for a particular sphere only, beyond the limits of which nature never designed him to travel. That sphere is *logic*. In this he can do battle with the boldest, but when he transcends it, he has less power than a pigmy. Therefore, as a friend, I would in the spirit of kindness, advise him *never to leave it for any other;* but especially would I caution him, as he values his reputation and safety, never to venture within the unexplored and unsubjugated regions of wit, for whose labyrinths and intricacies he has neither taste nor talent. As no other motive but a tender solicitude for the gentleman's welfare, has prompted this advice, I hope it will be received and appreciated accordingly.' Mr. Sheffey, in reply, remarked that he did not like to remain in Mr. Randolph's debt, and would therefore cancel the heavy demand which he owed the gentleman, for his exceedingly valuable advice, by returning the compliment. He accordingly advised him never to aspire after logic, as it was an instrument of whose use his ignorance was more than sophomoric, and that in *his* hand it was like a *knife in the hands of a child.* 'In my opinion, from the armory of wit the facetious member may draw weapons every way adapted to his capacity, and I would therefore advise him never to resort to any other.' When he concluded, Mr. Randolph sprang to his feet, and in his quick, off-hand way, said, 'I will take back all that I have said, by way of advice, to my colleague, for he has given satisfactory evidence that he is a man both of logic and wit.' The incident furnished much mirth to the house. The next day, Mr. Randolph recommenced the attack with increased bitterness, and was called to order several times by Mr. Clay, who, after repeated trials, succeeded in checking him. Mr. Sheffey was much excited, and was called to order also, when Mr. Clay observed that he would be out of order in replying, as he was, to any other member, except Mr. Randolph.

At one time, Mr. Randolph, in a strain of most scorching irony, had indulged in some personal taunts towards Mr. Clay, commiserating his ignorance and limited education, to whom Mr. Clay replied by saying, 'sir, the gentleman from Virginia was pleased to say, that in one point, at least, he coincided with me — in an humble estimate of my grammatical and philological acquirements. I know my deficiences. I was born to no proud patrimonial estate from my father. I inherited only infancy, ignorance, and indigence; I feel my defects; but so far as my situation in early life is concerned, I may without presumption say, they are more my misfor-

tune than my fault. But, however I deplore my inability to furnish to the gentleman a better specimen of powers of verbal criticism, I will venture to say my regret is not greater than the disappointment of this committee, as to the *strength of his argument.*'

The following incident aptly illustrates Mr. Clay's readiness at repartee. At the time of the passage of the tariff bill, April sixteenth, 1824, as the house was about adjourning, a friend of the bill observed to Mr. Clay, 'we have done pretty well to-day.' 'Very well, indeed,' rejoined Mr. Clay, instantly, '*very well;* we made a good stand, considering we lost both our FEET;' alluding to Mr. Foote, of New York, and Mr. Foot, of Connecticut, both having opposed the bill, who it was confidently expected but a short time previous would support it.

During Mr. Clay's absence from congress, which, as has been before stated, was occasioned to furnish him an opportunity to repair pecuniary losses, he was appointed, in connection with Mr. Bibb, to attend the Virginia legislature, for the purpose of adjusting certain Kentuckian land claims. The land laws of Kentucky were a source of great perplexity and litigation, subjecting those who had settled there prior to her separation from Virginia, to great inconvenience and loss. In his appeal to the general assembly of Virginia, Mr. Clay manifested unusual anxiety to protect the interests of the occupants of the soil, in the state from which he was a delegate, and succeeded in awakening a corresponding feeling of sympathy in the hearts of those whom he addressed. He drew a vivid picture of the privations and hardships which the settler had to encounter, placed him before them in the attitude of bidding adieu to the 'tombs and temples of his fathers,' then followed him to the wilderness, and traced his toilsome progress, step by step, until he brought him to the period when he began to reap the reward of his labors. He exhibited him sitting at twilight in the door of his comfortable tenement, looking out upon his broad enclosures, the happy partner of his cares by his side, and his dear little ones enjoying their innocent pastimes around him, and almost made them see the heavings of his grateful heart, and the moistening of his eye, as he surveyed the abundance of domestic bliss, and peace, and plenty, which his industrious hand had gathered about him. This, said Mr. Clay, is the bright side of the picture; now let us look at the dark; and then, in his solemn, impressive, and inimitably graphic manner, with a quivering lip, and a hand tremulous with emotion, he pointed to the same group, yet he painted no happy look, he caused no shout of sportive joy to ascend, but he rendered audible the deep sigh, the suffocating sob, and piercing groan; he made almost visible the furrowed brow of toil-worn manhood wet with the dew of despair, a broken-hearted wife drowned in grief, surrounded by sorrowing childhood,

all fixing a last look upon a home dear to them as their lives, as they were about to depart to rear a new abode in the uninviting wilderness. This is no picture of a heated imagination, said Mr. Clay, it is suggested by scenes of almost every day occurrence, and it is to *prevent* their occurrence that prompts us to attempt the adjustment of these conflicting 'land claims.' Equity, humanity, and benevolence, all urge this; they all mingle their voices of mercy, and beseech that when the settler has by his honest and industrious efforts acquired the comforts and blessings of social and domestic life, he shall be permitted to enjoy them, and not be in danger of being dispossessed by a prior claim to his domain, and of which he was ignorant. In one of his most pathetic strains, he attempted to quote the affecting lines of sir Walter Scott:

> 'Lives there a heart so cold and dead,
> That never to itself hath said —
> This is my own, my native land!'

He commenced, but could not finish them; some words had escaped his memory, but without the least hesitation he pressed his hand upon his forehead a moment, in recalling them. All believed that this momentary hesitation was caused by the recollections of other years, which were swelling in his heart and checking utterance, and when he withdrew his hand from his brow and cast his tearful eyes over the assembly, and in his impassioned manner repeated the lines, there was one general gushing of tears, as if all hearts had been melted beneath his look and tone.

In the course of the year, Mr. Clay, in behalf of Kentucky, and B. W. Leigh, Esq., in behalf of Virginia, met at Ashland, and concluded a convention, which was ratified by the legislature of Kentucky, and by the house of delegates of Virginia, but was rejected in her senate, by a small majority.

Mr. Clay had now, during his three years absence from congress, realized his wishes in repairing his pecuniary losses, and at the earnest and repeated requests of his fellow citizens, accepted a renomination, and was again elected without opposition a member of the house of representatives.

In consequence of intense application to his professional duties, Mr. Clay's health had become materially impaired; indeed his life was despaired of. During the summer of 1823, he had visited, without receiving much benefit, the Olympian Springs, in Kentucky, and submitted to a thorough course of medicine, but all remedial means failed to arrest what appeared to be a gradual decline, which was conducting him apparently rapidly to the period of his dissolution. He began to think seriously, as a last resort, on going south to spend the ensuing winter, but it was requisite for him to be in Washington in November, and his own feelings inclined him to be there at the commencement of the session, in

case it were practicable. He finally, after consulting with his friends, abandoned the prescriptions of his physicians, procured a light carriage and a good saddle-horse, and riding, driving, and walking, leisurely made his way to the seat of government. When he reached Washington, he was nearly well.

At the opening of the eighteenth congress, on the first Monday of December, 1823, Mr. Clay was elected speaker to the house, over Mr. Barbour, of Virginia, the late speaker, by a vote of one hundred and thirty-nine to forty-two. Shortly after his election, the following beautiful *jeu d'esprit* appeared in the National Intelligencer.

'As near the Potomac's broad stream, t' other day,
Fair *Liberty* strolled in solicitous mood,
Deep-pondering the future, unheeding her way,
She met goddess *Nature* beside a green wood.
'Good mother,' she cried, 'deign to help me at need!
I must make for my guardians a *Speaker* to-day;
The first in the world I would give them.' 'Indeed!
When I made the first speaker, I made him of *Clay*.'

Mr. Clay accepted the appointment in a brief but pertinent speech, in which he gave a succinct view of the duties of the chair, and presented the house his thanks for placing him in it.

In the course of the session, the subject of the Greek revolution came before congress. Mr. Webster, of Massachusetts, on the fifth of December, introduced it to the house, in a resolution 'providing by law for defraying the expenses incident to the appointment of an agent or commissioner to Greece, whenever the president shall deem it expedient to make such appointment.' This he sustained by a speech of great power. Mr. Clay brought to its support the same feelings, the same warm sympathies, and the same strength of argument that he had arrayed round the subject of South American independence. They both fought hard to procure the adoption of this resolution, but it was lost. The struggling Greek, however, Mr. Clay never lost sight of, and when he became secretary of state, succeeded in accomplishing that for them, in which he was defeated now.

While the question of recognition was before the house, Mr. Clay was violently assailed by a member from New Hampshire, recently arrived. It was thought his motive in doing this was to bring himself into notice, by attacking the most distinguished man in the house. He received such a rebuke from Mr. Clay, administered with mingled feelings of indignation and pity, as almost to wither his energies during the remainder of the session.

It will be recollected, that during this session, the great tariff measure was passed. An incident grew out of Mr. Clay's exertions in its behalf, which occasioned no little amusement in Washington, at the time, and throughout Virginia. Mr. William B. Giles, since governor of Virginia, on the appearance of Mr.

Clay's tariff speech, published several articles entitled 'The Golden Casket,' in which he introduced Mr. Clay's name pretty often, and in no very courteous connection. The articles were of course perused by Mr. Clay, who, aware of the foibles of their author, took no serious offence thereat, but set to work to manufacture amusement from them. He sat down in a comic mood one day, and wrote Mr. Giles a long letter, complimenting him on the vigor of his intellect, his great mental ability, and his accurate critical acumen, but praising him especially for those qualities of which he was utterly destitute. When it was completed, he showed it to Mr. Archer, of Virginia, and several other friends, all of whom enjoyed it immoderately, and urged him to send it to Mr. Giles, and accordingly he sent it. As had been anticipated, the old gentleman devoured it with the greatest gusto and satisfaction. It contained just what he most desired — praise of his weakest traits of character. He read it repeatedly, and at each successive reading his heart relented towards the author, to such a degree as to cause him to observe, that had he received the communication previous to the publication of his '*Casket*,' he should not have spoken of Mr. Clay as he did in that work. Shortly after, he exhibited this letter to some of his intimate friends, to let them see in what high estimation he was held by the great orator and statesman, but unfortunately nearly the first one who read it, discovered the hoax played on him, and immediately circulated it. Curiosity to see the letter now pervaded the whole community, and some difference of opinion prevailed as to its true character. A few of Mr. Giles' friends expressed their belief that it had been written in good faith, but most that it was intended for a joke at his expense. Quite a violent dispute grew out of it; one party instigated by angry, and the other by mirthful feelings. At length, Mr. Archer, who resided in the same district with Mr. Giles, returned from congress, and the true version of the matter was soon trumpeted through the community, which caused unusual merriment. This was too much for Mr. Giles, who sent his son, a lad of sixteen years of age, to demand an explanation of Mr. Clay. He received the boy very civilly, who made known to Mr. Clay the nature of his business, saying that he was commissioned by his father to ask if he were the author of that letter, at the same time exhibiting to him the famous epistle, and if he were, to demand his motives in writing it. When he had concluded his interrogations, Mr. Clay coolly replied, 'tell your father that I shall make no explanation to him through his own son. If he will employ a proper messenger, I will render him another answer.' The lad departed, and nothing more was heard from Mr. Giles.

On the fifteenth of August, 1824, general Lafayette, the nation's guest, arrived at New York, and on the tenth of December following, was introduced to the house of representatives by a select

committee appointed for the purpose, and was received by Mr. Clay, in an apposite and beautiful address, of which the following is an extract. 'The vain wish has been sometimes indulged, that providence would allow the patriot after death, to return to his country, and to contemplate the intermediate change that had taken place, to view the forests felled, the cities built, the mountains levelled, the canals cut, the highways constructed, the progress of the arts, the advancement of learning, and the increase of population. General, your present visit to the United States, is a realization of the consoling object of that wish. You are in the midst of posterity. Every where you must have been struck with the great changes, physical and moral, which have occurred since you left us. Even this city, bearing a venerated name, alike endeared to you and to us, has since emerged from the forest which then covered its site. In one respect you find us unaltered, and that is, in the sentiment of continued devotion to liberty, and of ardent affection and profound gratitude to your departed friend, the father of his country, and to you, and to your illustrious associates in the field and the cabinet, for the multiplied blessings which surround us, and for the very privilege of addressing you, which I now exercise. This sentiment, now fondly cherished by more than ten millions of people, will be transmitted with unabated vigor, down the tide of time, through the countless millions who are destined to inhabit this continent, to the latest posterity.'

To this address, the general replied in a manner which evinced that he had been most deeply affected by it; indeed, it was calculated to thrill his heart with proud joy, conveying to him as it did a rich tribute of gratitude from a mighty nation, expressed in the full, silvery voice of sincerity and affection, whose every tone sank into his soul with the power of a warm welcome. He contracted a strong attachment for Mr. Clay, which existed to the day of his death.

At this period, Mr. Clay's influence had reached a commanding height. His control over the legislation of the United States, was unquestionably greater than that of any other individual, not even excepting the executive himself. Although Mr. Clay disagreed with president Monroe on the great measures of national policy, internal improvements, and the tariff, and also respecting the mode of recognizing South American independence, still, the latter, entertaining the most profound regard for his ability, and appreciating the value of his services to his country, repeatedly offered him a seat in his cabinet, and the choice of all the foreign missions. Justice to Mr. Clay's disinterested patriotism demands it to be recorded, that his honest conviction, that he could be more serviceable to his country by remaining in her popular assembly, than in representing her abroad, was one of the most weighty motives which prevented him from planting his foot upon one of

the many stepping-stones, to place and power, which the hand of executive favor had, unsolicited, laid before him. The differences of opinion existing between him and Mr. Monroe, never interrupted for a moment, the amicable relations of social intercourse which they mutually maintained.

Towards the close of his second term, which expired in 1825, the question of the next presidency was generally agitated. As candidates for this office, Messrs. J. Q. Adams, Andrew Jackson, Henry Clay, and William H. Crawford, had been brought forward by their respective friends. As early as November, 1822, in a meeting of the members of the legislature of Kentucky, Mr. Clay had been nominated to it, and a short time after, he was nominated also in meetings of the members of the legislatures of Missouri, Ohio, and Louisiana. Enthusiastic expressions, approbating this nomination, issued from large assemblies throughout the land, and as the period for the election approached, there were many cheering indications that it would be carried in his favor. But efforts were resorted to, not the most creditable to those who employed them, for the purpose of defeating his election. About the commencement of the canvass, reports were industriously circulated, calculated to diminish his support. Among them was one announcing his withdrawal from the contest, for which the unscrupulous exertions of many of his opponents gained extensive credence, notwithstanding our late lamented chief magistrate, and many other friends of Mr. Clay in Ohio, published a counter report, declaring that he '*would not* be withdrawn from the contest but by the fiat of his Maker.' The probabilities, however, of his success, continued to increase, until the time of the choice of electors in Louisiana, by the legislature of that state. In that body, Mr. Clay's popularity was such as to secure him the vote of the state; this was evident from the fact of his nomination by it. The members of the legislature friendly towards the other candidates, endeavored to effect a compromise with those who supported Mr. Clay; but the latter, aware of their strength, rejected it. The compromise proposed to give him four of the five electoral votes to which the state was entitled, which would have carried him into the house of representatives, to the exclusion of Mr. Crawford, as one of the highest three candidates, from which, according to the constitution, it would be obliged to make a selection. Unfortunately, about the time when the state of Louisiana made choice of her electors, three of Mr. Clay's friends became so seriously indisposed, as to preclude their attendance on the legislature. This event furnished the friends of Mr. Adams and general Jackson an opportunity to form a coälescence, which they eagerly embraced, and divided the five votes so as to give the former three and the latter two. This consequently excluded Mr. Clay from the house, into which, had he gone, there is no doubt that his unbounded popularity in that

body would have secured his election to the office. When, however, it became apparent, that no election of president would be made by the people, with a nobleness and a nice sense of honor, so characteristic of him, he resolved not to go into the house, but to withdraw his name, and at a time too when the prospect was of his being one of the highest three candidates. With great magnanimity, therefore, he put into execution his resolution, assigning to several of his intimate friends his reasons, among which was the belief, that by his doing so, the choice would be more readily and pacifically made. Such generous and self-sacrificing conduct, while it illustrates the purity and strength of his patriotism, is worthy of all admiration and commendation.

Near the close of December, 1824, the result of the canvass was ascertained, by which it appeared that the three candidates returned to the house, were Andrew Jackson, John Q. Adams, and W. H. Crawford, by votes of ninety-nine, eighty-four, and forty-one.

Mr. Clay's position now was exceedingly delicate as well as important. He had it in his power, by placing himself at the head of the party who went with him in the house, to control its choice of the three candidates returned to it. This he well knew, as also their friends, who beset him continually and in every possible manner, to secure his influence in behalf of their favorite candidates. His predilection was well known to his personal friends, but he sedulously refrained from making it the basis of any caucusses or intrigues, which, knowing the unhealthy excitement always generated by them, he desired to avoid. During the several weeks immediately pending the election, the warm partisans of the parties supporting Messrs. Jackson and Adams, approached him in the most obsequious manner, expressing the deepest regret that he had not been returned to the house, and lavished on him the most fulsome flatteries and mawkish caresses. After trying these for some time ineffectually, finding the more than Roman firmness of the statesman unmoved by them, they attempted to *coërce* him into a compliance with their wishes, and the most unprincipled attempts were made to accomplish this. He was attacked through the medium of anonymous letters incessantly, filled with abusive and menacing language. These arrived almost hourly, from every part of the country; indeed, the enginery of compulsion discharged their missiles at him from every fortress of his political opponents, in the hope of making him espouse their cause. Vain hope! A foolish waste of power, as they might have known. It were easier for the infant of a day with his puny hand to bow the oak of a thousand years, than for the combined efforts of his enemies to cause him to yield an inch of the high ground he had taken. In writing to a friend, he thus alludes to the blandishments and brow-beatings which he received at this time. Of the former, he said, 'I am enjoying whilst alive, the

posthumous honors which are usually awarded to the illustrious dead;' and of the latter, he remarked, 'I bore them, I trust, as *your representative* ought to have borne them, and as became me.' But the *basest* attempts which they made, one which capped the climax of their depraved assaults, and which was intended to fix the foul stigma of disgrace indelibly upon their victim, was embraced by a letter published in a Philadelphia newspaper, called the 'Columbian Observer.' Without any preamble, this charged Mr. Clay with the deliberate intention of *selling his vote to the highest bidder.* This letter purported to have been written by a member of congress from Pennsylvania, and declared that the terms of a contract had been settled, which gave Mr. Clay the secretaryship, for which he was to bring his influence to bear in electing Mr. Adams. This allegation, the former lost no time in denying, in a communication published in the National Intelligencer, over his own signature, in which he pronounces the author of the letter 'a base and infamous calumniator,' and called upon him, whoever he might be, to come out boldly, avow and sustain the charge. This was answered a few days after, by a member of congress from Pennsylvania, Mr. George Kremer, who admitted himself the author, and also his readiness to substantiate his assertions in relation to the character of Mr. Clay. Subsequent developements have made it more than probable that Kremer did *not* write the epistle in question, his declaration to the contrary notwithstanding, but that it was written by the individual who sustained the 'Columbian Observer,' John H. Eaton, and the latter did not deny the authorship, although Mr. Clay directly charged him with it. The evidence elicited was such as to show Mr. Kremer's entire passivity in the whole matter — a mere machine, moved by the hands of the vile plotters behind the scene, made to speak and act as they directed, and caused to father the villanous slander, which was generated amid the slime of their hearts, as destitute of honor and patriotism as the icebergs of Greenland of verdure. This supple tool had the frankness (to his credit be it spoken,) to acknowledge afterwards to Mr. Crowninshield, a member of congress from Massachusetts, that he *was not* the originator or author of it.

The more effectually to vindicate himself, Mr. Clay desired to place the subject before the house. To this he was prompted by his own feelings, and also by the belief that the dignity and honor of the body over which he presided, demanded that a complete investigation should be instituted, of those gross charges which had caused such disreputable imputations to rest upon his character. In accordance, therefore, with his request, a committee was appointed on the fifth of February, 1825, consisting of many leading members in the house, all of whom were his political opponents. Probably the matter had now gone farther than Mr. Kremer wished

or expected it to go, as he began to manifest considerable uneasiness respecting the result, notwithstanding he had but a day or two previous arisen in his place and substantially reiterated the contents of the communication he had acknowledged, stating that 'if, upon an investigation being instituted, it should appear that he had not sufficient reason to justify the statements he had made, he trusted he should receive the marked reprobation which had been suggested by the speaker. *Let it fall where it might, he was willing to meet the inquiry and abide the result.*' And yet, when it was proposed to adopt a course which would establish the truth or falsehood of his statements, which would test this willingness '*to meet the inquiry*,' he shrank back and shuffled under a mean subterfuge. The committee, in their report, declared that Mr. Kremer refused to appear before, or communicate to them any facts of which he had virtually admitted himself to be in possession, and protested against acting either as an accuser or a witness, although strongly urged thereto by them, and not feeling authorized to use compulsion in procuring evidence, they suffered the subject to drop. While it was in the hands of the house, he was heard to remark to Messrs. Brent and Little, one of whom was a warm friend of general Jackson, that he never intended to charge Mr. Clay with corruption; that he had transferred or could transfer the votes or interests of his friend; and that he was among the last men in the nation to make such a charge against Mr. Clay. To this declaration both these gentlemen certified. Although Mr. Kremer was weak enough to allow himself to be made the organ of the abominable conspirators, and, as it appears, a little contrary to his convictions of truth and honor, he could not stifle the compunctious visitations of *conscience*, which he experienced on account of the abusive treatment which, through him, had fallen on an unoffending individual, and that individual one of the main pillars of the republic. He often expressed his intention of apologizing to Mr. Clay, and even went so far as to prepare an apology, containing a minute explanation of all the circumstances connected with the whole affair, from its inception to its completion, and which fully exonerated Mr. Clay from every charge brought against him in the letter. Information of his repentings and intended reparation soon came to the ears of the grand instigators, which carried panic to their cowardly hearts, and caused them to quake, lest their party-colored covering, composed of the very quintessence of meanness, baseness, and falsehood, should be stripped from them, and their nakedness exposed to the view and the derision of the world. To prevent such dreaded consequences, they began instantly to bestir themselves, at what expense of principle or integrity, they stopped not to consider. Their first efforts were very naturally directed towards the instrument of their machinations, who was seized, the apology taken from, and a muzzle

fastened upon him, to prevent the slightest utterance of his repentant emotions. They then drew up a labored statement in his name, and laid it before the house, reeking with duplicity, and infecting the very atmosphere with its nauseating effluvia. Who can contemplate the loathsome picture of depravity, worthy of the arch fiend himself, which those evidently instigated by him, painted and attempted to suspend on the walls of the nation's dwelling-place — the holy home of Liberty — in desecrating and contaminating proximity to the canvass emblazoning the form and the features of the 'father of his country,' and the glorious scenes of his revolutionary valor, without mingled feelings of disgust, indignation, and regret?—what patriotic heart, what lover of liberty and political virtue, in view of the fountain of immaculate purity, on the one hand, whose streams went forth incessantly, to fertilize, and gladden, and bless a mighty nation, and their diabolical attempts, on the other, to pollute and blot it from existence, without sending up the fervent ejaculation, '*Heaven save my country from falling into such hands*'?

After the dust and fog created by their unnatural endeavors had passed away, the object of their malice appeared in his proper place, as unmoved and serene as though the clangor of their strife had not saluted his ears, and as unaffected by the showers of their envenomed arrows, as though he had been sitting in his native forests amid the rain-like fall of autumnal leaves. Their loud and discordant clamors did not for a moment interrupt his meditations concerning that important, that solemn duty, which had devolved upon him, in the performance of which he had resolved that no arts of wheedling or coercion should influence him; that no man nor set of men should act as his casuist; and that he would not select from the numerous casuistical proposals, which party zeal had placed before him, *one* that should determine the *mode* of its discharge. No! he chose to settle *that* question at a tribunal from which there was *no appeal* — at the tribunal of *Nature*, which Nature's God had erected in his own bosom. To *that* he resorted; indeed, it was one of his most favorite resorts; and spreading out this momentous question before her bar, we hear him exclaim, '*My position in relation to the presidential contest is highly critical*, and such as to leave me no path on which I can move without censure. I have pursued in regard to it the rule which I always observe in the discharge of my public duty. *I have interrogated my conscience* as to what I ought to do, and that faithful guide tells me that I ought to vote for Mr. Adams. I shall fulfil its injunctions. Mr. Crawford's state of health, and the circumstances under which he presents himself to the house, appear to me to be conclusive against him. As a friend to liberty, and to the permanence of our institutions, I cannot consent, in this early stage of their existence, by contributing to the election of a military chief-

tain, to give the strongest guarantee that this republic will march in the fatal road which has conducted every other republic to ruin. I am, and shall continue to be, assailed by all the abuse which partisan zeal, malignity and rivalry can invent. I shall view without emotion these effusions of malice, and remain unshaken in my purpose. What is a public man worth, if he will not expose himself, on fit occasions, for the good of his country?' Yes! he *did* act according to the response which that '*faithful guide*' gave to his sincere interrogation, and had the anathemas of the world been thundered in his ears, they would not have driven him from thus acting. He deemed *her* will paramount to that of his constituents, who had desired him to vote for general Jackson. They afterwards, however, not only justified, but highly approved — as must every good man — his decision. It would be an act of superfluity to specify minutely the grounds of Mr. Clay's preference. He had obtained occular evidence of Mr. Crawford's inability to sustain the responsibilities and perform the arduous duties of the chief magistracy. He ascertained it to be a fact, but one carefully concealed from the community, that Mr. Crawford had become almost entirely debilitated by paralysis, both physically and mentally, which itself, aside from the knowledge which he possessed, that his influence could not elect him, was sufficient to induce his rejection. Between general Jackson and Mr. Adams, it cannot be supposed that Mr. Clay would long hesitate to choose. His determination had been taken a long time previous to his knowing the result of the election by the people. He had repeatedly given utterance to that determination to friends and foes, at home and at Washington, in public and in private, declaring that no *supposable contingency* could arise to constrain him to vote for general Jackson, and even went so far as to say, that if, in consequence of his well known and often promulged opinion of the character, acquirements, and abilities, of that individual, he *should* sustain him, he would subject himself to the just contempt and reprobation of all parties. Neither did he nor his friends look for Mr. Clay's support, and said that if he did give it, he would be *guilty of duplicity*. It is very natural to suppose, that a consultation of his experience would be sufficient to cause Mr. Clay to prefer Mr. Adams. He had been associated with the latter in many situations of trust and responsibility, requiring the most consummate skill and statesmanship, and he had invariably found him more than sufficient for them all. He had always found him prepared for any emergency or exigency, however suddenly or unexpectedly it might arise. But in reference to the military chieftain, its consultation elicited evidence just the reverse; he searched in vain for a page recording his diplomatic wisdom, sound expositions of governmental policy, and accurate estimates of presidential qualifications; it was wanting. But on many he found indelibly written, acts of unwarrantable and unjust-

ifiable usurpation, evincing a disposition to trample on law, humanity, and the constitution itself. But general Jackson's supposed hostility to internal improvements and protection to domestic manufactures, had these enumerated deficiences and defects in his character been wanting, would have been sufficient to exclude him from receiving Mr. Clay's suffrage. These cherished systems, which he regarded as of no subordinate importance to the nation, and to establish which he had expended the prime of his life, he knew, found a firm supporter in Mr. Adams. This fact furnished the *fundamental reason* (if any *one* may be thus denominated) which determined his choice. Mr. Clay therefore gave Mr. Adams his vote, who was elected president. He immediately tendered the former the office of secretary of state, which was accepted with that promptitude and decision which he always manifested in entering upon the discharge of those duties to which he believed his country called him. By this act he proved himself consistent with his advocacy of the claims of Mr. Adams to the presidency, under whom he believed that he could render more efficient service, than in his present position in the house. There can be no other reason assigned, which carries with it even the shadow of validity, inducing him to accept a place in the cabinet of the president. The same place had been tendered him by Messrs. Madison and Monroe, and had been declined, on the ground of his belief that he could make himself more serviceable to the nation, by continuing where he was. The great measures of national policy which were suspended upon his shoulders, at the time they desired to transfer him from that body to their cabinets, he had disposed of, and had also happily removed most of the serious impediments and obstructions which then greatly retarded the wheels of legislation, so that there was a fair prospect that they would roll on smoothly, without requiring his immediate aid. He could, therefore, seek with safety another sphere, and one where he could exert a more extended and salutary influence.

In relation to his having bargained for the office of secretary of state, Mr. Adams speaks, in reply to an address from a committee of gentlemen, expressing their confidence in his purity and patriotism, and a hope that the evening of his days would be passed in that tranquillity which is only the lot of the good. He said that upon Mr. Clay, 'the foulest slanders have been showered. Long known and appreciated, as successively a member of both houses of your national legislature, as the unrivalled speaker, and at the same time, most efficient leader of debates in both of them, as an able and successful negotiator for your interests in war and in peace with foreign powers, and as a powerful candidate for the highest of your trusts. The department of state itself was a station, which, by its bestowal, could confer neither profit nor honor upon him, *but upon which he has shed unfading honor by the*

manner in which he has discharged its duties. Prejudice and passion have charged him with obtaining that office by bargain and corruption. *Before you, my fellow citizens, in the presence of our country, and of heaven, I pronounce that charge totally unfounded.* This tribute of justice is due from me to him, and I seize with pleasure the opportunity, offered me by your letter, of discharging the obligation.

'As to my *motives* for tendering to him the department of state when I did, let that man who questions them come forward. Let him look around among statesmen and legislators of this nation, and of that day. Let him then select and name the man, whom, by his preëminent talents, by his splendid services, by his ardent patriotism, by his all-embracing public spirit, by his fervid eloquence in behalf of the rights and liberties of mankind, by his long experience in the affairs of the union, foreign and domestic, a president of the United States, intent only upon the honor and welfare of his country, ought to have preferred to Henry Clay. Let him name the man, and then judge you, my fellow citizens, of my motives.'

Five years subsequent to his election, in a letter to a friend, Mr. Adams referred to the above testimonial of Mr. Clay's talents and character, as one from which he could deduct nothing, but to which he could add much. He also said, that such was his opinion of Mr. Clay's abilities, that he had expressed to him his candid intention, at the time he resigned the speakership, in 1820, if a vacancy should occur in the mission to Great Britain, he should deem it his duty to recommend the nomination of him to that office. He also speaks of the great despatch and facility, with which Mr. Clay transacted business, notwithstanding the feebleness of his health during the whole time. Indeed, he regarded him as a *perfect model* of fitness for the office to which he called him, and as having honored and adorned it with the intellectual wealth of his fertile mind. No station in which he was placed, suffered, either through remissness, or deficiency. The fact that his entrance to office was always hailed with general joy, and his departure witnessed with regret, furnished the highest possible compliment to his ability and eminence. Had we space, and felt disposed, we could multiply individual complimentary expressions to almost any extent, but this is not necessary, for his fame and praise are in the mouth of the world. The period of Mr. Clay's speakership may be adduced as one of the most brilliant of his public life. He illustrated it by all the lofty attainments of one profoundly versed in the arts of government, under the guidance of patriotism, that subordinated every thing to its ardor and devotion. During his occupancy of the chair, from 1811 to 1825, except two years of voluntary absence, his decisions, though prompt, were rarely reversed. Though a warm partisan, he never allowed his

own particular views to influence them in the least, and both friends and foes unite in declaring, that their rendition was far removed from all suspicion of party or venal considerations, in short; that on them all was stamped *impartiality*, in everduring characters. But Mr. Clay, besides rendering himself conspicuous for the correctness of his decisions, won also the regard and confidence of the house for the courteously stern manner in which he governed and guided its deliberations. He combined, in a preëminent degree, the *suaviter in modo* with the *fortiter in re*. There was an indescribable something in his look, gesture, and tone of voice, added to his dignity and self-possession, that always restrained and conciliated the turbulent and inimical, and bound to him, with the silken ligaments of love, the peaceable and friendly. At no period of our political history, were subjects so momentous and dangerous in their nature, and so difficult to adjust, brought before congress, as during that of which we are speaking. The political heavens had never been so black, nor the political ocean heaved his surges so high, before, and had not *he* been there to spread the bow of serenity upon the one, and calm the wild fury of the other, it is hardly too much to say, that our liberties, our institutions, and our every thing nationally valuable, would have been swept by the besom of their rage into the tomb of chaos, if not into oblivion. But *he was there*, ruling, tempering, guiding, and blessing. He seemed to act as though he were conscious that his country stood at his side, with her piercing eyes fixed full upon him, reading the secrets of his heart, — as though he heard her voice sounding in his ears, imploring and beseeching him to guard and watch over, faithfully, those interests which she had so unreservedly placed in his hands, and whenever he lifted his arm, or opened his mouth, it seemed to be for the single purpose of executing her *revealed will*. No wonder that in view of such unparalleled patriotism and disinterestedness, applause should be extorted from the mouth of enmity itself. No wonder that it should be heard saying, '*Mr. Clay accomplished what no other man could have performed.*'

Many incidents occurred during his speakership, highly illustrative of his playfulness, wit, and readiness, of which the following may serve as a specimen.

On one occasion, the late general Alexander Smyth, of Virginia, a gentleman of unusual ability and erudition, had been speaking a long time, fatiguing and vexing the house with the length and number of his quotations, and citations of authorities, and justified his unbearable prolixity by saying to Mr. Clay, who was seated near him, '*you*, sir, speak for the present generation, but *I* speak for posterity.' 'Yes,' he immediately replied, 'and you seem resolved to speak until the arrival of *your* audience!'

On another, the house was harangued by the late governor

Lincoln, of Maine, in his usual eloquent, but verbose and declamatory manner. He was considering the revolutionary pension bill, and replying to an argument which opposed it on the ground that those to whom it proposed to extend pecuniary aid, might perhaps live a long time, and thus cause heavy drafts to be made upon the treasury. In one of his elevated flights of patriotic enthusiasm, he burst out with the exclamation, '*soldiers of the revolution, live forever!*' Mr. Clay succeeded him, in favor also of the humane provision, but did not respond to his desire relative to the length of the lives of those worthies for whose benefit it was devised, and when he closed, turned suddenly towards Mr. Lincoln, and, with a smile upon his countenance, observed, 'I hope my worthy friend will not insist upon the very great duration of these pensions which he has suggested. Will he not consent, by way of a compromise, to a term of nine hundred and ninety-nine years, instead of eternity?'

We have seen, that the contest which resulted in placing Mr. Adams at the head of the nation, was one of unusual violence, and in waging which, the most unscrupulous means were employed; and that one of its most unredeeming features was the unmitigated calumny and abuse, which they heaped upon Mr. Clay. But soon after the combatants had retired from the field of conflict, and resumed their various avocations, the jarring elements of political faction became quiescent, the blood of the ambitious demagogue fell from its fever heat to its ordinary temperature, and the foul slanderer, fearing exposure, had slunk away to his dark retreat, to deplore his discomfiture, and concoct new materials. Every thing gave omen that a season of peace and grateful repose would be enjoyed. It was thought that no lover of these and of good order, much less a patriot, could be found, who would be base and foolhardy enough to stir up the expiring embers of strife, and add fresh fuel to their flames. Those who entertained this belief, however, found themselves mistaken. They saw one coming forth, one who boasted long and loud of patriotism and devotion to country, and, stooping from his supposed lofty eminence of political virtue, pick up the relaxed bow of slander, and discharge the most envenomed arrows of malice and detraction, at one of the fairest ornaments of that very country, to whose interests he professed himself so strongly attached. To their utter astonishment, they beheld, in that individual, thus anomalously engaged, no less a personage than that of '*the hero of New Orleans.*' General Jackson had *the distinguished honor of reviving the thousand times refuted report* of 'bargain and corruption,' in relation to Mr. Clay's acceptance of the department of state. A letter, dated March eighth, 1825, went the rounds of the newspapers, pretending to give the substance of a conversation which passed between the writer and general Jackson, to the effect that Mr. Clay's friends in

congress had proposed to *his* friends, that if they would agree that Mr. Adams should not be retained in the department of state, that then their (Mr. Clay and his supporters') influence should be immediately used to elect general Jackson, who, it affirmed, rejected the proposal with becoming indignation. Soon after the appearance of this communication, the author, Mr. Carter Beverly, addressed general Jackson, requesting him to confirm it, who replied, June fifth, 1827, by a letter directly charging the friends of Mr. Clay with having proposed to him, through a member of congress, to give him their support in case he (general Jackson) would pledge himself not to retain Mr. Adams as aforesaid, and who intimated that the proposition originated with Mr. Clay; and, to give the last finishing stroke, and one which should ensure it credence, he went so far in that reply as to state, *that immediately after the rejection of the proposition, Mr. Clay came out openly for Mr. Adams.* He also declared, that, in reply to this proposition, he stated, that before he would reach the presidential chair by such ignoble means, 'he would see the earth open and swallow both Mr. Clay and his friends, and himself with them!' The name of the member of congress was demanded by Mr. Clay, and that of Mr. Buchanan, of Pennsylvania, was given, a warm personal friend of general Jackson's. His version of the matter proved the assertion of the latter a barefaced falsehood, unsupported by even the semblance of truth. Mr. Buchanan flatly and promptly denied, that such a proposition had been made through him as had been alleged, and entirely exonerated Mr. Clay and his adherents from all connection with it. He stated, that, during the month of December, 1824, hearing it currently reported in Washington, that general Jackson, in case he was elected president, designed to continue Mr. Adams as secretary of state, and thinking that such a report, if not properly contradicted, would operate detrimentally to his interests, he called on him, and expressed his opinion in relation thereto, and that the general declared, that he entertained a high opinion of Mr. Adams, but had never said any thing in relation to retaining or rejecting him as secretary of state, and that he (Mr. Buchanan) was authorized to state, that such was the result of the interview. Mr. Buchanan also declared his honest and sincere conviction, that 'general Jackson did not believe or entertain the most distant idea that he came on behalf of Mr. Clay or of his friends, until the publication of the letter making that accusation.'

Thus the burden of proof of the vile calumny, which had been placed upon the shoulders of the calumniator himself, remained unmoved. The united efforts of himself and friends, instead of disengaging it, only rendered its magnitude more visible, and its deformity more gross. The eyes of the nation have been directed to it, and many pure patriots, of all parties, in view of it, with sad-

dened hearts, have exclaimed, 'alas, alas, for the all-absorbing prevalence of party spirit—for the frailty of human nature!'

Though no substantiating evidence was, or could be, produced, by those who sought to produce it, a mass of refuting testimony was obtained by Mr. Clay and his friends, perfectly overwhelming. A circular letter was addressed to the western delegation of 1825, who were the principal individuals implicated in the charges against Mr. Clay, soliciting their views respecting them, who *unhesitatingly pronounced them false;* and many stated, that their determination to vote for Mr. Adams was formed *previous to knowing Mr. Clay's intention.* This testimony Mr. Clay embodied in a pamphlet, which he published in January, 1828, containing evidence more than sufficient to convince any unprejudiced mind, that he had repeatedly and unambiguously declared his intention to vote for Mr. Adams, long before the alleged proposition was said to have been made. In this he says, 'I make no appeal to public sympathy. I invoke only stern justice. If truth has not lost its force, reason its sway, and the fountains of justice their purity, the decision must be auspicious. With a firm reliance upon the enlightened judgment of the public, and conscious of the zeal and uprightness with which I have executed every trust committed to my care, I await the event without alarm or apprehension. Whatever it may be, my anxious hopes will continue for the success of the great cause of human liberty, and of *those high interests of national policy*, to the promotion of which, the best exertions of my life have been faithfully dedicated. And my humble, but earnest prayers will be unremitted, that all danger may be averted from our common country, and especially that our union, our liberty, and our institutions, may long survive, a cheering exception from the operations of that fatal decree, which the voice of all history has hitherto uniformly proclaimed.'

Though utterly abortive were all the attempts of the enemies of Mr. Clay, to injure him in the estimation of the unprejudiced and the good, still, they managed to make political capital out of the charges of bargain and corruption. Notwithstanding this final appeal to the people, embraced, substantially, the numerous evidences of their falsehood, evidences that had been repeated again and again, still, there were found thousands who believed these charges, and many servile partisan presses to circulate them, and carefully suppress the proofs of their untruth. These labored unremittingly, to make the community believe, that general Jackson was absolutely cheated out of his election by Mr. Clay, and multitudes settled down on this belief, and clung to it with an obstinacy, that would not have been moved, had he *sealed his protestation of their falsehood with his blood.* This belief was so congenial to the feelings of many, as to cause them to turn a deaf ear to any statement calculated to weaken it. A specimen of this

class of individuals fell under the personal observation of Mr. Clay, while, in 1828, he was travelling in Virginia, accompanied by some friends. 'We halted,' said he, 'at night, at a tavern kept by an aged gentleman, who, after supper, sat down by me, and, without hearing my name, but understanding that I was from Kentucky, remarked, that he had four sons in that state, and that he was very sorry they were divided in politics, two being for Adams, and two for Jackson. He wished they were all for Jackson. Why? I asked him. Because, he said, that fellow *Clay, and Adams, had cheated Jackson out of the presidency.* Have you ever seen any evidence, my old friend, said I, of that? No, he replied, *none, and he wanted to see none.* But, I observed, looking him directly and steadily in the face, suppose Mr. Clay were to come here and assure you, upon his honor, that it was all a vile calumny, and not a word of truth in it, would you believe him? No, replied the old man, promptly and emphatically. I said to him, in conclusion, will you be good enough to show me to bed, and bade him good night. The next morning, having in the interval learnt my name, he came to me full of apologies, but I at once put him at his ease, by assuring him that I did not feel, in the slightest degree, hurt or offended with him.'

These calumnious allegations have expended their strength, and are now remembered and denominated only as the vilest fabrication of the most unscrupulous political malice, to destroy the most exalted patriotism and unsullied political virtue, that ever adorned this or any other country. The individual against whom they were directed, still lives, and lifts his head, encircled by the civic wreath of honor, in which flashes, in everduring brilliancy, many a gem of public favor. It was a sublime sight, for a mighty nation to see her most distinguished son, single-handed, holding on his patriotic course, now breasting the ungovernable waves of faction, and now making his way through the serried ranks of vindictive assailants, casting their weapons from him as the lion shakes the dewdrops from his mane, or, seated in the unmoved majesty of his integrity, regarding them as the ocean rock looks down and laughs at the impotency of surge and storm, breaking harmlessly against his feet. Through all, he passed to the chair of state, unshorn of a lock of his might. The duties of that arduous station he discharged with a zeal and fidelity, which may be equalled, but not surpassed. These had become greatly multiplied when Mr. Clay entered upon it, in consequence of the extension of our foreign relations, which required the preparation of many documents that devolved upon it. It would be impracticable to give even a list of these. His health was so feeble, that he intimated to the president his intention of resigning his office in 1828, but, through the persuasion of his friends, consented to remain. It is surprising, that, under such circumstances, the official records, during his term of service, show a greater amount of labor performed than was

accomplished by any of his predecessors, who enjoyed those collateral aids which it was impracticable for him to obtain. In the single article of treaties, his incumbency was illustrious. The number negotiated and concluded by him, at Washington, is greater than that of all which had ever been previously concluded there, from the first adoption of the constitution. These relate chiefly to commerce, navigation, and neutral rights, and were entered into between the United States, Central America, Prussia, Denmark and the Hanseatic Republic, and Austria, though he vacated his office previous to the ensealing of the treaty with the latter. With foreign ministers at Washington, he was a great favorite, and on terms of salutary intimacy, which enabled him to consult most advantageously the best interests of his country, in negotiating with them. In devising and framing these instruments, Mr. Clay not only found ample scope for the exercise of his mental faculties, but also for those amiable qualities of his character which enhanced the pleasure of his personal intercourse, and which contributed not a little in obtaining liberal terms for his country. He laid the foundation of an arrangement with Russia, for the settlement of certain claims of American citizens. These treaties furnish a full refutation of the charge often preferred against him, of being indifferent to, and unmindful of our foreign commercial interests, and as being willing to sacrifice them in fostering domestic trade and manufactures. A perusal of these is sufficient to convince the most skeptical, that our foreign commercial interests lay as near his heart as any other subject of diplomatic action. He abrogated in them a clause introduced into the London treaty of 1815, by which English and American vessels were restricted, in their commercial intercourse with one another, to articles of the growth or manufacture of each, and inserted one in its place, permitting them to enter their ports, without any regard being had to the place of growth and manufacture of their cargoes. This removed what experience had proved to be a most serious impediment to our navigation, and seemed so just and proper in Mr. Clay's estimation, that, in speaking of it, he says, 'its reciprocity is perfect; and when it comes to be adopted by all nations, we can scarcely see any thing beyond it, in the way of improvement to the freedom and interests of their mutual navigation. The devices of maratime nations have been various, to augment their marine, at the expense of other powers. When there has been a passive acquiescence in the operation of these devices, without any resort to countervailing regulations, their success has sometimes been very great. But nations are now too enlightened to submit quietly to the selfish efforts of any one power to engross, by its own separate legislation, a disproportionate share of navigation in their mutual intercourse. These efforts are now met by opposite efforts, restriction begets restriction, until the discovery is at last made, after a long train of

vexatious and irritating acts and manœuvres on both sides, that the course of selfish legislation, ultimately, does not effect the distribution of maritime power, whilst it is attended with the certain evil of putting nations into an ill humor with each other. Experience at last teaches, that, in every view, it is better to begin and continue in the career of liberality.'

This restriction, however, Great Britain would not abandon, when urged thereto by Mr. Gallatin, whom Mr. Adams had empowered to treat with that nation, in relation to the trade between the United States and her colonial dependencies. He was particularly instructed by Mr. Clay to make the subject of the West India trade a matter of special negotiation. Unsuccessful efforts to effect a mutually advantageous arrangement, had been made several years previous, and Mr. Gallatin was despatched to resume them, at the request of the British minister at Washington. The former was told, immediately after presenting his credentials, that the British government would not treat concerning the West India trade, and also that she would not admit the United States to participate in it, because they had not complied with the provision of a certain act of parliament relating to it, of which act they were in utter ignorance. Its passage had never been officially announced to them, at London or at Washington. The act itself was vague, and when the British minister was questioned by Mr. Clay respecting its application, the former was unable to explain its ambiguity, or to say whether it was intended to apply to the United States or not, as there was nothing in his instructions relating to it. In connection with refusing to negotiate with Mr. Gallatin, Great Britain insulted the United States through him, by declaring that *they were bound to know and take notice of the acts of parliament!* We doubt whether the diplomacy of any other nation ever presented such a flagrant assertion, so arrogantly assumptive, and so palpably unjust. The result, of course, was inevitable; direct intercourse between the United States and the West India ports of Great Britain, in British or American vessels, was mutually prohibited. Mr. Clay's official correspondence, in relation to this question, is replete with argument and sound reasoning.

The expansiveness of Mr. Clay's love of freedom, again exhibited itself soon after entering upon the duties of his office. Although they were such as to keep him continually and exhaustingly engaged, he nevertheless found time to extend his commiseration and his aid to those nations, the recognition of whose independence, by his country, he had endeavored to procure some time previous. His situation was now such as to give him an opportunity of accomplishing this. From time to time he spread the subject before the executive, and so eloquently pleaded their cause, that a minister was despatched by our government to Greece, which resulted in the recognition of her independence by it. In this the

United States was first, and through the influence of Mr. Clay did she make this benevolent movement. As he had anticipated, it infused new strength into the hearts of the struggling Greeks, who had begun to sink beneath the Turkish scimetar.

Mr. Clay's official letter to Mr. Middleton, our minister at Russia, dated May tenth, 1825, is a paper of great polish and skill. Mr. Clay had witnessed, for seventeen years, the devastating wars which had raged between Spain and her South American colonies, and fervently desired to see them terminated. For this purpose, he projected and prepared the document aforesaid, independent of all suggestion or aid, from any public functionary. He had familiarized himself with the facts connected with these wars, which, in the most striking and beautiful manner, he spread out before the emperor, and urged him to use his influence in bringing about an event which he so ardently desired. This communication was so skilfully and ingeniously framed, as to direct the attention of Alexander to the struggling Greeks, and enlist his influence in their behalf, which was precisely what the writer wished, though he did not say so in so many words. Mr. Clay's efforts were triumphantly successful. The emperor instructed his minister at the Spanish court, to use every proper exertion to terminate these sanguinary conflicts, which eventuated in the acknowledgement of South American independence, by the parent country. The emperor also took sides with the Greeks, made certain proposals, relative to them, to the grand sultan, and, on their being rejected, instantly set about making preparations to march against him. Before their completion he deceased, but his successor took them up, and struck a blow so decisive as to put instant period to his barbarities. Thus Mr. Clay's influence, through this instrument, set in motion means that moved both hemispheres, and accomplished results, the sum of whose benefits and blessings, never has been, and never can be, ascertained.

If we were to single out one from the multitude of official papers prepared by Mr. Clay during his secretaryship, as evincing the most ability and skill, it would be the letter of instructions to Messrs. John Sergeant and Richard C. Anderson, delegates from the United States to the congress at Panama, convened at the request of the republics of Colombia, Mexico, and Central America, whose representatives were also present. The object of this congress was not very definitely stated in the request for it, and, before appointing delegates, Mr. Clay endeavored to ascertain the nature and extent of the subjects upon which they would deliberate, and the powers with which it would be proper to clothe them. This object, though not precisely ascertained, was presumed to be honorable; indeed, the convention was believed to have been suggested by the declaration of president Monroe, that, in case of any interference of any of the allied powers, in the contest between

Spain and her former colonies, the United States would not remain an indifferent spectator. This declaration very naturally led the republics before mentioned, towards whom the Holy Alliance maintained a hostile attitude, to seek the cultivation of those amicable relations with the United States, which would secure their aid, in case it should be desired. In Mr. Clay's letter of instructions, the delegates were authorized to treat of peace, friendship, commerce, navigation, maritime law, neutral and belligerent rights, and other subjects of mutual interest. Subjoined, is an extract from this able document.

Speaking of the regulation respecting private property, which ought to exist on the ocean in time of war, he says: 'although, in the arrangement of things, security against oppression should be the greatest where it is most likely to be often practiced, it is nevertheless remarkable, that the progress of enlightened civilization has been much more advanced on the land than on the ocean. And, accordingly, personal rights, and especially those of property, have both a safety and protection on the former, which they do not enjoy on the latter element. Scarcely any circumstance would now tend more to exalt the character of America, than that of uniting its endeavors to bring up the arrears of civilization as applied to the ocean, to the same forward point which it has attained on the land, and, thus rendering men and their property secure against all human injustice and violence, leave them exposed only to the action of those storms and disasters, sufficiently perilous, which are comprehended in the dispensations of providence. It is under the influence of these and similar considerations, that you will bring forward, at the contemplated congress, the proposition to abolish war against private property and non-combatants on the ocean. Private property of an enemy is protected, when on land, from seizure and confiscation. Those who do not bear arms there, are not disturbed in their vocations. Why should not the same humane exemption be extended to the sea?'

Respecting religious toleration, he remarks, 'you will avail yourselves of all suitable occasions to press upon the minister of the other American states, the propriety of a free toleration of religion, within their respective limits. In the United States, we experience no inconvenience from the absence of any religious establishment, and the universal toleration which happily prevails. We believe that none would be felt by other nations who should allow equal religious freedom. It would be deemed rash to assert, that civil liberty and an established church cannot exist together in the same state; but it may be safely affirmed, that history affords no example of their union, where the religion of the state has not only been established, but exclusive. If any of the American powers think proper to introduce into their systems an established religion, although we should regret such a determination, we would

have no right to make a formal complaint, unless it should be *exclusive*. As the citizens of any of the American nations have a right, when here, without hindrance, to worship the Deity according to the dictates of their own consciences, our citizens ought to be allowed the same privilege, when, prompted by business or inclination, they visit any of the American states. You are accordingly authorized to propose a joint declaration, to be subscribed by the ministers of all or any of the powers represented, that, within their limits, there shall be free toleration of religious worship. The declaration on this subject in which you are authorized to unite, as well as that directed against European colonization within the territorial limits of any of the American nations herein before mentioned, does no more than announce, in respect to the United States, the existing state of their institutions and laws.'

These instructions reflect the highest honor on Mr. Clay, and when, in March, 1829, their publication was called for, in connection with other documents relating to the Panama mission, it was rancorously opposed by his enemies, who foresaw clearly that it would increase his popularity and add to his celebrity, as well as refute their assertion, that the object of the administration, in sending delegates to the Panama congress, was to carry into effect objects utterly at variance with the interests and true policy of the United States.

Mr. Clay's method of preparing state papers, was, to make himself perfectly master of the subjects to be considered, by perusing all the papers on file relating to them, and afterwards draw up the documents in a form that seemed to him correct, and then submit them to the inspection of the president, who, it is understood, seldom found it necessary to suggest the slightest alteration.

During his term of service, Mr. Clay was under the painful necessity of reproving a foreign minister. Our *chargé d'affaires* at the court of Brazil, had, by his intimidating manner, rendered himself very unpopular, and brought our affairs into great embarrassment at Rio de Janeiro. He frequently indulged in harsh and disrespectful language toward officers of the Brazilian government. Mr. Clay conveyed to him the rebuke of the United States, for these misdemeanors, which, though severe, was couched in language calculated to give the least possible pain.

The confidence of Mr. Adams was liberally and voluntarily given to Mr. Clay, nor could it have been better bestowed. With all the acts of the latter, he expressed himself entirely satisfied — except his affair of honor with Mr. Randolph. Of this he disapproved, most heartily and unequivocally; and Mr. Clay himself greatly regretted it. Many evidences are on record of Mr. Adams's regard for Mr. Clay, both of a public and private character. The following is an interesting one.

Says a correspondent of the Newark Daily Advertiser, 'I

have frequently observed ladies' albums circulating through the house and senate chamber, with the view of collecting the autographs of the members. I saw one this morning which contained a page of well written poetry, dated twenty-third July, 1842, in the tremulous hand-writing of John Q. Adams, descriptive of the wild chaos at present spread over our political affairs, and anticipated coming events, which would bring order out of disorder. The closing verse was as follows:

'Say, for whose brow this laurel crown?
For whom this web of life is spinning?
Turn this, thy album, upside down,
And take the end for the beginning.'

The meaning of this was somewhat mystical, but, by turning to the back of the book, and inverting it, on its last page a piece was found with the signature of 'H. CLAY!'

Seldom, perhaps, has an administration been assailed with more violence, or with less cause, than that of Mr. Adams. Perhaps the hostility manifested towards it, was occasioned, to a considerable extent, by Mr. Clay's connection with it, and from the fact that the views of the president, in relation to the great measures of national policy, harmonized perfectly with his own. This gave to the opposition, of the ultra advocates of state rights, its bitterest venom, which was profusely lavished upon it. As soon as Mr. Clay left the house, his old eccentric foe, Mr. Randolph, cast off all restraint, and spoke and acted as though law and order were not for him; suffering no occasion to pass unimproved in abusing Mr. Clay, and often travelling out of his way to seek one. The subject of the Panama mission furnished him rich materials for exercising his peculiar genius, which he employed in the most insulting manner towards him. He characterized that unison of sentiment to which we have alluded, which existed between the president and Mr. Clay, as a 'coalition of Blifil and Black George — a combination of the Puritan with the black-leg' — and charged Mr. Clay with 'stealing a leaf from the curse book of PANDEMONIUM.' Such language would be disgraceful under any circumstances, but especially on the floor of the senate chamber. Mr. Randolph seemed determined to bring about a personal conflict with Mr. Clay, from what motives it is difficult to determine, for the latter gave him no cause of abuse, carefully avoiding him as he did. But the former went on, day after day, unprovoked, adding injury to injury, heaping insult upon insult upon the latter, until further forbearance became exceedingly difficult, to say the least, especially as Mr. Clay was surrounded by his family. Says an individual intimately acquainted with the parties, 'Mr. Randolph knew that his every word, whether spoken in his sober or inebriated moments, was pregnant with death, to the pride and the happiness of the innocent and the lovely.' Although he himself had no family; although he

was an individual in reference to whom a distinguished friend of ours once thanked God in congress, that monsters could not perpetuate their species; still he must have known, from hearsay, that the feelings of a wife and a daughter are keenly sensitive. Had Mr. Clay held a seat in the senate, Mr. Randolph, dark as were his designs, and much as he longed for a quarrel, would not have dared to use the language of open outrage. There was ever something in Mr. Clay's eye, before which his spirit quailed and blinked, like a frighted thing. Mr. Clay, however, was absent, and every day of his forbearance added bitterness to the insults that were heaped on him. What could he do? Undoubtedly, that religion, whose kingdom is not of this world, required him to endure patiently unto the end. It is a matter of regret that he did not, but who shall censure him harshly, for having, in a moment of uncontrollable exasperation, turned upon his pursuer and dared him to single combat!

Of the duel, itself, it is not necessary to say much. Mr. Randolph, in defiance of established usage, went upon the field in a huge morning gown; and the seconds, had not Mr. Clay interfered, would have made this singular conduct the occasion of a quarrel. In due time the parties fired, and luckily for both of them, or at least for Mr. Clay, Mr. Randolph's life was saved by his gown. The unseemly garment constituted such a vast circumference, that the locality of 'the thin and swarthy senator' was at least a matter of very vague conjecture. Mr. Clay might as well have fired into the outspread top of an oak, in the hope of hitting a bird that he supposed to be snugly perched somewhere among the branches. His ball hit the centre of the visible object, but *Randolph was not there!* and of course the shot did no harm and no good. After the first discharge, Mr. Randolph, by firing into the air, showed his disinclination to continue the fight. He immediately walked up to Mr. Clay, who was still standing in his place, and, parting the folds of his gown, pointed to the hole where the bullet of the former had pierced his coat, and, in the shrillest tones of his squeaking voice, exclaimed, '*Mr. Clay, you owe me a* COAT, *you owe me a* COAT!' to which he replied, in a voice of slow and solemn emphasis, at the same time pointing directly to Mr. Randolph's heart, 'MR. RANDOLPH, *I thank God that I am no* DEEPER *in your debt!*'

We are no apologist for the duelist; we regard the practice of duelling with the deepest detestation and abhorrence, and believe it unjustified, under any circumstances; still, we unhesitatingly say, that those which surrounded Mr. Clay, were approximated as nearly to a justification, as any possibly could. He had resorted to all honorable means to avoid a duel with Mr. Randolph; calling upon and desiring him to explain or retract his insulting language, but he flatly refused. It may not be amiss to state, in this connection, that Mr. Clay reprobates the practice of duelling, himself.

This appears from his avowed sentiment relative thereto. 'I owe it,' says he, 'to the community, to say, that whatever, heretofore, I may have done, or by inevitable circumstances may be forced to do, no man in it holds in deeper abhorrence than I do, the pernicious practice of duelling. Condemned as it must be, by the judgment and philosophy, to say nothing of the religion, of every thinking man, it is an affair of feeling, about which we cannot, although we should, reason. The true corrective will be found, when all shall unite, as all ought to unite, in its unqualified proscription.'

The hostile meeting between Mr. Randolph and Mr. Clay, occurred April eighth, 1826. Their last interview took place in March, 1833, a short time previous to the decease of the former. He was on his way to Philadelphia, where he died. Being unable to walk or stand without assistance, he was borne into the senate chamber, to which he was about to pay his last visit. The senate was in session by candlelight. Mr. Clay had risen to make some remarks on the compromise act. 'Help me up,' said Mr. Randolph, sitting in a chair, and speaking to his half-brother, Mr. Tucker, 'help me up; *I have come to hear that voice once more.*' When Mr. Clay concluded, he approached, and shook Mr. Randolph cordially by the hand, and thus terminated their intercourse forever.

Mr. Clay's efforts, during his secretaryship, contributed much in making Mr. Adams's administration peculiarly American. They afforded material aid in cherishing and strengthening those principles, which would render the United States independent of foreign nations — principles for which he contended with a zeal that nothing could dampen, and which would not allow any compromise. In giving Mr. Adams his vote, he was not mistaken in supposing that he would be their able supporter too. In their adherence to these, they went hand in hand. This was a source of most vexatious uneasiness to the enemies of those principles. Hence the cause of their excessive hostility towards the administration of Mr. Adams, for they believed it was materially shaped by Mr. Clay. They little expected, and less designed, that their opposition should thus pay him the highest possible compliment — that of wielding a power scarcely inferior to that of the executive himself. The enemies of Mr. Clay, therefore, became the enemies of Mr. Adams, whose administration they determined to prostrate, let the expense be what it might. '*It must be put* DOWN,' said one of general Jackson's most prominent supporters, '*though as pure as the angels at the right hand of God.*' The foulest charges were preferred against Mr. Adams and Mr. Clay, the mildest of which was, CORRUPTION. Of the latter, in consequence of his having made some transfers, in publishing the laws, from one printing establishment to another, it was alleged, that he attempted to corrupt the press, which, with a great outcry, was bruited from one end of the land to the other.

He was charged with having made the transfer from interested party considerations, and an attempt was made to cause him to communicate to congress what changes he had made, with his reasons. It failed, however, on the ground that the house had no jurisdiction over the matter. At the very time (or nearly) that his enemies in the house were thus engaged in subjecting him to this gross charge, their coadjutors in the senate, led on by Mr. Van Buren, were endeavoring to deprive the National Intelligencer of the printing of that body. *Notable consistency!* Not an act of Mr. Adams, or Mr. Clay, which was not made to pass through the traducing ordeal of their enemies' malice, and pronounced corrupt and ruinous in their tendency. The same acts might be submitted to the examination of any impartial tribunal, who would rise up from it, and declare them as nearly faultless as any human ones could be; indeed, that of posterity, whose decisions are never reversed, is fast rendering such a verdict. Many an eye now dims with tears, and many a heart heaves with regret, at the recollection of Mr. Adams's administration. The political degeneracy and pollution of the present day, were far from it. Economy, dignity, and liberality, were written all over it, in such indelible characters, that the most intemperate flood of opposition could not expunge them. It can be said of Mr. Adams, that he never dismissed a public functionary solely on the ground of party considerations, and in selecting these, he did not permit himself to be governed by them. But, unexceptionable as was the course pursued by him, detraction and calumny performed their utmost to bring him into disrepute, and with too much success. Party prejudice and sectional feelings were aroused and inflamed in all parts of the country. The wants of each were catered for, without stint or measure; coalitions, combinations, caucusses, and all the unnamed and undescribed pharaphernalia of party manœuvring, were organized. drilled, arrayed, and brought out, to be used by strong and willing hands, in the most ignoble and base employment in which they could be engaged — in crushing an administration without any regard to its merit or demerit. The prime movers of the whole heterogeneous mass had decreed, that it '*must* be put down,' and its loud *ergo* pealed up, '*it ought to be put down.*' Contradictory and paradoxical reasoning was employed, with success equal to that of true, in different parts of the country. Their creed was comprehensive enough to embrace all, how various soever their names or tenets. From such an army political virtue and honesty fled away and hid themselves, which, like the devouring locusts of Egypt, passed over the whole land, blighting and destroying every green thing in its political enclosures. Sometime previous to the close of the administration, the opposition gained the ascendency in congress, which greatly facilitated their operations, which resulted in the election of their candidate, Andrew Jackson, to the presidential chair, in the autumn of 1828.

The prevalence of truth is sure. It may be temporarily suppressed, error may triumph over it, and it may seem to be lost, but its disenthralment is just as certain, as the release of the earth by solar heat from the mists that press upon its bosom. Error gravitates — its nature is downwards; but truth soars — its own intrinsic buoyant power bears it, sooner or later, to the surface of human observation. It cannot perish; it is the ally of immortality, and will survive all sublunary things, and be seen and admired ages after falsehood and all his base companions shall have gone down to their dark dwelling-place. This attribute of truth seems to have been overlooked or disregarded, by those who, with a blind zeal and misguided patriotism, sought the overthrow of an administration too good to escape the shafts of envy, and dispensing more benefits than could be enumerated or appreciated by them when thus engaged. Those who were most active in elevating general Jackson to the presidency, displayed great skill in party tactics, and a most liberal education in the schools of intrigue and detraction. Experience had taught them, that a public functionary was most vulnerable through the minds of his constituents; that if the lodgment of a certain principle could be effected *there*, their work was done, his ruin was accomplished. This was precisely the mode of warfare pursued by the opponents of Mr. Adams and Mr. Clay. All their efforts were directed to the single end, of instilling into the minds of the people the belief, that these eminent statesmen, these great and good men, *were vampyres upon their pockets*, shaping their measures so as to drain them of their contents. The cry of extravagance drowned every other, and that of economy, retrenchment, and reform, was iterated and reiterated so often, that the truth of the first, and imperious necessity of the others, soon became their permanent belief. It is not surprising, that under the influence of this, they should rise, and pluck them from their places, without stopping to inquire, whether those who excited them to the committal of this act, did not do it for the express purpose of thrusting their hands still deeper into their pockets. The sequel seemed to furnish good grounds for such an opinion. From the purses of the people, general Jackson's administration took about two dollars to Mr. Adams's one, and Mr. Van Buren's about three. The necessity for diminishing the public expenditures, suddenly ceased, upon their becoming safely installed in their places, and their sympathy for the '*dear people*,' in view of their pretended robbery, which seemed to be so expansive before, immediately returned to the narrow limits of their own bosoms. But truth, whose voice was completely stifled in reference to the administration of Mr. Adams, and the herculean labors of Mr. Clay, as connected with it, in the political *melée* of 1828, is fast justifying its measures, and causing many to regret, who zealously sought, its overthrow, and fervently pray for its return.

A few days after general Jackson's inauguration into the presidential chair, Mr. Clay prepared to return to the retirement and the social delights of his home; where, at his leisure, he could review his public acts, and devise new measures for benefiting his country. About the time of his departure from Washington, his friends residing in that city, as a testimonial of their regard for his private and public character, gave him a dinner. In a speech, on that occasion, he alluded to his public career, and the duties of citizenship, in the following beautiful language. 'Whether I shall ever hereafter take any part in the public councils or not, depends upon circumstances beyond my control. Holding the principle that a citizen, as long as a single pulsation remains, is under an obligation to exert his utmost energies in the service of his country, if necessary, whether in a public or private station, my friends here and every where may rest assured, that, in either condition, I shall stand erect, with a spirit unconquered, whilst life endures ready to second their exertions in the cause of liberty, the union, and the national prosperity.'

Of general Jackson he remarked, 'that citizen has done me much injustice. It was inflicted, as I must ever believe, for the double purpose of gratifying private resentment, and promoting personal ambition. When, during the late canvass, he came forward in the public prints, under his proper name, with his charge against me, and summoned before the public tribunal his friend and his *only* witness, (Mr. Buchanan,) to establish it, the anxious attention of the whole American people was directed to the testimony which that witness might render. He promptly obeyed the call, and testified to what he knew. He *could* say nothing, and he *said nothing* which cast the slighest shade upon my honor or integrity. What he *did* say was the reverse of any implication of *me*. Then all just and impartial men, and all who had faith in the magnanimity of my accuser, believed that he would make a public acknowledgement of his error. How far this reasonable expectation has been fulfilled, let his persevering and stubborn silence attest. But my relations to that citizen, by a recent event, are now changed. He is the chief magistrate of my country, invested with large and extensive powers, the administration of which may conduce to its prosperity, or occasion its adversity. Patriotism enjoins as a duty, that while he is in that exalted station he should be treated with decorum, and his official acts be judged of in a spirit of candor.'

The rancor of his enemies had pursued Mr. Clay as though he had been a devastating monster, laying waste the fair and fertile fields of his country, instead of enriching them by his toils. It overstepped, not only the bounds of prudence, but of propriety and decency. It followed him to the sanctuary of his home, and violated that. In a letter written in May, 1828, he thus speaks of

their attempts to destroy his pecuniary credit. 'The variety in their modes of attack, and the industry of my enemies, are remarkable, if not always commendable. I observe that some of them about Lexington, have carefully searched the records of Fayette, and extracted from them a formidable list of mortgages, which are paraded as evidence of my bankruptcy. The fairness of this proceeding, in my absence on arduous public service, and without inquiry into the fact whether the mortgages be extinguished or not, is submitted to my fellow citizens of Fayette. I do not consider, that a man who honestly fulfils his pecuniary engagements, is entitled to any special praise, or I would not observe, that I can confidently appeal to all with whom I ever had pecuniary transactions, to bear testimony to the fidelity with which I have discharged mine. I invite the severest scrutiny into my conduct in that respect, and request a comparison of it with that of any one of those who now assail me. I never was sued in my life, for an uncontested debt; indeed, I have no recollection at this time of having ever been sued for any ascertained debt, contested or uncontested, and whether I was principal or endorser. I am not free absolutely from debt. I am not rich. I never coveted riches. But my estate would even now be estimated at not much less than one hundred thousand dollars. Whatever it may be worth, it is a gratification to me to know, that it is the produce of my own honest labor, no part of it being hereditary, except one slave, who would oblige me very much if he would accept his freedom. It is sufficient, after paying all my debts, to leave my family above want, if I should be separated from them. It is a matter, also, of consolation to me, to know that this wanton exposure of my private affairs can do me no pecuniary prejudice. My few creditors will not allow their confidence in me to be shaken by it. It has, indeed, led to one incident, which was at the same time a source of pleasure and pain. A friend lately called on me, at the instance of another friend, and informed me that they were apprehensive that my private affairs were embarrassed, and that I allowed their embarrassment to prey upon my mind. He came, therefore, with their authority, to tell me that they would contribute any sum that I might want, to relieve me. The emotions which such a proposition excited, can be conceived by honorable men. I felt most happy to be able to undeceive them, and to decline their benevolent proposition.'

Though Mr. Clay's enemies were greatly gratified at his ejectment from office, they were more disappointed and chagrined at the fortitude, and humor, even, with which he bore it. They had prepared a rich feast of enjoyment over his anticipated sorrow, on the occurrence of that event, which was spoiled by him, in not complying with the conditions that *would make it palatable.* Instead of being sad, he was merry. At the time of his departure

from Washington for Kentucky, the roads were very bad, which induced him to send his private conveyance in advance, and resort to the stage-coach. On one occasion, the roughness of them caused him to take a seat beside the driver, which he occupied on entering Uniontown, in Pennsylvania, at which his friends in that place expressed great surprise, to which he replied, 'gentlemen, although I am with the OUTS, yet I can assure you that the INS behind me, have much the worst of it.' His health, which had become much enfeebled by his arduous duties, improved rapidly during his journey home, and the flow of his exuberant spirits more than kept pace with it. The most kindly receptions greeted him at every stage of it; indeed, in the expressions of regard for his character and services, there was scarcely any cessation, from the time he left the seat of government until he reached his home, to which he was welcomed by one of those warm, spontaneous, and eloquent outbursts of Kentuckian feeling, which, to be known, must be witnessed, for no description can do it justice. Hardly had he disrobed himself of his travelling garments, and become seated in his residence at Ashland, before he was importuned to exchange it for one in congress, or in the legislature of Kentucky; but ill health, and a desire for temporal repose, caused him to decline. Scarcely a day passed away which did not bring to his abode testimonials of regard and affection, from his friends in all parts of the country. He was urged repeatedly to participate in their hospitality, which had he complied with to the extent in which it was proffered, the strength of a thousand men would have been requisite to carry him uninjured through it. These invitations were prompted by a consciousness of his worth, and a desire to gather his opinions and sentiments, in relation to national policy. This desire was always gratified, at those which he accepted. In May, 1829, he was honored by a public dinner, served up at Fowler's garden, at which about three thousand sat down. His presence called forth the following toast: 'our distinguished guest, friend, and neighbor, HENRY CLAY — with increased proofs of his worth, we delight to renew the assurance of our confidence in his patriotism, talents, and incorruptibility — may health and happiness attend him in retirement, and a grateful nation do justice to his virtues.' After its announcement, he spoke for the space of one hour and a half, with more than his usual eloquence and energy. He reviewed somewhat minutely his public career, the administration of Mr. Adams, and spoke in terms of deserved censure of the means resorted to, by his enemies, to put him down. He animadverted severely upon the course pursued by general Jackson, in removing faithful public officers, and considered his conduct, in that respect, unjustifiable, and as calculated to establish a dangerous precedent. His sentiments concerning the principles which ought to govern public servants, are worthy of all

acceptance, and should be inscribed in letters of gold on the phylacteries of all office-holders and office-seekers. He closed by saying, 'in the presence of my God, and of this assembled multitude, I can and I will say, that I have honestly and faithfully served my country, that I have never wronged it, and that, however unprepared I lament that I am, to appear in the Divine presence on other accounts, I invoke the stern justice of His judgment on my public conduct, without the smallest apprehension of His displeasure.'

Mr. Clay never attempted concealment either of his sentiments or his actions in relation to public matters; on the contrary, he invited the most searching scrutiny, conscious that in the maintenance of the former, and the performance of the latter, he was actuated by upright motives.

In 1829–30 he visited various parts of Kentucky, loaded with favors wherever he came; upholding those measures which were truly national, and denouncing, without any reserve, those that were of an opposite character. Of this description he found many connected with the administration of general Jackson, neither did he allow himself to be deterred from expressing his views freely in relation to them, from any motives of a personal consideration. Mr. Clay was not the man to shrink from the duty of directing the attention of the country to measures whose tendency he believed was detrimental to its interests. He would not hesitate to lift his warning voice, though it would be at the expense of his hard-earned fame, when he saw means employing to jeopard its safety. He visited New Orleans at the commencement of 1830, where, if possible, the attentions bestowed upon him exceeded those which he received from his own constituents. Although his visit was occasioned by business of a private character, he was continually thronged by the people, of all parties, tendering him the mede of honor due his distinguished eminence. It was with difficulty he could resist their warm importunity to accept a public dinner. He left for Natchez, Mississippi, on the ninth of March, amid an immense concourse of people, assembled to witness his departure. The levee, tops of steamboats, and houses, were completely covered by them, who rent the air with their enthusiastic cheering. As the steamer that bore him moved from the pier, they were almost deafening, which, with the waving of banners and handkerchiefs, and firing of cannon, made it appear more like the departure of a mighty conqueror, than of a private citizen. At Natchez, his arrival was anticipated, by the congregating of individuals from all parts of Mississippi, comprising the elite of her distinguished men, irrespective of partisanship, who thronged the wharf, waiting to receive him. On the arrival of the boat, the rush into it was so great as to excite alarm, and the multitude environing it was so large and dense, that some time was consumed in making an opening through it. Mr. Clay found it

easier to accept an invitation to a public dinner, than to resist the importunity with which it was tendered. The guests were numerous. Says one who witnessed the assembly, 'it was no partisan gathering. The warmest political opponents, set down face to face with each other, united in one subject at least—the desire to do honor to their distinguished guest—to one whose patriotic motives none of them could doubt, however much they might differ from his principles. In his remarks, he was interrupted more than once by the deep, involuntary murmurs of applause, which burst forth around him. Every word which he uttered, went down and rested upon the hearts of his auditors, like the kind tones of some blessed visitant. It was a proud moment for Henry Clay. The dark elements of faction sank down into quietude before him. Men who had been arrayed for years in political contention, who had hitherto met each other with the compressed lip and knitted brow of hatred, gave back, on this occasion, the smiles of one another.

'Mr. Clay commenced by an acknowledgment of his gratitude for the honors bestowed upon him. 'There is nothing in life,' said he, 'half so delightful to the heart, as to know that, notwithstanding the conflicts that arise among men—the whirlwind and madness of party feeling—there yet are times, as on the present occasion, when passion and prejudice slumber—moments, when old differences cease from troubling, and when all that is turbulent, and all that is distrustful, are sacrificed to the generous and social dictates of humanity.'

'He spoke of general Jackson. He spoke of his great battle. Darkly as he had been traduced, deeply as he had been injured by that man, he yet hesitated not to bestow upon him his full measure of patriotic encomium. His feelings rose with the subject. His eye kindled. There was a moral grandeur in his look; and all who saw it felt that it was the visible manifestation of the triumph of his nobler feelings over the dark sense of wrong.

'At that moment I would have given my right hand, to have seen general Jackson confronted before his magnanimous opponent—face to face with the man whom he had so foully injured. Had he been there—under the eye of that noble-hearted speaker—every word of commendation, every generous acknowledgment of his services, would have fallen upon his head like a rain of fire.' In every town which he visited, the citizens gathered round him, and wherever he turned, a hundred hands were extended to clasp his own. Public feeling flowed after him as the tides of the ocean follow the moving moon. Passing through Donaldsonville, where the legislature of Louisiana was in session, he unexpectedly entered the hall of the house of representatives, when that body, including speaker, and members of both parties, simultaneously rose to receive him. In the summer of 1830, business called him to Columbus, the capital of Ohio. At the time, a celebration was had by the mechanics

of the place and vicinity, at which the following honorary toast was given: 'our inestimable guest, Henry Clay. An efficient laborer in support of the industry of the country. *Farmers and mechanics know how to appreciate his services*'— to which he responded, in a speech which embraced allusions to his favorite theme, internal improvements, in connection with the hostility of general Jackson to them, as evinced in his veto of acts passed by congress, expressive of its views of that system, and the established policy of the nation. He vindicated their action, and proved its accordance with the provisions of the constitution. The operation of the tariff he also considered, and showed it salutary. In his concluding remarks he adverted to his own circumstances. 'Why,' said he, 'were the fires of unabated persecution kindled around him? Why was the artillery of the press incessantly levelled upon *him?* What had he done? The history of his past life was before the people. If he had erred in any of his endeavors to subserve the best interests of the public, he regretted it. His conscience, at least, did not reproach him. And what was he *doing* to draw upon him the maledictions of his countrymen? He was a private citizen. He could exercise authority over none, nor had he any engine of governmental patronage, to pervert and make subservient to purposes of personal aggrandizement.'

At this meeting he exposed the turpitude of the odious doctrines of nullification, which had begun to be agitated at the south.

On the seventeenth of December, 1829, Mr. Clay delivered an address before the Colonization Society, of Kentucky, at Frankfort, in which the principles and objects of that humane institution were ably and eloquently supported. In it, he alluded pointedly to the subject of slavery, surveyed the numerous train of evils consequent upon it, and expressed his hearty desire to coöperate with any society which would mitigate, lessen, or remove them. He lingered, with peculiar pleasure, upon the success which had unexpectedly crowned the efforts of the American Colonization Society, and declared his sincere conviction, that it had most abundant encouragement to persevere and endeavor to redouble its exertions. 'We may boldly challenge the annals of human nature,' said he, 'for the record of any human plan for the melioration of the condition or the advancement of our race, which promises more unmixed good, in comprehensive benevolence, than that of the Colonization Society, if carried into full operation. Its benevolent purposes are not confined to the limits of one continent—not to the prosperity of a solitary race. They embrace the largest two portions of the earth, with the peace and happiness of both descriptions of their present inhabitants, and the countless millions of their posterity. The colonists, reared in the bosom of this republic, with a knowledge of the blessings which liberty imparts, although now unable to share them, will carry a recollection of them to benighted

Africa, and light up, in time, her immense territory. And may we not indulge the hope, that, in a period of time not surpassing in duration that of our own colonial and national existence, we shall behold a confederation of republican states on the western shores of Africa, with their congress, and their annual legislatures, thundering forth in behalf of the rights of man, and causing tyrants to tremble on their thrones!'

Mr. Clay regarded the society, if judiciously managed, competent to diffuse the light and blessings of civilization and christianity, under the guidance of Providence, through the entire vast regions of Africa; saying, that it proposed 'to send, not one or two pious members of christianity, into a foreign land, among a different and perhaps a suspicious race, of another complexion, but to transport annually, for an indefinite number of years, thousands of efficient missionaries, of the descendants of Africa itself, with the same interests, sympathies, and constitutions of the natives, to communicate the benefits of our holy religion, and of the arts of civilization. And this colony of missionaries is to operate, not alone by preaching the words of truth and revelation, which, however delightful to the ears of the faithful and intelligent, are not always comprehended by untutored savages, but also by works of occular demonstration. It will open the great forest, it will build up cities, erect temples for christian worship, and thus practically exhibit to the native sons of Africa, the beautiful moral spectacle, and the superior advantages, of our religious and social systems. In this unexaggerated view of the subject, the African colony, compared with other missionary plans, presents the force and grandeur of the noble steamer majestically ascending, and with ease subduing the current of the Mississippi, in comparison with the feeble and tottering canoe, moving slowly among the reeds which fringe its shores. It holds up the image of the resistless power of the Mississippi itself, rushing down from the summit of the Rocky mountains, and making its deep and broad and rapid course through the heart of this continent, thousands of miles, to the gulf of Mexico, in comparison with that of an obscure rivulet, winding its undiscernable way through dark and dense forests or luxuriant prairies, where it is quickly and forever lost.

'Confiding in the approving judgment of Divine Providence, and conscious of the purity and benevolence of our intentions, we may fearlessly advance in our great work. And when we shall, as soon we must, be translated from this into another existence, is the hope presumptuous, that we shall then behold the common Father of the white and the black, the Ruler of the universe, cast his all-seeing eye upon civilized and regenerated Africa, its cultivated fields, its coasts studded with numerous cities, and adorned with temples dedicated to the religion of his redeeming Son, its far-famed Niger, and all its great rivers, lined with flourishing

villages, and navigated by that wonderful power which American genius first applied; and that, after dwelling with satisfaction upon the glorious spectacle, he will deign to look with approbation upon us, his humble instruments, who have contributed to produce it.'

Mr. Clay believed that the association would eventually abolish *slavery*, whose existence how deeply he deplored, may be gathered from the following language. 'If I could be instrumental in eradicating this deepest stain upon the character of our country, and removing all cause of reproach on account of it, by foreign nations; if I could only be instrumental in ridding of this foul blot that revered state that gave me birth, or that not less beloved state which kindly adopted me as her son, *I would not exchange the proud satisfaction which I should enjoy, for the honor of all the triumphs ever decreed to the most successful conqueror.*'

Mr. Clay was elected to the United States senate, by the legislature of Kentucky, in the autumn of 1831. About the same time, in a national convention, at Baltimore, he was nominated to the presidency, in opposition to general Jackson.

Soon after taking his seat in the senate, the subject of the tariff came up for consideration, to which he gave his most efficient aid. The president avowed his hostility to protective measures, and in consequence of his great influence in congress, there was great danger that they would be frittered away, so as to impair very materially their utility, or be entirely destroyed. The south began to murmur their enmity towards them, which they believed operated against their interests. They were violently opposed to the policy of imposing duties on cotton fabrics, which were imported into the United States from Great Britain, the principal consumer of her staple production. From the attitude which she began to assume, in relation to the protective system, just ground of alarm for its safety was apprehended, and furnished an occasion sufficiently critical to call forth one of Mr. Clay's mightiest efforts. He endeavored to conciliate the south, and cause, if possible, their views to harmonize with the north. On the ninth of January, 1832, he introduced a resolution, providing that the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced in the United States, ought to be forthwith abolished, except the duties on wines and silks, and that they ought to be reduced, and that the committee on finance be instructed to report a bill accordingly. In defence of this resolution, he made a speech, powerfully illustrating the importance to the whole country of protective enactments. He was followed by Mr. Hayne, of South Carolina, in reply. The discussion was continued several days, during which, Mr. Clay made his brilliant speech, in which he signally sustained the American system against the British colonial system. Its delivery occupied several days, and when he ceased, this masterly produc-

tion of sound and argumentative reasoning, logical deduction, and legitimate inference, presented to the delighted view of the friends of that system, a mighty monument, destined to perpetuate its practical utility, in connection with the fame of the founder, while, to the enemies of that system, it presented the impregnable bulwark of its defence. Mr. Clay's speech, on this occasion, may be justly regarded as a complete text-book, where every thing requisite for the defence of protection and internal improvement may be found.

On the thirteenth of March, Mr. Dickerson, from the committee on manufactures, reported a bill, framed in accordance with the suggestions of Mr. Clay's resolution. This was opposed, on the ground that it did not embrace the whole subject of the tariff, because the duties on articles which were protected, were not reduced. Upon this bill a sharp debate followed, which resulted in its being laid upon the table. After being amended, and variously altered, it passed both houses, and became a law in July, 1832.

This bill preserved all the essential features and characteristics of the protective system unimpaired; too much, indeed, to please the south. Violently opposed to any measures of protection which made the slightest encroachment upon their sectional interests, they regarded the provisions of this bill with the most bitter hatred. The leaven of nullification, which was rapidly spreading itself at the south, gloated over these, and derived new strength to go forth and disseminate its invalidating dogmas. Its aspect grew more and more menacing every day, until, at last, indubitable evidences of an organized opposition to this bill began to appear. In this, South Carolina took the lead. The legislature of that state ratified an ordinance, passed by a state convention at Columbus, in November, 1832, declaring the tariff acts unconstitutional, and utterly null and void. The most decided determination was expressed, to disregard them, and not a few were found insisting upon the right to do so. Measures were devised to resist their enforcement, and munitions of war procured, and warlike preparations made; the other southern states were invited to join her; reports were put in circulation, that Great Britain was about to become her fast and firm ally; and the lovers of liberty began to tremble for the result. The anti-republicans began to chuckle over the fancied prospect, that their predictions were about to be verified — that our liberties, our institutions, and our union, were about to be overwhelmed in utter destruction, by the all-devouring jaws of civil war. President Jackson promptly issued his proclamation, denouncing the doctrines of nullification, and declared that the entire military force of the United States, if necessary, should be employed to put down all attempts to oppose or resist any enactment of the general government. He remonstrated with the people of South Carolina, and urged them to submit to the laws of the United States. His wishes, however,

were not heeded. The governor (Mr. Hayne) immediately issued a counter proclamation, setting forth the arbitrary measures which the federal executive sought to subject them to, and counselling them to resist these, even by force of arms, if necessary. The danger that impended increased every hour, notwithstanding the bold and decided stand, which the president took by the side of the laws of the union. In this respect his conduct is entitled to all praise. But it was not occasioned by any good or friendly feeling towards the protective system, nor by any diminution of his hostility towards this. He gave increasing evidence of his willingness to contribute to its destruction, by yielding to the rebellious state all she desired, in abandoning the principle of protection. This had been distinctly avowed, in the report of the secretary of the treasury, recommending the reduction of duties to a revenue standard, and on the twenty-seventh of December, Mr. Verplanck, from the committee on 'ways and means,' reported a bill which, in accordance with the recommendation of the secretary's report, proposed to reduce the duties on imported goods, to an average of about fifteen per cent. upon the foreign valuation. This bill was designed to take immediate effect, and to make a further reduction of duties, on all protected articles, in March, 1834. Thus the administration came over to the ground which the nullifiers desired it to occupy. After the bill had been discussed about a week, the president transmitted a message to congress, together with the abrogating enactments of South Carolina, and recommended the course he deemed proper to be pursued in relation to them. A bill to enforce the collection of the revenue, was brought before the senate a few days subsequent, directing coercive measures to be employed, in case of resistance. Matters seemed fast coming to extremities. The disorganizers, though in a state of readiness, took no decisive steps, but seemed to be looking for an adjustment of the subject occasioning their disquietude, in a way to suit their peculiar views. But the prospect that this would be accomplished, grew every day fainter. At this critical juncture, when no source of help was visible, when the political heavens were continually gathering blackness, and the thunder of insurgency fell with appalling plainness upon the ear, Mr. Clay stepped forth to disperse the gloom, and clothe with the garments of peace, an almost distracted people. He clearly saw, that, to heal the breach which had been made, and which was continually widening, it was necessary to make a partial retrocession from the vantage ground, which by toil and strife he had gained, in relation to the American system. To yield an inch of this, of such vital importance did he conceive it to be to the country, was like allowing the sources of his own existence to be annihilated, one by one. But the salvation of it depended, at this crisis, on making this retrogade movement, as well as the peace, and perhaps life, of no inconsiderable portion of the people. Under these circumstances, he did not hesitate as to the course he

ought to pursue. It seemed as though he had, some time previous, cast his solicitous eyes over the whole ground; that he had foreseen while in embryo the dark elements of faction and resistance, and nullification, and foresaw that they would commingle, and ferment, and finally originate just such an emergency, as that which reared its horrid front before him. Something like *compromise* had suggested itself to him, some weeks previous, while spending a season of leisure with a relative in Philadelphia. He then gave the subject considerable consideration, and digested a plan suited to the extremity, which he knew would, sooner or later, arrive. *It had come*, bringing in its train, remote though they might be, consequences which no patriot, no well-wisher to his country, could contemplate, without standing aghast. To avert these, Mr. Clay deemed it not only desirable, but highly obligatory upon those who were the recipients of the blessings of freedom. Having completed his remedial plan, he spread it before the senate on the eleventh of February, 1833, in the form of a *compromise* bill. This was the result of mature deliberation and much consultation, both with the friends and enemies of protection. He thought it expedient to ascertain, not only the manner of its reception, but of its operation. Many of those whom he consulted did not approve of his plan. Among these was Mr. Webster. With him Mr. Clay discussed the provisions thoroughly, and though partially convinced of its utility, he did not yield it his entire confidence. Mr. Webster's opinion, carrying with it great weight, tended to gather a pretty formidable opposition around him at the north, while nullification at the south contributed its share. Mr. Clay, therefore, found it necessary to advance with great caution; to survey carefully every inch of ground he intended to occupy, previous to setting foot upon it. Never, perhaps, was a bill brought before congress under such peculiar circumstances, or when greater talent and skill were needed. The south was willing to be conciliated, but somewhat inclined to dictate terms. A hair-breadth deviation from the line which her predilection designated, might prove fatal to his scheme, and cause the gathering storm to pour its desolating strength upon the land. As far as practicable, Mr. Clay ascertained the feelings of this section in relation to it, and had several interviews with Mr. Calhoun, and other influential members from the south. The proclamation of the president had temporarily diverted their enmity from the system of protection, towards him. To the summary and stern manner in which general Jackson proposed, and even seemed anxious, to settle existing difficulties, there was a great and growing repugnance at the north, and which operated favorably in disposing the south to embrace any plan that might be proposed, though it should not embody all the peculiarities of their views.

Mr. Clayton, of Delaware, zealously coöperated with Mr. Clay, incessantly exerting himself to propagate his views, and, in conse-

quence of his commanding influence, his efforts were crowned with gratifying success. He was strongly attached to Mr. Calhoun, and many other southern members, and would often express his admiration of their distinguished talents and noble qualities, and a desire to see them retained in the service of their and his country. 'Noble fellows, Clay! noble fellows!' he would say. 'We must save them, if possible; it will not do to let general Jackson hang them; the country needs them; *she cannot spare them yet!*' Southern members generally took sides with South Carolina, so far as to consult her wishes in selecting such measures as would satisfy her. The principle of home valuation, which Mr. Clay and his friends insisted upon incorporating with his compromise bill, they opposed at first, but finally most of them agreed to it, among whom was Mr. Calhoun. When the bill was taken up by the senate, he, for the first time, signified his assent to that principle, and paid a handsome tribute to the patriotism and motives of Mr. Clay. He intimated, plainly, that Mr. Clay's bill was calculated to heal the wound which the confederacy had received, and expressed the strongest anxiety that this would be accomplished without abandoning a tittle of the constitutional right of protection. In a debate, which was protracted several days, the enemies of the bill arrayed against it all their power. Mr. Webster, with the mighty weapons which his giant intellect was capable of forging, assaulted it with tremendous vehemence. Its defeat was considered at one stage of the discussion as certain. Said Mr. Forsyth, tauntingly, '*the tariff is at its last gasp; no hellebore can cure it.*' 'It contains nothing but *protection*, from beginning to end,' said Mr. Smith, of Maryland, '*and therefore I oppose it.*'

During the debate, a personal difficulty occurred between Mr. Poindexter, of Mississippi, and Mr. Webster, which threatened to lead to something serious. Mr. Clay, by his generous interference, pacificated the parties, by bringing about a satisfactory explanation.

The compromise bill finally was adopted in the house, by a vote of one hundred and twenty to eighty-four, and in the senate, by a vote of twenty-nine to sixteen, and received the president's signature, in March, 1833. And thus the country once more breathed freely; the good and benevolent, who had clad themselves in sackcloth, and, in a posture of the deepest humiliation and grief, sat supplicating a kind Providence to shield her, in this her hour of imminent peril, and guide her safely through it, arose and poured out to Him the libations of their gratitude. Neither did they forget the instrument which he had deigned to employ in accomplishing her deliverance. Both friends and foes acknowledged his agency in this. As in the settlement of the Missouri question, so in this, he was hailed as the liberator of a nation from the jaws of impending danger, and perhaps of ruin. The tide of popular praise and profound regard set towards him from all parts

of it, like the streams of gravitation towards the centre of the earth. Men of all parties contributed to swell this. Those who rarely spoke of him, except in detracting terms, now joined heartily in the popular cry of approval. Said the present chief magistrate, several years subsequent to the passage of Mr. Clay's bill, in view of his agency in carrying it through congress, 'in my deliberate opinion, there was but one man who could have arrested the then course of things (the tendency of nullification to dissolve the union), and that man was *Henry Clay*. It rarely happens to the most gifted and talented and patriotic, to record their names upon the page of history, in characters indelible and enduring. But if to have rescued his country from civil war — if to have preserved the constitution and union from hazard and total wreck — constitute any ground for an immortal and undying name among men, *then do I believe that he has won for himself that high renown.* I speak what I do know, for I was an actor in the scenes of that perilous period. When he rose in the senate chamber, and held in his hand the olive branch of peace, I, who had not known what envy was before, *envied him.* I was proud of him as my fellow countryman, and still prouder that the *slashes of Hanover*, within the limit of my old district, gave him birth.'

The above is a fair sample of the expressions of praise and regard, for his eminent services rendered, in connection with introducing those wise and sanative provisions which poured the balm of peace into the lacerated hearts of an afflicted people. Probably they were never more united in any one measure, than in that of expressing their gratitude to Mr. Clay, for his successful interference. And well did he merit it. The task which he performed was no easy one. It cost an amount of mental labor which cannot be easily estimated. Many sleepless nights were passed in exhausting thought, in revolving in his mind the subject, in all its aspects and details, with an anxiety to devise some remedy that would meet the exigencies of the case, that drank up the very sources of his existence. It required the mightiest effort of his great and varied powers, to prevent its strangulation at its inception. While in the hands of the committee, its enemies endeavored to cause the impression to be received, that the bill, as designed by Mr. Clay, could not pass; that there was not the slightest chance of its success; and several members of the committee were determined that it should not be reported to the senate in any form, and were more than once on the point of abandoning their places to secure this. 'Gentlemen,' Mr. Clay would say, 'this subject has been committed to us, and we must not dismiss it in this manner; it is our duty to report it in some shape, and it *shall*, at all events, *be reported.*' It appeared subsequently, from the testimony of Mr. Hugh L. White, on whom the duty of selecting the committee devolved, that *general Jackson had, in person, urged him to choose*

such members as were friendly to Mr. Verplanck's bill, and consequently hostile to Mr. Clay's. It is matter of great surprise, that, under such circumstances, it should have passed at all, except with the entire abandonment of protection. More than sleepless vigilance was requisite, to bring it safely out from beneath the uplifted arms of a powerful party, led on by the executive himself, and place it on the statute book of the nation. Columbus hardly encountered fiercer storms, or braved greater dangers, in *discovering* America, than Mr. Clay in originating, sustaining, and consummating, a measure that resulted in the preservation of a great portion of it from falling into the hands of the worst of all human enemies, *civil war.* Well did he deserve, then, the meed of praise which its inhabitants unanimously accorded to him. Most righteous was their decision, in relation to his motives — that they were *unimpeachably pure.* In these days of political degeneracy, it is refreshing to look back and suffer one's vision to rest upon that spot on which he planted his feet, and fought his glorious, patriotic battle; their prints are still seen; they have gathered greenness with the lapse of years, presaging that the floods and storms of time will never obliterate or mar them.

We have before alluded to Mr. Clay's indomitable adhesion to principle, that no party or selfish consideration could induce him for a moment to swerve from it. This led him to act for the good of his whole country, and *never to act*, while a member of her councils, unless an occasion when that was at stake arose. We have searched long, but in vain, for evidence to the contrary. We have examined, with great care, his public character, as spread out upon the records of the nation, and solemnly declare our belief, that none, either expressed or implied, exists. If, in relation to his public career, we were asked, 'what is its most prominent characteristic?' we should unhesitatingly reply, *purity of motive.* We believe, in reference to this, that he stands on a moral eminence, high enough to command a view of the globe. So prominent does this appear, the more it is examined, the conviction cannot be resisted, that, in all his public action, of which his country was the object, his desire to act right was stronger than that of life itself. Says one of his personal friends, 'on one occasion he did me the honor to send for and consult with me, in reference to a step he was about to take. After stating what he proposed, I suggested, whether there would not be danger in it, whether such a course would not injure his own prospects, as well as those of the whig party in general.' His reply was, 'I did not send for you to ask what might be the effects of the proposed movement on my prospects, BUT WHETHER IT IS RIGHT; *I would rather be right than be president.*' A noble sentiment! and would it were more common among politicians.

The compromise act was intended to expire in 1842, to which

time it provided for a gradual reduction of duties, when twenty per centum should be the rate until otherwise regulated by law.

Soon after the adjournment of congress, accompanied by a portion of his family, Mr. Clay took a long-contemplated tour to the eastern cities. This gave the people an opportunity of beholding the great and successful champion of their rights, and in many instances of tendering to him their thanks. His whole route was like the movement of some mighty conqueror — almost one unbroken triumphal procession. He was taken into the arms of popular favor, as soon as he stepped from the threshold of his dwelling, and hardly suffered to alight, until they had returned him thither.* He was escorted into all the principal places through which he passed, with the highest possible respect. At New York, every demonstration of gratitude and rejoicing welcomed him. An immense throng of gentlemen on horseback, escorted him to his lodgings. The governor's room in the city hall, was appropriated to his use, and was crowded by a constant succession of visiters. All parties seemed to vie with each other in devising and presenting the most fitting testimonials of regard. Through the eastern states, his reception was marked with every token of esteem; their inhabitants rose up from their occupations, almost like one person, to do him homage. For a season, their spindles, shuttles, and manufacturing establishments, ceased operation, in honor of the presence of their defender. Arrived at Boston, whose population had been anticipating and preparing for his arrival, the enthusiasm which had been swelling and increasing and accompanying his progress, was given back from Faneuil hall and Bunker hill, in echoes that reverberated to the remotest parts of the country. The young men of that city presented him a pair of superb silver pitchers, weighing one hundred and fifty ounces; committees waited on and addressed him; and invitations to public festivals on his account were numerous. On his return, after visiting Troy and Albany, his reception at New York, Philadelphia, Baltimore, and other places, was, if possible, more enthusiastic than it was when he passed through them on his way east. He was released from the 'bondage' of the people's favor, in season for him to renew his efforts in vindicating their privileges and their liberties.

The policy advocated by Mr. Clay in disposing of the public lands, rendered him a fit subject for the continuance of that favor which the people had lavished so unsparingly upon him, and a target for his enemies to give fresh specimens of their skill in archery. The question came up in this manner. Mr. Bibb, of Kentucky,

* In one of the many speeches which he made during his journey, he thus alludes to the tenderness with which he was treated. 'I was taken into custody, made captive of, but placed withal in such *delightful bondage*, that I could find no strength and no desire to break away from it.'

on the twenty-second of March, 1832, moved to reduce the price of public lands, and Mr. Robinson, of Illinois, the propriety of ceding them to the several states in which they were located. The administration party managed to have this question referred (though with manifest impropriety) to the committee on *manufactures*. This they did with the obvious intent of perplexing Mr. Clay, who was a member of that committee. They knew his prompt and decided manner; that he would not dismiss the question, without taking some definite action. They knew, also, that local prejudices and interests were so deeply involved in it, as to make its consideration peculiarly difficult, and to bring down upon the agent of its adjustment, the loud displeasure of that section, whose interests must, in a measure, from its very nature, be sacrificed. Their only motive was to impair his popularity with the east, if he suffered their interest to be transferred to the west, and with the latter, if he made provision for its maintenance. To a narrow-minded politician, this subject would have presented a dilemma, but to Mr. Clay none at all. He gave his enemies fresh and most overwhelming evidence, of the utter fruitlessness of appealing to what scarcely existed within him — *to his cupidity*. He would not deviate a hair from the path of rectitude, to accept the highest gift which the nation could confer. Its reference to the committee on manufactures he knew to be, and pronounced, highly irregular, as well as improper, yet it had been made, and for one he was resolved not to shrink from the duty of examining it. He therefore took up the subject, and according to his notion of equity and justice to all in any way interested in the disposal of the public domain, framed his noted 'land bill,' of which the following is a synopsis. It provided, that, after the thirty-first day of December, 1832, twelve and a half per centum of the net proceeds of the sales of the public lands within Ohio, Indiana, Illinois, Alabama, Missouri, and Mississippi, should be paid to them independent of what they were entitled to according to the terms of their admission into the confederacy. This was to be appropriated for purposes of internal improvement and education, under the supervision of their several legislatures. The remainder of the proceeds was to be distributed among all the states in proportion to their representative population, for similar purposes, and under similar control, or in liquidation of any debt contracted in making internal improvement.

The act was to continue five years, except in case of war. Additional provisions were to be made for any new state that might be admitted during its continuance.

The minimum price of the lands was not to be increased, and not less than eighty thousand dollars per annum to be applied in completing the public surveys. Land offices were to be discontinued, where the net proceeds of the sales in them should not be

sufficient to defray the expense of their continuance, and that certain designated quantities of land should be granted to six of the new states, not to be sold at a less than the minimum price of lands sold by the United States.

Such was the bill introduced by Mr. Clay, and great was the astonishment of the administration party in view of its munificent provisions, and that exemplary impartiality, which consulted the interests of all sections of the country alike. Being a candidate for the presidency, they had confidently expected that he would make such a disposition of the question as to secure the support of all the western states, or, at least, so manage as to make it bear favorably on his election. Great, therefore, was their astonishment, in subjecting his bill to their microscopic scrutiny, in not being able to find the remotest reference to *self*, not the slightest looking towards the presidency, and great was their disappointment also. They had tried various schemes to destroy his popularity, without success, and, thinking that he would reason on this subject as *they themselves*, concluded that he would become entangled in their snare. They almost began to chuckle over the anticipated cry of 'bargain' and 'corruption,' with which they should be able to fill the land, on the appearance of his bill. Great was their disappointment, therefore, when his sterling integrity, his purity of intention, appeared in their place.

On the twentieth of June, Mr. Clay's land bill was taken up by the senate. He exerted himself nobly in its defence, and was opposed by Mr. Benton, who, together with other administration men, strenuously supported the policy of reducing the price of a part of the public lands, and of surrendering the remainder to the states in which they lie.

Efforts were made to postpone and amend the bill, but it was so ably enforced, and the objections to it so completely refuted, that it passed the senate by a vote of twenty to eighteen, on the third of July. The house, in regard to some of its provisions, disagreed, and this circumstance enabled its enemies to postpone its consideration, until December, next following, by a vote of ninety-one to eighty-eight. At the next session it was taken up and passed, by votes of twenty-four to twenty in the senate, and ninety-six to forty in the house, and sent to the president for his signature. Had he returned it immediately, even with his veto, it would have become a law, according to the constitution, requiring a vote of two thirds; but, unfortunately for the country, the president's constitutional privilege of retaining bills a designated length of time, did not expire until after the adjournment of congress, which gave general Jackson an opportunity of taking the business of legislation out of the hands of the people, which he eagerly embraced—to trample this bill, as Mr. Benton exultingly said, 'under his big foot,' although he knew it expressed the obvious wishes of the

people. He, therefore, kept the bill, until the commencement of the next session, (fifth of December, 1833,) when he returned it to the house, with his objections. He regarded Mr. Clay's proposition of giving a certain per centage of the sales of the public lands to the states in which they were located, as an 'indirect and undisguised violation of the pledge given by congress to the states before a single cession was made, abrogating the condition on which some of the states came into the union, and setting at nought the terms of cession spread upon the face of every grant, under which the title of that portion of the public lands are held by the federal government.' In close connection with his objection to surrendering a *part* of the public domain to the several states, as mentioned, came his proposal to yield them the *whole*. To grant them a *part*, would be unconstitutional; but to grant them the *whole*, would be constitutional. This reasoning is perfectly *sui generis;* presenting a singular specimen of *logic and consistency* united. It behoved the president to support his veto by some prop, but no person supposed he would select such a crooked and frail one. The fact that he did, shows how long and tedious must have been his wanderings through the political forest, with his executive axe upon his shoulder, in search of a straight and firm one. The truth of the whole matter probably is, that the veto originated more from his personal hostility to Mr. Clay himself, than from any valid constitutional objection to his land bill. This view of the subject receives strong confirmation, by a reference to his message of December fourth, 1832. In this, the president *specifically recommended* the basis of *just such a bill* as that introduced by Mr. Clay. *Stubborn facts* justify us in saying, that if the same bill, containing the same provisions, had been introduced and advocated by Mr. Benton, or Mr. Buchanan, or indeed by any ardent supporter of the administration, the veto never would have been thought of. But it was presented by a hated hand; a hand, that, in the estimation of the president, polluted every thing it touched, and he indignantly spurned its contents to the dust; a hand respecting which he was always ready to ask, 'can any GOOD THING come out of it?' There is too much truth in the remark that has been made of him, both by his friends and foes, thousands of times—'*he would have every thing his own way.*'

But, though defeated by the despotic will of one man, Mr. Clay was not, and could not be, silenced by it. While he had strength to stand up in the councils of his country, he resolved to stand firmly by the side of her rights, and paralyze, if possible, the hand uplifted to infringe them. Though not a participator in those scenes of blood and carnage, in which her broad and beautiful fields were won, yet his sympathizing heart too vividly portrayed the floods of tears, and treasure, and anguish, which the eastern states poured out in perfecting their title papers, to sit tamely down and see them

defrauded of their interest in these. The tombs of their heroes who fell in these struggles, would cry aloud for vengeance, if he sealed his mouth, and hid himself, when he saw the robber approaching. No! Henry Clay was not the man to act thus; his country's rights were *his* rights, her wishes *his* wishes, and he would maintain the former, and consult the latter, at any cost. The 'big foot,' therefore, of general Jackson, though it ruthlessly 'trampled' on his *work*, dared not 'trample' on HIM, and he vigorously set about exposing the fallacy, and puerility, even, of the president's reasons for his veto. This he did in a report which he submitted to the senate, from the committee on public lands, May second, 1834, with special reference to the return of the land bill. Subsequently, from time to time, during several years, efforts were made to wrest the public domain from its rightful owners, which Mr. Clay successfully resisted, and finally succeeded in placing it beyond the reach of those who were bent upon its plunder, giving to each section of the country its equitable share in it. His exertions in accomplishing this have established a foundation for his fame to rest upon, as immovable as the hills which they protected, and which shall endure as long as the verdure which clothes them shall be an object of grateful contemplation.

In 1831–32, Mr. Van Buren's nomination as minister to England came before the senate for confirmation. Mr. Clay opposed it, on the ground of that gentleman's anti-republican conduct in giving, while secretary of state, instructions to Mr. McLane. In these he not only manifested a desire to attach unnecessary blame to the United States, in their intercourse with Great Britain, but unjustly disparaged, in the eyes of that power, the preceding administration. He stated, that its acts had induced England to withhold from them certain privileges, which it otherwise would have extended to them. On the objectionable portions of these instructions, Mr. Clay animadverted with merited severity. 'According to Mr. Van Buren,' said he, 'on our side *all was wrong*—on the British side *all was right*. We brought forward nothing but claims and pretensions; the British government asserted, on the other hand, a clear and incontestible right. We erred, in too tenaciously and too long insisting upon our pretensions, and not yielding at once to the force of just demands. And Mr. McLane was commanded, to avail himself of all the circumstances in his power to mitigate our offence, and to dissuade the British government from allowing their feelings, justly incurred by the past conduct of the party driven from power, to have an adverse influence towards the American party now in power. Sir, was that becoming language, from one independent nation to another? Was it proper in the mouth of an American minister? Was it in conformity with the high, unsullied, and dignified character of our previous diplomacy? Was it not, on the contrary, the language of an humble vassal to a proud and

haughty lord? Was it not prostrating and degrading the American eagle before the British lion?'

The nomination was rejected in the senate by the casting vote of Mr. Calhoun, the vice president. Mr. Clay's opposition to it was based upon grounds purely national — on a desire to maintain the dignity and honor of his country's character. It was fair for him, and for every one, to infer, that the spirit of cringing obsequiousness which Mr. Van Buren evinced, in framing instructions for a foreign minister, would display itself before the court of St. James, in acts as humiliating to her feelings as derogatory to her honor; in a word, that he would take the low attitude of the *parasite*, and not the erect position of the high-minded representative of an independent and mighty nation. How could Mr. Clay's course have been otherwise? Viewed with the eye of a partisan, it may be deemed impolitic; it may have contributed more than any thing else to elevate Mr. Van Buren to the presidency, by recommending him more strongly to the favor of his party, as the victim of political persecution. Party politics, however, had nothing to do in determining Mr. Clay's action; this was not the result of the consultations of any clique, nor the product of any party machinery; it was the offspring of his prompt, spontaneous, and unqualified obedience to his country's mandate. He was never found grovelling among the dingy kennels and filthy sewers of party cabal, seeking the performance of some dirty job; for his country, his *whole country*, gave him too much and too honorable employment to allow him any leisure for this, had he been thus inclined. We have seen that it was his ardent desire to develope the resources of his country to their greatest possible extent, and to cause the tide of prosperity to flow unremittingly into the depositaries of her treasures; and he possessed the abilities requisite to accomplish both, if these could have been suitably directed. Unfortunately, however, circumstances rendered it necessary for them to be almost constantly employed in beating off those who were determined to lay violent hands on her facilities and riches. Instead, therefore, of erecting new political edifices, his time was incessantly occupied in preventing her enemies from tearing down those that were already established. These, he fought and belabored to the last, and plucked from their ravenous jaws many fair portions of his country's possessions. But it needed more than human aid to overthrow their now combined and embattled forces. We have reached the period rendered memorable by their ruthless ravages, the darkest and most disgraceful of our history — chronicling the vilest acts of those in power, and the noblest deeds of those out of power. Hitherto, in tracing the public career of Mr. Clay, our path has been, for the most part, smooth and flowery; but now it is to become rugged and thorny, for we have arrived at the border of the *great desert of our political annals* — a region of ruin,

covered with the black monuments of political depravity and unprincipled faction — a region we would gladly avoid, did not our path lead across it, which we enter reluctantly, and with feelings not unlike those of the traveller who has journeyed through an enlightened country, beautified by art, literature, and science, and is about to pass into one destitute of the conveniences and necessaries of civilization. As he pauses and turns to take a last look of the beauty of the former, before he plunges into the gloom and dreariness of the latter, so let us cast a glance at the bright region behind, before entering the dismal one before us. The vision is cheered by a vast country, basking in the sunshine of high prosperity, with its various departments organized and governed with the most scrupulous fidelity, and with strict regard for the interests of those for whom they were established. No evils are seen to exist, except such as are incident to the most wisely regulated human institutions. On all sides we behold a population harmonious and happy, pursuing their different vocations without clashing or defection, or rejoicing over the rewards of honest and judicious industry. The great sources of their thrift, and most conspicuous features of their country, are the broad, deep, and crystalline streams of agriculture, commerce, currency, and domestic manufactures, with its noble tributary, internal improvement. These meander throughout its whole extent, deposit their sweet waters at every man's dwelling, and make the whole land vocal with innocent mirth and pure enjoyment. Such was the condition of the country through which we have just journeyed, and, had we leisure, would gladly linger to enumerate more particularly the benefits and blessings which the enriching influences of those magnificent streams generated; but we must hasten to trace their progress in the country before us. Previously, however, to commencing our cheerless march, let us, from our lofty position, survey their appearance, after they enter its lonely wilds and barrens. According to a universal and fundamental law of nature, their magnitude should be greatly increased, but they present an instance of its suspension, for some have dwindled to mere rills, and some have entirely disappeared, while others, encountering some unnatural impediments, have become dammed up, and inundated immense tracts with their waters, which stagnate and pollute the atmosphere with noxious vapors. The appearance of the country and its inhabitants, is sickening to behold. The former, broken, uncouth, and uncultivated, looks as though it were laboring under an attack of delirium tremens. Among the latter, commotion, confusion, and disorder, prevail. There is an abundance of action, but it is that of desperation and excitement, but it is perfectly veneficial. A noble few seem to be struggling virtuously against a tide of ruin and excess; but the great mass appear to be in the hot pursuit of the wildest schemes that human

imagination ever invented, trampling upon all order and restraint, diffusing the wildest intoxication through every department of public and private life, and making them the rendezvous of the worst evils known or named among men. The causes of these singular phenomena, a brief recital of facts, as connected with the subject of our memoir, will explain; to gather which, we must enter the territory whose condition we have been anticipating. The first that we notice is the policy of general Jackson towards the bank of the United States — an institution which he found in most prosperous circumstances, and answering every expectation that could be reasonably entertained in relation to such an establishment, and pronounced by the best financiers sound and safe. Nevertheless, soon after entering upon his official duties, he commenced his 'humble efforts' at improving its condition, which, however, aimed at nothing more nor less than making it subservient to party interests. Attempts were made to accomplish this, which, however, proved utterly abortive; the president of the bank replying to them, that its management should not be in any way connected with politics, and that the position which it should maintain, would be that of a *faithful and impartial friend* to the government, and not that of a party or government politician. Enticement proving unsuccessful, resort was then had to threats, which, however, failed of their effect. President Jackson, in his first message, commenced paving the way for the destruction of the bank, by causing the impression to be received that it was unsound, and that *the people* questioned the constitutionality and expediency of the law by which it was established. In his second message he intimates the same, and makes such allusions to the *veto power* as to show that he designed to employ it, unless his own peculiar views should be consulted in renewing the charter of the bank. In his third message he takes similar ground in relation to it, but says he 'leaves the subject to the investigation of the people and their representatives.' This was promptly made, and resulted in rechartering the bank, by a vote of one hundred and seven to eighty-five in the house, which was as promptly vetoed by him. In his veto message is the following remarkable passage. '*If the executive had been called on to furnish the project of a national bank, the duty would have been cheerfully performed.*'

In the senate, Mr. Clay met the veto in a becoming manner, and denounced its absurd doctrines in the most faithful manner. On this occasion he gave a full *exposé* of his views respecting it; proving its spirit at variance with our institutions, and expressed himself decidedly in favor of permanently limiting its exercise. The most absurd of its dogmas related to expounding the constitution, which declared that every public officer might interpret it as he pleased. This called forth one of Mr. Clay's most impetuous bursts of eloquence. 'I conceive,' said he, 'with great deference,

that the president has mistaken the purport of the oath to support the constitution of the United States. No one swears to support it as he understands it, but to support it simply as it is in truth. All men are bound to obey the laws — of which the constitution is supreme — but must they obey them as they understand them, or as they are? If the obligation of obedience is limited and controlled by the measure of information — in other words, if the party is bound to obey the constitution only as he understands it — what would be the consequence? There would be general disorder and confusion throughout every branch of administration, from the highest to the lowest offices — *universal nullification.*'

The insinuations and charges of the president led to a rigid examination of the affairs of the bank, which showed its assets to exceed its liabilities, by more than *forty millions of dollars.* So perfectly safe did congress consider the public deposits in its vaults, that the house passed a vote, of one hundred and nine to forty-six, expressive of their belief of their safety. Not the shadow of evidence was adduced, to give the slightest coloring of truth to the assumptions of the president, or that there was any necessity for augmenting the '*limited powers*' (as he termed them) *of the secretary of the treasury over the public money.* But general Jackson had declared its continuance in the bank dangerous, and he seemed determined on acting as though it were in fact the case. It was requisite for him to have some justifying pretext for the arbitrary measure he designed to adopt, in subverting that noble institution; hence, his hints of the unconstitutionality and inexpediency of its existence, and the unsafety of the people's money in its vaults; but these were now merged in direct attack. He succeeded in withdrawing from them the public deposits — an act that spread panic, embarrassment, and unparalleled distress, through the country, and was the great prolific cause of causes, of all the evils with which it was subsequently visited. This act, to all intents and purposes, was the *president's*, although it was performed through the instrumentality of Mr. Taney, the secretary of the treasury, who executed the unconstitutional bidding of the president, for decidedly refusing to execute which, two previous secretaries, Messrs. McLane and Duane, he had removed. Indeed, in his message of 1833, he distinctly avowed, that he urged the removal of the public money.

Mr. Clay introduced resolutions to the senate, calling for a copy of the documents in which the secretary pretended to find precedents, justifying the course he had pursued, which passed the senate, and, on the thirteenth of December, Mr. Taney placed in the hands of that body, a communication, which contained, however, nothing satisfactory, or contemplated by the resolutions. Mr. Clay declared the ground which the secretary assumed, untenable, and, on the twenty-sixth of December, introduced resolutions to

the senate, pronouncing his reasons for removing the deposits, as communicated to congress, unsatisfactory and insufficient, and that the president, in dismissing the secretary of the treasury because he would not, in violation of his sense of duty, remove, as directed, the public money, had assumed the exercise of a power over the treasury of the United States, not granted by the constitution and laws, and dangerous to the liberties of the people. In defence of these, Mr. Clay made one of his ablest speeches, and forcibly demonstrated the unconstitutionality and illegality of the procedure of the president and secretary. He foretold, with prophetic accuracy, the fatal consequences which would flow from it, and depicted in glowing colors the dangers that threatened the best interests of the nation. These resolutions passed the senate, and, on the seventeenth of April, 1833, the president communicated to the senate his celebrated protest—a document perfectly characteristic of him, replete with the most arrogant assumptions and declarations. This led to a warm and protracted debate, in which Messrs. Clay, Poindexter, Sprague, Frelinghuysen, and Southard, joined, whose powerful arguments drove the president from the last vestige of the fallacious grounds he had assumed, and scattered the doctrines of his protest to the winds. The senate, by a vote of twenty-seven to sixteen, excluded it from the journals, and maintained that the president possessed no right to protest against any of its proceedings. During the discussion, Mr. Leigh, of Virginia, paid Mr. Clay a rich and merited compliment, for his services in allaying the spirit of nullification at the south, in 1832 and 1833. 'I cannot but remember,' said he, 'when all men were trembling under the apprehension of civil war—trembling from the conviction, that if such a contest should arise, let it terminate how it might, it would put our present institutions in jeopardy, and end either in consolidation or disunion; for I am persuaded that the first drop of blood which shall be shed in a civil strife between the federal government and any state, will flow from an irremediable wound, that none may ever hope to see healed. I cannot but remember, that the president, though weilding such a vast power and influence, never contributed the least aid to bring about the compromise that saved us from the evils which all men, I believe, and I, certainly, so much dreaded. The men are not present to whom we are chiefly indebted for that compromise; and I am glad they are absent, since it enables me to speak of their conduct, as I feel I might not without, from a sense of delicacy. I raise my humble voice in gratitude for that service, to *Henry Clay*, of the senate, and *Robert P. Letcher*, of the house of representatives.'

At the time of introducing resolutions pronouncing secretary Taney's reasons insufficient, Mr. Clay took occasion to refute an assertion which a prominent person had made in relation to his (Mr. Clay's) connection with the United States bank, which

intimated that it was dishonorable. He declared that he did not owe the bank, nor any of its branches, a cent; that he had never received a gratuity from it, in any form; that he had acted as counsel, and transacted a vast amount of business for it, in Ohio, and received only the customary fees; and that, in consequence of endorsing for a friend, he had become indebted to the bank, to a considerable amount, but that, by establishing a system of rigid economy, he had entirely liquidated it.

Immediately after the passage of the resolutions excluding the protest, Mr. Clay introduced others, providing for the restoration of the deposits, and reiterating the insufficiency of the secretary's reasons for removing them, and remarked, that whatever might be the fate of the resolutions at the other end of the capitol, or in any other building, that consideration ought not to influence, in any degree, their action. They passed the senate, but, as had been expected, were laid on the table in the house.

During the celebrated session, of 1833–34, known as the *panic session*, Mr. Clay performed an amount of labor seldom equalled. He let no suitable occasion pass, without opposing the despotic proceedings of the president, and raising his warning voice against his suicidal policy. The distress caused by the removal of the deposits, and consequent curtailment of the issues of the United States bank, called forth memorials from the people, which poured into congress continually, denouncing the president's financial experiment, and calling for relief. Many of these were presented by Mr. Clay, who generally accompanied them by a brief speech. One, which he made in presenting a memorial from Kentucky, and one from Troy, contains an accurate and faithful picture of the condition of the country at that period. The evils of the 'pet bank system,' soon began to develope themselves. On one occasion, in alluding to it, Mr. Clay remarked as follows. 'The idea of uniting thirty or forty local banks for the establishment and security of an equal currency, could never be realized. As well might the crew of a national vessel be put on board thirty or forty bark canoes, tied together by a grape vine, and sent out upon the troubled ocean, while the billows were rising mountains high, and the tempest was exhausting its rage on the foaming elements, in the hope that they might weather the storm, and reach their distant destination in safety. The people would be contented by no such fleet of bark canoes, with admiral Taney in their command. They would be heard again calling out for old Ironsides, which had never failed them in the hour of trial, whether amidst the ocean storm, or in the hour of battle.'

The session terminated the last of June, when Mr. Clay set out for Kentucky. While travelling in the stage-coach from Charlestown to Winchester, Virginia, he narrowly escaped death, by its upsetting, a young gentleman being instantly killed by his side.

In 1834–35, the subject of French spoliations came before congress, in considering which, Mr. Clay rendered valuable services. A treaty had been concluded with France, stipulating for indemnification, the first instalment of which was not promptly paid, whereupon the president, with injudicious precipitancy, recommended the passage of a law authorizing reprisals upon French property, unless at the next session of the French chamber provision should be made for its payment. The tendency of this recommendation was most deleterious upon our commercial interests. The subject was referred to the committee on foreign relations, at the head of which the senate had placed Mr. Clay. On the sixth of January, 1835, he read a lengthy and most able report, which detailed, with great minuteness and perspicuity, the facts connected with the subject of the spoliations, which was received with great applause, and twenty thousand copies printed and circulated through the country, which soon restored commercial confidence. The doctrines of the report were such as commended themselves to every patriotic heart — simple, just, exacting to the last tithe our demands on France, but yet deprecating rashness in obtaining them. The committee did not doubt the power of the United States to enforce payment, but deemed it inexpedient to exercise it, until other means had been exhausted. They coincided with the president in a determination to have the treaty fulfilled, but desired to avoid too great haste. They concluded by recommending the senate to adopt a resolution, declaring it 'inexpedient to pass, at this time, any law vesting in the president authority for making reprisals upon French property, in the contingency of provision not being made for paying to the United States the indemnity stipulated by the treaty of 1831, during the present session of the French chambers.'

On the fourteenth of January, in accordance with previous arrangement, Mr. Clay called for the consideration of the report and its accompanying resolution. It being expected that he would address the senate, the members of the house generally left their seats to listen to him, nor were they disappointed; for he spoke nearly an hour, in strains of eloquence that thrilled the hearts of all who listened to him. After being slightly modified, the resolution passed the senate unanimously, and thus, mainly through the efforts of Mr. Clay, a hostile collision with France was averted, and that pacific intercourse which had previously existed between her and the United States reëstablished, and the consummation of the treaty greatly accelerated. As he justly deserved, his country awarded him sincere praise, for his magnanimous course in achieving this.

Soon after the president's recommendation of reprisals, the French minister was recalled from Washington, and passports presented to our minister at Paris, by the order of Louis Philippe,

the French king, in anticipation of a rupture with the United States. In consequence of these proceedings, Mr. Clay, near the close of the session, made a short report from the committee on foreign relations, recommending that the senate adhere to the resolution previously adopted, await the result of another appeal to the French chambers, and hold itself in readiness for whatever exigency might arise. The advice of the committee was adopted by the senate, and thus terminated the consideration of the subject.

On the fourth of February, 1835, an occasion occurred favorable for the exercise of Mr. Clay's philanthropic feelings, which he promptly embraced. He had received a memorial from certain Indians of the Cherokee tribe, setting forth their condition, grievances, wants, and rigid and cruel policy pursued towards them by the state of Georgia. A portion desired to remain where they were, and a portion to remove beyond the Mississippi. In presenting their petition, Mr. Clay made remarks which came burning with pathos and eloquence from his inmost soul. He manifested the deepest feeling, as he dwelt upon the story of their wrongs, and their downtrodden state. This he represented as worse than that of the slave, for his master cared for and fed him, 'but what human being,' said he, 'is there, to care for the unfortunate Indian?' Mr. Clay alluded to the numerous solemn treaties, in which the United States pledged their faith towards the red man, to allow him the unmolested occupancy of his hunting grounds. He was much affected, and many of his audience were bathed in tears. Mr. Clay's sympathetic feelings flow forth unbidden, and unchecked by selfish considerations, whenever he beholds suffering humanity, and no class have participated more largely in them than the poor, friendless aborigines. He has always advocated their claims, and a full redress of their grievances. The presence of a Cherokee chief and a female of the tribe greatly enhanced the interest of the occasion, who seemed to hang upon the lips of the benevolent speaker, and drink in every word as though it had been water to their thirsty souls. In conclusion, Mr. Clay submitted a resolution, directing the committee on the judiciary to inquire into the expediency of making further provision, by law, to enable Indian tribes to whom lands have been secured by treaty, to defend and maintain their rights to such lands, in the courts of the United States. Also, a resolution directing the committee on Indian affairs, to inquire into the expediency of setting apart a district of country west of the Mississippi, for such of the Cherokee nations as were disposed to emigrate, and for securing in perpetuity their peaceful enjoyment thereof, to themselves and their descendants.

A bill was reported to the senate, abating executive patronage, which Mr. Clay supported by a speech, on the eighteenth of February, 1835, embodying an accurate account of the multifarious evils resulting from the selfish and arbitrary course pursued by the

chief magistrate — evils which no lover of his country and her liberties could contemplate but with apprehensions of terror. He also spoke in favor of making an appropriation for continuing the construction of the Cumberland road, and against surrendering it to the control of the states through which it passed.

During the session of 1835–6, a further consideration of the subject of French spoliations was had. Mr. Clay, being again placed at the head of the committee on foreign relations, on the eleventh of January, 1836, introduced a resolution to the senate, calling on the president for information relative to our affairs with France. Three weeks subsequently, he introduced another, calling for the *exposé* which accompanied the French bill of indemnity, for certain notes which passed between the Duc de Broglie, and our *chargé*, Mr. Barton, and those between our minister, Mr. Livingston, and the French minister of foreign affairs. With some modifications, these resolutions were adopted.

On the announcement of the president, February eighth, 1836, that Great Britain had offered her mediation between the United States and France, Mr. Clay took occasion to remark that he could not withhold the expressions of his congratulations to the senate, for the agency it had in producing the happy termination of our difficulties with France. If the senate had not, by its unanimous vote of last September, declared that it was inexpedient to adopt any legislative action upon the subject of our relations with France, if it had yielded to the recommendations of the executive, in ordering reprisals against that power, it could not be doubted but that war would have existed, at that moment, in its most serious state.

On the fourteenth of April, Mr. Clay's land bill was taken up in the senate, and discussed at length, for several days, during which he ably and faithfully defended it. On the twenty-sixth, he made a speech in its behalf, which was not far behind his most brilliant efforts. In reference to it says the National Intelligencer, 'we thought, after hearing the able and comprehensive arguments of Messrs. Ewing, Southard, and White, in favor of this beneficent measure, that the subject was exhausted; that, at any rate, but little new could be urged in its defence. Mr. Clay, however, in one of the most luminous and forcible arguments which we have ever heard him deliver, placed the subject in new lights, and gave to it new claims to favor. The whole train of his reasoning appeared to us a series of demonstrations.'

By a vote of twenty-five to twenty, it passed the senate, May fourth, 1836, in the same form, substantially, as that vetoed by general Jackson; but in the house his influence was too powerful to admit of its passage there at that time.

On the right of petition, Mr. Clay stated his views, which supported the belief that the servants of the people ought to examine,

deliberate, and decide, either to grant or refuse the prayer of a petition, giving the reasons for such decision; and that such was the best mode of putting an end to the agitation of the public on the subject. The right of congress to abolish slavery in the District of Columbia, he thought, existed, but seemed inclined to question the expediency of exercising it, under the circumstances then existing.

The condition of the deposit banks was made the subject of a report by the secretary of the treasury, on the seventeenth of March, 1836, when Mr. Clay demonstrated the insecurity of the public monies in their keeping, and foretold, with astonishing accuracy, the crisis which in 1837 occurred.

The recognition of the independence of Texas, was effected by the exertions of Mr. Clay, on ascertaining that it had a civil government in successful operation. Up to the close of the session, (July fourth, 1836,) Mr. Clay's vigilance and activity in the service of his country did not abate in the least. The fortification bill, reduction of duties on articles not coming in collision with the manufacturing interests, and various other questions of national importance, engaged his attention.

On returning to Kentucky, a dinner was tendered him, by the citizens of Woodford county, at which he reviewed, in a masterly manner, the doings of the administration, and expressed his determination to withdraw from public life, and even went so far as to declare his wish that the state would look for some other individual to fill the station then occupied by him, but which would soon be vacant by the expiration of his term.

While surveying his cattle, in the autumn of 1836, he narrowly escaped death, by a furious bull, which rushed towards him, plunging his horns into the horse on which he was seated, killing him suddenly, and throwing Mr. Clay several feet. He, however, escaped with a slight contusion.

In 1836, Mr. Clay accepted the appointment of president of the American Colonization Society, in the place of ex-president Madison, deceased.

Being strongly importuned from a variety of sources, Mr. Clay consented to become a candidate for the senatorship again, and was reëlected. Immediately after the convening of congress, he once more brought forward his land bill. After being read twice, it was referred to the appropriate committee, at the head of which was Mr. Walker, of Mississippi, who said, that he had been instructed by it to move the indefinite postponement of the bill, whenever it should come up for consideration. A few days after, he introduced his own bill, proposing to restrict the sales of lands to actual settlers. On the ninth of February, 1837, Mr. Calhoun introduced *his* bill, which ostensibly sold, but in reality gave to the new states, the public lands. This plan was vigorously denounced

by Mr. Clay, who expressed himself opposed to all schemes of disposing of the national domain which would deprive the old states of their rightful interest in it, and that, while he had strength to stand and speak, he would employ it in protesting against their adoption. He implored the senate not to appeal to the cupidity of the new states from party inducements, and exhorted a faithful adhesion to equity and justice in apportioning the public lands.

On a bill, originating with the committee on finance, which contained provisions conflicting with the compromise act, Mr. Clay spoke at considerable length; also on a resolution introduced by Mr. Ewing, rescinding the specie circular, which required all payments for public lands to be in specie.

On the sixteenth of January, Mr. Clay discussed the question of *expunging* from the records of the senate, for 1834, his resolution censuring general Jackson for removing the deposits unconstitutionally; Mr. Benton having introduced a resolution requiring its erasure. In his speech, Mr. Clay so blended indignant invective, sarcasm, scorn, humor, and argument, as to make it one of the most withering rebukes ever administered. 'What patriotic purpose,' said he, 'is to be accomplished by this expunging resolution? Can you make that not to be, which has been? Can you eradicate from memory, and from history, the fact, that in March, 1834, a majority of the senate of the United States passed the resolution which excites your enmity? Is it your vain and wicked object to arrogate to yourself that power of annihilating the past, which has been denied to omnipotence itself? Do you intend to thrust your hands into our hearts, and to pluck out the deeply rooted convictions which are there? Or is it your design merely to stigmatize us? You cannot stigmatize us.

'Ne'er yet did base dishonor blur our name.'

'Standing securely upon our conscious rectitude, and bearing aloft the shield of the constitution of our country, your puny efforts are impotent, and we defy all your power. Put the majority of 1834 in one scale, and that by which this expunging resolution is to be carried in the other, and let truth and justice in heaven above and on earth below, and liberty and patriotism, decide the preponderance.

'What patriotic purpose is to be accomplished by this expunging resolution? Is it to appease the wrath, and heal the wounded pride, of the chief magistrate? If he be really the hero that his friends represent him, he must despise all mean condescension, all grovelling sycophancy, all self-degradation and self-abasement. He would reject with scorn and contempt, as unworthy of his fame, your *black scratches* and *your baby lines*, in the fair records of his country.'

The expunging resolution, however, passed, and thus the just resolution of Mr. Clay was stricken from the national records, but not from the *record of memory;* there will it live until her functions cease, the memento of a patriotic purpose to place the signet of a nation's displeasure upon as unprincipled an act as any ruler of that nation ever perpetrated.

In the autumn of 1836, the presidential election took place, which resulted in elevating Mr. Van Buren to the chair of the chief magistracy, by one hundred and seventy of the two hundred and ninety-four electoral votes. At the time he entered upon the discharge of his official duties, the situation of the country was deplorable in the extreme. She was reaping the bitter fruits, which Mr. Clay had again and again predicted general Jackson would bring back from his experimental crusade and thrust down her throat. From Maine to Florida, her population were eating them, and gnashing their teeth with rage, when they contrasted their present lamentable condition, with what it was during the halcyon and equitable administration of Mr. Adams. Then, there was every thing to admire, and nothing to deprecate; now, there was nothing to admire and every thing to deprecate; then, the most devoted patriot, as he cast his eyes over his country, discovered abundant evidence of health, and the existence of few evils, and those medicable, or, if not, easily patible; now, wounds and bruises and putrescence, disfiguring it, he beheld at every stage of his survey, and ills of untold magnitude and enormity, for which no remedy could be devised. But there is no necessity for specification; it is sufficient to say, that when general Jackson took up the reins of government, he found the country prosperous and happy, and that when he laid them down, its *condition was just the reverse.* For every good which he found, its opposite evil had been substituted; for solvency, insolvency; for confidence, suspicion; for credit, discredit; for a sound and safe currency, one, if possible, worse than unsound and unsafe; for honesty, dishonesty; for purity, corruption; for justice, injustice; for frankness and candor, intrigue and duplicity; for order, disorder; for quiet, turmoil; for fidelity, infidelity; for enterprise, indolence; for wealth, poverty; for patient industry, wild speculation; for republican simplicity, haughty aristocracy; for wisdom, folly; for health, disease; for happiness, misery; for hope, despair; and for life, death. This substitution, Mr. Clay clearly foresaw would be made; he predicted it, and forewarned the country of it. Such was the condition of the country, when Mr. Van Buren attempted to 'walk in the footsteps of his illustrious predecessor.' Soon after his inauguration, he issued his proclamation, ordering an extra session of congress, to commence the first Monday in September. Pursuant to this, congress met to prescribe some mode of relief. In his message, the president recommended the *sub-treasury system* for the deposit,

transfer, and disbursement of the public revenue. This was the engrossing topic of the session, and which Mr. Clay combated and denounced unsparingly. He detected in it, and lucidly exposed, *that* which was calculated, not only to perpetuate the excesses and abuses under which the land was then groaning, but to superinduce fresh ones. He saw in it the grand link of that chain, destined to bind the resources and patronage of the government to the *car of party*, which for eight long years Mr. Van Buren's predecessor had been so busily engaged in forging. Mr. Clay's speech on this occasion is an inimitable specimen of close argumentative reasoning. After exposing the defects, absurdities, and danger of the sub-treasury scheme, he declared his decided conviction, that the only practicable measure for restoring a sound, safe, and uniform currency to the United States, was a properly organized United States bank, but that it would be unwise to propose such an institution, until the conviction of its necessity should become permanently impressed npon the minds of the people. The sub-treasury bill passed the senate by a vote of twenty-five to twenty, but in the house was laid on the table by a vote of one hundred and twenty to one hundred and seven.

Petitions for the erection of a national bank poured into congress incessantly, quite too fast to please the administration, which began to tremble for the safety of its darling projects. Mr. Wright, from the committee on finance, moved that the prayer of the memorialists ought not to be granted. Mr. Clay said, if the honorable senator persisted in his opposition, he should feel constrained to move to strike out all after *resolved*, and substitute 'that it will be expedient to establish a bank of the United States, whenever it shall be manifest, that a clear majority of the people of the United States desire such an institution.'

On the nineteenth of February, 1838, Mr. Clay once more addressed the senate in opposition to the sub-treasury plan, in one of the longest speeches he ever delivered, and made a complete *expose* of the ulterior intentions of the present and previous administrations, which were, to subvert the whole banking system, and build upon its ruins a mighty government, treasury bank, to be mainly organized and controlled by the executive department.

During the session, Mr. Clay, in presenting a petition for the establishment of a national bank, communicated some of his own views in relation to such an institution. He desired, first, that its capital should not be enormously large — about fifty millions of dollars — and its stock divided between the general government, the states, and individual subscribers; secondly, that in its organization, reference should be had to public and private control, public and private interests, and to the exclusion of foreign influence; thirdly, that a portion of its capital should be set apart, and placed in permanent security, adequate to meet any contingency

that might arise in connection with the issues of the bank; fourthly, perfect publicity in relation to all its affairs; fifthly, that its dividends should be limited to a certain per centum; sixthly, a prospective reduction in the rate of interest to six, and, if practicable, to five per centum; seventhly, that there should be a restriction upon the premium demanded upon post notes and checks used for remittance, to about one and a half per centum as the maximum between the most remote points of the union, thereby regulating domestic exchanges; eighthly, that effective provisions should be made against executive interference with the bank, and of it with the elections of the country. Such a public banking institution Mr. Clay advocated, from the conviction that it would perform every thing requisite in furnishing a good currency. The question of its constitutionality, he considered as satisfactorily settled by the fact, that the people during forty years had cherished the bank, that it had been approved by Washington, the father of his country, by Madison, the father of the constitution, and by Marshall, the father of the judiciary.

The subject of abolition was introduced into the senate, which Mr. Clay approached, and freely discussed, although urged to avoid it by his friends. He considered it, as it might be expected he would, in the true spirit of philanthropy, benevolence, and patriotism. His sentiments were conceived and uttered in such a noble, liberal, and magnanimous manner, as to elicit expressions of approbation and of commendation even from both anti and pro slavery men. Mr. Calhoun admitted the correctness of his sentiments, and the entire security which their adoption would promise to the union. As a matter in course, the enemies of Mr. Clay strove to cause the impression to be received, that, in his thus advocating the right of petition, he was actuated by motives of a personal nature, by a desire to render himself popular with abolitionists. His advocacy of this right *did* render him popular, not only with that class of individuals, but with all who revere and love the immutable and eternal principles of truth and justice, and rejoice to see the outpourings of sympathy towards a worthy object.

During the summer of 1839, in his return from a northeastern tour, he visited the city of New York, where his reception was as gratifying to his feelings as it was spontaneous and brilliant on the part of those who gave it. The whole city joined in it, and it may well be questioned, whether any individual ever entered the city, attended by such enthusiastic tokens of popular favor. He approached it in the steamer James Madison, at the foot of Hammond street, Greenwich, early in the afternoon. As he stepped on the wharf, the air was rent by the welcoming acclamations of an immense multitude assembled there, which were taken up and continued by similar collections of people lining his whole route (a distance of three miles) to the Astor House, where lodgings

had been prepared for him. He sat in an open barouche, preceded by a band of music, and followed by an immense concourse of citizens in carriages. The streets through which he passed were crowded with one dense mass of *people*, and the houses were covered with them. At all the principal places in his route, bands of music were stationed, that, as he approached, sent forth their spirit-stirring peals, which, with the vociferous shouts of thousands on thousands, and waving of handkerchiefs, flags, and banners, rendered his march like that of an oriental pageant. When he reached the Park, the shouting was almost deafening, which went up like the roar of the sea. The most interesting feature of this grand reception, was its *spontaneousness*. It was not '*got up*,' but it was the unprovided for, the unsolicited, and voluntary *act of the people*, tendering to their best, their most devoted friend, their sincere and heart-felt greetings and gratulations. Mr. Clay had greatly endeared himself to all capable of appreciating lofty and disinterested action, who, as Mr. Van Buren's presidential term drew to a close, began to be mentioned continually as the most suitable whig candidate for president. On the fourth of December, 1839, the democratic whig convention met at Harrisburgh to nominate one. Not a doubt was entertained that Mr. Clay was the man of their choice, when they assembled, and that his selection would have been the result of their assembling, had not the most dishonorable means been employed to defeat it.

On the fifth of December, the convention was organized, Hon. James Barbour being appointed president. The committee appointed to report a candidate, after a session of two days, during which the intriguers were busy in circulating their falsehoods, and reading letters pretended to have been received from distinguished individuals in different parts of the country, and which were filled with false assertions of Mr. Clay's unpopularity, finally decided upon William Henry Harrison. Their decision was received by those of Mr. Clay's friends who stood by him to the last, without a murmur, although with melancholy looks, and silent disappointment. Mr. Banks, one of the delegation from Kentucky, was the first to rise and express their cordial concurrence in the nomination made. Mr. Preston expressed himself similarly, and desired that a letter from Mr. Clay, which had been in the possession of a delegate several days, should be read to the convention, and which had not been previously shown, lest the motives for its exhibition should have been misconstrued. It was read by colonel Coombs, of Kentucky. In this, Mr. Clay says, 'with a just and proper sense of the high honor of being called to the office of president of the United States, by a great, free, and enlightened people, and profoundly grateful to those of my fellow citizens who are desirous to see me placed in that exalted and responsible station, I must nevertheless say, in entire truth and sincerity, that, if the delibera-

tions of the convention shall lead them to the choice of another, as the candidate of the opposition, far from feeling any discontent, the nomination will have my best wishes, and receive my cordial support.' He then exhorted the delegation from Kentucky to think not of *him*, but of their bleeding, prostrate country, and to coöperate with the convention in selecting such an individual as should seem most competent to deliver her from the perils and dangers with which she was environed.

The reading of this remarkable communication, sent a thrill of astonishment and admiration through the hearts of all who listened to it. Many were affected to tears. Mr. Barbour said, after assenting to the determination of the convention, that he had been on terms of intimacy with Mr. Clay for thirty years, and that a more devoted or purer patriot and statesman never breathed, and that during that period he had never heard him give utterance to a single sentiment unworthy this character; that there was no place in his heart for one petty or selfish consideration. Mr. Leigh, of Virginia, said, he never thought that Mr. Clay needed the office, but that the country needed him. That office could confer no dignity or honor on Henry Clay. The measure of his fame was full, and whenever the tomb should close over him, it would cover the loftiest intellect and the noblest heart that this age had produced or known. '*I envy Kentucky, for when he dies she will have his ashes!*' said the venerable Peter R. Livingston, of New York.

In selecting a candidate for the vice presidency, it was thought that a suitable one was found in John Tyler, of Virginia, who was accordingly chosen.

Mr. Clay concurred, cheerfully and nobly, in the nomination of general Harrison, and exerted himself manfully in promoting his election. Mr. Clay did not evince the slightest disappointment at the result of the nominating convention, but seemed to rejoice over it. In the presidential canvass, preceding the election of general Harrison, Mr. Clay took a prominent part. In advocating the claims of general Harrison to the presidency, he labored sedulously, also, to procure the adoption of those principles which he considered ought to constitute the rule of action to all virtuous politicians. Averse to every thing like concealment himself, respecting his political sentiments, he ascertained, accurately, those of general Harrison, and then faithfully exhibited them. The contest resulted in the election of general Harrison, who received two hundred and thirty-four of the two hundred and ninety-four electoral votes cast. By the same vote Mr. Tyler was elected to the vice presidency.

Mr. Clay continued, with unrelaxing energy, his services during the session of 1839–40. The land bill came up again, and a warm debate ensued between him and Mr. Calhoun, and somewhat harsh language passed between them. The latter insinuated, that, at a certain time, he had the ascendency over Mr. Clay in

debate—that he was his (Mr. Clay's) master. In reply, Mr. Clay said, that so far from admitting Mr. Calhoun to be his *master*, he would not own him for a *slave*. Mr. Clay, however, was not the man to harbor hard feelings towards any one, especially towards a political opponent. Soon after retiring from the senate in 1842, he met Mr. Calhoun as he was passing out of the senate chamber, and exchanged with him cordial salutations, while tears came to the eyes of both.

On a variety of questions of public interest, Mr. Clay spoke, the principal of which were, that of the abolition of slavery, the Maine boundary line, the navy appropriation bill, branch mints, expenditures of government, Cumberland road, and internal improvements. On the twentieth of January, 1840, he delivered a speech of rare ability on the sub-treasury, now called the independent treasury bill, which he denominated a government bank in disguise.

On all suitable occasions Mr. Clay frankly avowed his political faith, but never, perhaps, more minutely or explicitly, than at a dinner given to him at Taylorsville, in June, 1840. His speech at that time is a storehouse of sound political tenets, among which we find the following.

First. That there should be a provision to render a person ineligible to the office of president of the United States, after a service of one term.

Second. That the veto power should be more precisely defined, and be subjected to further limitations and qualifications.

Third. That the power of dismission from office should be restricted, and the exercise of it rendered responsible.

Fourth. That the control over the treasury of the United States should be confided and confined exclusively to congress; and all authority of the president over it, by means of dismissing the secretary of the treasury, or other persons having the immediate charge of it, be rigorously precluded.

Fifth. That the appointment of members of congress to any office, or any but a few specific offices, during their continuance in office, and for one year thereafter, be prohibited.

General Harrison, previously to commencing his journey to Washington, visited Mr. Clay, and tendered him any office in the president's gift, but he courteously, yet firmly, declined accepting one, and expressed his unalterable resolution to withdraw from public life, as soon as he should see those fundamental measures, for which he had been so long and so ardently struggling, put in a train of accomplishment. To the very last of Mr. Van Buren's administration, he labored untiringly to place them in such a position. He was the strenuous advocate of a uniform system of bankruptcy. This was embodied in a bill reported to the senate by the judiciary committee, in the spring of 1840, on

account of the numerous petitions presented in its favor. It passed the senate, by a vote of twenty-four to twenty-three, but was defeated in the house.

Directly after the inauguration of general Harrison, he issued his proclamation ordering an extra session of congress, to commence on the last Monday in May. Before that period arrived, the president was no more. He died just one month after his introduction to office. The intelligence of his death filled the nation with sadness, yet no serious grounds of fear were entertained, because it was believed that Mr. Tyler would discharge the duties of the presidency with fidelity. Congress assembled in accordance with the proclamation of the late lamented Harrison. Mr. Clay commenced the public business with vigor and alacrity. The subjects which he deemed of pressing importance, and should engage the immediate attention of the senate, were,

First, the repeal of the sub-treasury law.

Secondly, the incorporation of a bank adapted to the wants of the people and government.

Thirdly, the provision of an adequate revenue, by the imposition of duties, and including an authority to contract a temporary loan to cover the public debt created by the last administration.

Fourthly, the prospective distribution of the proceeds of the public lands.

Fifthly, the passage of necessary appropriation bills.

Sixthly, some modification in the banking system of the District of Columbia, for the benefit of the people of the district.

From the head of the committee on finance, Mr. Clay moved the appointment of a select committee, to take into consideration the bank question, of which he was made chairman.

In June, Mr. Clay reported a plan for a national bank, which, after an animated discussion, was adopted by both houses, which, on the sixteenth of August, was vetoed by president Tyler. The return of the bill was hailed with mingled surprise, sorrow, and alarm, in the senate, which was addressed on the subject of the veto, by Mr. Clay, in strains of lofty eloquence, almost surpassing himself. Another bill was then framed with special reference to the objections of the president; in other words, it was just such a bill as he had recommended. The surprise and indignation were overwhelming, when it was known that this bill had encountered the fate of its predecessor. Mr. Clay did not scruple to denounce the exercise of the veto, as he had denounced it in the case of general Jackson, as unjustifiable, and as involving a manifest encroachment upon the liberties of the people.

With the solitary exception of Mr. Webster, the cabinet resigned their seats, and the feeling of indignation, enkindled at Washington, spread through and lit up the whole country into a glow of wrath, at the uncalled for and unexpected procedure of Mr. Tyler.

Although baffled, and in a measure defeated, by the despotism of one man, still Mr. Clay did not slacken his exertions to render relief to his suffering and distracted country. He was at the head of two important committees, and performed an amount of labor truly surprising. He had the gratification of witnessing the repeal of the abominable sub-treasury scheme, the passage of the bankrupt law, and his land bill.

An attempt to adjust the tariff was made, which occasioned another veto from the president. This was directed mainly against the distribution clause, which was finally surrendered to accommodate the views of the president. The tariff bill at length became a law.

On the thirty-first of March, 1842, Mr. Clay executed his long and fondly cherished design of retiring to the quiet of private life. He resigned his seat in the senate, and presented to that body the credentials of Mr. Crittenden, his friend, and successor. The scene which ensued when he tendered his resignation, was indescribably thrilling. It was not unlike that, when the father of his country, surrounded by his companions in arms, pronounced his farewell address, as they were about to disband and enter upon the possession and enjoyment of that independence which their invincible arms had won. Had the guardian genius of congress and the nation been about to take his departure, and giving his parting admonitions, deeper feeling could hardly have been manifested, than when Mr. Clay rose to address, for the last time, his congressional compeers. An individual witnessing the breathless silence that pervaded the densely crowded senate chamber, and the tears flowing freely and copiously from the eyes of all, would have said, that wherever else Mr. Clay might have enemies, he had none in that assembly. In those who were politically opposed, and in those who were personally hostile to him, the movings of the best principles of our being were not subjected to the cruel control of selfishness or envy, but permitted to respond to the voice of nature, calling them in her most enticing tones to unite with his devoted friends, in bearing appropriate testimony to his public worth. The former no less than the latter, manifested the most sincere regret at the prospect of his departure. All felt that a master spirit was bidding them adieu — that the pride and ornament of the senate and the glory of the nation was being removed, and all grieved in view of the void that would be made. He spoke as it might be expected the patriot warrior of a thousand victorious battles would speak, standing on the field where they were fought — the living, burning, sublime sentiments of patriotism. His feelings often overpowered him. His voice, naturally musical, seemed the very refinement of sweetness and pathos, whose honied accents sank into the hearts of his hearers, like heaven's benediction. When Mr. Clay closed, the most intense

emotion agitated the senate. Mr. Preston rose, and remarked, in view of it, that he presumed there would be little disposition to transact business; that the event that had just occurred, was an epoch in the legislative history of the nation, and that therefore he would move that the senate adjourn. The motion was adopted unanimously.

Thus terminated the senatorial career of one of the greatest statesmen of this or any other age — a career disfigured with as few imperfections, and adorned with as many ornaments of genius and intellect, as that of any one who ever lived. A career achieved in the service of, and bequeathed to *the people*, they will regard it as a precious legacy, and derive from it ample aliment for the sustenance of patriotic and philanthropic principle, to the end of time. It shall be the favorite resort of the worshippers of liberty from all lands, who, with astonishment, admiration, and pure delight, will trace it, dwell with feelings of moral grandeur upon its scenes of political sublimity and disinterested patriotism, and, amid their rejoicings over its beauties and excellencies, will envy the nation to which it belongs. We take our leave of Mr. Clay's public life, to notice, briefly, some incidents connected more particularly with his private history. The personal appearance of Mr. Clay is imposing and prepossessing. He is tall, and somewhat thin, but very muscular, exhibiting lofty and dignified grace and ease in his deportment and carriage, and an entire absence of every thing like stiffness or haughtiness. His manner is cordial and kind, inviting rather than repelling approach. His countenance is open and bland, on which his soul may be said to sit, so faithfully does it mirror its feelings. It is impossible to describe its varying expressions. His eyes are of a blue, or dark gray color, small, and when he is animated flash with unearthly vividness. His forehead is high and broad. His mouth is large, but strikingly indicative of genius and energy. His voice is exceedingly silvery, deep toned, and most exquisitely modulated — a fit organ to herald forth to the world, the noble sentiments of a noble heart. It may be regarded as no unimportant element of his fame, inseparably and imperishably interwoven with his course. When speaking, he possesses the rare faculty of not only throwing his own soul wholly into his subject, but of carrying along with it the souls of his hearers, and, as it were, making them take a part in its consideration, assenting or dissenting as he did. His action is peculiarly graceful and appropriate, harmonizing admirably with the character of the sentiments uttered.

We shall not attempt an analysis of his mind, conscious of our inability to do it justice. Its powers are so numerous and so great, as to make the task no light one. Its most prominent attribute is *patriotism*. This is the sun of its lofty faculties, which revolve about it in the order of satellites. Every thing is subordinate to,

or absorbed by it. This is seen in every part of his career, towering magnificently upwards, like a mighty mountain to bathe its head in everlasting sunshine, and forms its loveliest and most attractive feature. With Mr. Clay, patriotism was no unmeaning word. He made it the grand test of both principle and measure, and the main-spring of action. His devotion to it is most remarkable; so exclusive, as to lead him to sacrifice every other consideration upon its altar. On one occasion, acting under its influence, he said to Mr. Grundy, 'tell general Jackson, that if he will sign *that bill* (the land bill), I will pledge myself to retire from congress, and *never enter public life again;*' of such vital importance did he consider that bill to the welfare of his beloved country. One cannot avoid breaking out in exclamations of admiration, and reverence, even, in view of such self-immolating political purity, as this sincere declaration evinces. *My country, my country,* seems to have been the constant apex of his thoughts and wishes. This attribute gives to his commanding eloquence its invincible power, and is the rocky pedestal on which he has reared the temple of his immortal fame.

Political consistency is another prominent characteristic of Mr. Clay. This, like a line of light, is traceable through all his public life. The soundness of his judgment is worthy of note, by which he is enabled to predict, with almost prophetic accuracy, the effect of the adoption of certain measures. As a writer, Mr. Clay's style is nervous, perspicuous, and concise, evincing the freshness and beauty of originality, usually moving on in a deep and quiet current, but at times rushing like the mountain torrent, overthrowing all obstacles. He is peculiarly qualified for the regions of argument and close investigation, yet he can soar into that of imagination, and whenever he does, it is the flight of the eagle towards heaven. His power of illustration is felicitous, demonstrating an intimate acquaintance with the secret springs of the soul, and a sagacious knowledge of its mysterious movements. His conversational faculties are striking, and exceedingly versatile, enabling him to accommodate himself to the capacities of all, to the humblest, as well as to the loftiest intellect. It was remarked of Mr. Burke, by Dr Johnson, that if a tempest, or any other occurrence, should cause him to take shelter under the roof of a peasant, he would find sufficient topics to employ his conversational powers, and *would so employ* them as to leave indelibly impressed upon the mind of its lowly occupant, the belief, that he was listening to no ordinary man. This would be emphatically true of Mr. Clay, who possesses, in an eminent degree, the faculty attributed to Mr. Burke. It is the exercise of this, that has so endeared him to all who have been privileged to come within the sphere of its influence, and which invests his domestic and social relations with their greatest charms.

In private life, Mr. Clay exhibits the noblest characteristics of human nature, which may be expressed by one word — *open-heartedness*. He is kind and liberal to a fault. Says one who is intimate with him, 'his door and his purse are alike open to the friendless stranger and the unfortunate neighbor. Frank, open, and above the meanness of deception himself, and consequently never searching for duplicity and treachery in those around him, he has more than once suffered from the vile ingratitude of men who have been cherished by his bounty and upheld by his influence.

'The curse of aristocracy has never chilled the warm flow of his natural feelings. His heart is as warm, his hand is as free, and his smile as familiar as they were forty years ago, when, without friends and without influence, he first responded to the hearty welcome of the Kentuckian. His feelings have never changed with his fortunes.'

Mr. Clay is admirably qualified for the interchange of social and friendly feelings, in which he indulges most judiciously. His convivial interviews are enlivened by enjoyments of a marked intellectual character. His readiness at repartee, and aptitude for reply, are conspicuous features in his character. No emergency, however sudden or unexpected, finds him unprepared, or disarms him. He perceives the bearing of remarks, with the quickness of intuition, however vague or ambiguous they may be, and with the suddenness of thought frames and utters a suitable reply. An instance, illustrative of this rare attribute, occurred not long after his return from Ghent. It grew out of the subjects of the fisheries, and the navigation of the Mississippi river, which came before the commissioners during their negotiations at that place, two of whom, on the part of the United States, were Messrs. Clay and Adams. It is well known that Mr. Adams, whose constituents were deeply interested in the fisheries, insisted strenuously upon their preservation, and seemed disposed to grant to Great Britain the equivalent which she demanded for them — the right to navigate the Mississippi. It is equally well known that Mr. Clay as strenuously opposed the granting of that right to her, even if the loss of the fisheries in question should be the price of the refusal to grant it. Soon after the return of the commissioners, Mr. Adams received a *huge Codfish*, probably from some person or persons concerned in the fisheries, as a testimonial of appreciation of his services in advocating their maintenance. The fish was an enormous one, weighing something like eighty pounds; indeed, it was so large that no dish could be found sufficiently capacious to contain the monster when cooked, as Mr. Adams desired it to be whole. Consequently he was under the necessity of getting one constructed suited to the dimensions of his fishship. After he had completed his arrangements for having it served up according to his fancy, taking special care in ordering it to be placed in the

most conspicuous part of the dining-table, that its appearance might be as imposing as possible, he invited several of his personal friends to dine with him, among whom was Mr. Clay. When dinner was announced, Mr. Adams led the way to the dining room, closely followed by Mr. Clay, who, on beholding the huge fish, started back, with the exclamation of 'what on earth is that, Mr. Adams!' '*That*, sir?' replied Mr. Adams, '*that* is a *codfish*, from my constituents of Marblehead!' 'I will not *touch* it,' said the facetious and witty statesman; 'I will not *touch* it!' '*Why not* sir—*why not?*' was the very natural inquiry. '*Because*,' said he, '*every bone of it would stick in my throat like a* MISSISSIPPI SNAG.'

The most exemplary accuracy and fidelity characterizes all Mr. Clay's business habits. He makes it a point never to be indebted to any man; to live within his income, and to maintain strict punctuality in all his engagements. It is his habitual usage, whenever he receives a communication, to return an answer instantly. All his papers are filed and arranged in the utmost neatness and order. He rises early, and observes such method in the divison of his time and distribution of his business plans, as to enable him to accomplish an amount of labor truly surprising.

That Mr. Clay has faults, we do not pretend to deny; this would be asserting of human nature that from which it never was, and never will be, exempt; but they are such as originated in early life, in his ardent temperament, leading him to seek scenes of excitement, where he was frequently betrayed into errors and indiscretions. To the vice of gambling he is said to have been considerably addicted in early life—a vice which no one more sincerely deprecates than himself, as the following anecdote will show.

In the spring of 1819, we had the pleasure of being a fellow passenger with Mr. Clay, from New Orleans to Louisville. After a general acquaintance had been established among the cabin passengers, to pass away the time more agreeably it was proposed to have a game of cards, in which one of the number was requested to invite Mr. Clay to join. When the invitation was given, he inquired what game was proposed. The reply was, '*Bragg*.' The sudden compression of the lips, and the change from easy politeness to the dignified deportment of one entitled to give advice, evinced, at once, a determination not to engage in the game. 'Excuse me, gentlemen,' said he, 'I have not played a game of any kind of hazard for more than twelve years, and I take this occasion to warn you all to avoid a practice destructive of a good name, and drawing after it evil consequences of incalculable magnitude. In earlier days it was my misfortune, owing to a lively and ardent temperament, to fall into this vice, and to a considerable extent, and no one can lament more sincerely the evil and the consequences of it, than I do. These have followed me

into nearly all the walks of life, and though I have long since abandoned the pernicious practice which led to them, it seems that they will never abandon me.' We remarked, that it was reported 'you won large sums of the British commissioners, at Ghent.' 'So the papers reported,' said he, 'but not truly. The only game played at Ghent was whist, and that not over a guinea a corner.'

Whatever may be Mr. Clay's defects, we are happy to be able to state, that they do not grow out of principle, but that they are referable to the sanguineous nature of his constitution, rendering him easily excitable and irritable; in other words, his errors are those of feeling, and venial ones, if any are. Our surprise is, not that he occasionally suffered its impetuous tide to control his judgment, momentarily, but our astonishment, on the other hand, is, that this was not borne entirely away by it, and stranded among the quicksands of folly and violence, set upon, as he was, at every stage of his career, by political harpies and vampyres, and bayed by the furious mastiffs of unprincipled and licentious faction, as if he had been a beast of prey, prowling through the land to devour its substance. Fatigued, exhausted, and lacerated, with such a temperament as he possessed, it must have required, if possible, more than the 'patience of Job,' to bear in silence the most painful inflictions which the ingenuity of his legion of tormenters could devise. It is not surprising that he should turn to the 'quiet shades of Ashland,' to seek that repose for which he had long pined, the enjoyment of which, for a lengthy period, he had debarred himself, that his country might receive the benefits of his labors. Amid these shades, we leave him, in an attitude interesting, becoming, and dignified, dividing his time between the employments and enjoyments of agriculture and literature, and so wisely as daily to give increasing evidence of his ability to sustain the threefold character which he has long borne, of enlightened statesman, devoted patriot, and genuine republican. Heaven grant, the time may not be far distant, when it shall be changed to fourfold, by the addition of another character, which *the people only* can confer; and one, which, if any individual can merit, at their hands, by laborious, lengthy, and most exalted services in their behalf, that individual is HENRY CLAY.

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SPEECHES, &c.

ON DOMESTIC MANUFACTURES.

IN THE SENATE OF THE UNITED STATES, APRIL 6, 1810.

[This is the first speech on record, of Mr. Clay's efforts during his congressional career. He had been previously elected to fill a vacancy in the United States senate, for a single session, in 1806, during which, in 1807, he delivered an able speech on *internal improvement*, which we regret has not been preserved. In 1809, the legislature of Kentucky again elected him a United States senator, and in the following remarks, he avowed himself in favor of the policy of encouraging *domestic manufactures*, which policy he had before advocated in the legislature of his own state. His early support of these two branches of national policy, which he afterwards called 'the *American System*,' is thus shown by his two first speeches in congress, and his name and influence have become identified with the cause, of which he has always stood forth the distinguished champion.]

Mr. President,

The local interest of the quarter of the country, which I have the honor to represent, will apologize for the trouble I may give you on this occasion. My colleague has proposed an amendment to the bill before you, instructing the secretary of the navy, to provide supplies of cordage, sail-cloth, hemp, &c. and to give a preference to those of American growth and manufacture. It has been moved by the gentleman from Massachusetts (Mr. Lloyd) to strike out this part of the amendment; and, in the course of the discussion which has arisen, remarks have been made on the general policy of promoting manufactures. The propriety of this policy is, perhaps, not very intimately connected with the subject before us; but it is, nevertheless, within the legitimate and admissible scope of debate. Under this impression I offer my sentiments.

In inculcating the advantages of domestic manufactures, it never entered the head, I presume, of any one, to change the habits of the nation from an agricultural to a manufacturing community

No one, I am persuaded, ever thought of converting the ploughshare and the sickle into the spindle and the shuttle. And yet this is the delusive and erroneous view too often taken of the subject The opponents of the manufacturing system transport themselves to the establishments of Manchester and Birmingham, and, dwelling on the indigence, vice, and wretchedness prevailing there, by pushing it to an *extreme*, argue that its introduction into this country will necessarily be attended by the same mischievous and dreadful consequences. But what is the fact? That England is the manufacturer of a great part of the world; and that, even there, the numbers thus employed bear an inconsiderable proportion to the whole mass of population. Were we to become the manufacturers of other nations, effects of the same kind might result. But if we *limit* our efforts, by our own wants, the evils apprehended would be found to be chimerical. The invention and improvement of machinery, for which the present age is so remarkable, dispensing in a great degree with manual labor; and the employment of those persons, who, if we were engaged in the pursuit of agriculture alone, would be either unproductive, or exposed to indolence and immorality; will enable us to supply our wants without withdrawing our attention from agriculture — that first and greatest source of national wealth and happiness. A judicious American farmer, in the household way, manufactures whatever is requisite for his family. He squanders but little in the gewgaws of Europe. He presents in epitome, what the nation ought to be *in extenso*. Their manufactories should bear the same proportion, and effect the same object in relation to the whole community, which the part of his household employed in domestic manufacturing, bears to the whole family. It is certainly desirable, that the exports of the country should continue to be the surplus production of tillage, and not become those of manufacturing establishments. But it is important to diminish our imports; to furnish ourselves with clothing, made by our own industry; and to cease to be dependent, for the very coats we wear, upon a foreign and perhaps inimical country. The nation that imports its clothing from abroad is but little less dependent than if it imported its bread.

The fallacious course of reasoning urged against domestic manufactures, namely, the distress and servitude produced by those of England, would equally indicate the propriety of abandoning agriculture itself. Were you to cast your eyes upon the miserable peasantry of Poland, and revert to the days of feudal vassalage, you might thence draw numerous arguments, of the kind now under consideration, against the pursuits of the husbandman! What would become of commerce, the favorite theme of some gentlemen, if assailed with this sort of weapon? The fraud, perjury, cupidity, and corruption, with which it is unhappily too often attended, would at once produce its overthrow. In short,

sir, take the black side of the picture, and every human occupation will be found pregnant with fatal objections.

The opposition to manufacturing institutions recalls to my recollection the case of a gentleman, of whom I have heard. He had been in the habit of supplying his table from a neighboring cook, and confectioner's shop, and proposed to his wife a reform, in this particular. She revolted at the idea. The sight of a scullion was dreadful, and her delicate nerves could not bear the clattering of kitchen furniture. The gentleman persisted in his design; his table was thenceforth cheaper and better supplied, and his neighbor, the confectioner, lost one of his best customers. In like manner dame Commerce will oppose domestic manufactures. She is a flirting, flippant, noisy jade, and if we are governed by her fantasies, we shall never put off the muslins of India and the cloths of Europe. But I trust that the yeomanry of the country, the true and genuine landlords of this tenement, called the United States, disregarding her freaks, will persevere in reform, until the whole national family is furnished by itself with the clothing necessary for its own use.

It is a subject no less of curiosity than of interest, to trace the prejudices in favor of foreign fabrics. In our colonial condition, we were in a complete state of dependence on the parent country, as it respected manufactures, as well as commerce. For many years after the war, such was the partiality for her productions, in this country, that a gentleman's head could not withstand the influence of solar heat, unless covered with a London hat; his feet could not bear the pebbles, or frost, unless protected by London shoes; and the comfort or ornament of his person was only consulted when his coat was cut out by the shears of a tailor 'just from London.' At length, however, the wonderful *discovery* has been made, that it is not absolutely beyond the reach of American skill and ingenuity, to provide these articles, combining with equal elegance greater durability. And I entertain no doubt, that, in a short time, the no less important fact will be developed, that the domestic manufactories of the United States, fostered by government, and aided by household exertions, are fully competent to supply us with at least every necessary article of clothing. I therefore, sir, *for one* (to use the fashionable cant of the day), am in favor of encouraging them, not to the extent to which they are carried in England, but to such an extent as will redeem us entirely from all dependence on foreign countries. There is a pleasure — a pride (if I may be allowed the expression, and I pity those who cannot feel the sentiment,) — in being clad in the productions of our own families. Others may prefer the cloths of Leeds and of London, but give me those of Humphreysville.

Aid may be given to native institutions in the form of bounties and of protecting duties. But against bounties it is urged, that you tax the *whole* for the benefit of a *part* only, of the community;

and in opposition to duties it is alleged, that you make the interest of one part, the consumer, bend to the interest of another part, the manufacturer. The sufficiency of the answer is not always admitted, that the sacrifice is merely temporary, being ultimately compensated by the greater abundance and superiority of the article produced by the stimulus. But, of all practicable forms of encouragement, it might have been expected, that the one under consideration would escape opposition, if every thing proposed in congress were not doomed to experience it. What is it? The bill contains two provisions — one prospective, anticipating the appropriation for clothing for the army, and the amendment proposes extending it to naval supplies, for the year 1811 — and the other, directing a preference to be given to home manufactures, and productions, whenever it can be done *without material detriment to the public service.* The object of the first is, to authorize contracts to be made beforehand, with manufacturers, and by making advances to them, under proper security, to enable them to supply the articles wanted, in sufficient quantity. When it is recollected that they are frequently men of limited capitals, it will be acknowledged that this kind of assistance, bestowed with prudence, will be productive of the best results. It is, in fact, only pursuing a principle long acted upon, of advancing to contractors with government, on account of the magnitude of their engagements. The appropriation contemplated to be made for the year 1811, may be restricted to such a sum as, whether we have peace or war, we must necessarily expend. The discretion is proposed to be vested in officers of high confidence, who will be responsible for its abuse, and who are enjoined to see that the public service receives no *material detriment.* It is stated, that hemp is now very high, and that contracts, made under existing circumstances, will be injurious to government. But the amendment creates no obligation upon the secretary of the navy, to go into market at this precise moment. In fact, by enlarging his sphere of action, it admits of his taking advantage of a favorable fluctuation, and getting a supply below the accustomed price, if such a fall should occur prior to the usual annual appropriation.

I consider the amendment, under consideration, of the first importance, in point of principle. It is evident, that whatever doubt may be entertained, as to the general policy of the manufacturing system, none can exist, as to the propriety of our being able to furnish ourselves with articles of the first necessity, in time of war. Our maritime operations ought not, in such a state, to depend upon the casualties of foreign supply. It is not necessary that they should. With very little encouragement from government, I believe we shall not want a pound of Russia hemp. The increase of the article in Kentucky has been rapidly great. Ten years ago there were but two rope manufactories in the state. Now

there are about twenty, and between ten and fifteen of cotton bagging; and the erection of new ones keeps pace with the annual augmentation of the quantity of hemp. Indeed, the western country, alone, is not only adequate to the supply of whatever of this article is requisite for our own consumption, but is capable of affording a surplus for foreign markets. The amendment proposed possesses the double recommendation of encouraging, at the same time, both the manufacture and the growth of hemp. For by increasing the demand for the wrought article, you also increase the demand for the raw material, and consequently present new incentives to its cultivator.

The three great subjects that claim the attention of the national legislature, are the interests of agriculture, commerce, and manufactures. We have had before us, a proposition to afford a manly protection to the rights of commerce, and how has it been treated? Rejected! You have been solicited to promote agriculture, by increasing the facilities of internal communication, through the means of canals and roads, and what has been done? Postponed! We are now called upon to give a trifling support to our domestic manufactures, and shall we close the circle of congressional inefficiency, by adding this also to the catalogue?

ON THE LINE OF THE PERDIDO.

IN THE SENATE OF THE UNITED STATES, DECEMBER 25, 1810.

[The *Perdido* is the name of a river and bay, which form the boundary line between the present state of Alabama and Florida. It will be recollected, that Florida was a Spanish colony, previous to its cession to the United States by Spain, in 1819. It was discovered by Juan Ponce de Leon, a Spanish navigator, in 1512, and by him it was called Florida. The French made an attempt to colonize the territory in 1562, but their settlement was broken up by the Spaniards, who founded, in 1565. the city of St. Augustine, in East Florida. Pensacola, in West Florida, was founded in 1699. Though often invaded by the French and English, Florida remained part of Spanish America until 1763, when it was ceded to Great Britain; but, by the definitive treaty of 1783, it was receded by Great Britain to Spain. When Florida was a colony of Spain, and Louisiana of France, or from 1699 to 1763, the Perdido river was a common boundary, but, by the treaty of 1763, Louisiana having been ceded by France to Spain, the Spaniards in 1769, for their own convenience, incorporated that part of Louisiana, between the Mississippi and Perdido rivers, with Florida. This act caused a controversy between Spain and the United States; the latter having purchased Louisiana of France, in 1803, to which power it had been ceded by Spain, in 1800. President Madison, in 1810, took possession of the territory in dispute, for which act he was assailed by the opposition members in the senate, particularly by Mr. Horsey, of Delaware; to whom Mr. Clay replied, in defence of the administration, as follows.]

Mr. President,

It would have gratified me if some other gentleman had undertaken to reply to the ingenious argument, which you have just heard. (Speech of Mr. Horsey.) But not perceiving any one disposed to do so, a sense of duty obliges me, though very unwell, to claim your indulgence, whilst I offer my sentiments on this subject, so interesting to the union at large, but especially to the western portion of it. Allow me, sir, to express my admiration at the more than Aristidean justice, which, in a question of territorial title between the United States and a foreign nation, induces certain gentlemen to espouse the pretensions of the foreign nation. Doubtless, in any future negotiations, she will have too much magnanimity to avail herself of these spontaneous concessions in her favor, made on the floor of the senate of the United States.

It was to have been expected, that, in a question like the present, gentlemen, even on the same side, would have different views, and although arriving at a common conclusion, would do so by various

arguments. And hence the honorable gentleman from Vermont, entertains doubt with regard to our title against Spain, whilst he feels entirely satisfied of it against France. Believing, as I do, that our title against both powers is indisputable, under the treaty of St. Ildefonso, between Spain and France, and the treaty between the French republic and the United States, I shall not inquire into the treachery, by which the king of Spain is alleged to have lost his crown; nor shall I stop to discuss the question involved in the overthrow of the Spanish monarchy, and how far the power of Spain ought to be considered as merged in that of France. I shall leave the honorable gentleman from Delaware to mourn over the fortunes of the fallen Charles. I have no commiseration for princes. My sympathies are reserved for the great mass of mankind, and I own that the people of Spain have them most sincerely.

I will adopt the course suggested by the nature of the subject, and pursued by other gentlemen, of examining into our title to the country lying between the Mississippi and the Rio Perdido, (which, to avoid circumlocution, I will call West Florida, although it is not the whole of it,) and the propriety of the recent measures taken for the occupation of that territory. Our title, then, depends, first, upon the limits of the province or colony of Louisiana, and, secondly, upon a just exposition of the treaties before mentioned.

On this occasion it is only necessary to fix the eastern boundary. In order to ascertain this, it will be proper to take a cursory view of the settlement of the country, because the basis of European title to colonies in America, is prior discovery, or prior occupancy. In 1682, La Salle migrated from Canada, then owned by France, descended the Mississippi, and named the country which it waters, Louisiana. About 1698, D'Iberville discovered, by sea, the mouth of the Mississippi, established a colony at the Isle Dauphine, or Massacre, which lies at the mouth of the bay of Mobile, and one at the mouth of the river Mobile, and was appointed, by France, governor of the country. In the year 1717, the famous West India Company sent inhabitants to the Isle Dauphine, and found some of those who had been settled there under the auspices of D'Iberville. About the same period, Baloxi, near the Pascagoula, was settled. In 1719, the city of New Orleans was laid off, and the seat of government of Louisiana was established there; and in 1736 the French erected a fort on Tombigbee. These facts prove that France had the actual possession of the country as far east as the Mobile, at least. But the great instrument which ascertains, beyond all doubt, that the country in question is comprehended within the limits of Louisiana, is one of the most authentic and solemn character which the archives of a nation can furnish; I mean the patent granted in 1712, by Louis XIV, to Crozat. [Here Mr. C. read such parts of the patent as were applicable to

the subject.*] According to this document, in describing the province or colony of Louisiana, it is declared to be bounded by Carolina on the east, and Old and New Mexico on the west. Under this high record evidence, it might be insisted that we have a fair claim to East as well as West Florida, against France, at least, unless she has, by some convention, or other obligatory act, restricted the eastern limit of the province. It has, indeed, been asserted, that, by a treaty between France and Spain, concluded in the year 1719, the Perdido was expressly stipulated to be the boundary between their respective provinces of Florida on the east, and Louisiana on the west; but as I have been unable to find any such treaty, I am induced to doubt its existence.

About the same period, to wit, towards the close of the seventeenth century, when France settled the Isle Dauphine, and the Mobile, Spain erected a fort at Pensacola. But Spain never pushed her actual settlements, or conquests, farther west than the bay of Pensacola, whilst those of the French were bounded on the east by the Mobile. Between those two points, a space of about thirteen or fourteen leagues, neither nation had the exclusive possession. The Rio Perdido, forming the bay of the same name,

* Extract from the Grant to Crozat, dated at *Fontainbleau*, September 14, 1712.

Louis, By the grace of God, &c.

'The care we have always had to procure the welfare and advantage of our subjects, having induced us, &c. to seek for all possible opportunities of enlarging and extending the trade of our American colonies, we did, in the year 1683, give our orders to undertake a discovery of the countries and lands which are situated in the northern part of America, between New France and New Mexico; and the Sieur de la Salle, to whom we committed that enterprise, having had success, enough to confirm a belief that a communication might be settled *from New France to the Gulf of Mexico*, by means of large rivers, this obliged us, immediately after the peace of Ryswic, to give orders for establishing a colony there, and maintaining a garrison, *which has kept and preserved the possession we had taken in the very year* 1683, of the lands, coasts, and islands, which are situated *in the Gulf of Mexico between Carolina on the east*, and old and new Mexico on the west. But a new war having broke out in Europe shortly after, there was no possibility, till now, of reaping from *that colony* the advantages that might have been expected from thence, &c. And, whereas, upon the information we have received concerning the disposition and situation of the said countries, *known at present by the name of the Province of Louisiana*, we are of opinion, that there may be established therein considerable commerce, &c., we have resolved to grant the commerce of the country of Louisiana to the Sieur Anthony Crozat, &c. For these reasons, &c. we, by these presents signed by our hand, have appointed and do appoint the said Sieur Crozat, to carry on a trade in all the lands possessed by us, and bounded by New Mexico *and by the lands of the English of Carolina*, all the establishments, ports, havens, rivers, and principally the port and haven of the Isle Dauphine, heretofore called Massacre; the river of St. Louis, heretofore called Mississippi, from the edge of the sea as far as the Illinois, together with the river St. Philip, heretofore called the Missouri, and of St. Jerome, heretofore called Onabache, with all the countries, territories, and lakes within land, and the rivers which fall directly or indirectly into that part of the river St. Louis.

'*The Articles*—1. Our pleasure is, that all the aforesaid lands, countries, streams, rivers, and islands be, and *remain comprised under the name of the government of Louisiana*, which shall be dependent upon the general government of New France, to which it is subordinate; and further, that all the lands which we possess from the Illinois, be united, &c. to the general government of New France, and become part thereof, &c.'

discharges itself into the Gulf of Mexico, between the Mobile and Pensacola, and, being a natural and the most notorious object between them, presented itself as a suitable boundary between the possessions of the two nations. It accordingly appears very early to have been adopted as the boundary, by tacit if not expressed consent. The ancient charts and historians, therefore, of the country, so represent it. Dupratz, one of the most accurate historians of the time, in point of fact and detail, whose work was published as early as 1758, describes the coast as being bounded on the east by the Rio Perdido. In truth, sir, no European nation whatever, except France, ever occupied any portion of West Florida, prior to her cession of it to England, in 1762. The gentlemen on the other side do not, indeed, strongly controvert, if they do not expressly admit, that Louisiana, as held by the French anterior to her cessions of it in 1762, extended to the Perdido. The only observation made by the gentleman from Delaware to the contrary, to wit, that the island of New Orleans, being particularly mentioned, could not, for that reason, constitute a part of Louisiana, is susceptible of a very satisfactory answer. That island was excepted out of the grant to England, and was the only part of the province east of the river that was so excepted. It formed in itself one of the most prominent and important objects of the cession to Spain originally, and was transferred to her with the portion of the province west of the Mississippi. It might with equal propriety be urged that St. Augustine is not in East Florida, because St. Augustine is expressly mentioned by Spain in her cession of that province to England. From this view of the subject, I think it results that the province of Louisiana comprised West Florida, previous to the year 1762.

What was done with it at this epoch? By a secret convention of the third of November, of that year, France ceded the country lying west of the Mississippi, and the island of New Orleans, to Spain; and by a contemporaneous act, the articles preliminary to the definitive treaty of 1763, she transferred West Florida to England. Thus, at the same instant of time, she alienated the whole province. Posterior to this grant, Great Britain, having also acquired from Spain her possessions east of the Mississippi, erected the country into two provinces, East and West Florida. In this state of things it continued until the peace of 1783, when Great Britain, in consequence of the events of the war, surrendered the country to Spain, who, for the *first* time, came into actual possession of West Florida. Well, sir, how does she dispose of it? She reannexes it to the residue of Louisiana—extends the jurisdiction of that government to it, and subjects the governors, or commandants, of the districts of Baton Rouge, Feliciana, Mobile, and Pensacola, to the authority of the governor of Louisiana, residing at New Orleans; while the governor of East Florida is

placed wholly without his control, and is made amenable directly to the governor of the Havannah. Indeed, sir, I have been credibly informed, that all the concessions, or grants of land, made in West Florida, under the authority of Spain, run in the name of the *government of Louisiana.* You cannot have forgotten that, about the period when we took possession of New Orleans, under the treaty of cession from France, the whole country resounded with the nefarious speculations, which were alleged to be making in that city with the connivance, if not actual participation, of the Spanish authorities, by the procurement of surreptitious grants of land, particularly in the district of Feliciana. West Florida, then, not only as France had held it, but as it was in the hands of Spain, made a part of the province of Louisiana; as much so as the jurisdiction or district of Baton Rouge constituted a part of West Florida.

What, then, is the true construction of the treaties of St. Ildefonso, and of April, 1803, from whence our title is derived? If an ambiguity exist in a grant, the interpretation most favorable to the grantee is preferred. It was the duty of the grantor to have expressed himself in plain and intelligible terms. This is the doctrine, not of Coke only, (whose dicta I admit have nothing to do with the question,) but of the code of universal law. The doctrine is entitled to augmented force, when a clause only of the instrument is exhibited, in which clause the ambiguity lurks, and the residue of the instrument is kept back by the grantor. The entire convention of 1762, by which France transferred Louisiana to Spain, is concealed, and the whole of the treaty of St. Ildefonso, except a solitary clause. We are thus deprived of the aid which a full view of both of those instruments would afford. But we have no occasion to resort to any rules of construction, however reasonable in themselves, to establish our title. A competent knowledge of the facts connected with the case, and a candid appeal to the treaties, are alone sufficient to manifest our right. The negotiators of the treaty of 1803, having signed, with the same ceremony, two copies, one in English and the other in the French language, it has been contended, that in the English version the term 'cede' has been erroneously used instead of 'retrocede,' which is the expression in the French copy. And it is argued, that we are bound by the phraseology of the French copy, because it is declared that the treaty was agreed to in that language. It would not be very unfair to inquire, if this is not like the common case in private life, where individuals enter into a contract of which each party retains a copy, duly executed. In such case, neither has the preference. We might as well say to France, we will cling by the English copy, as she could insist upon an adherence to the French copy; and if she urged ignorance on the part of Mr. Marbois, her negotiator, of our language, we might with equal propriety plead ignorance, on the

part of our negotiators, of her language. As this, however, is a disputable point, I do not avail myself of it; gentlemen shall have the full benefit of the expressions in the French copy. According to this, then, in reciting the treaty of St. Ildefonso, it is declared by Spain, in 1800, that she retrocedes to France, the colony or province of Louisiana, with the same extent which it then had in the hands of Spain, and which it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other states. This latter member of the description has been sufficiently explained by my colleague.

It is said, that since France, in 1762, ceded to Spain only Louisiana west of the Mississippi, and the Island of New Orleans, the retrocession comprehended no more — that the retrocession *ex vi termini* was commensurate with and limited by the direct cession from France to Spain. If this were true, then the description, such as Spain held it, that is, in 1800, comprising West Florida, and such as France possessed it, that is, in 1762, prior to the several cessions, comprising also West Florida, would be totally inoperative. But the definition of the term retrocession contended for by the other side is denied. It does not exclude the instrumentality of a third party. It means restoration, or reconveyance of a thing originally ceded, and so the gentleman from Delaware acknowledged. I admit that the thing restored, must have come to the restoring party from the party to whom it is retroceded; whether directly or indirectly is wholly immaterial. In its passage, it may have come through a dozen hands. The retroceding party must claim *under* and in virtue of the right originally possessed by the party to whom the retrocession takes place. Allow me to put a case. You own an estate called Louisiana. You convey one moiety of it to the gentleman from Delaware, and the other to me; he conveys his moiety to me, and I thus become entitled to the whole. By a suitable instrument, I reconvey, or retrocede the estate called Louisiana to you as I now hold it, and as you held it; what passes to you? The whole estate or my moiety only? Let me indulge another supposition — that the gentleman from Delaware, after he received from you his moiety, bestowed a new denomination upon it and called it West Florida; would that circumstance vary the operation of my act of retrocession to you? The case supposed, is, in truth, the real one between the United States and Spain. France, in 1762, transfers Louisiana, west of the Mississippi, to Spain, and at the same time conveys the eastern portion of it, exclusive of New Orleans, to Great Britain. Twenty-one years after, that is, in 1783, Great Britain cedes her part to Spain, who thus becomes possessed of the entire province; one portion by direct cession from France, and the residue by indirect cession. Spain, then, held the whole of Louisiana *under* France, and in virtue of the title of France. The whole moved or passed

from France to her. When, therefore, in this state of things, she says, in the treaty of St. Ildefonso, that she retrocedes the province to France, can a doubt exist that she parts with, and gives back to France the entire colony? To preclude the possibility of such a doubt, she adds, that she restores it, not in a mutilated condition, but in that precise condition in which France had and she herself possessed it.

Having thus shown, as I conceive, a clear right in the United States to West Florida, I proceed to inquire, if the proclamation of the president directing the occupation of property, which is thus fairly acquired by solemn treaty, be an unauthorized measure of war and of legislation, as has been contended?

The act of October, 1803, contains two sections, by one of which the president is authorized to occupy the territories ceded to us by France in the April preceding. The other empowers the president to establish a provisional government there. The first section is unlimited in its duration; the other is restricted to the expiration of the then session of congress. The act, therefore, of March, 1804, declaring that the previous act of October should continue in force until the first of October, 1804, is applicable to the second and not the first section, and was intended to continue the provisional government of the president. By the act of twenty-fourth February, 1804, for laying duties on goods imported into the ceded territories, the president is empowered *whenever he deems it expedient* to erect the bay and river Mobile, &c. into a separate district, and to establish therein a port of entry and delivery. By this same act the Orleans territory is laid off, and its boundaries are so defined, as to comprehend West Florida. By other acts the president is authorized to remove by force, under certain circumstances, persons settling on, or taking possession of lands ceded to the United States.

These laws furnish a legislative construction of the treaty, corresponding with that given by the executive, and they indisputably vest in this branch of the general government the power to take possession of the country, whenever it might be proper in his discretion. The president has not, therefore, violated the constitution and usurped the war-making power, but he would have violated that provision which requires him to see that the laws are faithfully executed, if he had longer forborne to act. It is urged, that he has assumed powers belonging to congress, in undertaking to annex the portion of West Florida, between the Mississippi and the Perdido, to the Orleans territory. But congress, as has been shown, has already made this annexation, the limits of the Orleans territory, as prescribed by congress, comprehending the country in question. The president, by his proclamation, has not made law, but has merely declared to the people of West Florida, what the law is. This is the office of a proclamation, and it was highly

proper that the people of that territory should be thus notified. By the act of occupying the country, the government *de facto*, whether of Spain, or the revolutionists, ceased to exist; and the laws of the Orleans territory, applicable to the country, by the operation and force of law, attached to it. But this was a state of things which the people might not know, and which every dictate of justice and humanity, therefore, required should be proclaimed. I consider the bill before us merely in the light of a declaratory law.

Never could a more propitious moment present itself, for the exercise of the discretionary power placed in the president; and, had he failed to embrace it, he would have been criminally inattentive to the dearest interests of this country. It cannot be too often repeated, that if Cuba on the one hand, and Florida on the other, are in the possession of a foreign maritime power, the immense extent of country belonging to the United States, and watered by streams discharging themselves into the Gulf of Mexico—that is, one third, nay, more than two thirds of the United States, comprehending Louisiana, are placed at the mercy of that power. The possession of Florida is a guarantee absolutely necessary to the enjoyment of the navigation of those streams. The gentleman from Delaware anticipates the most direful consequences, from the occupation of the country. He supposes a sally from a Spanish garrison upon the American forces, and asks what is to be done? We attempt a peaceful possession of the country to which we are fairly entitled. If the wrongful occupants, under the authority of Spain, assail our troops, I trust they will retrieve the lost honor of the nation, in the case of the Chesapeake. Suppose an attack upon any portion of the American army, within the acknowledged limits of the United States, by a Spanish force? In such event, there would exist but a single honorable and manly course. The gentleman conceives it ungenerous, that we should at this moment, when Spain is encompassed and pressed, on all sides, by the immense power of her enemy, occupy West Florida. Shall we sit by, passive spectators, and witness the interesting transactions of that country—transactions which tend, in the most imminent degree, to jeopardize our rights, without attempting to interfere? Are you prepared to see a foreign power seize what belongs to us? I have heard, in the most credible manner, that, about the period when the president took his measures in relation to that country, agents of a foreign power were intriguing with the people there, to induce them to come under his dominion; but whether this be the fact or not, it cannot be doubted, that, if you neglect the present auspicious moment, if you reject the proffered boon, some other nation, profiting by your errors, will seize the occasion to get a fatal footing in your southern frontier. I have no hesitation in saying, that if a parent country will not or cannot maintain its authority, in a colony adjacent to us, and there exists in it a state

of misrule and disorder, menacing our peace; and if, moreover, such colony, by passing into the hands of any other power, would become dangerous to the integrity of the union, and manifestly tend to the subversion of our laws; we have a right, upon the eternal principles of self-preservation, to lay hold upon it. This principle alone, independent of any title, would warrant our occupation of West Florida. But it is not necessary to resort to it—our title being, in my judgment, incontestably good. We are told of the vengeance of resuscitated Spain. If Spain, under any modification of her government, choose to make war upon us, for the act under consideration, the nation, I have no doubt, will be willing to embark in such a contest. But the gentleman reminds us that Great Britain, the ally of Spain, may be obliged, by her connection with that country, to take part with her against us, and to consider this measure of the president as justifying an appeal to arms. Sir, is the time never to arrive, when we may manage our own affairs without the fear of insulting his Britannic majesty? Is the rod of British power to be for ever suspended over our heads? Does congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean? We are immediately warned of the indignation of offended England. Is a law of non-intercourse proposed? The whole navy of the haughty mistress of the seas, is made to thunder in our ears. Does the president refuse to continue a correspondence with a minister, who violates the decorum belonging to his diplomatic character, by giving and deliberately repeating an affront to the whole nation? We are instantly menaced with the chastisement which English pride will not fail to inflict. Whether we assert our rights by sea, or attempt their maintenance by land—whithersoever we turn ourselves, this phantom incessantly pursues us. Already has it had too much influence on the councils of the nation. It contributed to the repeal of the embargo—that dishonorable repeal, which has so much tarnished the character of our government. Mr. President, I have before said on this floor, and now take occasion to remark, that I most sincerely desire peace and amity with England; that I even prefer an adjustment of all differences with her, before one with any other nation. But if she persists in a denial of justice to us, or if she avails herself of the occupation of West Florida, to commence war upon us, I trust and hope that all hearts will unite, in a bold and vigorous vindication of our rights. I do not believe, however, in the prediction, that war will be the effect of the measure in question.

It is asked, why, some years ago, when the interruption of the right of deposit took place at New Orleans, the government did not declare war against Spain; and how it has happened, that there has been this long acquiescence in the Spanish possession of West Florida. The answer is obvious. It consists in the genius

of the nation, which is prone to peace; in that desire to arrange, by friendly negotiation, our disputes with all nations, which has constantly influenced the present and preceding administration; and in the jealousy of armies, with which we have been inspired by the melancholy experience of free estates. But a new state of things has arisen: negotiation has become hopeless. The power with whom it was to be conducted, if not annihilated, is in a situation that precludes it; and the subject matter of it is in danger of being snatched for ever from our power. Longer delay would be construed into a dereliction of our right, and would amount to treachery to ourselves. May I ask, in my turn, why certain gentlemen, now so fearful of war, were so urgent for it with Spain, when she withheld the right of deposit? and still later, when in 1805 or 6, this very subject of the actual limits of Louisiana, was before congress? I will not say, because I do not know that I am authorized to say, *that the motive is to be found* in the change of relation, between Spain and other European powers, since those periods.

Does the honorable gentleman from Delaware really believe, that he finds in St. Domingo a case parallel with that of West Florida? and that our government, having interdicted an illicit commerce with the former, ought not to have interposed in relation to the latter? It is scarcely necessary to consume your time by remarking, that we had no pretensions to that island; that it did not menace our repose, nor did the safety of the United States require that they should occupy it. It became, therefore, our duty to attend to the just remonstrance of France, against American citizens' supplying the rebels with the means of resisting her power.

I am not, sir, in favour of cherishing the passion of conquest. But I must be permitted, in conclusion, to indulge the hope of seeing, ere long, the *new* United States (if you will allow me the expression) embracing, not only the old thirteen States, but the entire country east of the Mississippi, including East Florida, and some of the territories of the north of us also.

ON RENEWING THE CHARTER OF THE FIRST BANK OF THE UNITED STATES.

IN THE SENATE OF THE UNITED STATES, 1811.

[The Bank of the United States, which was incorporated by an act of congress, during the administration of general Washington, in 1791, having applied to congress for a renewal of its charter, which was to expire, by limitation, in 1811; the question came up first for decision in the senate. The renewal was advocated by the federal members, and by Mr. Crawford, of Georgia, Mr. Pope, the colleague of Mr. Clay, also by a few other democratic senators; and the bill was finally defeated, by the casting vote of the vice president (George Clinton). Mr. Clay, having been instructed by the legislature of Kentucky to oppose the renewal of the charter, acted in obedience to those instructions, notwithstanding the opposite course of his colleague. His argument against the bill, shows that he then believed the bank charter unconstitutional—an opinion which subsequent reflection and examination induced him to reverse, some years afterwards. In this change of opinion, he was sustained by the example of Mr. Madison, who signed the charter of the bank, incorporated in 1816, and other eminent statesmen. This being the only subject of great importance on which Mr. Clay has been known to have changed his views of national policy, during his long public career, the following speech will be read with much interest.]

Mr. President,

When the subject involved in the motion now under consideration was depending before the other branch of the legislature, a disposition to acquiesce in their decision was evinced. For although the committee who reported this bill, had been raised many weeks prior to the determination of that house, on the proposition to recharter the bank, except the occasional reference to it of memorials and petitions, we scarcely ever heard of it. The rejection, it is true, of a measure brought before either branch of congress, does not absolutely preclude the other from taking up the same proposition; but the economy of our time, and a just deference for the opinion of others, would seem to recommend a delicate and cautious exercise of this power. As this subject, at the memorable period when the charter was granted, called forth the best talents of the nation, as it has, on various occasions, undergone the most thorough investigation, and as we can hardly expect that it is susceptible of receiving any further elucidation, it was to be hoped that we should have been spared useless debate. This was the more desirable, because there are, I conceive, much superior claims upon us, for every hour of the small portion of the

session yet remaining to us. Under the operation of these motives, I had resolved to give a silent vote, until I felt myself bound, by the defying manner of the arguments advanced in support of the renewal, to obey the paramount duties I owe my country and its constitution; to make one effort, however feeble, to avert the passage of what appears to me a most unjustifiable law. After my honorable friend from Virginia (Mr. Giles) had instructed and amused us, with the very able and ingenious argument, which he delivered on yesterday, I should have still forborne to trespass on the senate, but for the extraordinary character of his speech. He discussed both sides of the question, with great ability and eloquence, and certainly demonstrated, to the satisfaction of all who heard him, both that it was constitutional and unconstitutional, highly proper and improper, to prolong the charter of the bank. The honorable gentleman appeared to me in the predicament in which the celebrated orator of Virginia, Patrick Henry, is said to have been once placed. Engaged in a most extensive and lucrative practice of the law, he mistook, in one instance, the side of the cause in which he was retained, and addressed the court and jury in a very masterly and convincing speech, in behalf of his antagonist. His distracted client came up to him, whilst he was thus employed, and, interrupting him, bitterly exclaimed, 'you have undone me! You have ruined me!' 'Never mind, give yourself no concern,' said the adroit advocate; and, turning to the court and jury, continued his argument, by observing, 'may it please your honors, and you, gentlemen of the jury, I have been stating to you what I presume my adversary may urge on his side. I will now show you how fallacious his reasonings, and groundless his pretensions, are.' The skilful orator proceeded, satisfactorily refuted every argument he had advanced, and gained his cause!—a success with which I trust the exertion of my honorable friend will on this occasion be crowned.

It has been said, by the honorable gentleman from Georgia (Mr. Crawford), that this has been made a party question; although the law incorporating the bank was passed prior to the formation of parties, and when congress was not biassed by party prejudices. (Mr. Crawford explained. He did not mean, that it had been made a party question in the senate. His allusion was elsewhere.) I do not think it altogether fair, to refer to the discussions in the house of representatives, as gentlemen belonging to that body have no opportunity of defending themselves here. It is true that this law was not the effect, but it is no less true that it was one of the causes, of the political divisions in this country. And if, during the agitation of the present question, the renewal has, on one side, been opposed on party principles, let me ask if, on the other, it has not been advocated on similar principles. Where is the Macedonian phalanx, the opposition, in congress? I believe, sir, I

shall not incur the charge of presumptuous prophecy, when I predict we shall not pick up from its ranks one single straggler! And if, on this occasion, my worthy friend from Georgia has gone over into the camp of the enemy, is it kind in him to look back upon his former friends, and rebuke them for the fidelity with which they adhere to their old principles?

I shall not stop to examine how far a representative is bound by the instructions of his constituents. That is a question between the giver and receiver of the instructions. But I must be permitted to express my surprise at the pointed difference which has been made between the opinions and instructions of state legislatures, and the opinions and details of the deputations with which we have been surrounded from Philadelphia. Whilst the resolutions of those legislatures — known, legitimate, constitutional, and deliberative bodies — have been thrown into the back-ground, and their interference regarded as officious; these delegations from self-created societies, composed of nobody knows whom, have been received by the committee, with the utmost complaisance. Their communications have been treasured up with the greatest diligence. Never did the Delphic priests collect with more holy care the frantic expressions of the agitated Pythia, or expound them with more solemnity to the astonished Grecians, than has the committee gathered the opinions and testimonies of these deputies, and, through the gentleman from Massachusetts, pompously detailed them to the senate! Philadelphia has her immediate representatives, capable of expressing her wishes, upon the floor of the other house. If it be improper for states to obtrude upon congress their sentiments, it is much more highly so, for the unauthorized deputies of fortuitous congregations.

The first singular feature that attracts attention in this bill, is the new and unconstitutional veto which it establishes. The constitution has required only, that after bills have passed the house of representatives and the senate, they shall be presented to the president, for his approval or rejection; and his determination is to be made known in ten days. But this bill provides, that when all the constitutional sanctions are obtained, and when, according to the usual routine of legislation, it ought to be considered as a law, it is to be submitted to a new branch of the legislature, consisting of the president and twenty-four directors of the bank of the United States, holding their sessions in Philadelphia; and if they please to approve it, why then is it to become a law! And three months (the term allowed by our law of May last, to one of the great belligerents, for revoking his edicts, after the other shall have repealed his) are granted them, to decide whether an act of congress shall be the law of the land or not! — an act which is said to be indispensably necessary to our salvation, and without the passage of which, universal distress and bankruptcy are to pervade the

country. Remember, sir, that the honorable gentleman from Georgia, has contended that this charter is no contract. Does it, then, become the representatives of the nation, to leave the nation at the mercy of a corporation? Ought the impending calamities to be left to the hazard of a contingent remedy?

This vagrant power to erect a bank, after having wandered throughout the whole constitution in quest of some congenial spot to fasten upon, has been at length located by the gentleman from Georgia on that provision which authorizes congress to lay and collect taxes, &c. In 1791, the power is referred to one part of the instrument; in 1811, to another. Sometimes it is alleged to be deducible from the power to regulate commerce. Hard pressed here, it disappears, and shows itself under the grant to coin money. The sagacious secretary of the treasury, in 1791, pursued the wisest course; he has taken shelter behind general high sounding and imposing terms. He has declared, in the preamble to the act establishing the bank, that it will be very *conducive* to the successful *conducting* of the national *finances;* will *tend* to give *facility* to the obtaining of loans, and will be *productive* of considerable advantage to *trade* and *industry* in general. No allusion is made to the collection of taxes. What is the nature of this government? It is emphatically federal, vested with an aggregate of specified powers for general purposes, conceded by existing sovereignties, who have themselves retained what is not so conceded. It is said that there are cases in which it must act on implied powers. This is not controverted, but the implication must be necessary, and obviously flow from the enumerated power with which it is allied. The power to charter companies is not specified in the grant, and I contend is of a nature not transferable by mere implication. It is one of the most exalted attributes of sovereignty. In the exercise of this gigantic power we have seen an East India Company created, which has carried dismay, desolation, and death, throughout one of the largest portions of the habitable world — a company which is, in itself, a sovereignty, which has subverted empires and set up new dynasties, and has not only made war, but war against its legitimate sovereign! Under the influence of this power, we have seen arise a South Sea Company, and a Mississippi Company, that distracted and convulsed all Europe, and menaced a total overthrow of all credit and confidence, and universal bankruptcy. Is it to be imagined that a power so vast would have been left by the wisdom of the constitution to doubtful inference? It has been alleged that there are many instances, in the constitution, where powers in their nature incidental, and which would have necessarily been vested along with the principal, are nevertheless expressly enumerated; and the power 'to make rules and regulations for the government of the land and naval forces,' which it is said is incidental to the power to raise armies and provide a navy, is given

as an example. What does this prove? How extremely cautious the convention were to leave as little as possible to implication. In all cases where incidental powers are acted upon, the principal and incidental ought to be congenial with each other, and partake of a common nature. The incidental power ought to be strictly subordinate and limited to the end proposed to be attained by the specified power. In other words, under the name of accomplishing one object which is specified, the power implied ought not to be made to embrace other objects, which are not specified in the constitution. If, then, you could establish a bank, to collect and distribute the revenue, it ought to be expressly restricted to the purpose of such collection and distribution. It is mockery, worse than usurpation, to establish it for a lawful object, and then to extend it to other objects which are not lawful. In deducing the power to create corporations, such as I have described it, from the power to collect taxes, the relation and condition of principal and incident are prostrated and destroyed. The accessory is exalted above the principal. As well might it be said, that the great luminary of day is an accessory, a satellite, to the humblest star that twinkles forth its feeble light in the firmament of heaven!

Suppose the constitution had been silent as to an individual department of this government, could you, under the power to lay and collect taxes, establish a judiciary? I presume not; but if you could derive the power by mere implication, could you vest it with any other authority than to enforce the collection of the revenue? A bank is made for the ostensible purpose of aiding in the collection of the revenue, and whilst it is engaged in this, the most inferior and subordinate of all its functions, it is made to diffuse itself throughout society, and to influence all the great operations of credit, circulation, and commerce. Like the Virginia justice, you tell the man whose turkey had been stolen, that your books of precedent furnish no form for his case, but that you will grant him a precept to search for a cow, and when looking for that he may possibly find his turkey! You say to this corporation, we cannot authorize you to discount, to emit paper, to regulate commerce, &c. No! Our book has no precedents of that kind. But then we can authorize you to collect the revenue, and, whilst occupied with that, you may do whatever else you please!

What is a corporation, such as the bill contemplates? It is a splendid association of favored individuals, taken from the mass of society, and invested with exemptions and surrounded by immunities and privileges. The honorable gentleman from Massachusetts (Mr. Lloyd) has said, that the original law, establishing the bank, was justly liable to the objection of vesting in that institution an exclusive privilege, the faith of the government being pledged, that no other bank should be authorized during its existence. This objection, he supposes, is obviated by the bill under consideration;

but all corporations enjoy exclusive privileges; that is, the corporators have privileges which no others possess; if you create fifty corporations instead of one, you have only fifty privileged bodies instead of one. I contend, that the states have the exclusive power to regulate contracts, to declare the capacities and incapacities to contract, and to provide as to the extent of responsibility of debtors to their creditors. If congress have the power to erect an artificial body, and say it shall be endowed with the attributes of an individual; if you can bestow on this object of your own creation the ability to contract, may you not, in contravention of state rights, confer upon slaves, infants, and femes covert the ability to contract? And if you have the power to say, that an association of individuals shall be responsible for their debts only in a certain limited degree, what is to prevent an extension of a similar exemption to individuals? Where is the limitation upon this power to set up corporations. You establish one in the heart of a state, the basis of whose capital is money. You may erect others whose capital shall consist of land, slaves, and personal estates, and thus the whole property within the jurisdiction of a state might be absorbed by these political bodies. The existing bank contends that it is beyond the power of a state to tax it, and if this pretension be well founded, it is in the power of congress, by chartering companies, to dry up all the sources of state revenue. Georgia has undertaken, it is true, to levy a tax on the branch within her jurisdiction, but this law, now under a course of litigation, is considered as invalid. The United States own a great deal of land in the state of Ohio; can this government, for the purpose of creating an ability to purchase it, charter a company? Aliens are forbidden, I believe, in that state, to hold real estate; could you, in order to multiply purchasers, confer upon them the capacity to hold land, in derogation of the local law? I imagine this will be hardly insisted upon; and yet there exists a more obvious connection between the undoubted power, which is possessed by this government, to sell its land, and the means of executing that power by increasing the demand in the market, than there is between this bank and the collection of a tax. This government has the power to levy taxes, to raise armies, provide a navy, make war, regulate commerce, coin money, &c. &c. It would not be difficult to show as intimate a connection between a corporation, established for any purpose whatever, and some one or other of those great powers, as there is between the revenue and the bank of the United States.

Let us inquire into the actual participation of this bank in the collection of the revenue. Prior to the passage of the act of 1800, requiring the collectors of those ports of entry, at which the principal bank, or any of its offices, are situated, to deposit with them the custom-house bonds, it had not the smallest agency in the collection of the duties. During almost one moiety of the

period to which the existence of this institution was limited, it was nowise instrumental in the collection of that revenue, to which it is now become indispensable! The collection, previous to 1800, was made entirely by the collectors; and even at present, where there is one port of entry, at which this bank is employed, there are eight or ten at which the collection is made as it was before 1800. And, sir, what *does* this bank or its branches, where resort is had to it? It does not adjust with the merchant the amount of duty, nor take his bond; nor, if the bond is not paid, coerce the payment by distress or otherwise. In fact, it has no active agency whatever in the collection. Its operation is merely passive; that is, if the obligor, after his bond is placed in the bank, discharges it, all is very well. Such is the mighty aid afforded by this tax-gatherer, without which the government cannot get along! Again, it is not pretended that the very limited assistance which this institution does in truth render, extends to any other than a single species of tax, that is, duties. In the collection of the excise, the direct and other internal taxes, no aid was derived from any bank. It is true, in the collection of those taxes, the former did not obtain the same indulgence which the merchant receives in paying duties. But what obliges congress to give credit at all? Could it not demand prompt payment of the duties? And, in fact, does it not so demand in many instances? Whether credit is given or not is a matter merely of discretion. If it be a facility to mercantile operations (as I presume it is) it ought to be granted. But I deny the right to engraft upon it a bank, which you would not otherwise have the power to erect. You cannot *create the necessity* of a bank, and then plead *that necessity* for its establishment. In the administration of the finances, the bank acts simply as a payer and receiver. The secretary of the treasury has money in New York, and wants it in Charleston; the bank will furnish him with a check, or bill, to make the remittance, which any merchant would do just as well.

I will now proceed to show by fact, actual experience, not theoretic reasoning, but by the records of the treasury themselves, that the operations of that department may be as well conducted without as with this bank. The delusion has consisted in the use of certain high-sounding phrases, dexterously used on the occasion; 'the collection of the revenue,' 'the administration of the finance,' 'the conducting of the fiscal affairs of the government,' the usual language of the advocates of the bank, extort express assent, or awe into acquiescence, without inquiry or examination into its necessity. About the commencement of this year there appears, by the report of the secretary of the treasury, of the seventh of January, to have been a little upwards of two million and four hundred thousand dollars in the treasury of the United States; and more than one third of this whole sum was in the vaults of local

banks. In several instances, where opportunities existed of selecting the bank, a preference has been given to the state bank, or at least a portion of the deposits has been made with it. In New York, for example, there were deposited with the Manhattan bank one hundred and eighty-eight thousand and six hundred and seventy dollars, although a branch bank is in that city. In this district, one hundred and fifteen thousand and eighty dollars were deposited with the bank of Columbia, although here also is a branch bank, and yet the state banks are utterly unsafe to be trusted! If the money, after the bonds are collected, is thus placed with these banks, I presume there can be no difficulty in placing the bonds themselves there, if they must be deposited with some bank for collection, which I deny.

Again, one of the most important and complicated branches of the treasury department, is the management of our landed system. The sales have, in some years, amounted to upwards of half a million of dollars, and are generally made upon credit, and yet no bank whatever is made use of to facilitate the collection. After it is made, the amount, in some instances, has been deposited with banks, and, according to the secretary's report, which I have before adverted to, the amount so deposited, was, in January, upwards of three hundred thousand dollars, not one cent of which was in the vaults of the bank of the United States, or in any of its branches, but in the bank of Pennsylvania, its branch at Pittsburgh, the Marietta bank, and the Kentucky bank. Upon the point of responsibility, I cannot subscribe to the opinion of the secretary of the treasury, if it is meant that the ability to pay the amount of any deposits which the government may make, under any exigency, is greater than that of the state banks; that the *accountability* of a ramified institution, whose affairs are managed by a single head, responsible for all its members, is more simple than that of a number of independent and unconnected establishments, I shall not deny; but, with regard to safety, I am strongly inclined to think it is on the side of the local banks. The corruption or misconduct of the parent, or any of its branches, may bankrupt or destroy the whole system, and the loss of the government in that event, will be of the deposits made with each; whereas, in the failure of one state bank, the loss will be confined to the deposit in the vault of that bank. It is said to have been a part of Burr's plan to seize on the branch bank, at New Orleans. At that period large sums, imported from La Vera Cruz, are alleged to have been deposited with it, and if the traitor had accomplished the design, the bank of the United States, if not actually bankrupt, might have been constrained to stop payment.

It is urged by the gentleman from Massachusetts (Mr. Lloyd), that as this nation advances in commerce, wealth, and population, new energies will be unfolded, new wants and exigences will arise,

and hence he infers that powers must be implied from the constitution. But, sir, the question is, shall we stretch the instrument to embrace cases not fairly within its scope, or shall we resort to that remedy, by amendment, which the constitution prescribes?

Gentlemen contend, that the construction which they give to the constitution has been acquiesced in by all parties and under all administrations; and they rely particularly on an act which passed in 1804, for extending a branch to New Orleans; and another act of 1807, for punishing those who should forge or utter forged paper of the bank. With regard to the first law, passed, no doubt, upon the recommendation of the treasury department, I would remark, that it was the extension of a branch to a territory over which congress possesses the power of legislation almost uncontrolled, and where, without any constitutional impediment, charters of incorporation may be granted. As to the other act, it was passed no less for the benefit of the community than the bank; to protect the ignorant and unwary from counterfeit paper, purporting to have been emitted by the bank. When gentlemen are claiming the advantage supposed to be deducible from acquiescence, let me inquire, what they would have had those to do, who believed the establishment of a bank an encroachment upon state rights. Were they to have resisted, and how? By force? Upon the change of parties in 1800, it must be well recollected, that the greatest calamities were predicted as a consequence of that event. Intentions were ascribed to the new occupants of power, of violating the public faith, and prostrating national credit. Under such circumstances, that they should act with great circumspection was quite natural. They saw in full operation a bank, chartered by a congress who had as much right to judge of their constitutional powers as their successors. Had they revoked the law which gave it existence, the institution would, in all probability, have continued to transact business notwithstanding. The judiciary would have been appealed to, and, from the known opinions and predilections of the judges then composing it, they would have pronounced the act of incorporation, as in the nature of a contract, beyond the repealing power of any succeeding legislature. And, sir, what a scene of confusion would such a state of things have presented; an act of congress, which was law in the statute book, and a nullity on the judicial records! was it not the wisest to wait the natural dissolution of the corporation rather than accelerate that event by a repealing law involving so many delicate considerations?

When gentlemen attempt to carry this measure upon the ground of acquiescence or precedent, do they forget that we are not in Westminster Hall? In courts of justice, the utility of uniform decision exacts of the judge a conformity to the adjudication of his predecessor. In the interpretation and administration of the law,

this practice is wise and proper, and without it, every thing depending upon the caprice of the judge, we should have no security for our dearest rights. It is far otherwise when applied to the source of legislation. Here no rule exists but the constitution, and to legislate upon the ground, merely, that our predecessors thought themselves authorized, under similar circumstances, to legislate, is to sanctify error and perpetuate usurpation. But if we are to be subjected to the trammels of precedent, I claim, on the other hand, the benefit of the restrictions under which the intelligent judge cautiously receives them. It is an established rule, that to give to a previous adjudication any effect, the mind of the judge who pronounced it must have been awakened to the subject, and it must have been a deliberate opinion formed after full argument. In technical language, it must not have been *sub silentio.* Now the acts of 1804 and 1807, relied upon as pledges for the rechartering of this company, passed not only without any discussions whatever of the constitutional power of congress to establish a bank, but, I venture to say, without a single member having had his attention drawn to this question. I had the honor of a seat in the senate when the latter law passed, probably voted for it, and I declare, with the utmost sincerity, that I never once thought of that point, and I appeal confidently to every honorable member who was then present, to say if that was not his situation.

This doctrine of precedents, applied to the legislature, appears to me to be fraught with the most mischievous consequences. The great advantage of our system of government over all others, is, that we have a *written* constitution defining its limits, and prescribing its authorities; and that however for a time faction may convulse the nation, and passion and party prejudice sway its functionaries, the season of reflection will recur, when, calmly retracing their deeds, all aberrations from fundamental principle will be corrected. But once substitute *practice* for principle; the exposition of the constitution for the text of the constitution, and in vain shall we look for the instrument in the instrument itself! It will be as diffused and intangible as the pretended constitution of England; and must be sought for in the statute book, in the fugitive journals of congress, and in the reports of the secretary of the treasury! What would be our condition, if we were to take the interpretations given to that sacred book, which is, or ought to be, the criterion of our faith, for the book itself? We should find the holy bible buried beneath the interpretations, glosses, and comments of councils, synods, and learned divines, which have produced swarms of intolerant and furious sects, partaking less of the mildness and meekness of their origin, than of a vindictive spirit of hostility towards each other! They ought to afford us a solemn warning to make that constitution, which we have sworn to support, our invariable guide.

I conceive, then, sir, that we were not empowered by the constitution, nor bound by any practice under it, to renew the charter of this bank, and I might here rest the argument. But as there are strong objections to the renewal on the score of expediency, and as the distresses which will attend the dissolution of the bank have been greatly exaggerated, I will ask for your indulgence for a few moments longer. That some temporary inconvenience will arise, I shall not deny; but most groundlessly have the recent failures in New York been attributed to the discontinuance of this bank. As well might you ascribe to that cause the failures of Amsterdam and Hamburg, of London and Liverpool. The embarrassments of commerce, the sequestrations in France, the Danish captures; in fine, the belligerent edicts are the obvious sources of these failures. Their immediate cause is the return of bills upon London, drawn upon the faith of unproductive or unprofitable shipments. Yes, sir, the protests of the notaries of London, not those of New York, have occasioned these bankruptcies.

The power of a nation is said to consist in the sword and the purse. Perhaps, at last, all power is resolvable into that of the purse, for with it you may command almost every thing else. The specie circulation of the United States is estimated by some calculators at ten millions of dollars, and if it be no more, one moiety is in the vaults of this bank. May not the time arrive, when the concentration of such a vast portion of the circulating medium of the country in the hands of any corporation, will be dangerous to our liberties? By whom is this immense power wielded? By a body, that, in derogation of the great principle of all our institutions, responsibility to the people, is amenable only to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this government; would not the traitor first aim, by force or corruption, to acquire the treasure of this company? Look at it in another aspect. Seven tenths of its capital are in the hands of foreigners, and these foreigners chiefly English subjects. We are possibly on the eve of a rupture with that nation. Should such an event occur, do you apprehend that the English premier would experience any difficulty in obtaining the entire control of this institution? Republics, above all other governments, ought most seriously to guard against foreign influence. All history proves, that the internal dissensions excited by foreign intrigue have produced the downfall of almost every free government that has hitherto existed; and yet, gentlemen contend that we are benefited by the possession of this foreign capital! If we could have its use, without its attending abuse, I should be gratified also. But it is in vain to expect the one without the other. Wealth is power, and, under whatsoever form it exists, its proprietor, whether he lives on this or the other side of the Atlantic,

will have a proportionate influence. It is argued, that our possession of this English capital gives us a great influence over the British government. If this reasoning be sound, we had better revoke the interdiction as to aliens holding land, and invite foreigners to engross the whole property, real and personal, of the country. We had better, at once, exchange the condition of independent proprietors for that of stewards. We should then be able to govern foreign nations, according to the reasoning of the gentlemen on the other side. But let us put aside this theory and appeal to the decisions of experience. Go to the other side of the Atlantic and see what has been achieved for us there, by Englishmen holding seven tenths of the capital of this bank. Has it released from galling and ignominious bondage one solitary American seaman, bleeding under British oppression? Did it prevent the unmanly attack upon the Chesapeake? Did it arrest the promulgation, or has it abrogated the orders in council—those orders which have given birth to a new era in commerce? In spite of all its boasted effect, are not the two nations brought to the very brink of war? Are we quite sure, that, on this side of the water, it has had no effect favorable to British interests. It has often been stated, and although I do not know that it is susceptible of strict proof, I believe it to be a fact, that this bank exercised its influence in support of Jay's treaty; and may it not have contributed to blunt the public sentiment, or paralyse the efforts of this nation against British aggression.

The duke of Northumberland is said to be the most considerable stockholder in the bank of the United States. A late lord chancellor of England, besides other noblemen, was a large stockholder. Suppose the prince of Essling, the duke of Cadore, and other French dignitaries, owned seven eighths of the capital of this bank, should we witness the same exertions (I allude not to any made in the senate) to recharter it? So far from it, would not the danger of French influence be resounded throughout the nation?

I shall, therefore, give my most hearty assent to the motion for striking out the first section of the bill.

ON THE AUGMENTATION OF MILITARY FORCE.

IN THE UNITED STATES HOUSE OF REPRESENTATIVES, DECEMBER 31, 1811.

[In our biographical sketch, we have mentioned, that Mr. Clay, having left the senate of the United States in 1811, was the same year elected to the house of representatives, where he took his seat, and was chosen speaker of that body on the opening of the session. This took place at an eventful period in our national history. The numerous and aggravated wrongs which the nation had sustained and endured for years, both from France and England, but more especially from the latter, had aroused the attention of the whole country. The celebrated orders in council, the impressment of our seamen, and the right of searching our vessels, claimed and exercised by Great Britain, had prepared the people to expect that some decisive steps would be taken by their representatives in congress. In accordance with public sentiment, president Madison transmitted, November fourth, 1811, a message to congress, recommending appropriate measures for the vindication of our national honor, and the redress of our violated rights. The political parties, however, into which the people were divided, differed widely as to the course to be pursued in our foreign relations. The opposition to the administration numbered many eminent men, among whom the most talented and troublesome was John Randolph, of Virginia; his intellectual powers at this juncture being in full force and vigor. The committee on foreign relations proposed an immediate increase of the military force, and accordingly a bill passed, to raise thirteen additional regiments for the public service. It was the consideration of this measure, which induced Mr. Clay to address the house, when in committee of the whole, as follows.]

Mr. Clay (the speaker) said, that when the subject of this bill was before the house in the abstract form of a resolution, proposed by the committee of foreign relations, it was the pleasure of the house to discuss it whilst he was in the chair. He did not complain of this course of proceeding; for he did not at any time wish the house, from considerations personal to him, to depart from that mode of transacting the public business which they thought best. He merely adverted to the circumstance as an apology for the trouble he was about to give the committee. He was at all times disposed to take his share of responsibility, and under this impression, he felt that he owed it to his constituents and to himself, before the committee rose, to submit to their attention a few observations.

He saw with regret a diversity of opinion amongst those who had the happiness generally to act together, in relation to the quantum of force proposed to be raised. For his part, he thought it was too great for peace, and he feared too small for war. He

had been in favor of the number recommended by the senate, and he would ask gentlemen, who had preferred fifteen thousand, to take a candid and dispassionate view of the subject. It was admitted, on all hands, that it was a force to be raised for the purposes of war, and to be kept up and used only in the event of war. It was further conceded, that its principal destination would be the provinces of our enemy. By the bill which had been passed, to complete the peace establishment, we had authorized the collection of a force of about six thousand men, exclusive of those now in service, which, with the twenty-five thousand provided for by this bill, will give an aggregate of new troops of thirty-one thousand men. Experience in military affairs, has shown, that when any given number of men is authorized to be raised, you must, in counting upon the effective men which it will produce, deduct one fourth or one third for desertion, sickness, and other incidents to which raw troops are peculiarly exposed. In measures relating to war, it is wisest, if you err at all, to err on the side of the largest force, and you will consequently put down your thirty-one thousand men at not more than an effective force in the field of about twenty-one thousand. This, with the four thousand now in service, will amount to twenty-five thousand effective men. The secretary of war has stated, in his report, that, for the single purpose of manning your forts and garrisons on the sea-board, twelve thousand and six hundred men are necessary. Although the whole of that number will not be taken from the twenty-five thousand, a portion of it, probably, will be. We are told, that in Canada, there are between seven and eight thousand regular troops. If it is invaded, the whole of that force will be concentrated in Quebec, and would you attempt that almost impregnable fortress, with less than double the force of the besieged? Gentlemen who calculate upon volunteers as a substitute for regulars, ought not to deceive themselves. No man appreciated higher than he did the spirit of the country. But, although volunteers were admirably adapted to the first operations of the war, to the making of a first impression, he doubted their fitness for a regular siege, or for the manning and garrisoning of forts. He understood it was a rule in military affairs, never to leave in the rear a place of any strength undefended. Canada is invaded; the upper part falls, and you proceed to Quebec. It is true there would be no European army behind to be apprehended: but the people of the country might rise; and he warned gentlemen who imagined that the affections of the Canadians were with us, against trusting too confidently on such a calculation, the basis of which was treason. He concluded, therefore, that a portion of the invading army would be distributed in the upper country, after its conquest, amongst the places susceptible of military strength and defence. The army, considerably reduced, sets itself down before Quebec. Suppose it falls. Here again will be required a

number of men to hold and defend it. And if the war be prosecuted still further, and the lower country and Halifax be assailed, he conceived it obvious, that the whole force of twenty-five thousand men would not be too great.

The difference between those who were for fifteen thousand, and those who were for twenty-five thousand men, appeared to him to resolve itself into the question, merely, of a short or protracted war; a war of vigor, or a war of languor and imbecility. If a competent force be raised in the first instance, the war on the continent will be speedily terminated. He was aware that it might still rage on the ocean. But where the nation could act with unquestionable success, he was in favor of the display of an energy correspondent to the feelings and spirit of the country. Suppose one third of the force he had mentioned (twenty-five thousand men) could reduce the country, say in three years, and that the whole could accomplish the same object in one year; taking into view the greater hazard of the repulsion and defeat of the small force, and every other consideration, do not wisdom and true economy equally decide in favor of the larger force, and thus prevent failure in consequence of inadequate means? He begged gentlemen to recollect the immense extent of the United States; our vast maritime frontier, vulnerable in almost all its parts to predatory incursions, and he was persuaded, they would see that a regular force, of twenty-five thousand men, was not much too great during a period of war, if all designs of invading the provinces of the enemy were abandoned.

Mr. Clay proceeded next to examine the nature of the force contemplated by the bill. It was a regular army, enlisted for a limited time, raised for the sole purpose of war, and to be disbanded on the return of peace. Against this army, all our republican jealousies and apprehensions are attempted to be excited. He was not the advocate of standing armies; but the standing armies which excite most his fears, are those which are kept up in time of peace. He confessed, he did not perceive any real source of danger in a military force of twenty-five thousand men in the United States, provided only for a state of war, even supposing it to be corrupted, and its arms turned, by the ambition of its leaders, against the freedom of the country. He saw abundant security against the success of any such treasonable attempt. The diffusion of political information amongst the great body of the people, constituted a powerful safeguard. The American character has been much abused by Europeans, whose tourists, whether on horse or foot, in verse and prose, have united in depreciating it. It is true, that we do not exhibit as many signal instances of scientific acquirement in this country as are furnished in the old world; but he believed it undeniable, that the great mass of the people possessed more intelligence than any other people on the globe. Such a people, consisting of upwards of seven millions, affording

a physical power of about a million of men, capable of bearing arms, and ardently devoted to liberty, could not be subdued by an army of twenty-five thousand men. The wide extent of country over which we are spread, was another security. In other countries, France and England, for example, the fall of Paris or London, is the fall of the nation. Here are no such dangerous aggregations of people. New York, and Philadelphia, and Boston, and every city on the Atlantic, might be subdued by an usurper, and he would have made but a small advance in the accomplishment of his purpose. He would add a still more improbable supposition, that the country east of the Allegany, was to submit to the ambition of some daring chief, and he insisted that the liberty of the union would be still unconquered. It would find successful support from the west. We are not only in the situation just described, but a great portion of the militia — nearly the whole, he understood, of that of Massachusetts — have arms in their hands; and he trusted in God, that that great object would be persevered in, until every man in the nation could proudly shoulder the musket, which was to defend his country and himself. A people having, besides the benefit of one general government, other local governments in full operation, capable of exerting and commanding great portions of the physical power, all of which must be prostrated before our constitution is subverted. Such a people have nothing to fear from a petty contemptible force of twenty-five thousand regulars.

Mr. Clay proceeded, more particularly, to inquire into the object of the force. That object he understood distinctly to be war, and war with Great Britain. It had been supposed, by some gentlemen, improper to discuss publicly so delicate a question. He did not feel the impropriety. It was a subject in its nature incapable of concealment. Even in countries where the powers of government were conducted by a single ruler, it was almost impossible for that ruler to conceal his intentions when he meditates war. The assembling of armies, the strengthening of posts; all the movements preparatory to war, and which it is impossible to disguise, unfolded the intentions of the sovereign. Does Russia or France intend war, the intention is almost invariably known before the war is commenced. If congress were to pass a law, with closed doors, for raising an army for the purpose of war, its enlistment and organization, which could not be done in secret, would indicate the use to which it was to be applied; and we cannot suppose England would be so blind, as not to see that she was aimed at. Nor could she, did she apprehend, injure us more by thus knowing our purposes, than if she were kept in ignorance of them. She may, indeed, anticipate us, and commence the war. But that is what she is in fact doing, and she can add but little to the injury which she is inflicting. If she choose to declare war in form, let her do so, the responsibility will be with her.

What are we to gain by the war? has been emphatically asked. In reply, he would ask, what are we not to lose by peace? Commerce, character, a nation's best treasure, honor! If pecuniary considerations alone are to govern, there is sufficient motive for the war. Our revenue is reduced, by the operation of the belligerent edicts, to about six millions of dollars, according to the secretary of the treasury's report. The year preceding the embargo it was sixteen. Take away the orders in council, it will again mount up to sixteen millions. By continuing, therefore, in peace, (if the mongrel state in which we are deserve that denomination,) we lose annually in revenue alone ten millions of dollars. Gentlemen will say, repeal the law of non-importation. He contended, that, if the United States were capable of that perfidy, the revenue would not be restored to its former state, the orders in council continuing. Without an export trade, which those orders prevent, inevitable ruin would ensue, if we imported as freely as we did prior to the embargo. A nation that carries on an import trade, without an export trade to support it, must, in the end, be as certainly bankrupt, as the individual would be, who incurred an annual expenditure without an income.

He had no disposition to magnify or dwell upon the catalogue of injuries we had received from England. He could not, however, overlook the impressment of our seamen — an aggression upon which he never reflected, without feelings of indignation, which would not allow him appropriate language to describe its enormity. Not content with seizing upon all our property which falls within her rapacious grasp, the personal rights of our countrymen — rights which forever ought to be sacred — are trampled upon and violated. The orders in council were pretended to have been reluctantly adopted, as a measure of retaliation. The French decrees, their alleged basis, are revoked. England resorts to the expedient of denying the fact of the revocation, and Sir William Scott, in the celebrated case of Fox and others, suspends judgment that proof may be adduced to it. At the same moment, when the British ministry, through that judge, is thus affecting to controvert that fact, and to place the release of our property upon its establishment, instructions are prepared for Mr. Foster, to meet at Washington the very revocation which they were contesting. And how does he meet it? By fulfilling the engagement solemnly made to rescind the orders? No, sir; but by demanding that we shall secure the introduction, into the continent, of British manufactures!

England is said to be fighting for the world, and shall we, it is asked, attempt to weaken her exertions? If, indeed, the aim of the French emperor be universal dominion, (and he was willing to allow it to the argument,) how much nobler a cause is presented to British valor! But how is her philanthropic purpose to be

achieved? By a scrupulous observance of the rights of others, by respecting that code of public law which she professes to vindicate, and by abstaining from self-aggrandizement. Then would she command the sympathies of the world. What are we required to do by those who would engage our feelings and wishes in her behalf? To bear the actual cuffs of her arrogance, that we may escape a chimerical French subjugation! We are invited, conjured, to drink the potion of British poison, actually presented to our lips, that we may avoid the imperial dose prepared by perturbed imaginations. We are called upon to submit to debasement, dishonor, and disgrace; to bow the neck to royal insolence, as a course of preparation for manly resistance to gallic invasion! What nation, what individual, was ever taught, in the schools of ignominious submission, these patriotic lessons of freedom and independence? Let those who contend for this humiliating doctrine, read its refutation in the history of the very man against whose insatiable thirst of dominion we are warned. The experience of desolated Spain, for the last fifteen years, is worth volumes. Did she find her repose and safety in subserviency to the will of that man? Had she boldly stood forth and repelled the first attempt to dictate to her councils, her monarch would not be now a miserable captive in Marseilles. Let us come home to our own history; it was not by submission that our fathers achieved our independence. The patriotic wisdom that placed you, Mr. Chairman, under that canopy, penetrated the designs of a corrupt ministry, and nobly fronted encroachment on its first appearance. It saw, beyond the petty taxes with which it commenced, a long train of oppressive measures, terminating in the total annihilation of liberty, and, contemptible as they were, it did not hesitate to resist them. Take the experience of the last four or five years, which he was sorry to say exhibited, in appearance, at least, a different kind of spirit. He did not wish to view the past, further than to guide us for the future. We were but yesterday contending for the indirect trade; the right to export to Europe the coffee and sugar of the West Indies. To-day we are asserting our claim to the direct trade; the right to export our cotton, tobacco, and other domestic produce, to market. Yield this point, and to-morrow intercourse between New York and New Orleans, between the planters on James river and Richmond, will be interdicted. For, sir, the career of encroachment is never arrested by submission. It will advance while there remains a single privilege on which it can operate. Gentlemen say, that this government is unfit for any war, but a war of invasion. What, is it not equivalent to invasion, if the mouths of our harbors and outlets are blocked up, and we are denied egress from our own waters? Or, when the burglar is at our door, shall we bravely sally forth and repel his felonious entrance, or meanly skulk within the cells of the castle?

He contended, that the real cause of British aggression was, not to distress an enemy, but to destroy a rival. A comparative view of our commerce with that of England and the continent, would satisfy any one of the truth of this remark. Prior to the embargo, the balance of trade between this country and England was between eleven and fifteen millions of dollars in favor of England. Our consumption of her manufactures was annually increasing, and had risen to nearly fifty millions of dollars. We exported to her what she most wanted, provisions and raw materials for her manufactures, and received in return what she was most desirous to sell. Our exports to France, Holland, Spain, and Italy, taking an average of the years 1802, 1803, and 1804, amounted to about twelve million dollars of domestic, and about eighteen million dollars of foreign produce. Our imports from the same countries, amounted to about twenty-five million dollars. The foreign produce exported, consisted chiefly of luxuries, from the West Indies. It is apparent that this trade, the balance of which was in favor, not of France, but of the United States, was not of very vital consequence to the enemy of England. Would she, therefore, for the sole purpose of depriving her adversary of this commerce, relinquish her valuable trade with this country, exhibiting the essential balance in her favor; nay, more, hazard the peace of the country? No, sir; you must look for an explanation of her conduct in the jealousies of a rival. She sickens at your prosperity, and beholds, in your growth—your sails spread on every ocean, and your numerous seamen—the foundations of a power which, at no very distant day, is to make her tremble for her naval superiority. He had omitted before to notice the loss of our seamen, if we continued in our present situation. What would become of the one hundred thousand (for he understood there was about that number) in the American service? Would they not leave us and seek employment abroad, perhaps in the very country that injures us?

It is said, that the effect of the war at home, will be a change of those who administer the government, who will be replaced by others that will make a disgraceful peace. He did not believe it. Not a man in the nation could really doubt the sincerity with which those in power have sought, by all honorable and pacific means, to protect the interests of the country. When the people saw exercised towards both belligerents the utmost impartiality; witnessed the same equal terms tendered to both; and beheld the government successively embracing an accommodation with each, in exactly the same spirit of amity, he was fully persuaded, now that war was the only alternative left to us, by the injustice of one of the powers, that the support and confidence of the people would remain undiminished. He was one, however, who was prepared (and he would not believe that he was more so than any other

member of the committee) to march on in the road of his duty, at all hazards. What! shall it be said, that our *amor patriæ* is located at these desks; that we pusillanimously cling to our seats here, rather than boldly vindicate the most inestimable rights of the country? Whilst the heroic Daviess, and his gallant associates, exposed to all the dangers of treacherous savage warfare, are sacrificing themselves for the good of their country, shall we shrink from our duty?

He concluded, by hoping that his remarks had tended to prove that the quantum of the force required was not too great, that in its nature it was free from the objections urged against it, and that the object of its application was one imperiously called for by the present peculiar crisis.

ON THE INCREASE OF THE NAVY.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 22, 1812.

[The bill making provisions for the general repair and increase of the Navy, followed the preceding measure for augmenting the army. During Mr. Jefferson's administration, the Navy had been unpopular with the democratic party, and the policy of reducing that branch of the national force had been pursued, in opposition to the former course, adopted by the administration of John Adams. Many of the democratic supporters of Mr Madison's administration, still adhered to the policy of Mr. Jefferson; while Mr. Clay, Mr. Cheves, and other members of that party, saw the importance of sustaining the navy, in prospect of war. Among the arguments in opposition to the bill, now introduced, it was insisted that the fitting out of naval armaments would require a pecuniary expenditure which the people were not prepared to meet. The bill contained a section, providing for new frigates, leaving a blank for the number. Mr. Cheves (of South Carolina) moved to fill the blank with *ten*. Mr. Rhea (of Tennessee) moved to strike out this section of the bill. In committee of the whole, a warm debate ensued. Mr. Clay, in the following speech, sustained the proposition of Mr. Cheves, and the motion to strike out was rejected, by a vote of fifty-two to forty-seven. An appropriation was made, and the Navy fitted out with despatch. The result is known by the naval victories, which, in less than two years, crowned this right arm of the nation with glory, and gave it an enduring popularity with the people.]

Mr. Clay (the speaker) rose to present his views on the bill before the committee. He said, as he did not precisely agree in opinion with any gentleman who had spoken, he should take the liberty of detaining the committee a few moments, while he offered to their attention some observations. He was highly gratified with the temper and ability with which the discussion had hitherto been conducted. It was honorable to the house, and, he trusted, would continue to be manifested on many future occasions.

On this interesting topic a diversity of opinion has existed, almost ever since the adoption of the present government. On the one hand, there appeared to him to have been attempts made to precipitate the nation into all the evils of naval extravagance, which had been productive of so much mischief in other countries; and, on the other, strongly feeling this mischief, there has existed an unreasonable prejudice against providing such a competent naval protection, for our commercial and maritime rights, as is demanded by their importance, and as the increased resources of the country amply justify.

The attention of congress has been invited to this subject by the president, in his message, delivered at the opening of the session. Indeed, had it been wholly neglected by the chief magistrate, from the critical situation of the country, and the nature of the rights proposed to be vindicated, it must have pressed itself upon our attention. But, said Mr. Clay, the president, in his message, observes: 'your attention will, of course, be drawn to such provisions on the subject of our naval force, as may be required for the service to which it is best adapted. I submit to congress the seasonableness, also, of an authority to augment the stock of such materials as are imperishable in their nature, or may not, at once, be attainable?' The president, by this recommendation, clearly intimates an opinion, that the naval force of this country is capable of producing effect; and the propriety of laying up imperishable materials, was no doubt suggested for the purpose of making additions to the navy, as convenience and exigences might direct.

It appeared to Mr. Clay a little extraordinary, that so much, as it seemed to him, unreasonable jealousy, should exist against the naval establishment. If, said he, we look back to the period of the formation of the constitution, it will be found that no such jealousy was then excited. In placing the physical force of the nation at the disposal of congress, the convention manifested much greater apprehension of abuse in the power given to raise armies, than in that to provide a navy. In reference to the navy, congress is put under no restrictions; but with respect to the army, that description of force which has been so often employed to subvert the liberties of mankind, they are subjected to limitations designed to prevent the abuse of this dangerous power. But it was not his intention to detain the committee, by a discussion on the comparative utility and safety of these two kinds of force. He would, however, be indulged in saying, that he thought gentlemen had wholly failed in maintaining the position they had assumed, that the fall of maritime powers was attributable to their navies. They have told you, indeed, that Carthage, Genoa, Venice, and other nations, had navies, and, notwithstanding, were finally destroyed. But have they shown, by a train of argument, that their overthrow was, in any degree, attributable to their maritime greatness? Have they attempted, even, to show that there exists in the nature of this power a necessary tendency to destroy the nation using it? Assertion is substituted for argument; inferences not authorized by historical facts are arbitrarily drawn; things wholly unconnected with each other are associated together; a very logical mode of reasoning, it must be admitted! In the same way he could demonstrate how idle and absurd our attachments are to freedom itself. He might say, for example, that Greece and Rome had forms of free government, and that they no longer exist; and,

deducing their fall from their devotion to liberty, the conclusion, in favor of despotism, would very satisfactorily follow! He demanded what there is in the nature and construction of maritime power, to excite the fears that have been indulged? Do gentlemen really apprehend, that a body of seamen will abandon their proper element, and, placing themselves under an aspiring chief, will erect a throne to his ambition? Will they deign to listen to the voice of history, and learn how chimerical are their apprehensions?

But the source of alarm is in ourselves. Gentlemen fear, that if we provide a marine, it will produce collisions with foreign nations; plunge us into war, and ultimately overturn the constitution of the country. Sir, if you wish to avoid foreign collision, you had better abandon the ocean; surrender all your commerce; give up all your prosperity. It is the thing protected, not the instrument of protection, that involves you in war. Commerce engenders collision, collision war, and war, the argument supposes, leads to despotism. Would the counsels of that statesman be deemed wise, who would recommend that the nation should be unarmed; that the art of war, the martial spirit, and martial exercises, should be prohibited; who should declare, in the language of Othello, that the nation must bid farewell to the neighing steed, and the shrill trump, the spirit-stirring drum, the ear-piercing fife, and all the pride, pomp, and circumstance of glorious war; and that the great body of the people should be taught, that national happiness was to be found in perpetual peace alone? No, sir. And yet, every argument in favor of a power of protection on land, applies, in some degree, to a power of protection on the sea. Undoubtedly a commerce void of naval protection is more exposed to rapacity than a guarded commerce; and if we wish to invite the continuance of the old, or the enactment of new edicts, let us refrain from all exertion upon that element where we must operate, and where, in the end, they must be resisted.

For his part (Mr. Clay said) he did not allow himself to be alarmed by those apprehensions of maritime power, which appeared to agitate other gentlemen. In the nature of our government he beheld abundant security against abuse. He would be unwilling to tax the land to support the rights of the sea, and was for drawing from the sea itself, the resources with which its violated freedom should at all times be vindicated. Whilst this principle is adhered to, there will be no danger of running into the folly and extravagance which so much alarms gentlemen; and whenever it is abandoned — whenever congress shall lay burdensome taxes, to augment the navy beyond what may be authorized by the increased wealth, and demanded by the exigences, of the country, the people will interpose, and, removing their unworthy representatives, apply the appropriate corrective. Mr. Clay, then, could

not see any just ground of dread in the nature of naval power. It was, on the contrary, free from the evils attendant upon standing armies. And the genius of our institutions — the great representative principle, in the practical enjoyment of which we are so eminently distinguished — afforded the best guarantee against the ambition and wasteful extravagance of government. What maritime strength is it expedient to provide for the United States? In considering this subject, three different degrees of naval power present themselves. In the first place, such a force as would be capable of contending with that which any other nation is able to bring on the ocean — a force that, boldly scouring every sea, would challenge to combat the fleets of other powers, however great. He admitted it was impossible at this time, perhaps it never would be desirable, for this country to establish so extensive a navy. Indeed, he should consider it as madness in the extreme in this government to attempt to provide a navy able to cope with the fleets of Great Britain, wherever they might be met.

The next species of naval power to which he would advert, is that which, without adventuring into distant seas, and keeping generally in our own harbors, and on our coasts, would be competent to beat off any squadron which might be attempted to be permanently stationed in our waters. His friends from South Carolina (Messrs. Cheves and Lowndes) had satisfactorily shown, that, to effect this object, a force equivalent only to one third of that which the maintenance of such a squadron must require, would be sufficient; that if, for example, England should determine to station permanently upon our coast a squadron of twelve ships of the line, it would require for this service thirty-six ships of the line; one third in port, repairing, one third on the passage, and one third on the station. But that is a force which it has been shown that even England, with her boasted navy, could not spare for the American service, whilst she is engaged in the present contest. Mr. Clay said, that he was desirous of seeing such a force as he had described; that is, twelve ships of the line and fifteen or twenty frigates, provided for the United States; but he admitted that it was unattainable in the present situation of the finances of the country. He contended, however, that it was such as congress ought to set about providing; and he hoped, in less than ten years, to see it actually established. He was far from surveying the vast maritime power of Great Britain, with the desponding eye with which other gentlemen beheld it. He could not allow himself to be discouraged at a prospect of even her thousand ships. This country only required resolution, and a proper exertion of its immense resources, to command respect, and to vindicate every essential right. When we consider our remoteness from Europe, the expense, difficulty, and perils, to which any squadron would be exposed, while stationed off our coasts, he entertained no doubt

that the force to which he referred, would insure the command of our own seas. Such a force would avail itself of our extensive sea-board and numerous harbors, every where affording asylums to which it could safely retire from a superior fleet, or from which it could issue, for the purpose of annoyance. To the opinion of his colleague (Mr. M'Kee), who appeared to think that it was in vain for us to make any struggle on the ocean, he would oppose the sentiments of his distinguished connection, the heroic Daviess, who fell in the battle of Tippecanoe. [Here Mr. Clay read certain parts of a work, written by colonel Daviess, in which the author attempts to show, that, as the aggressions upon our commerce were not committed by fleets, but by single vessels, they could, in the same manner, be best retaliated; that the force of about twenty or thirty frigates, would be capable of inflicting great injury on English commerce, by picking up stragglers, cutting off convoys, and seizing upon every moment of supineness; and that such a force, with our seaports and harbors well fortified, and aided by privateers, would be really formidable, and would annoy the British navy and commerce, just as the French army was assailed in Egypt, the Persian army in Scythia, and the Roman army in Parthia.]

The third description of force, worthy of consideration, is, that which would be able to prevent any single vessel, of whatever metal, from endangering our whole coasting trade, blocking up our harbors, and laying under contribution our cities — a force competent to punish the insolence of the commander of any single ship, and to preserve in our own jurisdiction, the inviolability of our peace and our laws. A force of this kind is entirely within the compass of our means, at this time. Is there a reflecting man in the nation, who would not charge congress with a culpable neglect of its duty, if, for the want of such a force, a single ship were to bombard one of our cities! Would not every honorable member of the committee inflict on himself the bitterest reproaches, if, by failing to make an inconsiderable addition to our little gallant navy, a single British vessel should place New York under contribution! Yes, sir, when the city is in flames, its wretched inhabitants begin to repent of their neglect, in not providing engines and water-buckets. If, said Mr. Clay, we are not able to meet the wolves of the forest, shall we put up with the barking impudence of every petty cur that trips across our way? Because we cannot guard against every possible danger, shall we provide against none? He hoped not. He had hardly expected that the instructing but humiliating lesson, was so soon to be forgotten, which was taught us in the murder of Pierce, the attack on the Chesapeake, and the insult offered in the very harbor of Charleston, which the brave old fellow who commanded the fort in vain endeavored to chastise. It was a rule with Mr. Clay, when acting

either in a public or private character, to attempt nothing more than what there existed a prospect of accomplishing. He was therefore not in favor of entering into any mad projects on this subject, but for deliberately and resolutely pursuing what he believed to be within the power of government. Gentlemen refer to the period of 1798, and we are reminded of the principles maintained by the opposition at that time. He had no doubt of the correctness of that opposition. The naval schemes of that day were premature, not warranted by the resources of the country, and were contemplated for an unnecessary war, into which the nation was about to be plunged. He always admired and approved the zeal and ability with which that opposition was conducted, by the distinguished gentleman now at the head of the treasury. But the state of things is totally altered. What was folly in 1798, may be wisdom now. At that time, we had a revenue only of about six millions. Our revenue now, upon a supposition that commerce is restored, is about sixteen millions. The population of the country, too, is greatly increased, nearly doubled, and the wealth of the nation is perhaps tripled. Whilst our ability to construct a navy is thus enhanced, the necessary maritime protection is proportionably augmented. Independent of the extension of our commerce, since the year 1798, we have had an addition of more than five hundred miles to our coast, from the bay of Perdido to the mouth of the Sabine—a weak and defenceless accession, requiring, more than any other part of our maritime frontier, the protecting arm of government.

The groundless imputation, that those who were friendly to a navy, were espousing a principle inimical to freedom, should not terrify him. He was not ashamed when in such company as the illustrious author of the notes on Virginia, whose opinion on the subject of a navy, contained in that work, contributed to the formation of his own. But the principle of a navy, Mr. Clay contended, was no longer open to controversy. It was decided when Mr. Jefferson came into power. With all the prejudices against a navy, which are alleged by some to have been then brought into the administration, with many honest prejudices, he admitted, the rash attempt was not made to destroy the establishment. It was reduced to only what was supposed to be within the financial capacity of the country. If, ten years ago, when all those prejudices were to be combatted, even in time of peace, it was deemed proper, by the then administration, to retain in service ten frigates, he put it to the candor of gentlemen to say, if now, when we are on the eve of a war, and taking into view the actual growth of the country, and the acquisition of our coast on the Gulf of Mexico, we ought not to add to the establishment.

Mr. Clay said, he had hitherto alluded more particularly to the exposed situation of certain parts of the Atlantic frontier. Whilst

he felt the deepest solicitude for the safety of New York, and other cities on the coast, he would be pardoned by the committee, for referring to the interests of that section of the union from which he came. If, said he, there be a point more than any other in the United States, demanding the aid of naval protection, that point is the mouth of the Mississippi. What is the population of the western country, dependent on this single outlet for its surplus productions? Kentucky, according to the last enumeration, has four hundred and six thousand five hundred and eleven; Tennessee, two hundred and sixty-one thousand seven hundred and twenty-seven; and Ohio, two hundred and thirty thousand seven hundred and sixty. And when the population of the western parts of Virginia, and Pennsylvania, and the territories which are drained by the Mississippi or its waters, is added, it will form an aggregate equal to about one fifth of the whole population of the United States, resting all their commercial hopes upon this solitary vent! The bulky articles of which their surplus productions consist, can be transported in no other way. They will not bear the expense of a carriage up the Ohio and Tennessee, and across the mountains, and the circuitous voyage of the lakes is out of the question. Whilst most other states have the option of numerous outlets, so that, if one be closed, resort can be had to others, this vast population has no alternative. Close the mouth of the Mississippi, and their export trade is annihilated. He called the attention of his western friends, especially his worthy Kentucky friends, (from whom he felt himself, with regret, constrained to differ on this occasion,) to the state of the public feeling in that quarter, whilst the navigation of the Mississippi was withheld by Spain; and to the still more recent period, when the right of depot was violated. The whole country was in commotion, and, at the nod of government, would have fallen on Baton Rouge and New Orleans, and punished the treachery of a perfidious government. Abandon all idea of protecting, by maritime force, the mouth of the Mississippi, and we shall have the recurrence of many similar scenes. We shall hold the inestimable right of the navigation of that river, by the most precarious tenure. The whole commerce of the Mississippi — a commerce that is destined to be the richest that was ever borne by a single stream — is placed at the mercy of a single ship, lying off the Balize! Again; the convulsions of the new world, still more, perhaps, than those of Europe, challenge our attention. Whether the ancient dynasty of Spain is still to be upheld or subverted, is extremely uncertain, if the bonds connecting the parent country with her colonies, are not for ever broken. What is to become of Cuba? Will it assert independence, or remain the province of some European power? In either case, the whole trade of the western country, which must pass almost within gunshot of the Moro Castle, is exposed to danger. It was not, however,

of Cuba he was afraid. He wished her independent. But suppose England gets possession of that valuable island. With Cuba on the south, and Halifax on the north — and the consequent means of favoring or annoying commerce, of particular sections of the country — he asked, if the most sanguine amongst us would not tremble for the integrity of the union? If, along with Cuba, Great Britain should acquire East Florida, she will have the absolute command of the Gulf of Mexico. Can gentlemen, particularly gentlemen from the western country, contemplate such possible, nay, probable, events, without desiring to see at least the commencement of such a naval establishment as would effectually protect the Mississippi? He entreated them to turn their attention to the defenceless situation of the Orleans Territory, and to the nature of its population. It is known, that, whilst under the Spanish government, they experienced the benefit of naval security. Satisfy them, that, under the government of the United States, they will enjoy less protection, and you disclose the most fatal secret.

The general government receives annually, for the public lands, about six hundred thousand dollars. One of the sources whence the western people raise this sum, is the exportation of the surplus productions of that country. Shut up the Mississippi, and this source is, in a great measure, dried up. But suppose this government to look upon the occlusion of the Mississippi, without making an effort on that element, where alone it could be made successfully, to remove the blockading force, and, at the same time, to be vigorously pressing payment for the public lands; he shuddered at the consequences. Deep-rooted as he knew the affections of the western people to be to the union, (and he would not admit their patriotism to be surpassed by any other quarter of the country,) if such a state of things were to last any considerable time, he should seriously apprehend a withdrawal of their confidence. Nor, sir, could we derive any apology for the failure to afford this protection, from the want of the materials for naval architecture. On the contrary, all the articles entering into the construction of a navy — iron, hemp, timber, pitch — abound in the greatest quantities on the waters of the Mississippi. Kentucky alone, he had no doubt, raised hemp enough the last year for the whole consumption of the United States.

If, as he conceived, gentlemen had been unsuccessful in showing that the downfall of maritime nations was ascribable to their navies, they have been more fortunate in showing, by the instances to which they had referred, that, without a marine, no foreign commerce could exist to any extent. It is the appropriate, the natural (if the term may be allowed) connection of foreign commerce. The shepherd and his faithful dog, are not more necessary to guard the flocks, that browse and gambol on the neighboring mountain. He considered the prosperity of foreign commerce indissolubly

allied to marine power. Neglect to provide the one, and you must abandon the other. Suppose the expected war with England is commenced, you enter and subjugate Canada, and she still refuses to do you justice; what other possible mode will remain to operate on the enemy, but upon that element where alone you can then come in contact with him? And if you do not prepare to protect there your own commerce, and to assail his, will he not sweep from the ocean every vessel bearing your flag, and destroy even the coasting trade? But, from the arguments of gentlemen, it would seem to be questioned, if foreign commerce is worth the kind of protection insisted upon. What is this foreign commerce, that has suddenly become so inconsiderable? It has, with very trifling aid from other sources, defrayed the expenses of government, ever since the adoption of the present constitution; maintained an expensive and successful war with the Indians; a war with the Barbary powers; a quasi war with France; sustained the charges of suppressing two insurrections, and extinguishing upwards of forty-six millions of the public debt. In revenue, it has, since the year 1789, yielded one hundred and ninety-one millions of dollars. During the first four years after the commencement of the present government, the revenue averaged only about two millions annually; during a subsequent period, of four years, it rose to an average of fifteen millions, annually, or became equivalent to a capital of two hundred and fifty millions of dollars, at an interest of six per centum per annum. And if our commerce is reëstablished, it will, in the course of time, net a sum for which we are scarcely furnished with figures, in arithmetic. Taking the average of the last nine years, (comprehending, of course, the season of the embargo,) our exports average upwards of thirty-seven millions of dollars, which is equivalent to a capital of more than six hundred millions of dollars, at six per centum interest; all of which must be lost in the event of a destruction of foreign commerce. In the abandonment of that commerce, is also involved the sacrifice of our brave tars, who have engaged in the pursuit, from which they derive subsistence and support, under the confidence that government would afford them that just protection which is due to all. They will be driven into foreign employment, for it is vain to expect that they will renounce their habits of life.

The spirit of commercial enterprise, so strongly depicted by the gentleman from New York (Mr. Mitchel), is diffused throughout the country. It is a passion as unconquerable as any with which nature has endowed us. You may attempt, indeed, to regulate, but you cannot destroy it. It exhibits itself as well on the waters of the western country, as on the waters and shores of the Atlantic. Mr. Clay had heard of a vessel, built at Pittsburg, having crossed the Atlantic and entered an European port (he believed that of Leghorn). The master of the vessel laid his papers before the

proper custom-house officer, which, of course, stated the place of her departure. The officer boldly denied the existence of any such American port as Pittsburg, and threatened a seizure of the vessel, as being furnished with forged papers. The affrighted master procured a map of the United States, and, pointing out the Gulf of Mexico, took the officer to the mouth of the Mississippi, traced the course of the Mississippi more than a thousand miles, to the mouth of the Ohio, and conducting him still a thousand miles higher, to the junction of the Allegany and Monongahela,— there, he exclaimed, stands Pittsburg, the port from which I sailed! The custom-house officer, prior to the production of this evidence, would have as soon believed that the vessel had performed a voyage from the moon.

In delivering the sentiments he had expressed, Mr. Clay considered himself as conforming to a sacred constitutional duty. When the power to provide a navy was confided to congress, it must have been the intention of the convention to submit only to the discretion of that body, the period when that power should be exercised. That period had, in his opinion, arrived, at least for making a respectable beginning. And whilst he thus discharged what he conceived to be his duty, he derived great pleasure from the reflection, that he was supporting a measure calculated to impart additional strength to our happy union. Diversified as are the interests of its various parts, how admirably do they harmonize and blend together! We have only to make a proper use of the bounties spread before us, to render us prosperous and powerful. Such a navy as he had contended for, will form a new bond of connection between the states, concentrating their hopes, their interests, and their affections.

ON THE NEW ARMY BILL.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 8, 1813.

[On the eighteenth of June, 1812, war was declared by congress against Great Britain, and the next session of congress commenced in November, 1812, when the president, in his annual message to the two houses, gave a sketch of the events which had transpired during the recess. The military operations on the frontier had resulted, at first, in a series of unexpected and disgraceful disasters to our arms. Amidst all discouragements, Mr. Clay was the leader, and the life and soul of the administration party in the house. His early biographer says of him: 'he moved in majesty, for he moved in strength. No difficulties could weary or withstand his energies. Like the Carthagenian chief in the passage of the Alps, he kept his place in front of his comrades, putting aside, with a giant effort, every obstacle that opposed his progress, applauding the foremost of his followers, and rousing those who lingered, by words of encouragement or reproach, till he succeeded in putting them upon a moral eminence, from which they could look down upon the region where their prowess was to meet with its long expected reward.'

Among the first measures proposed at this session of congress, to raise the spirit of the nation, and retrieve the fortunes of war, made gloomy by the disasters upon the frontier, was a bill to increase the army, by raising twenty additional regiments. In support of this bill, and on the merits of the war, as well as in reply to the arguments of the opposition members, Mr. Clay addressed the committee of the whole house, in the following speech.]

Mr. Clay (the speaker) said he was gratified yesterday by the recommitment of this bill to a committee of the whole house, from two considerations; one, since it afforded him a slight relaxation from a most fatiguing situation; and the other, because it furnished him with an opportunity of presenting to the committee his sentiments, upon the important topics which had been mingled in the debate. He regretted, however, that the necessity under which the chairman had been placed, of putting the question,* precluded the opportunity he had wished to enjoy, of rendering more acceptable to the committee any thing he might have to offer on the interesting points, on which it was his duty to touch. Unprepared, however, as he was, to speak on this day, of which he was the more sensible from the ill state of his health, he would solicit the attention of the committee for a few moments.

I was a little astonished, I confess, said Mr. Clay, when I found this bill permitted to pass silently through the committee of the

* The chairman had risen to put the question, which would have cut Mr. Clay off from the opportunity of speaking, by carrying the bill to the house.—*Editor.*

whole, and not selected until the moment when the question was to be put for its third reading, as the subject on which gentlemen in the opposition chose to lay before the house their views of the interesting attitude in which the nation stands. It did appear to me, that the loan bill, which will soon come before us, would have afforded a much more proper occasion, it being more essential, as providing the ways and means for the prosecution of the war. But the gentlemen had the right of selection, and having exercised it, no matter how improperly, I am gratified, whatever I may think of the character of some part of the debate, at the latitude in which, for once, they have been indulged. I claim only, in return, of gentlemen on the other side of the house, and of the committee, a like indulgence in expressing my sentiments, with the same unrestrained freedom. Perhaps, in the course of the remarks, which I may feel myself called upon to make, gentlemen may apprehend, that they assume too harsh an aspect; but I have only now to say, that I shall speak of parties, measures, and things, as they strike my moral sense, protesting against the imputation of any intention, on my part, to wound the feelings of any *gentlemen*.

Considering the situation in which this country is now placed—a state of actual war with one of the most powerful nations on the earth—it may not be useless to take a view of the past, and of the various parties which have at different times appeared in this country, and to attend to the manner by which we have been driven from a peaceful posture, to our present warlike attitude. Such an inquiry may assist in guiding us to that result, an honorable peace, which must be the sincere desire of every friend to America. The course of that opposition, by which the administration of the government had been unremittingly impeded for the last twelve years, was singular, and, I believe, unexampled in the history of any country. It has been alike the duty and the interest of the administration to preserve peace. It was their duty, because it is necessary to the growth of an infant people, to their genius, and to their habits. It was their interest, because a change of the condition of the nation, brings along with it a danger of the loss of the affections of the people. The administration has not been forgetful of these solemn obligations. No art has been left unessayed, no experiment, promising a favorable result, left untried, to maintain the peaceful relations of the country. When, some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more ālarming, an embargo was imposed. It would have accomplished its purpose, but it was sacrificed upon the altar of conciliation. Vain and fruitless attempt to propitiate! Then came along non-intercourse; and a general non-importation followed in the train. In the mean time, any indications of a return to the public law and the path of justice, on the part of either belligerent, are seized upon

with avidity by the administration. The arrangement with Mr. Erskine is concluded. It is first applauded, and then censured by the opposition. No matter with what unfeigned sincerity, with what real effort, the administration cultivates peace, the opposition insists, that it alone is culpable for every breach that is made between the two countries. Because the president thought proper, in accepting the proffered reparation for the attack on a national vessel, to intimate, that it would have better comported with the justice of the king (and who does not think so?) to punish the offending officer, the opposition, entering into the royal feelings, sees, in that imaginary insult, abundant cause for rejecting Mr. Erskine's arrangement. On another occasion, you cannot have forgotten the hypocritical ingenuity which they displayed, to divest Mr. Jackson's correspondence of a premeditated insult to this country. If gentlemen would only reserve for their own government, half the sensibility which is indulged for that of Great Britain, they would find much less to condemn. Restriction after restriction has been tried; negotiation has been resorted to, until further negotiation would have been disgraceful. Whilst these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war—the proud—the spirited—the sole repository of the nation's honor—the men of exclusive vigor and energy. The administration, on the contrary, is weak, feeble, and pusillanimous—'incapable of being kicked into a war.' The maxim, 'not a cent for tribute, millions for defence,' is loudly proclaimed. Is the administration for negotiation? The opposition is tired, sick, disgusted with negotiation. They want to draw the sword, and avenge the nation's wrongs. When, however, foreign nations, perhaps emboldened by the very opposition here made, refuse to listen to the amicable appeals, which have been repeated and reiterated by the administration, to their justice and to their interest—when, in fact, war with one of them has become identified with our independence and our sovereignty, and to abstain from it was no longer possible, behold the opposition veering round and becoming the friends of peace and commerce. They tell you of the calamities of war, its tragical events, the squandering away of your resources, the waste of the public treasure, and the spilling of innocent blood. 'Gorgons, hydras, and chimeras dire.' They tell you, that honor is an illusion! Now, we see them exhibiting the terrific forms of the roaring king of the forest. Now, the meekness and humility of the lamb! They are for war and no restrictions, when the administration is for peace. They are for peace and restrictions, when the administration is for war. You find them, sir, tacking with every gale, displaying the colors of every party, and of all nations, steady only in one unalterable purpose—to steer, if possible, into the haven of power.

During all this time, the parasites of opposition do not fail, by

cunning sarcasm, or sly inuendo, to throw out the idea of French influence, which is known to be false, which ought to be met in one manner only, and that is by the lie direct. The administration of this country devoted to foreign influence! The administration of this country subservient to France! Great God! what a charge! how is it so influenced? By what ligament, on what basis, on what possible foundation does it rest? Is it similarity of language? No! we speak different tongues, we speak the English language. On the resemblance of our laws? No! the sources of our jurisprudence spring from another and a different country. On commercial intercourse? No! we have comparatively none with France. Is it from the correspondence in the genius of the two governments? No! here alone is the liberty of man secure from the inexorable despotism, which, every where else, tramples it under foot. Where, then, is the ground of such an influence? But, sir, I am insulting you by arguing on such a subject. Yet, preposterous and ridiculous as the insinuation is, it is propagated with so much industry, that there are persons found foolish and credulous enough to believe it. You will, no doubt, think it incredible, (but I have nevertheless been told it is a fact,) that an honorable member of this house, now in my eye, recently lost his election by the circulation of a silly story in his district, that he was the first cousin of the emperor Napoleon. The proof of the charge rested on the statement of facts, which was undoubtedly true. The gentleman in question, it was alleged, had married a connection of the lady of the President of the United States, who was the intimate friend of Thomas Jefferson, late President of the United States, who some years ago, was in the habit of wearing red French breeches. Now, taking these premises as established, you, Mr. Chairman, are too good a logician not to see that the conclusion necessarily follows!

Throughout the period he had been speaking of, the opposition has been distinguished, amidst all its veerings and changes, by another inflexible feature — the application to Bonaparte of every vile and opprobious epithet our language, copious as it is in terms of vituperation, affords. He has been compared to every hideous monster, and beast, from that mentioned in the Revelations, down to the most insignificant quadruped. He has been called the scourge of mankind, the destroyer of Europe, the great robber, the infidel, the modern Attila, and heaven knows by what other names. Really, gentlemen remind me of an obscure lady, in a city not very far off, who also took it into her head, in conversation with an accomplished French gentleman, to talk of the affairs of Europe. She, too, spoke of the destruction of the balance of power; stormed and raged about the insatiable ambition of the emperor; called him the curse of mankind, the destroyer of Europe. The Frenchman listened to her with perfect patience,

and when she had ceased, said to her, with ineffable politeness, 'madame, it would give my master, the emperor, infinite pain, if he knew how hardly you thought of him.' Sir, gentlemen appear to me to forget, that they stand on American soil; that they are not in the British house of commons, but in the chamber of the house of representatives of the United States; that we have nothing to do with the affairs of Europe, the partition of territory and sovereignty there, except so far as these things affect the interests of our own country. Gentlemen transform themselves into the Burkes, Chathams, and Pitts, of another country, and forgetting, from honest zeal, the interests of America, engage with European sensibility in the discussion of European interests. If gentlemen ask me, whether I do not view with regret and horror the concentration of such vast power in the hands of Bonaparte, I reply, that I do. I regret to see the emperor of China holding such immense sway over the fortunes of millions of our species. I regret to see Great Britain possessing so uncontrolled a command over all the waters of our globe. If I had the ability to distribute among the nations of Europe their several portions of power and of sovereignty, I would say, that Holland should be resuscitated, and given the weight she enjoyed in the days of her De Witts. I would confine France within her natural boundaries, the Alps, Pyrenees, and the Rhine, and make her a secondary naval power only. I would abridge the British maritime power, raise Prussia and Austria to their original condition, and preserve the integrity of the empire of Russia. But these are speculations. I look at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the history of other countries, or other times. I do not survey them with half the interest that I do the movements in South America. Our political relation with them is much less important than it is supposed to be. I have no fears of French or English subjugation. If we are united we are too powerful for the mightiest nation in Europe, or all Europe combined. If we are separated and torn asunder, we shall become an easy prey to the weakest of them. In the latter dreadful contingency, our country will not be worth preserving.

Next to the notice which the opposition has found itself called upon to bestow upon the French emperor, a distinguished citizen of Virginia, formerly president of the United States, has never for a moment failed to receive their kindest and most respectful attention. An honorable gentleman from Massachusetts, (Mr. Quincy,) of whom I am sorry to say, it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir, in 1801, he snatched from the rude hand of usurpation the violated constitu-

tion of his country, and *that* is his crime. He preserved that instrument, in form, and substance, and spirit, a precious inheritance for generations to come, and for *this* he can never be forgiven. How vain and impotent is party rage, directed against such a man! He is not more elevated by his lofty residence, upon the summit of his own favorite mountain, than he is lifted, by the serenity of his mind, and the consciousness of a well-spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not more moved by the storms that beat against its sides, than is this illustrious man, by the howlings of the whole British pack, set loose from the Essex kennel! When the gentleman to whom I have been compelled to allude, shall have mingled his dust with that of his abused ancestors, when he shall have been consigned to oblivion, or, if he lives at all, shall live only in the treasonable annals of a certain junto, the name of Jefferson will be hailed with gratitude, his memory honored and cherished as the second founder of the liberties of the people, and the period of his administration will be looked back to, as one of the happiest and brightest epochs of American history*—an oasis in the midst of a sandy desert. But I beg the gentleman's pardon; he has indeed secured to himself a more imperishable fame than I had supposed; I think it was about four years ago that he submitted to the house of representatives, an initiative proposition for an impeachment of Mr. Jefferson. The house condescended to consider it. The gentleman debated it with his usual *temper*, *moderation*, and *urbanity*. The house decided upon it in the most solemn manner, and, although the gentleman had some how obtained a second, the final vote stood, one for, and one hundred and seventeen against the proposition!

In one respect there is a remarkable difference between the administration and the opposition; it is in a sacred regard for personal liberty. When out of power, my political friends condemned the surrender of Jonathan Robbins; they opposed the violation of the freedom of the press, in the sedition law; they opposed the more insidious attack upon the freedom of the person, under the imposing garb of an alien law. The party now in opposition, then in power, advocated the sacrifice of the unhappy Robbins, and passed those two laws. True to our principles, we are now struggling for the liberty of our seamen against foreign oppression. True to theirs, they oppose a war undertaken for this object. They have indeed lately affected a tender solicitude for the liberties of the people, and talk of the danger of standing armies, and the burden of taxes. But it must be evident to you, Mr. Chairman, that they speak in a foreign idiom. Their brogue evinces that it is not their vernacular tongue. What! the opposition, who, in 1798

* This prediction is already beginning to be realized.—*Editor.*

and 1799, could raise a useless army to fight an enemy three thousand miles distant from us, alarmed at the existence of one raised for a known and specified object — the attack of the adjoining provinces of the enemy. What! the gentleman from Massachusetts, who assisted by his vote to raise the army of twenty-five thousand, alarmed at the danger of our liberties from this very army!

But, sir, I must speak of another subject, which I never think of but with feelings of the deepest awe. The gentleman from Massachusetts, in imitation of some of his predecessors of 1799, has entertained us with a picture of cabinet plots, presidential plots, and all sorts of plots, which have been engendered by the diseased state of the gentleman's imagination. I wish, sir, that another plot, of a much more serious and alarming character — a plot that aims at the dismemberment of our union — had only the same imaginary existence. But no man, who has paid any attention to the tone of certain prints, and to transactions in a particular quarter of the union, for several years past, can doubt the existence of such a plot. It was far, very far from my intention to charge the opposition with such a design. No, I believe them generally incapable of it. But I cannot say as much for some, who have been unworthily associated with them in the quarter of the union to which I have referred. The gentleman cannot have forgotten his own sentiment, uttered even on the floor of this house, 'peaceably if we can, FORCIBLY if we must,' nearly at the very time Henry's mission to Boston was undertaken. The flagitiousness of that embassy had been attempted to be concealed, by directing the public attention to the price which, the gentleman says, was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate, in the slightest degree, the offence of those citizens, who entertained and deliberated upon a proposition so infamous and unnatural! There was a most remarkable coincidence between some of the things which that man states, and certain events in the quarter alluded to. In the contingency of war with Great Britain, it will be recollected, that the neutrality and eventual separation of that section of the union was to be brought about. How, sir, has it happened, since the declaration of war, that British officers in Canada have asserted to American officers, that this very neutrality would take place? That they have so asserted can be established beyond controversy. The project is not brought forward openly, with a direct avowal of the intention. No, the stock of good sense and patriotism in that portion of the country is too great to be undisguisedly encountered. It is assailed from the masked batteries of friendship, of peace and commerce, on the one side, and by the groundless imputation of opposite propensities, on the other. The affections of the people, there, are gradually to be undermined.

The project is suggested or withdrawn; the diabolical *dramatis personæ*, in this criminal tragedy, make their appearance or exit, as the audience, to whom they address themselves, applaud, or condemn. I was astonished, sir, in reading lately a letter, or pretended letter, published in a prominent print in that quarter, and written, not in the fervor of party zeal, but coolly and dispassionately, to find that the writer affected to reason about a separation, and attempted to demonstrate its advantages to the different portions of the union; deploring the existence now of what he terms prejudices against it, but hoping for the arrival of the period when they shall be eradicated. But, sir, I will quit this unpleasant subject; I will turn from one, whom no sense of decency or propriety could restrain from soiling the carpet on which he treads,* to gentlemen, who have not forgotten what is due to themselves, to the place in which we are assembled, or to those by whom they are opposed. The gentlemen from North Carolina (Mr. Pearson), from Connecticut (Mr. Pitkin), and from New York (Mr. Bleeker), have, with their usual decorum, contended that the war would not have been declared, had it not been for the duplicity of France, in withholding an authentic instrument, repealing the decrees of Berlin and Milan; that upon the exhibition of such an instrument, the revocation of the orders in council took place; that this main cause of the war, but for which it would not have been declared, being removed, the administration ought to seek for the restoration of peace; and that, upon its sincerely doing so, terms compatible with the honor and interest of this country might be obtained. It is my purpose, said Mr. Clay, to examine, first, into the circumstances under which the war was declared; secondly, into the causes of continuing it; and, lastly, into the means which have been taken, or ought to be taken, to procure peace; but, sir, I am really so exhausted, that, little as I am in the habit of asking of the house an indulgence of this kind, I feel I must trespass on their goodness.

[Here Mr. Clay sat down. Mr. Newton moved, that the committee rise, report progress, and ask leave to sit again, which was done. On the next day he proceeded.]

I am sensible, Mr. Chairman, that some part of the debate, to which this bill has given rise, has been attended by circumstances much to be regretted, not usual in this house, and of which it is to be hoped, there will be no repetition. The gentleman from Boston had so absolved himself from every rule of decorum and propriety, had so outraged all decency, that I have found it impossible to suppress the feelings excited on the occasion. His colleague, whom I have the honor to follow, (Mr. Wheaton,) whatever else he might

* It is due to Mr. Clay to observe, that one of the most offensive expressions used by Mr. Quincy, an expression which produced disgust on all sides of the house, has been omitted in that gentleman's reported speech, which in other respects has been much softened. — *Editor.*

not have proved, in his very learned, ingenious, and original exposition of the powers of this government — an exposition in which he has sought, where nobody before him has, and nobody after him will look, for a grant of our powers, I mean the preamble to the constitution — has clearly shown, to the satisfaction of all who heard him, that the power of defensive war is conferred. I claim the benefit of a similar principle, in behalf of my political friends, against the gentlemen from Boston. I demand only the exercise of the right of repulsion. No one is more anxious than I am to preserve the dignity and the freedom of debate; no member is more responsible for its abuse, and, if, on this occasion, its just limits have been violated, let him, who has been the unprovoked aggressor, appropriate to himself, exclusively, the consequences.

I omitted yesterday, sir, when speaking of a delicate and painful subject, to notice a powerful engine which the conspirators against the integrity of the union employ, to effect their nefarious purposes; I mean southern influence. The true friend to his country, knowing that our constitution was the work of compromise, in which interests apparently conflicting were attempted to be reconciled, aims to extinguish or allay prejudices. But this patriotic exertion does not suit the views of those, who are urged on by diabolical ambition. They find it convenient, to imagine the existence of certain improper influences, and to propagate with their utmost industry a belief of them. Hence the idea of southern preponderance, Virginia influence, the yoking of the respectable yeomanry of the north with negro slaves to the car of southern nabobs. If Virginia really cherished a reprehensible ambition, an aim to monopolize the chief magistracy of the country, how was such a purpose to be accomplished? Virginia, alone, cannot elect a president, whose elevation depends upon a plurality of electoral votes, and a consequent concurrence of many states. Would Vermont, disinterested Pennsylvania, the Carolinas, independent Georgia, Kentucky, Tennessee, Ohio, Louisiana, all consent to become the tools of inordinate ambition? But the present incumbent was designated to the office before his predecessor had retired. How? By public sentiment; public sentiment, which grew out of his known virtues, his illustrious services, and his distinguished abilities. Would the gentleman crush this public sentiment? — is he prepared to admit, that he would arrest the progress of opinion?

The war was declared, because Great Britain arrogated to herself the pretension of regulating our foreign trade, under the delusive name of retaliatory orders in council — a pretension by which she undertook to proclaim to American enterprise, 'thus far shalt thou go, and no further' — orders which she refused to revoke, after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she had instigated the Indians to commit hostili-

ties against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war in fact was announced, on our part, to meet the war which she was waging on her part. So undeniable were the causes of the war, so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this house, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true, they wrapped themselves up in sullen silence, pretending they did not choose to debate such a question in secret session. Whilst speaking of the proceedings on that occasion, I beg to be permitted to advert to another fact which transpired; an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals. My honorable colleague (Mr. M'Kee) moved, in committee of the whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom, seven belonged to this side of the house, and three only to the other! It is said, that we were inveigled into the war by the perfidy of France; and that, had she furnished the document in time, which was first published in England, in May last, it would have been prevented. I will concede to gentlemen, every thing they ask about the injustice of France towards this country. I wish to God, that our ability was equal to our disposition, to make her feel the sense that we entertain of that injustice. The manner of the publication of the paper in question, was, undoubtedly, extremely exceptionable. But I maintain, that, had it made its appearance earlier, it would not have had the effect supposed; and the proof lies in the unequivocal declarations of the British government. I will trouble you, sir, with going no further back than to the letters of the British minister, addressed to the secretary of state, just before the expiration of his diplomatic functions. It will be recollected by the committee, that he exhibited to this government a despatch, from lord Castlereagh, in which the principle was distinctly avowed, that, to produce the effect of a repeal of the orders in council, the French decrees must be absolutely and entirely revoked as to all the world, and not as to America alone. A copy of that despatch was demanded of him, and he very awkwardly evaded it. But on the tenth of June, after the bill declaring war had actually passed this house, and was pending before the senate, (and which, I have no doubt, was known to him,) in a letter to Mr. Monroe, he says: 'I have no hesitation, sir, in saying, that Great Britain, as the case has hitherto stood, never did, nor never *could*, engage, without the greatest injustice to herself and her allies, as well as to other neutral nations, to repeal her orders as affecting America alone, leaving them in force against other states, upon condition that France would

except, singly and specially, America from the operation of her decrees.' On the fourteenth of the same month, the bill still pending before the senate, he repeats: 'I will now say, that I feel entirely authorized to assure you, that if you can, at any time, produce a *full and unconditional* repeal of the French decrees, as you have a right to demand it, in your character of a neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the orders in council. Previously to your producing *such* an instrument, which I am sorry to see you regard as unnecessary, you cannot expect of us to give up our orders in council.' Thus, sir, you see, that the British government would not be content with a repeal of the French decrees, as to us only. But the French paper in question was such a repeal. It could not, therefore, satisfy the British government. It could not, therefore, have induced that government, had it been earlier promulgated, to repeal the orders in council. It could not, therefore, have averted the war. The withholding of it did not occasion the war, and the promulgation of it would not have prevented the war. But gentlemen have contended, that, in point of fact, it did produce a repeal of the orders in council. This I deny. After it made its appearance in England, it was declared by one of the British ministry, in parliament, not to be satisfactory. And all the world knows, that the repeal of the orders in council resulted from the inquiry, reluctantly acceded to by the ministry, into the effect upon their manufacturing establishments, of our non-importation law, or to the warlike attitude assumed by this government, or to both. But it is said, that the orders in council are withdrawn, no matter from what cause; and that having been the sole motive for declaring the war, the relations of peace ought to be restored. This brings me to the examination of the grounds for continuing the present hostilities between this country and Great Britain.

I am far from acknowledging, that, had the orders in council been repealed, as they have been, before the war was declared, the declaration of hostilities would of course have been prevented. In a body so numerous as this is, from which the declaration emanated, it is impossible to say, with any degree of certainty, what would have been the effect of such a repeal. Each member must answer for himself. As to myself, I have no hesitation in saying, that I have always considered the impressment of American seamen as much the most serious aggression. But, sir, how have those orders at last been repealed? Great Britain, it is true, has intimated a willingness to suspend their practical operation, but she still arrogates to herself the right to revive them upon certain contingences, of which she constitutes herself the sole judge. She waives the temporary use of the rod, but she suspends it *in terrorem* over our heads. Supposing it to be conceded to

gentlemen, that such a repeal of the orders in council as took place on the twenty-third of June last, exceptionable as it is, being known before the war was proclaimed, would have prevented it; does it follow that it ought to induce us to lay down our arms, without the redress of any other injury of which we complain? Does it follow, in all cases, that that which would in the first instance have prevented would also terminate the war? By no means. It requires a strong and powerful effort in a nation, prone to peace as this is, to burst through its habits, and encounter the difficulties and privations of war. Such a nation ought but seldom to embark in a belligerent contest; but when it does, it should be for obvious and essential rights alone, and should firmly resolve to extort, at all hazards, their recognition. The war of the revolution is an example of a war begun for one object and prosecuted for another. It was waged, in its commencement, against the right asserted by the parent country to tax the colonies. Then, no one thought of absolute independence. The idea of independence was repelled. But the British government would have relinquished the principle of taxation. The founders of our liberties saw, however, that there was no security short of independence, and they achieved that independence. When nations are engaged in war, those rights in controversy, which are not acknowledged by the treaty of peace, are abandoned. And who is prepared to say, that American seamen shall be surrendered as victims to the British principle of impressment? And, sir, what is this principle? She contends, that she has a right to the services of her own subjects; and that, in the exercise of this right, she may lawfully impress them, even although she finds them in American vessels, upon the high seas, without her jurisdiction. Now I deny that she has any right, beyond her jurisdiction, to come on board our vessels, upon the high seas, for any other purpose, than in the pursuit of enemies, or their goods, or goods contraband of war. But she further contends, that her subjects cannot renounce their allegiance to her, and contract a new obligation to other sovereigns. I do not mean to go into the general question of the right of expatriation. If, as is contended, all nations deny it, all nations at the same time admit and practice the right of naturalization. Great Britain herself does this. Great Britain, in the very case of foreign seamen, imposes, perhaps, fewer restraints upon naturalization than any other nation. Then, if subjects cannot break their original allegiance, they may, according to universal usage, contract a new allegiance. What is the effect of this double obligation? Undoubtedly, that the sovereign, having possession of the subject, would have the right to the services of the subject. If he return within the jurisdiction of his primitive sovereign he may resume his right to his services, of which the subject, by his own act, could not divest himself. But his primitive sovereign can have no right to go in quest of him,

out of his own jurisdiction, into the jurisdiction of another sovereign, or upon the high seas, where there exists either no jurisdiction, or it is possessed by the nation owning the ship navigating them. But, sir, this discussion is altogether useless. It is not to the British principle, objectionable as it is, that we are alone to look; it is to her practice; no matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to allege that she cannot exist, without the impressment of HER seamen. The naked truth is, she comes, by her press-gangs, on board of our vessels, seizes OUR native as well as naturalized seamen, and drags them into her service. It is the case, then, of the assertion of an erroneous principle, and of a practice not conformable to the asserted principle — a principle, which, if it were theoretically right, must be for ever practically wrong —a practice which can obtain countenance from no principle whatever, and to submit to which, on our part, would betray the most abject degradation. We are told, by gentlemen in the opposition, that government has not done all that was incumbent on it to do, to avoid just cause of complaint on the part of Great Britain; that, in particular, the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave — 'let the bearer, Mungo, pass and repass without molestation.' What do they imply? That Great Britain has a right to seize all who are not provided with them. From their very nature, they must be liable to abuse on both sides. If Great Britain desires a mark, by which she can know her own subjects, let her give them an ear mark. The colors that float from the mast-head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule, that all who sail under the flag (not being enemies) are protected by the flag. It is impossible, that this country should ever abandon the gallant tars, who have won for us such splendid trophies. Let me suppose that the genius of Columbia should visit one of them in his oppressor's prison, and attempt to reconcile him to his forlorn and wretched condition. She would say to him, in the language of gentlemen on the other side, 'Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her, by peaceable means, to release you; but I cannot, my son, fight for you.' If he did not consider this mere mockery, the poor tar would address her judgment, and say, 'you owe me, my country, protection; I owe you, in return, obedience. I am no British subject, I am a native of old Massachusetts, where lived my aged father, my wife, my children. I have faithfully discharged my duty.

Will you refuse to do yours?' Appealing to her passions, he would continue: 'I lost this eye in fighting under Truxton, with the Insurgente; I got this scar before Tripoli; I broke this leg on board the Constitution, when the Guerriere struck.' If she remained still unmoved, he would break out, in the accents of mingled distress and despair,

> Hard, hard is my fate! once I freedom enjoyed,
> Was as happy as happy could be!
> Oh! how hard is my fate, how galling these chains!*

I will not imagine the dreadful catastrophe to which he would be driven, by an abandonment of him to his oppressor. It will not be, it cannot be, that his country will refuse him protection.

It is said, that Great Britain has been always willing to make a satisfactory arrangement of the subject of impressment; and that Mr. King had nearly concluded one, prior to his departure from that country. Let us hear what that minister says, upon his return to America. In his letter, dated at New York, in July, 1803, after giving an account of his attempt to form an arrangement for the protection of our seamen, and his interviews to this end with lords Hawkesbury and St. Vincent; and stating, that, when he had supposed the terms of a convention were agreed upon, a new pretension was set up, (the *mare clausum*,) he concludes: 'I regret to have been unable to put this business on a satisfactory footing, knowing, as I do, its very great importance to both parties; but I flatter myself that I have not misjudged the interests of our own country, in refusing to sanction a principle, that might be productive of more extensive evils than those it was our aim to prevent.' The sequel of his negotiation on this affair, is more fully given in the recent conversation between Mr. Russell and lord Castlereagh, communicated to congress during its present session. Lord Castlereagh says to Mr. Russell:

'Indeed, there has evidently been much misapprehension on this subject; an erroneous belief entertained, that an arrangement, in regard to it, has been nearer an accomplishment than the facts will warrant. Even our friends in congress, I mean those who are opposed to going to war with us, have been so confident in this mistake, that they have ascribed the failure of such an arrangement solely to the misconduct of the American government. This error probably originated with Mr. King; for, being much esteemed here, and always well received by the persons in power, he seems to have misconstrued their readiness to listen to his representations, and their warm professions of a disposition to remove the com-

* It is impossible to describe the pathetic effect produced by this part of the speech. The day was chilling cold; so much so, that Mr. Clay has been heard to declare, that it was the only time he ever spoke, when he was unable to keep himself warm by the exercise of speaking; yet there were few eyes that did not testify to the sensibility excited.—*Editor*

plaints of America, in relation to impressment, into a supposed conviction, on their part, of the propriety of adopting the plan which he had proposed. But lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangement on the subject to be attended with formidable if not insurmountable obstacles. This is obvious, from a letter which his lordship addressed to sir William Scott, at the time.' Here lord Castlereagh read a letter, contained in the records before him, in which lord St. Vincent states to sir William Scott, the zeal with which Mr. King had assailed him, on this subject of impressment; confesses his own perplexity, and total incompetency to discover any practical project, for the safe discontinuance of that practice, and asks for counsel and advice. 'Thus you see,' proceeded lord Castlereagh, 'that the confidence of Mr. King, on this subject, was entirely unfounded.'

Thus it is apparent, that at no time has the enemy been willing to place this subject on a satisfactory footing. I will speak hereafter of the overtures made by the administration since the war.

The honorable gentleman from New York (Mr. Bleeker), in the very sensible speech with which he favored the committee, made one observation, which did not comport with his usual liberal and enlarged views. It was, that those who are most interested against the practice of impressment, did not desire a continuance of the war, on account of it; whilst those (the southern and western members) who had no interest in it, were the zealous advocates of American seamen. It was a provincial sentiment, unworthy of that gentleman. It was one which, in a change of condition, he would not express, because I know he could not feel it. Does not that gentleman feel for the unhappy victims of the tomahawk, in the western wilds, although his quarter of the union may be exempted from similar barbarities? I am sure he does. If there be a description of rights, which, more than any other, should unite all parties in all quarters of the union, it is unquestionably the rights of the person. No matter what his vocation; whether he seeks subsistence amidst the dangers of the deep, or draws them from the bowels of the earth, or from the humblest occupations of mechanic life; whenever the sacred rights of an American freeman are assailed, all hearts ought to unite, and every arm should be braced, to vindicate his cause.

The gentleman from Delaware sees in Canada no object worthy of conquest. According to him, it is a cold, sterile, and inhospitable region. And yet, such are the allurements which it offers, that the same gentleman apprehends that, if it be annexed to the United States, already too much weakened by an extension of territory, the people of New England will rush over the line and depopulate that section of the union! That gentleman considers it honest to

hold Canada as a kind of hostage, to regard it as a sort of bond, for the good behavior of the enemy. But he will not enforce the bond. The actual conquest of that country would, according to him, make no impression upon the enemy; and yet the very apprehension only, of such a conquest, would at all times have a powerful operation upon him! Other gentlemen consider the invasion of that country as wicked and unjustifiable. Its inhabitants are represented as harmless and unoffending; as connected with those of the bordering states by a thousand tender ties, interchanging acts of kindness, and all the offices of good neighborhood. Canada, said Mr. Clay, innocent! Canada unoffending! Is it not in Canada, that the tomahawk of the savage has been moulded into its death-like form? Has it not been from Canadian magazines, Malden and others, that those supplies have been issued, which nourish and continue the Indian hostilities — supplies which have enabled the savage hordes to butcher the garrison of Chicago, and to commit other horrible excesses and murders? Was it not by the joint coöperation of Canadians and Indians, that a remote American fort, Michilimackinac, was assailed and reduced, while in ignorance of a state of war? But, sir, how soon have the opposition changed their tone! When the administration was striving, by the operation of peaceful measures, to bring Great Britain back to a sense of justice, they were for old-fashioned war. And, now they have got old-fashioned war, their sensibilities are cruelly shocked, and all their sympathies lavished upon the harmless inhabitants of the adjoining provinces. What does a state of war present? The united energies of one people arrayed against the combined energies of another; a conflict in which each party aims to inflict all the injury it can, by sea and land, upon the territories, property, and citizens of the other; subject only to the rules of mitigated war, practiced by civilized nations. The gentleman would not touch the continental provinces of the enemy, nor, I presume, for the same reason, her possessions in the West Indies. The same humane spirit would spare the seamen and soldiers of the enemy. The sacred person of his majesty must not be attacked; for the learned gentlemen, on the other side, are quite familiar with the maxim, that the king can do no wrong. Indeed, sir, I know of no person on whom we may make war, upon the principles of the honorable gentlemen, but Mr. Stephen, the celebrated author of the orders in council, or the board of admiralty, who authorize and regulate the practice of impressment!

The disasters of the war admonish us, we are told, of the necessity of terminating the contest. If our achievements by land have been less splendid than those of our intrepid seamen by water, it is not because the American soldier is less brave. On the one element, organization, discipline, and a thorough knowledge of their duties, exist, on the part of the officers and their men. On

the other, almost every thing is yet to be acquired. We have, however, the consolation, that our country abounds with the richest materials, and that in no instance, when engaged in action, have our arms been tarnished. At Brownstown and at Queenstown, the valor of veterans was displayed, and acts of the noblest heroism were performed. It is true, that the disgrace of Detroit remains to be wiped off. That is a subject on which I cannot trust my feelings; it is not fitting I should speak. But this much I will say, it was an event which no human foresight could have anticipated, and for which the administration cannot be justly censured. It was the parent of all the misfortunes we have experienced on land. But for it, the Indian war would have been, in a great measure, prevented or terminated; the ascendency on lake Erie acquired, and the war pushed on, perhaps, to Montreal. With the exception of that event, the war, even upon the land, has been attended by a series of the most brilliant exploits, which, whatever interest they may inspire on this side of the mountains, have given the greatest pleasure on the other. The expedition, under the command of governor Edwards and colonel Russell, to lake Pioria, on the Illinois, was completely successful. So was that of captain Craig, who, it is said, ascended that river still higher. General Hopkins destroyed the prophet's town. We have just received intelligence of the gallant enterprise of colonel Campbell. In short, sir, the Indian towns have been swept from the mouth to the source of the Wabash; and a hostile country has been penetrated far beyond the most daring incursions of any campaign, during the former Indian war. Never was more cool, deliberate bravery displayed, than that by Newman's party, from Georgia. And the capture of the Detroit, and the destruction of the Caledonia, (whether placed to a maritime or land account,) for judgment, skill, and courage, on the part of lieutenant Elliot, have never been surpassed.

It is alleged, that the elections in England are in favor of the ministry, and that those in this country are against the war. If, in such a cause, (saying nothing of the impurity of their elections,) the people of that country have rallied round their government, it affords a salutary lesson to the people here; who, at all hazards, ought to support theirs, struggling as it is to maintain our just rights. But the people here have not been false to themselves; a great majority approve the war, as is evinced by the recent reëlection of the chief magistrate. Suppose it were even true, that an entire section of the union were opposed to the war; that section being a minority, is the will of the majority to be relinquished? In that section the real strength of the opposition had been greatly exaggerated. Vermont has, by two successive expressions of her opinion, approved the declaration of war. In New Hampshire, parties are so nearly equipoised, that out of thirty or thirty-five thousand votes, those who approved and are for supporting it, lost

the election by only one thousand or one thousand five hundred. In Massachusetts alone have they obtained any considerable accession. If we come to New York, we shall find that other and local causes have influenced her elections.

What cause, Mr. Chairman, which existed for declaring the war, has been removed? We sought indemnity for the past, and security for the future. The orders in council are suspended, not revoked; no compensation for spoliations; Indian hostilities, which were before secretly instigated, are now openly encouraged; and the practice of impressment unremittingly persevered in and insisted upon. Yet the administration has given the strongest demonstrations of its love of peace. On the twenty-ninth of June, less than ten days after the declaration of war, the secretary of state writes to Mr. Russell, authorizing him to agree to an armistice, upon two conditions only, and what are they? That the orders in council should be repealed, and the practice of impressing American seamen cease, those already impressed being released. The proposition was for nothing more than a *real* truce; that the war should in fact cease on *both* sides. Again, on the twenty-seventh of July, one month later, anticipating a possible objection to these terms, reasonable as they are, Mr. Monroe empowers Mr. Russell to stipulate in general terms for an armistice, having only an informal understanding on these points. In return, the enemy is offered a prohibition of the employment of his seamen in our service, thus removing entirely all pretext for the practice of impressment. The very proposition which the gentleman from Connecticut (Mr. Pitkin) contends ought to be made, has been made. How are these pacific advances met by the other party? Rejected, as absolutely inadmissible; cavils are indulged about the inadequacy of Mr. Russell's powers, and the want of an act of congress is intimated. And yet the constant usage of nations, I believe, is, where the legislation of one party is necessary to carry into effect a given stipulation, to leave it to the contracting party to provide the requisite laws. If he fail to do so, it is a breach of good faith, and becomes the subject of subsequent remonstrance by the injured party. When Mr. Russell renews the overture, in what was intended-as a more agreeable form to the British government, lord Castlereagh is not content with a simple rejection, but clothes it in the language of insult. Afterwards, in conversation with Mr. Russell, the moderation of our government is misinterpreted, and made the occasion of a sneer, that we are tired of the war. The proposition of admiral Warren is submitted in a spirit not more pacific. He is instructed, he tells us, to propose, that the government of the United States shall instantly recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever, against the territories of his majesty, or the persons or property of his

subjects. That small affair being settled, he is further authorized to arrange as to the revocation of the laws which interdict the commerce and ships of war of his majesty from the harbors and waters of the United States. This messenger of peace comes with one qualified concession in his pocket, not made to the justice of our demands, and is fully empowered to receive our homage, a contrite retraction of all our measures adopted against his master! And, in default, he does not fail to assure us, the orders in council are to be forthwith revived. The administration, still anxious to terminate the war, suppresses the indignation which such a proposal ought to have created, and, in its answer, concludes by informing admiral Warren, 'that if there be no objection to an accommodation of the difference relating to impressment, in the mode proposed, other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding, *without the armistice*, to an immediate discussion and arrangement of an article on that subject.' Thus it has left the door of negotiation unclosed, and it remains to be seen, if the enemy will accept the invitation tendered to him. The honorable gentleman from North Carolina (Mr. Pearson) supposes, that if congress would pass a law, prohibiting the employment of British seamen in our service, upon condition of a like prohibition on their part, and repeal the act of non-importation, peace would immediately follow. Sir, I have no doubt, if such a law were to pass, with all the requisite solemnities, and the repeal to take place, lord Castlereagh would laugh at our simplicity. No, sir, the administration has erred in the steps which it has taken to restore peace, but its error has been, not in doing too little, but in betraying too great a solicitude for that event. An honorable peace is attainable only by an efficient war. My plan would be, to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or at Halifax. We are told, that England is a proud and lofty nation, which, disdaining to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and, if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men, lash ourselves to our gallant tars, and expire together in one common struggle, fighting for FREE TRADE AND SEAMEN'S RIGHTS.

ON HIS RETURN FROM GHENT.

AT LEXINGTON, KENTUCKY, OCTOBER 7, 1815.

[In the following brief speech, delivered at a public dinner, given to him by his fellow-citizens of Lexington, Kentucky, after his return from the negotiation of a treaty of peace, at Ghent, Mr. Clay takes a summary view of the results of the war with Great Britain, and the benefits which the United States, as a nation, had gained by that contest with a gigantic foe, triumphant at last in all her European wars. His allusions to the discussions at Ghent, and the proud and dignified attitude assumed and maintained by our commissioners, on that occasion, will be read with interest, while his views of the bright prospects opened to our country by the peace, have been verified by subsequent national prosperity, particularly when the measures of public policy advocated and recommended by Mr. Clay have been adopted.

The sixth toast was:

'Our able negotiators at Ghent Their talents for diplomacy have kept pace with the valor of our arms, in 'demonstrating' to the enemy, that these states will be free.'

This toast was received with loud and repeated cheering. After it had subsided, Mr. Clay addressed the assembly as follows.]

I feel myself called on, by the sentiment just expressed, to return my thanks, in behalf of my colleagues and myself. I do not, and am quite sure they do not, feel, that, in the service alluded to, they are at all entitled to the compliment which has been paid them. We could not do otherwise than reject the demand made by the other party; and if our labors finally terminated in an honorable peace, it was owing to causes on this side of the Atlantic, and not to any exertion of ours. Whatever diversity of opinion may have existed as to the declaration of the war, there are some points on which all may look back with proud satisfaction. The first relates to the time of the conclusion of the peace. Had it been made immediately after the treaty of Paris, we should have retired humiliated from the contest, believing that we had escaped the severe chastisement with which we were threatened, and that we owed to the generosity and magnanimity of the enemy, what we were incapable of commanding by our arms. That magnanimity would have been the theme of every tongue, and of every press, abroad and at home. We should have retired, unconscious of our own strength, and unconscious of the utter inability of the enemy, with his whole undivided force, to make any serious impression upon us. Our military character, then in the lowest state of degradation, would

have been unretrieved. Fortunately for us, Great Britain chose to try the issue of the last campaign. And the issue of the last campaign has demonstrated, in the repulse before Baltimore, the retreat from Plattsburgh, the hard-fought action on the Niagara frontier, and in that most glorious day, the eighth of January, that we have always possessed the finest elements of military composition, and that a proper use of them, only, was necessary, to insure for the army and militia a fame as imperishable as that which the navy had previously acquired.

Another point which appears to me to afford the highest consolation is, that we fought the most powerful nation, perhaps, in existence, single-handed and alone, without any sort of alliance. More than thirty years has Great Britain been maturing her physical means, which she had rendered as efficacious as possible, by skill, by discipline, and by actual service. Proudly boasting of the conquest of Europe, she vainly flattered herself with the easy conquest of America also. Her veterans were put to flight or defeated, while all Europe — I mean the governments of Europe — was gazing with cold indifference, or sentiments of positive hatred of us, upon the arduous contest. Hereafter no monarch can assert claims of gratitude upon us, for assistance rendered in the hour of danger.

There is another view of which the subject of the war is fairly susceptible. From the moment that Great Britain came forward at Ghent with her extravagant demands, the war totally changed its character. It became, as it were, a new war. It was no longer an American war, prosecuted for redress of British aggressions upon American rights, but became a British war, prosecuted for objects of British ambition, to be accompanied by American sacrifices. And what were those demands? Here, in the immediate neighborhood of a sister state and territories, which were to be made in part the victims, they must have been felt, and their enormity justly appreciated. They consisted of the erection of a barrier between Canada and the United States, to be formed by cutting off from Ohio and some of the territories a country more extensive than Great Britain, containing thousands of freemen, who were to be abandoned to their fate, and creating a new power, totally unknown upon the continent of America; of the dismantling of our fortresses, and naval power on the lakes, with the surrender of the military occupation of those waters to the enemy, and of an *arrondissement* for two British provinces. These demands, boldly asserted, and one of them declared to be a *sine qua non*, were finally relinquished. Taking this view of the subject, if there be loss of reputation by either party, in the terms of peace, who has sustained it?

The effects of the war are highly satisfactory. Abroad, our character, which at the time of its declaration was in the lowest state of degradation, is raised to the highest point of elevation. It

is impossible for any American to visit Europe, without being sensible of this agreeable change, in the personal attentions which he receives, in the praises which are bestowed on our past exertions, and the predictions which are made as to our future prospects. At home, a government, which, at its formation, was apprehended by its best friends, and pronounced by its enemies to be incapable of standing the shock, is found to answer all the purposes of its institution. In spite of the errors which have been committed (and errors have undoubtedly been committed), aided by the spirit and patriotism of the people, it is demonstrated to be as competent to the objects of effective war, as it has been before proved to be to the concerns of a season of peace. Government has thus acquired strength and confidence. Our prospects for the future, are of the brightest kind. With every reason to count on the permanence of peace, it remains only for the government to determine upon military and naval establishments adapted to the growth and extension of our country and its rising importance, keeping in view a gradual but not burdensome increase of the navy; to provide for the payment of the interest, and the redemption of the public debt, and for the current expenses of government. For all these objects, the existing sources of the revenue promise not only to be abundantly sufficient, but will probably leave ample scope to the exercise of the judgment of congress, in selecting for repeal, modification, or abolition, those which may be found most oppressive, inconvenient, or unproductive.

[The eighteenth and last toast was, 'our guest, HENRY CLAY. We welcome his return to that country, whose rights and interests he has so ably maintained, at home and abroad.']

My friends, I must again thank you for your kind and affectionate attention. My reception has been more like that of a brother, than a common friend or acquaintance, and I am utterly incapable of finding words to express my gratitude. My situation is like that of a Swedish gentleman, at a dinner given in England, by the Society of Friends of Foreigners in Distress. A toast having been given complimentary to his country, it was expected, as is usual on such occasions, that he would rise and address the company. The gentleman, not understanding the English language, rose under great embarrassment, and said, 'sir, I wish you to consider me *A Foreigner in Distress.*' I wish you, gentlemen, to consider me a *Friend* in distress.

ON THE UNITED STATES BANK QUESTION.

ADDRESS TO HIS CONSTITUENTS AT LEXINGTON, JUNE 3, 1816.

[MR. CLAY here explains to the electors of the congressional district of Kentucky which he represented, the grounds of his change of opinion on the subject of a national bank. We have seen, by his speech delivered in the senate of the United States, in 1811, that he had opposed the renewal of the charter of the first bank of the United States, and now, in 1816, he had advocated the bill brought in by Mr. Calhoun, of South Carolina, for incorporating a similar institution, which bill passed both houses of congress, and received the signature of president Madison.* A perusal of the following address will, it is, believed, satisfy all candid persons of the sincerity and patriotism of Mr. Clay, on both occasions. As one of his biographers remarks, 'there is no other instance, in the whole history of his life, where he has changed his opinions, on an important subject. His ingenuousness is evinced by his having changed *once*, but his firmness by his having done so *but* once. And what was it that wrought this single revolution in his sentiments? A mighty event, whose consequences could be learned only from experience — the occurrence of a war with Great Britain, which changed, not only his views of the policy of a bank, but those of almost every other leading politician in the country.']

ON one subject, that of the bank of the United States, to which at the late session of congress he gave his humble support, Mr. Clay felt particularly anxious to explain the grounds on which he had acted. This explanation, if not due to his own character, the state, and the district to which he belonged, had a right to demand. It would have been unnecessary, if his observations, addressed to the house of representatives, pending the measure, had been published; but they were not published, and why they were not published he was unadvised.

When he was a member of the senate of the United States, he was induced to oppose the renewal of the charter to the old bank of the United States by three general considerations. The first was, that he was instructed to oppose it by the legislature of the state. What were the reasons that operated with the legislature, in giving the instruction, he did not know. He has understood from members of that body, at the time it was given, that a clause, declaring that congress had no power to grant the charter, was stricken out; from which it might be inferred, either that the legis-

*This speech was never published.

lature did not believe a bank to be unconstitutional, or that it had formed no opinion on that point. This inference derives additional strength from the fact, that, although the two late senators from this state, as well as the present senators, voted for a national bank, the legislature, which must have been well apprized that such a measure was in contemplation, did not again interpose, either to protest against the measure itself, or to censure the conduct of those senators. From this silence on the part of a body which has ever fixed a watchful eye upon the proceedings of the general government, he had a right to believe, that the legislature of Kentucky saw, without dissatisfaction, the proposal to establish a national bank; and that its opposition to the former one was upon grounds of expediency, applicable to that corporation alone, or no longer existing. But when, at the last session, the question came up as to the establishment of a national bank, being a member of the house of representatives, the point of inquiry with him, was, not so much what was the opinion of the legislature, although undoubtedly the opinion of a body so respectable would have great weight with him under any circumstances, as, what were the sentiments of his immediate constituents. These he believed to be in favor of such an institution, from the following circumstances. In the first place, his predecessor (Mr. Hawkins) voted for a national bank, without the slightest murmur of discontent. Secondly, during the last fall, when he was in his district, he conversed freely with many of his constituents upon that subject, then the most common topic of conversation, and all, without a single exception, as far as he recollected, agreed that it was a desirable if not the only efficient remedy for the alarming evils in the currency of the country. And, lastly, during the session, he received many letters from his constituents, prior to the passage of the bill, all of which concurred, he believed without a solitary exception, in advising the measure. So far then from being instructed by his district to oppose the bank, he had what was perhaps tantamount to an instruction to support it — the acquiescence of his constituents in the vote of their former representative, and the communications, oral and written, of the opinions of many of them in favor of a bank.

The next consideration which induced him to oppose the renewal of the old charter, was, that he believed the corporation had, during a portion of the period of its existence, abused its powers, and had sought to subserve the views of a political party. Instances of its oppression, for that purpose, were asserted to have occurred at Philadelphia and at Charleston; and, although denied in congress by the friends of the institution, during the discussions on the application for the renewal of the charter, they were, in his judgment, satisfactorily made out. This oppression, indeed, was admitted in the house of representatives, in the debate on the present bank, by a distinguished member of that party which had

so warmly espoused the renewal of the old charter. It may be said, what security is there, that the new bank will not imitate this example of oppression? He answered, the fate of the old bank, warning all similar institutions to shun politics, with which they ought not to have any concern; the existence of abundant competition, arising from the great multiplication of banks; and the precautions which are to be found in the details of the present bill.

A third consideration upon which he acted in 1811, was, that as the power to create a corporation, such as was proposed to be continued, was not specifically granted in the constitution, and did not then appear to him to be necessary to carry into effect any of the powers which were specifically granted, congress was not authorized to continue the bank. The constitution, he said, contained powers delegated and prohibitory, powers expressed and constructive. It vests in congress all powers *necessary* to give effect to the enumerated powers — all that may be necessary to put into motion and activity the machine of government which it constructs. The powers that may be so necessary are deducible by construction. They are not defined in the constitution. They are, from their nature, indefinable. When the question is in relation to one of these powers, the point of inquiry should be, is its exertion necessary to carry into effect any of the enumerated powers and objects of the general government? With regard to the *degree* of necessity, various rules have been, at different times, laid down; but, perhaps, at last, there is no other than a sound and honest judgment exercised, under the checks and control which belong to the constitution and to the people.

The constructive powers being auxiliary to the specifically granted powers, and depending for their sanction and existence upon a necessity to give effect to the latter, which necessity is to be sought for and ascertained by a sound and honest discretion, it is manifest that this necessity may not be perceived, at one time, under one state of things, when it is perceived at another time, under a different state of things. The constitution, it is true, never changes; it is always the same; but the force of circumstances and the lights of experience may evolve to the fallible persons charged with its administration, the fitness and necessity of a particular exercise of constructive power to-day, which they did not see at a former period.

Mr. Clay proceeded to remark, that when the application was made to renew the old charter of the bank of the United States, such an institution did not appear to him to be so necessary to the fulfilment of any of the objects specifically enumerated in the constitution, as to justify congress in assuming, by construction, a power to establish it. It was supported mainly upon the ground that it was indispensable to the treasury operations. But the local institutions in the several states were at that time in prosperous

existence, confided in by the community, having a confidence in each other, and maintaining an intercourse and connection the most intimate. Many of them were actually employed by the treasury to aid that department, in a part of its fiscal arrangements; and they appeared to him to be fully capable of affording to it all the facility that it ought to desire in all of them. They superseded, in his judgment, the necessity of a national institution. But how stood the case in 1816, when he was called upon again to examine the power of the general government to incorporate a national bank? A total change of circumstances was presented; events of the utmost magnitude had intervened.

A general suspension of specie payments had taken place, and this had led to a train of consequences of the most alarming nature. He beheld, dispersed over the immense extent of the United States, about three hundred banking institutions, enjoying in different degrees the confidence of the public, shaken as to them all, under no direct control of the general government, and subject to no actual responsibility to the state authorities. These institutions were emitting the actual currency of the United States; a currency consisting of a paper, on which they neither paid interest nor principal, whilst it was exchanged for the paper of the community, on which both were paid. He saw these institutions in fact exercising what had been considered, at all times and in all countries, one of the highest attributes of sovereignty, the regulation of the current medium of the country. They were no longer competent to assist the treasury in either of the great operations of collection, deposit, or distribution, of the public revenues. In fact, the paper which they emitted, and which the treasury, from the force of events, found itself constrained to receive, was constantly obstructing the operations of that department. For it would accumulate where it was not wanted, and could not be used where it was wanted for the purposes of government, without a ruinous and arbitrary brokerage. Every man who paid or received from the government, paid or received as much less than he ought to have done as was the difference between the medium in which the payment was effected and specie. Taxes were no longer uniform. In New England, where specie payments have not been suspended, the people were called upon to pay larger contributions than where they were suspended. In Kentucky as much more was paid by the people in their taxes than was paid, for example, in the state of Ohio, as Kentucky paper was worth more than Ohio paper.

It appeared to Mr. Clay, that, in this condition of things, the general government could depend no longer upon these local institutions, multiplied and multiplying daily; coming into existence by the breath of eighteen state sovereignties, some of which by a single act of volition had created twenty or thirty at a time. Even if the resumption of specie payments could have been

anticipated, the general government remaining passive, it did not seem to him that the general government ought longer to depend upon these local institutions exclusively for aid in its operations. But he did not believe it could be justly so anticipated. It was not the interest of all of them that the renewal of specie payments should take place, and yet, without concert between all or most of them it could not be effected. With regard to those disposed to return to a regular state of things, great difficulties might arise, as to the time of its commencement.

Considering, then, that the state of the currency was such that no thinking man could contemplate it without the most serious alarm; that it threatened general distress, if it did not ultimately lead to convulsion and subversion of the government; it appeared to him to be the duty of congress to apply a remedy, if a remedy could be devised. A national bank, with other auxiliary measures, was proposed as that remedy. Mr. Clay said, he determined to examine the question with as little prejudice as possible arising from his former opinion. He knew that the safest course to him, if he pursued a cold, calculating prudence, was to adhere to that opinion, right or wrong. He was perfectly aware, that if he changed, or seemed to change it, he should expose himself to some censure. But, looking at the subject with the light shed upon it by events happening since the commencement of the war, he could no longer doubt. A bank appeared to him not only necessary, but indispensably necessary, in connection with another measure, to remedy the evils of which all were but too sensible. He preferred to the suggestions of the pride of consistency, the evident interests of the community, and determined to throw himself upon their candor and justice. That which appeared to him in 1811, under the state of things then existing, not to be necessary to the general government, seemed now to be necessary, under the present state of things. Had he then foreseen what now exists, and no objection had lain against the renewal of the charter other than that derived from the constitution, he should have voted for the renewal.

Other provisions of the constitution, but little noticed, if noticed at all, on the discussions in congress in 1811, would seem to urge that body to exert all its powers to restore to a sound state the money of the country. That instrument confers upon congress the power to coin money, and to regulate the value of foreign coins; and the states are prohibited to coin money, to emit bills of credit, or to make any thing but gold and silver coin a tender in payment of debts. The plain inference is, that the subject of the general currency was intended to be submitted exclusively to the general government. In point of fact, however, the regulation of the general currency is in the hands of the state governments, or, which is the same thing, of the banks created by them. Their paper has every quality of money, except that of being made a

tender, and even this is imparted to it by some states, in the law by which a creditor must receive it, or submit to a ruinous suspension of the payment of his debt. It was incumbent upon congress to recover the control which it had lost over the general currency. The remedy called for, was one of caution and moderation, but of firmness. Whether a remedy directly acting upon the banks and their paper thrown into circulation, was in the power of the general government or not, neither congress nor the community were prepared for the application of such a remedy. An indirect remedy, of a milder character, seemed to be furnished by a national bank. Going into operation, with the powerful aid of the treasury of the United States, he believed it would be highly instrumental in the renewal of specie payments. Coupled with the other measure adopted by congress for that object, he believed the remedy effectual. The local banks must follow the example which the national bank would set them, of redeeming their notes by the payment of specie, or their notes will be discredited and put down.

If the constitution, then, warranted the establishment of a bank, other considerations, besides those already mentioned, strongly urged it. The want of a general medium is every where felt. Exchange varies continually, not only between different parts of the union, but between different parts of the same city. If the paper of a national bank were not redeemed in specie, it would be much better than the current paper, since, although its value in comparison with specie might fluctuate, it would afford an uniform standard.

If political power be incidental to banking corporations, there ought, perhaps, to be in the general government some counterpoise to that which is exerted by the states. Such a counterpoise might not indeed be so necessary, if the states exercised the power to incorporate banks equally, or in proportion to their respective populations. But that is not the case. A single state has a banking capital equivalent, or nearly so, to one-fifth of the whole banking capital of the United States. Four states combined, have the major part of the banking capital of the United States. In the event of any convulsion, in which the distribution of banking institutions might be important, it may be urged, that the mischief would not be alleviated by the creation of a national bank, since its location must be within one of the states. But in this respect the location of the bank is extremely favorable, being in one of the middle states, not likely from its position, as well as its loyalty, to concur in any scheme for subverting the government. And a sufficient security against such contingency is to be found in the distribution of branches in different states, acting and reacting upon the parent institution, and upon each other.

ON THE DIRECT TAX,

AND THE STATE OF THE NATION AFTER THE CLOSE OF THE WAR WITH GREAT BRITAIN.

IN THE HOUSE OF REPRESENTATIVES, JANUARY, 1816.

[In this speech, which was made in committee of the whole, on a proposition to lay a direct tax for the purpose of providing for the interest on the public debt, and for other objects, as expressed in the report of the committee of ways and means, Mr. Clay enters into a general view of the state of public affairs, as they existed at the conclusion of the war with Great Britain. His defence of the policy of the war, and of the treaty of peace concluded by himself and the other commissioners at Ghent, will be found interesting and valuable, as a portion of our national history. On the present occasion, it will be observed, Mr. Clay first boldly avows his sympathies for the cause of the patriots of South America; thus shadowing forth, at this early period, the feelings which prompted him, in 1818, to propose, in a definite form, the recognition of their independence. This speech concludes with a masterly, although rapid, sketch of the true policy of the country, in which are seen the outlines of the *American system*, a subject always prominent in the thoughts of this statesman.]

Mr. Clay (speaker) said, the course had been pursued, ever since he had had the honor of a seat on this floor, to select some subject during the early part of the session, on which, by a general understanding, gentlemen were allowed to indulge themselves in remarks on the existing state of public affairs. The practice was a very good one, he said, and there could be no occasion more proper than that of a proposition to lay a direct tax.

Those who have for fifteen years past administered the affairs of this government, have conducted this nation to an honorable point of elevation, at which they may justly pause, challenge a retrospect, and invite attention to the bright field of prosperity which lies before us.

The great objects of the committee of finance, in the report under consideration, are, in the first place, to provide for the payment of the public debts, and in the second, to provide for the support of the government, and the payment of such expenses as should be authorized by congress. The greater part of the debt, Mr. Clay admitted, had grown out of the late war; yet a considerable portion of it consisted of that contracted in the former war for

independence, and a portion of it, perhaps, of that which arose out of the wars with Tripoli and Algiers. Gentlemen had, on this occasion, therefore, fairly a right to examine into the course of administration heretofore, to demonstrate the impolicy of those wars, and the injudiciousness of the public expenditures generally. In the cursory view which he should take of this subject, he must be allowed to say, he should pay no particular attention to what had passed before, in debate. An honorable colleague (Mr. Hardin) who spoke the other day, like another gentleman who preceded him in debate, had taken occasion to refer to his (Mr. Clay's) late absence from this country on public business; but, Mr. Clay said, he trusted, among the fruits of that absence were a greater respect for the institutions which distinguish this happy country, a greater confidence in them, and an increased disposition to cling to them. Yes, sir; I was in the neighborhood of the battle of Waterloo, and some lessons I did derive from it; but they were lessons which satisfied me, that national independence was only to be maintained by national resistance against foreign encroachments; by cherishing the interests of the people, and giving to the whole physical power of the country an interest in the preservation of the nation. I have been taught that lesson; that we should never lose sight of the possibility, that a combination of despots, of men unfriendly to liberty, propagating what in their opinion constitutes the principle of legitimacy, might reach our happy land, and subject us to that tyranny and degradation which seems to be one of their objects in another country. The result of my reflections is, the determination to aid with my vote in providing my country with all the means to protect its liberties, and guard them even from serious menace. Motives of delicacy, which the committee would be able to understand and appreciate, prevented him from noticing some of his colleague's (Mr. Hardin's) remarks; but he would take the occasion to give him one admonition — that, when he next favored the house with an exhibition of his talent for wit — with a display of those elegant implements, for his possession of which, the gentleman from Virginia had so handsomely complimented him — that he would recollect that it is *bought*, and not *borrowed* wit, which the adage recommends as best. With regard to the late war with Great Britain, history, in deciding upon the justice and policy of that war, will determine the question according to the state of things which existed when that war was declared. I gave a vote for the declaration of war. I exerted all the little influence and talents I could command to make the war. The war was made; it is terminated; and I declare with perfect sincerity, if it had been permitted me to lift the veil of futurity, and to have foreseen the precise series of events which has occurred, my vote would have been unchanged. The policy of the war, as it regarded our state of preparation, must be determined with reference to the state of

things at the time that war was declared. He need not take up the time of the house, in demonstrating that we had cause sufficient for war. We had been insulted and outraged, and spoilated upon by almost all Europe — by Great Britain, by France, Spain, Denmark, Naples, and, to cap the climax, by the little, contemptible power of Algiers. We had submitted too long and too much. We had become the scorn of foreign powers, and the contempt of our own citizens. The question of the policy of declaring war at the particular time when it was commenced, is best determined by applying to the enemy himself; and what said *he!* — that of all the circumstances attending its declaration, none was so aggravating as that we should have selected the moment which of all others was most inconvenient to him; when he was struggling for self-existence in a last effort against the gigantic power of France. The question of the state of preparation for war at any time is a relative question — relative to our own means, the condition of the other power, and the state of the world at the time of declaring it. We could not expect, for instance, that a war against Algiers would require the same means or extent of preparation, as a war against Great Britain; and if it was to be waged against one of the primary powers of Europe, at peace with all the rest of the world, and therefore all her force at command, it could not be commenced with so little preparation, as if her whole force were employed in another quarter. It is not necessary again to repel the stale, ridiculous, false story of French influence, originating in Great Britain, and echoed here. I now contend, as I have always done, that we had a right to take advantage of the condition of the world, at the time war was declared. If Great Britain were engaged in war, we had a right to act on the knowledge of the fact, that her means of annoyance, as to us, were diminished; and we had a right to obtain all the collateral aid we could, from the operations of other powers against her, without entering into those connections which are forbidden by the genius of our government. But it was rather like disturbing the ashes of the dead, now to discuss the questions of the justice or expediency of the war. They were questions long since settled, and on which the public opinion was decisively made up, in favor of the administration.

He proceeded to examine the conditions of the peace and the fruits of the war — questions of more recent date, and more immediately applicable to the present discussion. The terms of the peace must be determined by the same rule that was applicable to the declaration of war — that rule which was furnished by the state of the world at the time the peace was made; and, even if it were true, that all the sanguine expectations which might have been formed at the time of the declaration of war, were not realized by the terms of the subsequent peace, it did not follow that the war was improperly declared, or the peace dishonorable, unless the

condition of the parties, in relation to other powers, remained substantially the same, throughout the struggle, and at the time of the termination of the war, as it was at the commencement of it. At the termination of the war, France was annihilated — blotted out of the map of Europe; the vast power wielded by Bonaparte existed no longer. Let it be admitted, that statesmen, in laying their course, are to look at probable events; that their conduct is to be examined, with reference to the course of events, which in all human probability might have been anticipated; and is there a man in this house, in existence, who can say, that on the eighteenth day of June, 1812, when the war was declared, it would have been anticipated, that Great Britain, by the circumstance of a general peace, resulting from the overthrow of a power whose basements were supposed to be deeper laid, more ramified, and more extended, than those of any power ever were before, would be placed in the attitude in which she stood in December, 1814? Would any one say, that this government could have anticipated such a state of things, and ought to have been governed in its conduct accordingly? Great Britain, Russia, Germany, did not expect — not a power in Europe believed — as late even as January, 1814, that, in the ensuing March, Bonaparte would abdicate, and the restoration of the Bourbons would follow. What, then, was the actual condition of Europe, when peace was concluded? A perfect tranquillity reigned throughout; for, as late as the first of March, the idea of Napoleon's reappearing in France, was as little entertained as that of a man's coming from the moon to take upon himself the government of the country. In December, 1814, a profound and apparently a permanent peace existed; Great Britain was left to dispose of the vast force, the accumulation of twenty-five years, the work of an immense system of finance and protracted war; she was at liberty to employ that undivided force against this country. Under such circumstances, it did not follow, according to the rules laid down, either that the war ought not to have been made, or that peace on such terms ought not to have been concluded.

What, then, were the terms of the peace? The regular opposition in this country, the gentlemen on the other side of the house, had not come out to challenge an investigation of the terms of the peace, although they had several times given a sidewipe at the treaty, on occasions with which it had no necessary connection. It had been sometimes said, that we had gained nothing by the war, that the fisheries were lost, &c. How, he asked, did this question of the fisheries really stand? By the first part of the third article of the treaty of 1783, the right was recognized in the people of the United States to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants

of both countries used at any time to fish. This right was a necessary incident to our sovereignty, although it is denied to some of the powers of Europe. It was not contested at Ghent; it has never been drawn in question by Great Britain. But by the same third article it was further stipulated, that the inhabitants of the United States shall have 'liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks, of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.' The British commissioners, assuming that these liberties had expired by the war between the two countries, at an early period of the negotiation, declared that they would not be revived without an equivalent. Whether the treaty of 1783 does not form an exception to the general rule, according to which treaties are vacated by a war breaking out between the parties, is a question on which he did not mean to express an opinion. The first article of that treaty, by which the king of Great Britain acknowledges the sovereignty of the United States, certainly was not abrogated by the war; that all the other parts of the same instrument, which define the limits, privileges, and liberties attaching to that sovereignty, were equally unaffected by the war, might be contended for with at least much plausibility. If we determined to offer them the equivalent required, the question was, what should it be? When the British commissioners demanded, in their *projet*, a renewal to Great Britain of the right to the navigation of the Mississippi, secured by the treaty of 1783, a bare majority of the American commissioners offered to renew it, upon the condition that the liberties in question were renewed to us. He was not one of that majority. He would not trouble the committee with his reasons for being opposed to the offer. A majority of his colleagues, actuated he believed by the best motives, made, however, the offer, and it was refused by the British commissioners.

If the British interpretation of the treaty of 1783 be correct, we have lost the liberties in question. What the value of them really is, he had not been able to meet with any two gentlemen who agreed. The great value of the whole mass of our fishery interests, as connected with our navigation and trade, was sufficiently demonstrated by the tonnage employed; but of what was the relative importance of these liberties, there was great contrariety of

statements. They were liberties to be exercised within a foreign jurisdiction, and some of them were liable to be destroyed by the contingency of settlement. He did not believe, that much importance attached to such liberties. And, supposing them to be lost, we are, perhaps, sufficiently indemnified by the redemption of the British mortgage upon the navigation of the Mississippi. This great stream, on that supposition, is placed where it ought to be, in the same independent condition with the Hudson, or any other river in the United States.

If, on the contrary, the opposite construction of the treaty of 1783 be the true one, these liberties remain to us, and the right to the navigation of the Mississippi, as secured to Great Britain by that instrument, continues with her.

But he was surprised to hear a gentleman from the western country (Mr. Hardin) exclaim, that we had gained nothing by the war. Great Britain acquired, by the treaty negotiated by Mr. Jay, the right to trade with the Indians within our territories. It was a right upon which she placed great value, and from the pursuit of which she did not desist without great reluctance. It had been exercised by her agents in a manner to excite the greatest sensibility in the western country. This right was clearly lost by the war; for, whatever may be the true opinion as to the treaty of 1783, there can be no doubt that the stipulations of that of 1794 no longer exist.

It had been said, that the great object, in the continuation of the war, had been to secure our mariners against impressment, and that peace was made without accomplishing it. With regard to the opposition, he presumed that they would not urge any such argument. For, if their opinion was to be inferred (though he hoped in this case it was not) from that of an influential and distinguished member of the opposition, we had reason to believe that they did not think the British doctrines wrong on this subject. He alluded to a letter said to be written by a gentleman of great consideration, residing in an adjoining state, to a member of this house, in which the writer states, that he conceives the British claim to be right, and expresses his hope that the president, however he might kick at it, would be compelled to swallow the bitter pill. If the peace had really given up the American doctrine, it would have been, according to that opinion, merely yielding to the force of the British right. In that view of the subject, the error of the administration would have been in contending for too much in behalf of this country; for he presumed there was no doubt, that, whether right or wrong, it would be an important principle gained to secure our seamen against British impressment. And he trusted in God that all future administrations would rather err on the side of contending for too much than too little for America.

But he was willing to admit, that the conduct of the administra-

tion ought to be tried by their own opinions, and not those of the opposition. One of the great causes of the war, and of its continuance, was the practice of impressment exercised by Great Britain, and if this claim has been admitted, by necessary implication or express stipulation, the administration has abandoned the rights of our seamen. It was with utter astonishment that he heard, that it had been contended in this country, that because our right of exemption from the practice had not been expressly secured in the treaty, it was therefore given up! It was impossible that such an argument could be advanced on the floor. No member who regarded his reputation would have dared advance such an argument here.

Had the war terminated, the practice continuing, he admitted that such might be a fair inference; and on some former occasion he had laid down the principle, which he thought correct, that if the United States did not make peace with Great Britain, the war in Europe continuing, and therefore she continuing the exercise of the practice, without any stipulation to secure us against its effects, the plain inference would be, that we had surrendered the right. But what is the fact? At the time of the conclusion of the treaty of peace, Great Britain had ceased the practice of impressment; she was not only at peace with all the powers of Europe, but there was every prospect of a permanent and durable peace. The treaty being silent on the subject of impressment, the only plain rational result was, that neither party had conceded its rights, but they were left totally unaffected by it. He recollected to have heard, in the British house of commons, whilst he was in Europe, the very reverse of the doctrine advanced here on this subject. The British ministry were charged by a member of the opposition with having surrendered their right of impressment, and the same course of reasoning was employed to prove it, as he understood was employed in this country to prove our acquiescence in that practice. The argument was this: the war was made on the professed ground of resistance of the practice of impressment; the peace having been made without a recognition of the right of America, the treaty being silent on the subject, the inference was, that the British authorities had surrendered the right — that they had failed to secure it, and, having done so, had in effect yielded it. The member of the opposition in England was just as wrong as any member of the house would be, who should contend that the right of impressment is surrendered to the British government. The fact was, neither party had surrendered its rights; things remain as though the war had never been made — both parties are in possession of all the rights they had anterior to the war. Lest it might be deduced that his sentiments on the subject of impressment had undergone a change, he took the opportunity to say, that, although he desired to preserve peace between Great Britain and the United

States, and to maintain between them that good understanding calculated to promote the interest of each, yet, whenever Great Britain should give satisfactory evidence of her design to apply her doctrine of impressment as heretofore, he was, for one, ready to take up arms again to oppose her. The fact was, that the two nations had been placed in a state of hostility as to a practice growing out of the war in Europe. The war ceasing between Great Britain and the rest of Europe, left England and America engaged in a contest on an aggression which had also practically ceased. The question had then presented itself, whether the United States should be kept in war, to gain an abandonment of what had become a mere abstract principle; or, looking at the results, and relying on the good sense and sound discretion of both countries, we should not recommend the termination of the war. When no practical evil could result from the suspension of hostilities, and there was no more than a possibility of the removal of the practice of impressment, I, as one of the mission, consented with sincere pleasure to the peace, satisfied that we gave up no right, sacrificed no honor, compromited no important principle. He said, then, applying the rule of the actual state of things, as that by which to judge of the peace, there was nothing in the conditions or terms of the peace that was dishonorable, nothing for reproach, nothing for regret.

Gentlemen have complained, that we had lost the islands in the bay of Passamaquoddy. Have they examined into that question, and do they know the grounds on which it stands? Prior to the war we occupied Moose Island, the British Grand Menan. Each party claimed both islands; America, because they are within the limits of the United States, as defined by the treaty of 1783; and Great Britain, because, as she alleges, they were in the exception contained in the second article of that treaty as to islands within the limits of the province of Nova Scotia. All the information which he had received concurred in representing Grand Menan as the most valuable island. Does the treaty, in stipulating for an amicable and equitable mode of settling this controversy, yield one foot of the territory of the United States? If our title to Moose Island is drawn in question, that of Great Britain to Grand Menan is equally so. If we may lose the one, she may the other. The treaty, it was true, contained a provision that the party in possession, at the time of its ratification, may hold on until the question of right is decided. The committee would observe, that this stipulation, as to possession, was not limited to the moment of the signature, but looked to the period of the ratification of the treaty. The American commissioners had thought they might safely rely on the valor of Massachusetts, or the arms of the United States, to drive the invader from our soil; and had also hoped that we might obtain possession of Grand Menan. It

is true, they have been disappointed in the successful application of the force of that state and of that of the union. But it is not true that we have parted with the right. It is fair to presume that Great Britain will, with good faith, coöperate in carrying the stipulations into effect; and she has, in fact, already promptly proceeded to the appointment of commissioners under the treaty.

What have we gained by the war? He had shown we had lost nothing in rights, territory, or honor; nothing for which we ought to have contended, according to the principles of the gentlemen on the other side, or according to our own. Have we gained nothing by the war? Let any man look at the degraded condition of this country before the war — the scorn of the universe, the contempt of ourselves — and tell me, if we have gained nothing by the war? What is our present situation? Respectability and character abroad; security and confidence at home. If we have not obtained, in the opinion of some, the full measure of retribution, our character and constitution are placed on a solid basis, never to be shaken. The glory acquired by our gallant tars, by our Jacksons and our Browns on the land, is that nothing? True, we have had our vicissitudes — that there were humiliating events which the patriot could not review without deep regret. But the great account, when it came to be balanced, thank God, would be found vastly in our favor. Is there a man, he asked, who would have obliterated from the proud pages of our history the brilliant achievements of Jackson, Brown, Scott, and the host of heroes on land and sea whom he would not enumerate? Is there a man who could not desire a participation in the national glory acquired by the war? — yes, national glory; which, however the expression may be condemned by some, must be cherished by every genuine patriot. What do I mean by national glory? Glory such as Hull, of the Constitution, Jackson, Lawrence, Perry, have acquired. And are gentlemen insensible to their deeds? to the value of them, in animating the country in the hour of peril hereafter? Did the battle of Thermopylæ preserve Greece but once? Whilst the Mississippi continues to bear the tributes of the Iron mountains and the Alleghany to her Delta and to the Gulf of Mexico, the eighth of January shall be remembered, and the glory of that day shall stimulate future patriots, and nerve the arms of unborn freemen, in driving the presumptuous invader from our country's soil! Gentlemen may boast of their insensibility to feelings inspired by the contemplation of such events. But he would ask, does the recollection of Bunker's hill, of Saratoga, of York-town, afford them no pleasure? Every act of noble sacrifice to the country — every instance of patriotic devotion to her cause — has its beneficial influence. A nation's character is the sum of its splendid deeds. They constitute one common patrimony — the nation's inheritance. They awe foreign powers. They arouse and animate our own

people. Do gentlemen derive no pleasure from the recent transactions in the Mediterranean? Can they regard unmoved the honorable issue of a war, in support of our national rights, declared, prosecuted, and terminated by a treaty in which the enemy submitted to a carte blanche, in the short period of forty days? The days of chivalry are not gone. They have been revived in the person of commodore Decatur, who, in releasing from infidel bondage Christian captives — the subjects of a foreign power — and restoring them to their country and their friends, has placed himself beside the most renowned knights of former times. I love true glory. It is this sentiment which ought to be cherished; and in spite of cavils and sneers and attempts to put it down, it will finally conduct this nation to that height to which God and nature have destined it. Three wars, those who at present administer this government may say, and say with proud satisfaction, they have safely conducted us through. Two with powers, which, though otherwise contemptible, have laid almost all Europe under tribute — a tribute from which we are exonerated. The third, with one of the most gigantic powers that the world ever saw. These struggles have not been without their sacrifices, nor without their lessons. They have created, or rather greatly increased, the public debt. They have taught, that, to preserve the character we have established, preparation for war is necessary.

The public debt exists. However contracted, the faith of the nation is pledged for its redemption. It can only be paid by providing an excess of revenue beyond expenditure, or by retrenchment. Did gentlemen contend that the results of the report were inaccurate — that the proceeds of the revenue would be greater, or the public expenses less, than the estimate? On these subjects, he believed it would be presumption in him, when the defence of the report was in such able hands (Mr. Lowndes's), to attempt its vindication. Leaving the task to that gentleman, he should assume, for the present, its accuracy. He would lay down a general rule, from which there ought never to be a departure, without absolute necessity — that the expenses of the year ought to be met by the revenue of the year. If in time of war it were impossible to observe this rule, we ought, in time of peace, to provide for as speedy a discharge of the debt contracted in the preceding war as possible. This can only be done by an effective sinking fund, based upon an excess of revenue beyond expenditure, and a protraction of the period of peace. If in England the sinking fund had not fulfilled what was promised, it was because of a failure to provide such a revenue, and because the interests of peace in that country had been too few and too short. From the revolution to 1812, a period of one hundred and twenty-four years, there had been sixty-three years of war, and only sixty-one of peace; and there had been contracted £638,129,577 of debt, and

discharged only £39,594,305. The national debt at the peace of Utrecht amounted to £52,681,076, and during the peace which followed, being twenty-seven years, from 1714 to 1740, there was discharged only £7,231,503. When the operations of our sinking fund were contrasted with those of Great Britain, they would be found to present the most gratifying results. Our public debt, existing on the first day of January, 1802, amounted to $78,754,568 70; and on the first of January, 1815, we had extinguished $33,873,463 98. Thus in thirteen years, one half the period of peace that followed the treaty of Utrecht, we had discharged more public debt than Great Britain did during that period. In twenty-six years she did not pay much more than a seventh of her debt. In thirteen years we paid more than a third of ours. If, then, a public debt, contracted in a manner, he trusted, satisfactory to the country, imposed upon us a duty to provide for its payment; if we were encouraged, by past experience, to persevere in the application of an effective sinking fund, he would again repeat, that the only alternatives were the adoption of a system of taxation producing the revenue estimated by the committee of ways and means, or by great retrenchment of the public expenses.

In what respect can a reduction of the public expenses be effected? Gentlemen who assailed the report on this ground have, by the indefinite nature of the attack, great advantage on their side. Instead of contenting themselves with crying out retrenchment! retrenchment! a theme always plausible, an object always proper, when the public interest will admit of it, let them point the attention of the house to some specified subject. If they really think a reduction of the army and navy, or either of them, be proper, let them lay a resolution upon the table to that effect. They had generally, it was true, singled out, in discussing this report, (and he had no objection to meet them in this way, though he thought the other the fairest course,) the military establishment. He was glad that the navy had fought itself into favor, and that no one appeared disposed to move its reduction or to oppose its gradual augmentation. But the 'standing army' is the great object of gentlemen's apprehensions. And those who can bravely set at defiance hobgoblins, the creatures of their own fertile imaginations, are trembling for the liberties of the people, endangered by a standing army of ten thousand men. Those who can courageously vote against taxes, are alarmed for the safety of the constitution and the country, at such a force scattered over our extensive territory! This could not have been expected, at least in the honorable gentleman (Mr. Ross), who, if he had been storming a fort, could not have displayed more cool, collected courage than he did, when he declared, that he would show to Pennsylvania, that she had one faithful representative, bold and independent enough to vote against a tax!

He had happened, very incidentally, the other day, and in a manner which he had supposed could not attract particular attention, to state, that the general condition of the world admonished us to shape our measures with a view to the possible conflicts into which we might be drawn; and he said, he did not know when he should cease to witness the attacks made upon him in consequence of that general remark; when he should cease to hear the cry of 'standing army,' 'national glory,' &c. &c. From the tenor of gentlemen's observations, it would seem as if, for the first time in the history of this government, it was now proposed, that a certain regular force should constitute a portion of the public defence. But from the administration of general Washington, down to this time, a regular force, a standing army (if gentlemen please), had existed, and the only question about it, at any time, had been, what should be the amount. Gentlemen themselves, who most loudly decry this establishment, did not propose an entire disbandment of it; and the question, ever with them, is, not whether a regular force be necessary, but whether a regular force of this or that amount be called for by the actual state of our affairs.

The question is not, on any side of the house, as to the nature, but the quantum of the force. He maintained the position, that, if there was the most profound peace that ever existed; if we had no fears from any quarter whatever; if all the world was in a state of the most profound and absolute repose; a regular force of ten thousand men was not too great for the purposes of this government. We knew too much, he said, of the vicissitudes of human affairs, and the uncertainty of all our calculations, not to know, that, even in the most profound tranquillity, some tempest may suddenly arise, and bring us into a state requiring the exertion of military force, which cannot be created in a moment, but requires time for its collection, organization, and discipline. When gentlemen talked of the force which was deemed sufficient some twenty years ago, what did they mean? That this force was not to be progressive? That the full grown man ought to wear the clothes and habits of his infancy? That the establishment maintained by this government, when its population amounted to four or five millions only, should be the standard by which our measures should be regulated, in all subsequent states of the country? If gentlemen meant this, as it seemed to him they did, he and they should not agree. He contended, that establishments ought to be commensurate with the actual state of the country, should grow with its growth, and keep pace with its progress. Look at that map (said he, pointing to the large map of the United States, which hangs in the hall of representatives) — at the vast extent of that country which stretches from the Lake of the Woods, in the northwest, to the Bay of Fundy, in the east. Look at the vast extent of our maritime coast; recollect we have Indians and powerful nations conter-

minous on the whole frontier; and that we know not at what moment the savage enemy, or Great Britain herself, may seek to make war with us. Ought the force of the country to be graduated by the scale of our exposure, or are we to be uninfluenced by the increase of our liability to war? Have we forgotten that the power of France, as a counterpoise to that of Great Britain, is annihilated — gone, never to rise again, I believe, under the weak, unhappy, and imbecile race who now sway her destinies? Any individual must, I think, come to the same conclusion with myself, who takes these considerations into view, and reflects on our growth, the state of our defence, the situation of the nations of the world, and above all, of that nation with whom we are most likely to come into collision — for it is in vain to conceal it; this country must have many a hard and desperate tug with Great Britain, let the two governments be administered how and by whom they may. That man must be blind to the indications of the future, who cannot see that we are destined to have war after war with Great Britain, until, if one of the two nations be not crushed, all grounds of collision shall have ceased between us. I repeat, if the condition of France were that of perfect repose, instead of that of a volcano, ready to burst out again with a desolating eruption; if with Spain our differences were settled; if the dreadful war raging in South America were terminated; if the marines of all the powers of Europe were resuscitated as they stood prior to the revolution of France; if there was universal repose, and profound tranquillity among all the nations of the earth; considering the actual growth of our country, in my judgment, the force of ten thousand men would not be too great for its exigences. Do gentlemen ask, if I rely on the regular force entirely for the defence of the country? I answer, it is for garrisoning and keeping in order our fortifications, for the preservation of the national arms, for something like a safe depository of military science and skill, to which we may recur in time of danger, that I desire to maintain an adequate regular force. I know, that in the hour of peril, our great reliance must be on the whole physical force of the country, and that no detachment of it can be exclusively depended on. History proves that no nation, not destitute of the military art, whose people were united in its defence, ever was conquered. It is true, that in countries where standing armies have been entirely relied on, the armies have been subdued, and the subjugation of the nation has been the consequence of it; but no example is to be found of a united people being conquered, who possessed an adequate degree of military knowledge. Look at the Grecian republics, struggling successfully against the overwhelming force of Persia; look more recently at Spain. I have great confidence in the militia, and I would go with my honorable colleague (Mr. M'Kee), whose views I know are honest, hand in hand, in arming, disciplining, and

rendering effective, the militia; I am for providing the nation with every possible means of resistance. I ask my honorable colleague, after I have gone thus far with him, to go a step further with me, and let us retain the force we now have for the purposes I have already described. I ask gentlemen who propose to reduce the army, if they have examined in detail the number and extent of the posts and garrisons on our maritime and interior frontier? If they have not gone through this process of reasoning, how shall we arrive at the result that we can reduce the army with safety? There is not one of our forts adequately garrisoned at this moment; and there is nearly one fourth of them that have not one solitary man. I said the other day, that I would rather vote for the augmentation than the reduction of the army. When returning to my country from its foreign service, and looking at this question, it appeared to me that the maximum was twenty thousand, the minimum ten thousand of the force we ought to retain. And I again say, that rather than reduce I would vote to increase the present force.

A standing army had been deemed necessary, from the commencement of the government to the present time. The question was only as to the quantum of force; and not whether it should exist. No man who regards his political reputation, would place himself before the people, on a proposition for its absolute disbandment. He admitted a question as to quantum might be carried so far as to rise into a question of principle. If we were to propose to retain an army of thirty, or forty, or fifty thousand men, then truly the question would present itself, whether our rights were not in some danger from such a standing army; whether reliance was to be placed altogether on a standing army, or on that natural safe defence which, according to the habits of the country and the principles of our government, is considered the bulwark of our liberties. But, between five and ten thousand men, or any number under ten thousand, it could not be a question of principle; for, unless gentlemen were afraid of spectres, it was utterly impossible that any danger could be apprehended from ten thousand men, dispersed on a frontier of many thousand miles; here twenty or thirty, there an hundred; and the largest amount, at Detroit, not exceeding a thin regiment. And yet, brave gentlemen — gentlemen who are not alarmed at hobgoblins — who can intrepidly vote *even against taxes* — are alarmed by a force of this extent! What, he asked, was the amount of the army in the time of Mr. Jefferson — a time, the orthodoxy of which had been so ostentatiously proclaimed? It was true, when that gentleman came into power, it was with a determination to retrench, as far as practicable. Under the full influence of these notions, in 1802, the bold step of wholly disbanding the army, never was thought of. The military peace establishment was then fixed at about four thousand men.

But, before Mr. Jefferson went out of power, what was done—that is, in April, 1808? In addition to the then existing peace establishment, eight regiments, amounting to between five and six thousand men, were authorized, making a total force precisely equal to the present peace establishment. It was true, that all this force had never been actually enlisted and embodied; that the recruiting service had been suspended; and that at the commencement of the war we had far from this number; and we have not now actually ten thousand men — being at least two thousand deficient of that number. He adverted to what had been said, on this and other occasions, of Mr. Jefferson's not having seized the favorable moment for war, which was afforded by the attack on the Chesapeake. He had always entertained the opinion, he said, that Mr. Jefferson on that occasion took the correct, manly, and frank course, in saying to the British government, your officers have done this; it is an enormous aggression; do you approve the act; do you make it your cause, or not? That government did not sanction the act; it disclaimed it, and promptly too; and although they for a long time withheld the due redress, it was ultimately tendered. If Mr. Jefferson had used his power to carry the country into a war at that period, it might have been supported by public opinion, during the moment of fever, but it would soon abate, and the people would begin to ask, why this war had been made without understanding whether the British government avowed the conduct of its officers, and so forth. If the threatening aspect of our relations with England had entered into the consideration which had caused the increase of the army at that time, there were considerations equally strong at this time, with our augmented population, for retaining our present force. If, however, there were no threatenings from any quarter; if the relative force of European nations, and the general balance of power existing before the French revolution were restored; if South America had not made the attempt, in which he trusted in God she would succeed, to achieve her independence; if our affairs with Spain were settled, he would repeat, that ten thousand men would not be too great a force for the necessities of the country, and with a view to future emergences.

He had taken the liberty, the other day, to make some observations which he might now repeat as furnishing auxiliary considerations for adopting a course of prudence and precaution. He had then said, that our affairs with Spain were not settled; that the Spanish minister was reported to have made some inadmissible demands of our government. The fact turned out as he had presented it. It appeared that what was then rumor, was now fact; and Spain had taken the ground, not only that there must be a discussion of our title to that part of Louisiana, formerly called West Florida, (which it might be doubted whether it ought to take place,) but had required that we must surrender the territory first,

and discuss the right to it afterwards. Besides this unsettled state of our relations with Spain, he said, there were other rumors, and he wished to God we had the same means of ascertaining their correctness, as we had found of ascertaining the truth of the rumor just noticed; it was rumored that the Spanish province of Florida had been ceded, with all her pretensions, to Great Britain. Would gentlemen tell him, then, that this was a time when any statesman would pursue the hazardous policy of disarming entirely, of quietly smoking our pipes by our firesides, regardless of impending danger? It might be a palatable doctrine to some, but he was persuaded was condemned by the rules of conduct in private life, by those maxims of sound precaution by which individuals would regulate their private affairs. He did not here mean to take up the question in relation to South America. Still, it was impossible not to see, that, in the progress of things, we might be called on to decide the question, whether we would or would not lend them our aid. This opinion he boldly declared, and he entertained it, not in any pursuit of vain glory, but from a deliberate conviction of its being conformable to the best interests of the country; that, having a proper understanding with foreign powers—that understanding which prudence and a just precaution recommended—it would undoubtedly be good policy to take part with the patriots of South America. He believed it could be shown, that, on the strictest principles of public law, we have a right to take part with them, that it is our interest to take part with them, and that our interposition in their favor would be effectual. But he confessed, with infinite regret, that he saw a supineness on this interesting subject, throughout our country, which left him almost without hope, that what he believed the correct policy of the country would be pursued. He considered the release of any part of America from the dominions of the old world, as adding to the general security of the new. He could not contemplate the exertions of the people of South America, without wishing that they might triumph, and nobly triumph. He believed the cause of humanity would be promoted by the interposition of any foreign power which should terminate the contest between the friends and enemies of independence in that quarter, for a more bloody and cruel war never had been carried on since the days of Adam, than that which is now raging in South America; in which not the least regard is paid to the laws of war, to the rights of capitulation, to the rights of prisoners, nor even to the rights of kindred. I do not offer these views, expecting to influence the opinions of others; they are opinions of my own. But, on the question of general policy, whether or not we shall interfere in the war in South America, it may turn out that, whether we will or will not choose to interfere in their behalf, we shall be drawn into the contest in the course of its progress. Among other demands by the minister of Spain, is

the exclusion of the flag of Buenos Ayres, and other parts of South America, from our ports. Our government has taken a ground on this subject, of which I think no gentleman can disapprove — that all parties shall be admitted and hospitably treated in our ports, provided they conform to our laws whilst among us. What course Spain may take on this subject, it was impossible now to say. Although I would not urge this as an argument for increasing our force, I would place it among those considerations which ought to have weight with every enlightened mind, in determining upon the propriety of its reduction. It is asserted that Great Britain has strengthened, and is strengthening herself in the provinces adjoining us. Is this a moment when in prudence we ought to disarm? No, sir. Preserve your existing force. It would be extreme indiscretion to lessen it.

Mr. Clay here made some observations, to show that a reduction of the army to from four to five thousand men, as had been suggested, would not occasion such a diminution of expense as to authorize the rejection of the report, or any essential alteration in the amount of revenue, which the system proposes to raise from internal taxes, and his colleague (Mr. M'Kee) appeared equally hostile to all of them. Having, however, shown that we cannot in safety reduce the army, he would leave the details of the report in the abler hands of the honorable chairman (Mr. Lowndes), who, he had no doubt, could demonstrate, that with all the retrenchments which had been recommended, the government would be bankrupt in less than three years, if most of these taxes were not continued. He would now hasten to that conclusion, at which the committee could not regret more than he did, that he had not long since arrived.

As to the attitude in which this country should be placed, the duty of congress could not be mistaken. My policy is to preserve the present force, naval and military; to provide for the augmentation of the navy; and, if the danger of war should increase, to increase the army also. Arm the militia, and give it the most effective character of which it is susceptible. Provide in the most ample manner, and place in proper depots, all the munitions and instruments of war. Fortify and strengthen the weak and vulnerable points indicated by experience. Construct military roads and canals, particularly from the Miami of the Ohio to the Miami of Erie; from the Sciota to the bay of Sandusky; from the Hudson to Ontario; that the facilities of transportation may exist, of the men and means of the country, to points where they may be wanted. I would employ on this subject a part of the army, which should also be employed on our line of frontier, territorial and maritime, in strengthening the works of defence. I would provide steam batteries for the Mississippi, for Borgne and Ponchartrain, and for the Chesapeake, and for any part of the north or east, where they might be

beneficially employed. In short, I would act seriously, effectively act, on the principle, that in peace we ought to prepare for war; for I repeat, again and again, that, in spite of all the prudence exerted by the government, and the forbearance of others, the hour of trial will come. These halcyon days of peace, this calm will yield to the storm of war, and when that comes, I am for being prepared to breast it. Has not the government been reproached for the want of preparation at the commencement of the late war? And yet the same gentlemen who utter these reproaches, instead of taking counsel from experience, would leave the country in an unprepared condition.

He would as earnestly commence the great work, too long delayed, of internal improvement. He desired to see a chain of turnpike roads and canals, from Passamaquoddy to New Orleans; and other similar roads intersecting the mountains, to facilitate intercourse between all parts of the country, and to bind and connect us together. He would also effectually protect our manufactories. We had given, at least, an implied pledge to do so, by the course of administration. He would afford them protection, not so much for the sake of the manufacturers themselves, as for the general interest. We should thus have our wants supplied, when foreign resources are cut off, and we should also lay the basis of a system of taxation, to be resorted to when the revenue from imports is stopped by war. Such, Mr. Chairman, is a rapid sketch of the policy which it seems to me it becomes us to pursue. It is for you now to decide, whether we shall draw wisdom from the past, or, neglecting the lessons of recent experience, we shall go on headlong without foresight, meriting and receiving the reproaches of the community. I trust, sir, notwithstanding the unpromising appearances sometimes presenting themselves, during the present session, we shall yet do our duty. I appeal to the friends around me, with whom I have been associated for years in public life; who nobly, manfully vindicated the national character by a war, waged by a young people, unskilled in arms, single-handed, against a veteran power — a war which the nation has emerged from, covered with laurels; let us now do something to ameliorate the internal condition of the country; let us show that objects of domestic, no less than those of foreign policy, receive our attention; let us fulfil the just expectations of the public, whose eyes are anxiously directed towards this session of congress; let us, by a liberal and enlightened policy, entitle ourselves, upon our return home, to that best of all rewards, the grateful exclamation, 'well done, thou good and faithful servant.'

ON THE BILL FOR ENFORCING NEUTRALITY.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 24, 1817.

[PRESIDENT MADISON, in a message dated December 26, 1816, had apprized congress, that the existing laws did not enable him to preserve the peace of the United States with foreign powers. The subject having been referred to the committee on foreign relations, that committee, through their chairman, Mr. Forsyth, of Georgia, reported a bill for enforcing neutrality. This bill was debated in committee of the whole, on the 24th of January, 1817, by Messrs. Forsyth, Smith, of Maryland, Grosvenor, of New York, Randolph, of Virginia, Sharp, of Kentucky, Sheffey, of Virginia, Hopkinson, of Pennsylvania, and Clay (speaker). In the brief remarks of Mr. Clay it will be observed, that he renews the expression of his sympathies with the people of South America in their struggle for independence; and, considering the bill under discussion as intended to discountenance that revolution, he avowed his opposition to it.]

MR. CLAY (speaker). As long as the government abstained from taking any part in the contest now carrying on in the southern part of this continent, it was unquestionably its duty to maintain a strict neutrality. On that point there was and could be no difference of opinion. It ought not, however, to be overlooked, that the two parties stood with this government on unequal ground. One of them had an accredited minister here, to watch over its interests, and to remonstrate against any acts of which it might complain; whilst the other, being wholly unrepresented, had no organ through which to communicate its grievances. This inequality of condition in the contending parties, imposed upon us the duty of great circumspection and prudence in what we might do.

Whenever a war exists, whether between two independent states or between parts of a common empire, he knew of but two relations in which other powers could stand towards the belligerents; the one was that of neutrality, and the other that of a belligerent.

Being then in a state of neutrality respecting the contest, and bound to maintain it, the question was, whether the provisions of the bill were necessary to the performance of that duty? It will be recollected that we have an existing law, directed against armaments, such as are described in the bill. That law was passed in 1794. It was intended to preserve our neutrality in the contest between France and her enemies. The circumstances under which it was passed, must be yet fresh in our recollection. The French

revolution had excited a universal enthusiasm in the cause of liberty. The flame reached this country, and spread with electric rapidity throughout the continent. There was not a state, county, city, or village, exempted from it. An ardent disposition to enter into the conflict, on the side of France, was every where felt. General Washington thought it the interest of this country to remain neutral, and the law of 1794 was enacted, to restrain our citizens from taking part in the contest. If that law had been effectual to preserve the neutrality of this country, during the stormy period of the French revolution, we ought to pause before we assent to the adoption of new penalties and provisions. If the law did not reach the case (which he understood to be doubtful from some judicial decisions), he was willing to legislate so far as to make it comprehend it. Further than that, as at present advised, he was not willing to go.

But the present bill not only went further, but, in his judgment, contained provisions not demanded of us by our neutral duties. It contained two principles not embraced by the law of 1794. The first was, the requisition of a bond from the owners of armed vessels, that persons, to whom they might sell these vessels, should not use them in the contest. The second was, the power vested in the collectors to seize and detain, under certain circumstances, any such vessels. Now, with regard to the first provision, it is not denied that an armed vessel may be lawfully sold by an American citizen to a foreign subject, other than a subject of Spain. But on what ground is it possible, then, to maintain, that it is the duty of the American citizen to become responsible for the subsequent use which may be made of such vessel by the foreign subject? We are bound to take care that our own citizens do not violate our neutrality, but we are under no such obligation as it respects the subjects of foreign powers. It is the business of those foreign powers to guard the conduct of their own subjects. If it be true, as he had heard it asserted, that Fell's Point exhibits an activity in hostile preparation, not surpassed during the late war, we had enough to do with our own citizens. It was not incumbent upon us, as a neutral power, to provide, after a legal sale had been made of an armed vessel to a foreign subject, against any illegal use of the vessel.

Gentlemen have contended, that this bill ought to be considered as intended merely to enforce our own laws; as a municipal regulation, having no relation to the war now existing. It was impossible to deceive ourselves, as to the true character of the measure. Bestow on it what denomination you please, disguise it as you may, it is a law, and will be understood by the whole world as a law, to discountenance any aid being given to the South American colonies in a state of revolution against the parent country. With respect to the nature of that struggle, he had not now, for the first time, to express his opinion and his wishes. An honorable gentle-

man from Virginia (Mr. Sheffey) had said, the people of South America were incapable, from the ignorance and superstition which prevail among them, of achieving independence or enjoying liberty. And to what cause is that ignorance and superstition owing? Was it not to the vices of their government? to the tyranny and oppression, hierarchical and political, under which they groaned? If Spain succeeded in riveting their chains upon them, would not that ignorance and superstition be perpetuated? In the event of that success, he feared the time would never arrive, when the good wishes of the honorable gentleman from Virginia would be conciliated in behalf of that oppressed and suffering people. For his part, he wished their independence. It was the first step towards improving their condition. Let them have free government, if they be capable of enjoying it; but let them have, at all events, independence. Yes, from the inmost recesses of my soul, I wish them independence. I may be accused of an imprudent utterance of my feelings, on this occasion. I care not; when the independence, the happiness, the liberty of a whole people is at stake, and that people our neighbors, our brethren, occupying a portion of the same continent, imitating our example, and participating of the same sympathies with ourselves, I will boldly avow my feelings and my wishes in their behalf, even at the hazard of such an imputation.

But, notwithstanding the feelings which he cherished on this subject, Mr. Clay admitted that it became us not to exhibit the spectacle of a people at war and a government at peace. We ought to perform our neutral duties, whilst we are neutral, without regard to the unredressed injuries inflicted upon us by old Spain, on the one hand, or to the glorious object of the struggle of the South American patriots on the other. We ought to render strict justice, and no more. If the bill on the table was limited to that object, he would vote for it. But he thought it went further; that it assumed obligations which we were not bound to incur, and, thinking so, he could not, in its present shape, give to it his assent.

ON COMMERCIAL RESTRICTIONS WITH FOREIGN NATIONS.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 30, 1817.

[On the fifth of February, 1816, Mr. Cyrus King, of Massachusetts, presented for consideration a resolution, instructing the committee on foreign relations to inquire into the expediency of excluding from the ports of the United States all foreign vessels, owned in, coming from, bound to, or touching at any of his Britannic majesty's possessions in the West Indies, and in the continent of North America, from which the vessels of the United States are excluded; and of prohibiting or increasing the duties on the importation in foreign vessels, of any articles, the growth, produce, or manufacture of such possessions. This resolution underwent much discussion, but was finally laid upon the table, and the subject not again introduced during the same session. But on the twenty-seventh of January, 1817, there was introduced 'a bill to prohibit all commercial intercourse with ports or places, into or with which, the vessels of the United States are not ordinarily permitted to enter or trade.' On the thirtieth of January, this bill was called up and debated in committee of the whole. Among the speakers on the subject, were Messrs. Cyrus King, of Massachusetts, Smith, of Maryland, Wilde, of Georgia, Randolph, of Virginia, Lowndes, of South Carolina, Hopkinson, of Pennsylvania, and Clay (speaker).

The whole subject was finally again laid on the table. The following are Mr. Clay's remarks in this debate.]

Mr. Clay (speaker) said, that in one sentiment expressed by the gentleman from Georgia he most heartily concurred; that the measure contemplated by the bill, or by the proposed substitute, was the most important, as respected at least our foreign relations, that had come before congress at this session, or would probably be brought before it for some years; a measure, which, whatever fate attended it, ought to attract the attention of honorable members of this house, and to which, he hoped, before the final question on it, they would give the most mature consideration.

The importance of the question by no means depended simply on the value of the trade between this country and the colonies of Great Britain. But considering the question as it related merely to that trade, when the fact was stated, that it consisted of six millions of dollars imports, and of course a like amount of exports, it must be admitted, the question was one of deep import, compared to any which at present presented itself to the attention of congress. But, as was stated in the president's message, it was not solely important on account of the effect of the colonial system

on that trade, but the fact was, that the exclusion from a participation in that navigation, essentially affected the trade between this country and the British European possessions, and, by the operation of the system, deprived us, in a great measure, of the benefits of the convention of commerce with Great Britain, which provided for the establishment of a perfect reciprocity of commerce between the United States and the British European possessions. Even if gentlemen were not disposed to do something to obtain for the navigation of this country a participation in the colonial trade, they ought to go so far as to place them on an equal footing as regarded the European trade. Some measure ought to be devised, by which the navigation of Great Britain should be prevented from enjoying peculiar advantages over us, in a trade wherein reciprocity had been solemnly promised by the convention, to which he had alluded.

Let us, then, inquire into the character of the evil proposed to be remedied, and of the remedy that is offered. What is the evil? Great Britain says, that the whole commerce between her colonies and the United States shall be carried on in British ships, absolutely excluding American ships from any participation in it. The most natural course of the exchange of commodities between nations might be thus defined; that each nation should carry its own products to market; that we should carry of our produce what we do not want, but they do, to British ports; and that they should bring what they do not want, but we do, to our ports. With this course, however, Great Britain was not satisfied. The next and perhaps the most equal and best mode of providing for the free and fair interchange of commodities, was, to open the trade equally and reciprocally to both parties, to let each carry the commodities of both countries, in a fair competition. Great Britain was not, however, disposed to do this. She not only prohibited the carriage of her colonial commodities in our vessels; not only entirely engrossed the export trade from her colonies, but refused to allow us any participation, by conventional regulation or otherwise, in the trade to the colonies. The effect was, to deprive us of the advantages, in the augmentation of our commerce and increase of our seamen, which would result from the carriage of our own produce, to the amount of six millions of dollars annually.

With regard to the importance of encouraging our navigation, he said, he need not resort to argument. The question of the importance of a navy, to maintain and defend our rights, which had been some years ago a question of a theoretical nature, was no longer so; it was now a question of practical experience. All felt its importance, and all acknowledged the expediency of cherishing, by all means in our power, that important branch of national defence.

Gentlemen alarmed themselves by the apprehension, that the other party would view as inimical any regulations countervailing

her colonial policy, and that the issue of this conflict of commercial regulations would be war. He believed in no such result. If an exclusion of the navigation and shipping of Great Britain from our ports be a measure of a hostile character, said Mr. Clay, Great Britain has set us the example; for she excludes our navigation and shipping from an extensive range of her ports. He considered this rather as a diplomatic than a hostile measure; but, if it were otherwise, she had set the example, which she could not complain if we followed.

But, said he, let us look to the fact. What would be the light in which Great Britain would view any such regulations as are proposed by the bill? The convention of London contains an express stipulation on the subject; and I will observe to gentlemen, that the clause which exempts the colonial trade from the second article of the convention, was introduced with the express view of retaining in our hands the right to countervail the British regulations in this respect. It was so understood by the framers of that convention. But we have later evidence than that which is furnished by the terms of the convention. The president, in his message at the opening of the session, says, that it is ascertained, 'that the British government declines all negotiation on this subject; *with a disavowal*, however, of any disposition to view in an unfriendly light, whatever *countervailing regulations* the United States may oppose to the regulations of which they complain.' Thus, then, we have evidence, both from the nature of the case, and from the express declarations of the British government, that it will not, because it cannot, view in an unfriendly light any regulations which this government may find it expedient to adopt, to countervail their policy. Mr. Clay said, he did not think that the adoption of this policy on the part of Great Britain, ought to excite any hostile feeling towards her. She was not singular in this respect. Every country that has colonies in the West Indies, and which is not too weak to defend them, endeavored, he said, to appropriate to itself all the advantages of the trade with those colonies; and it would be found that the relaxation of the rigor of that system by one nation or another, was precisely graduated by the degree of ability to maintain their colonies in peace, and defend them in war. There was nothing in the regulations of Great Britain, which could be offensive, or possibly lead to war. They might be complained of as selfish or unfriendly, they certainly were the former. But Great Britain had a perfect right to set the example before us; and the question was, whether the total exclusion of our ships from the colonial ports of Britain, was such a measure as we ought to fold our arms and submit to, without an effort to obtain some part of the trade which she had attempted to appropriate exclusively to herself?

Gentlemen had properly said, that this was a question which ought to be well weighed before decided. Whatever we do, it

ought to be with a determination to adhere firmly to it. For, depend upon it, Great Britain will never lightly relax her policy.

The policy of Great Britain was deeply laid in selfish considerations; a policy which she had never relaxed, except in periods of war, when it became her interest to do so, from the commencement of her colonies to this time. The measure which we address to her interest, to induce her to relax from the rigor of her colonial policy, should be a measure framed with ample deliberation, which, when we adopt with resolution, we will maintain with fortitude. For, the first conclusion of the British government would undoubtedly be, that the American government would be incapable of maintaining its regulations for any length of time; and that government, in the expectation of a retraction of the measure, would persevere in its policy as long as it could.

The question which presents itself, then, is, whether we will adopt measures to induce a relaxation so desirable to our interest?

What ought to be done, if any thing is? There were two propositions before the house, and the question now was, on substituting high duties for the prohibitory system. He preferred the prohibition; and if any gentleman would candidly compare the merits of the two proposed remedies, he would find that the whole value of the remedy, by the imposition of duties, was derived from its approximation to prohibition.

Suppose the measure of prohibition be adopted, what would be its effect? In the opinion of Mr. Clay, a mere change in the direction of the trade. St. Domingo would be opened to us, St. Thomas, Vera Cruz, and possibly St. Bartholomews, and other islands and ports. But, if not one port should be open, the necessity Great Britain would be under, to obtain supplies for her colonies, would dictate the expediency of opening some port at which an interchange of commodities could take place. If this operation took place, all that is proposed to be effected by the bill is accomplished, by the participation of our navigation in the transportation of the articles thus exchanged. Our ships will have obtained an employment, in carrying our products to that entrepot, and bringing return cargoes, of the same amount they would have now, if American, instead of British ships, wholly engrossed the trade. There might, in the case supposed, be some little increase in the cost of the articles, but so inconsiderable, as not to amount to any offset to the great advantages accruing to this country, from the employment of its tonnage.

The present moment Mr. Clay considered as particularly propitious to the adoption of this regulation; because, as regarded the great direct trade between the United States and British ports in Europe, that was regulated and unalterable for nearly three years. It stood on the footing of convention; and we should not, by any regulation adopted in regard to the colonial trade, put to hazard the advantages in the other, at least until that convention expired.

Regarding this regulation in another view, he anticipated beneficial effects from it. In consequence of the weakness of some of the powers of Europe in their maritime force, they had found it convenient to open ports to us, which were formerly shut, and we could thence draw our supplies, thus effecting a mere change in the channel of supply with the advantage of the employment of our own navigation, as already stated. South America, besides, would be open to us, and we could there obtain a large portion of the commodities we import from the West Indies, except, perhaps, the article of rum. Whether that could be obtained there or not, he did not know. Sugar might be obtained, in quantity, from Louisiana, where the product of that article increased every year. Georgia, and a portion of South Carolina, too, had turned their attention to that object; and the effect of this measure would be, to encourage the cultivation of that article. With respect to the article of spirits, if its importation were totally cut off, he thought it would be a benefit. He believed, he said, that America was the only country that imported as great a quantity of spirituous liquors; every other country he was acquainted with, used more of its own manufacture.

I think that the suffering of the navigating interest, to which the attention of congress is attracted, is one which calls loudly on this body to do something to alleviate it. It is attributable greatly to the colonial system of Great Britain, though no doubt also greatly to the state of peace, and the consequent resumption of their navigation by the powers of Europe, who, during war, suspended a great proportion of it. Taking care of the interests of the nation, and guarding our commerce against the effect of foreign regulations, it becomes us to act on this subject. He should, he said, cheerfully give his assent, therefore, to the bill before the house; and should vote for it, but with reluctance, if the amendment proposed by Mr. Forsyth should succeed.

The great question was, the *modus operandi* of this bill, to use a favorite expression of a member of another body. Operating on the sympathy as well as the direct interest of the parent country, it would induce her to relax her system. Great Britain would find a greater interest in securing the amount of six millions of trade, necessary to support and cherish her colonies, than she would gain merely on the transportation of the articles of which that trade consists. That was the question on which the British people would be called on to decide; and he believed the effect of this measure would be such as to induce them to decide in favor of admitting us, on a footing of reciprocity, into the West India trade. If the British government did not take this course, it would have to wink at the formation of entrepots, by which the object proposed by the bill would be substantially accomplished.

ON INTERNAL IMPROVEMENT.

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 4, 1817.

[THE house resolved itself into a committee of the whole on the bill to set apart, and pledge, as a fund for internal improvement, the bonus and United States share of the dividends of the national bank. The discussion was commenced by Mr. Calhoun, of South Carolina, who advocated the constitutionality, importance, and expediency of a system of internal improvements, under the authority of the general government. The same views were expressed by Mr. Clay (speaker), Mr. Gold, of New York, Mr. Sheffey, of Virginia, and others. The bill finally passed both houses (but was vetoed by president Madison, on constitutional grounds, on the third of March. 1817). In the brief remarks of Mr. Clay on this occasion, which are subjoined, he expresses the same sentiments as will be found more at length in his subsequent speeches on this subject.]

MR. CLAY (speaker) observed, that it was not his intention to enter into the general discussion of the subject; he wished only to say, that he had long thought that there were no two subjects which could engage the attention of the national legislature, more worthy of its deliberate consideration, than those of internal improvements and domestic manufactures.

As to the constitutional point which had been made, he had not a doubt on his mind; but it was not necessary, in his judgment, to embarrass the passage of the bill with the argument of that point at this time. It was a sufficient answer to say, that the power was not now to be exercised. It was proposed merely to designate the fund, and, from time to time, as the proceeds of it came in, to invest them in the funded debt of the United States. It would thus be accumulating; and congress could, at some future day, examine into the constitutionality of the question, and if it has the power, it would exercise it; if it has not, the constitution, there could be very little doubt, would be so amended as to confer it. It was quite obvious, however, that congress might so direct the application of the fund, as not to interfere with the jurisdiction of the several states, and thus avoid the difficulty which had been started. It might distribute it among those objects of private enterprise which called for national patronage in the form of subscriptions to the capital stock of incorporated companies, such as that of the Delaware and Chesapeake canal, and other similar institutions. Perhaps

that might be the best way to employ the fund; but, he repeated, this was not the time to go into this inquiry.

With regard to the general importance of the proposition; the effect of internal improvements in cementing the union; in facilitating internal trade; in augmenting the wealth and the population of the country; he would not consume the time of the committee in discussing those interesting topics, after the able manner in which they had been treated by his friend from South Carolina. In reply to those who thought that internal improvements had better be left to the several states, he would ask, he would put it to the candor of every one, if there were not various objects in which many states were interested, and which, requiring therefore their joint coöperation, would, if not taken up by the general government, be neglected, either for the want of resources, or from the difficulty of regulating their respective contributions. Such was the case with the improvement of the navigation of the Ohio at the rapids; the canal from the Hudson to the lakes; the great turnpike road, parallel with the coast from Maine to Louisiana. These, and similar objects were stamped with a national character; and they required the wisdom and the resources of the nation to accomplish them. No particular state felt an individual interest, sufficient to execute improvements of such magnitude. They must be patronised, efficaciously patronised, by the general government, or they never would be accomplished.

The practical effect of turnpike roads in correcting the evil, if it be one, of the great expansion of our republic, and in conquering space itself, as was expressed by the gentleman from South Carolina, is about to be demonstrated by the great turnpike road from Cumberland to Wheeling. That road is partially executed, and will probably be completed in about three years. In the mean time, Maryland is extending a line of turnpike roads from Baltimore to Cumberland, which is also partially finished, and will be completed in the same period. Three years from the present time, we shall have a continued line of turnpike roads from Baltimore to Ohio. The ordinary time requisite to travel from Wheeling to Baltimore, prior to the erection of these roads, was eight days. When the roads are completed, the same journey may be performed in three days. The distance, in effect, between those two points, will be diminished in the proportion of five eighths, or, in other words, they will be brought five days nearer to each other. Similar results will follow wherever this species of improvement is effected.

Mr. Clay owned that he felt anxiously desirous for the success of this measure. He was anxious, from its intrinsic merits; from his sincere conviction of its tendency greatly to promote the welfare of our common country. He was anxious from other,

perhaps more selfish, considerations. He wished the fourteenth congress to have the merit of laying the foundations of this great work. He wished this congress, who, in his opinion, had so many other just grounds for the national approbation, notwithstanding the obloquy which had attended a single unfortunate measure, to add this new claim to the public gratitude.

ON THE WAR BETWEEN SPAIN AND HER COLONIES.

IN THE HOUSE OF REPRESENTATIVES, DECEMBER 3, 1817.

[THE president's message being under consideration in committee of the whole, Mr. Taylor moved a series of resolutions, embracing references of various parts of the message.

The first resolution having been read for consideration, Mr. Clay (speaker) moved to amend the same by adding to the end thereof the following words:

'And that the said committee be instructed to inquire, whether any, and, if any, what provisions of law are necessary to insure, to the American colonies of Spain, a just observance of the duties incident to the neutral relation in which the United States stand, in the existing war between them and Spain.']

MR. CLAY said, that his presenting, at so early a period of the session, this subject to the consideration of the house, was in consequence of certain proceedings which he had seen represented in the public prints as having taken place before certain of our courts of justice. Two or three cases bearing on this subject had come to his knowledge, which he wished to state to the house. The first had occurred at Philadelphia, before the circuit court of the United States held in that city. The circumstances of the case, for which, however, he did not pretend to vouch, having received them through the channel already indicated, were these; if they were incorrectly stated, he was happy that a gentleman had taken his seat this morning from that city, who would be able to correct him: that nine or ten British disbanded officers had formed in Europe the resolution to unite themselves with the Spanish patriots in the contest existing between them and Spain; that, to carry into effect this intention, they had sailed from Europe, and in their transit to South America had touched at the port of Philadelphia; that during their residence in Philadelphia, wearing perhaps the arms and habiliments of military men, making no disguise of their intention to participate in the struggle, they took passage in a vessel bound to some port in South America; that a knowledge of this fact having come to the ears of the public authorities, or, perhaps, at the instigation of some agent of the Spanish government, a prosecution was commenced against these officers, who,

from their inability to procure bail, were confined in prison. If, said Mr. Clay, the circumstances attending this transaction be correctly stated, it becomes an imperious duty in the house to institute the inquiry contemplated by the amendment which I have proposed. That this was an extraordinary case, was demonstrated by the fact of the general sensation which it had excited on the subject, in the place where it had occurred. Filled, as that respectable and populous city is, with men who differ widely on political topics, and entertaining various views of public affairs, but one sentiment prevailed on this subject, which was favorable to the persons thus arraigned. With regard to the conduct of the court on this occasion, he would say nothing. The respect which, whilst he had a seat on this floor, he should always show to every branch of the government, the respect he entertained for the honorable judge who had presided, forbade him from pronouncing the decision of that court to have been unwarranted by law. But he felt himself perfectly sustained in saying, that if the proceeding was warranted by the existing law, it was the imperious duty of congress to alter the law in this respect. For what, he asked, was the neutral obligation which one nation owed to another engaged in war? The essence of it is this; that the belligerent means of the neutral shall not be employed in the war in favor of either of the parties. That is the whole of the obligation of a third party in a war between two others; it certainly does not require of one nation to restrain the belligerent means of other nations. If those nations choose to permit their means to be employed in behalf of either party, it is their business to look to it, and not ours. Let the conduct of the persons prosecuted be regarded in the most unfavorable light; let it be considered as the passage of troops through our country, and there was nothing in our neutral obligations forbidding it. The passage of troops through a neutral country, according to his impressions, was a question depending on the particular interest, quiet, or repose, of the country traversed, and might be granted or refused at its discretion, without in any degree affecting the obligations of the neutral to either of the parties engaged in the controversy. But, surely, this was not a case of the passage of troops; the persons apprehended not being in sufficient number, nor organized or equipped in such manner, as, under any construction, to constitute a military corps. On this case he would detain the house no longer, he said; for he was satisfied they could not but agree with him, if the law justified the proceeding that had taken place, that law ought to be immediately amended. Other cases had occurred, in which it appeared to him it became the congress to interpose its authority. Persons sailing under the flag of the provinces had been arraigned in our courts, and tried for piracy; in one case, after having been arraigned, tried, and acquitted of piracy, the same individuals, on the instigation of a Spanish officer or agent, had been again arraigned for the same

offence. The gentleman from Massachusetts would correct him if he was wrong, for the case had occurred in the town of Boston. We admit the flag of these colonies into our ports; we profess to be neutral; but if our laws pronounce, that the moment the property and persons under that flag enter our ports, they shall be seized, the one claimed by the Spanish minister or consul as the property of Spain, and the other prosecuted as pirates, that law ought to be altered, if we mean to perform our neutral professions. I have brought the subject before this house thus promptly, because I trust that *in this house* the cause will find justice; that, however treated elsewhere, on this floor will be found a guardian interest attending to our performance of the just obligations of neutrality. Hitherto, he said, whatever might have been our intentions, our acts had been all on the other side. From the proclamation of 1815, issued to terminate an expedition supposed to be organizing in Louisiana, an expedition only in the mind of Chevalier de Onis, down to the late act — whether the measure was a proper one or not, he did not say; his confidence in the executive led him to suppose it was adopted on sufficient grounds — down to the order for suppressing, as it was called, the establishments at Amelia Island and Galveston — all the acts of the government had been on one side; they all bore against the colonies, against the cause in which the patriots of South America were arduously engaged. It became us, he said, to look to the other side, honestly intending neutrality, as he believed we did. Let us recollect the condition of the patriots; no minister here to spur on our government, as was said in an interesting, and, it appeared to him, a very candid work, recently published in this country, respecting the progress of the South American revolution; no minister here to be rewarded by noble honors, in consequence of the influence he is supposed to possess with the American government. No; their unfortunate case was what ours had been, in the years 1778 and 1779; their ministers, like our Franklins and Jays at that day, were skulking about Europe, imploring inexorable legitimacy for one kind look — some aid to terminate a war afflicting to humanity. Nay, their situation was worse than ours; for we had one great and magnanimous ally to recognize us, but no nation had stepped forward to acknowledge any of these provinces. Such disparity between the parties, demanded a just attention to the interests of the party which was unrepresented; and if the facts which he had mentioned, and others which had come to his knowledge, were correct, they loudly demanded the interposition of congress. He trusted the house would give the subject their attention, and show that here, in this place, the obligations of neutrality would be strictly regarded in respect to South America.

[Mr. Sergeant, of Philadelphia, said the statement made by Mr. Clay was substantially correct, and, after a few other remarks by the same gentleman, the amendment moved by Mr. Clay was agreed to, without opposition.]

ON INTERNAL IMPROVEMENT.

IN THE HOUSE OF REPRESENTATIVES, MARCH 13, 1818.

[The bill making appropriations for purposes of internal improvement, which passed congress in 1817, having been vetoed by president Madison, on the last day of his term, March third, 1817; his successor, Mr. Monroe, in his first message to congress, declared his sentiments on the subject, concurring with Mr. Madison in the opinion that the power of making internal improvements was not vested in congress. Three national executives having decided against the constitutionality of the power, a great effort was made by the friends of the system, to obtain a contrary and favorable expression by congress. A resolution was offered in the house of representatives, declaring that congress had power, under the constitution, to appropriate money for the construction of military roads, post roads, and canals. On this interesting occasion, the resolution being under discussion in committee of the whole, Mr. Clay made the following speech, in vindication of the constitutionality of internal improvements by the national government, in which views he was sustained by the house, in the adoption of the resolution, by a vote of ninety to seventy-five. This triumph in the face of a new and popular administration, may be considered one of the most splendid events in parliamentary history.]

I have been anxious to catch the eye of the chairman for a few moments, to reply to some of the observations which have fallen from various gentlemen. I am aware that, in doing this, I risk the loss of what is of the utmost value — the kind favor of the house, wearied as its patience is, by this prolonged debate. But when I feel what a deep interest the union at large, and particularly that quarter of it whence I come, has, in the decision of the present question, I cannot omit any opportunity of earnestly urging upon the house the propriety of retaining the important power which this question involves. It will be recollected, that if unfortunately there should be a majority both against the abstract proposition asserting the power, and against its practical execution, the power is gone for ever — the question is put at rest, so long as the constitution remains as it is; and with respect to any amendment, in this particular, I confess I utterly despair. It will be borne in mind, that the bill which passed congress on this subject, at the last session, was rejected by the late president of the United States; that at the commencement of the present session, the president communicated his clear opinion, after every effort to come to a different conclusion, that congress does not possess the power contended for, and called upon us to take up the subject, in the

shape of an amendment to the constitution; and, moreover, that the predecessor of the present and late presidents, has also intimated his opinion, that congress does not possess the power. With the great weight and authority of the opinions of these distinguished men against the power, and with the fact, solemnly entered upon the record, that this house, after a deliberate review of the ground taken by it at the last session, has decided against the existence of it, (if such, fatally, shall be the decision,) the power, I repeat, is gone—gone for ever, unless restored by an amendment of the constitution. With regard to the practicability of obtaining such an amendment, I think it altogether out of the question. Two different descriptions of persons, entertaining sentiments directly opposed, will unite and defeat such an amendment; one embracing those who believe that the constitution, fairly interpreted, already conveys the power; and the other, those who think that congress has not and ought not to have it. As a large portion of congress, and probably a majority, believes the power to exist, it must be evident, if I am right in supposing that any considerable number of that majority would vote against an amendment which they do not believe necessary, that any attempt to amend would fail. Considering, as I do, the existence of the power as of the first importance, not merely to the preservation of the union of the states, paramount as that consideration ever should be over all others, but to the prosperity of every great interest of the country, agriculture, manufactures, commerce, in peace and in war, it becomes us solemnly, and deliberately, and anxiously, to examine the constitution, and not to surrender it, if fairly to be collected from a just interpretation of that instrument.

With regard to the alarm sought to be created, as to the nature of the power, by bringing up the old theme of 'state rights,' I would observe, that if the illustrious persons just referred to are against us in the construction of the constitution, they are on our side as to the harmless and beneficial character of the power. For it is not to be conceived, that each of them would have recommended an amendment to the constitution, if they believed that the possession of such a power, by the general government, would be detrimental, much less dangerous, to the independence and liberties of the states. What real ground is there for this alarm? Gentlemen have not condescended to show how the subversion of the rights of the states is to follow from the exercise of the power of internal improvements by the general government. We contend for the power to make roads and canals, to distribute the intelligence, force, and productions of the country, through all its parts; and for such jurisdiction only over them, as is necessary to their preservation from wanton injury and from gradual decay. Suppose such a power is sustained and in full operation; imagine it to extend to every canal made, or proposed to be made, and to

every post-road; how inconsiderable and insignificant is the power in a political point of view, limited as it is, with regard to place and to purpose, when contrasted with the great mass of powers retained by the state sovereignties! What a small subtraction from the mass! Even upon these roads and canals, the state governments, according to our principles, will still exercise jurisdiction over every possible case arising upon them, whether of crime or of contract, or any other human transaction, except only what immediately affects their existence and preservation. Thus defined, thus limited, and stripped of all factitious causes of alarm, I will appeal to the candor of gentlemen to say, if the power really presents any thing frightful in it? With respect to post-roads, our adversaries admit the right of way in the general government. There have been, however, on this question, some instances of conflict, but they have passed away without any serious difficulty. Connecticut, if I have been rightly informed, disputed, at one period, the right of passage of the mail on the Sabbath. The general government persisted in the exercise of the right, and Connecticut herself, and every body else, have acquiesced in it.

The gentleman from Virginia (Mr. H. Nelson) has contended, that I do not adhere, in the principles of construction which I apply to the constitution, to the republican doctrines of 1798, of which that gentleman would have us believe he is the constant disciple. Let me call the attention of the committee to the celebrated state paper to which we both refer for our principles in this respect — a paper which, although I have not seen it for sixteen years, (until the gentleman had the politeness to furnish me with it during this debate,) made such an impression on my mind, that I shall never forget the satisfaction with which I perused it. I find that I have used, without having been aware of it, when I formerly addressed the committee, almost the same identical language employed by Mr. Madison in that paper. It will be recollected, that I claimed no right to exercise any power under the constitution, unless such power was expressly granted, or necessary and proper to carry into effect some granted power. I have not sought to derive power from the clause which authorizes congress to appropriate money. I have been contented with endeavoring to show, that according to the doctrines of 1798, and according to the most rigid interpretation which any one will put upon the instrument, it is expressly given in one case, and fairly deducible in others.

[Here Mr. Clay read sundry passages from Mr. Madison's report to the Virginia legislature, in an answer to the resolutions of several states, concerning the alien and sedition laws, showing that there were no powers in the general government but what were granted; and that, whenever a power was claimed to be exercised by it, such power must be shown to be granted, or to be necessary and proper to carry into effect one of the specified powers.]

It will be remarked, that Mr. Madison, in his reasoning on the constitution, has not employed the language fashionable during this debate; he has not said, that an implied power must be *absolutely* necessary to carry into effect the specified power, to which it is appurtenant, to enable the general government to exercise it. No! This was a modern interpretation of the constitution. Mr. Madison has employed the language of the instrument itself, and has only contended that the implied power must be necessary and proper to carry into effect the specified power. He has only insisted, that when congress applied its sound judgment to the constitution in relation to implied powers, it should be clearly seen that they were necessary and proper to effectuate the specified powers. These are my principles; but they are not those of the gentleman from Virginia and his friends on this occasion. They contend for a degree of necessity absolute and indispensable; that by no possibility can the power be otherwise executed.

That there are two classes of powers in the constitution, I believe has never been controverted by an American politician. We cannot foresee and provide specifically for all contingences. Man and his language are both imperfect. Hence the existence of construction, and of constructive powers. Hence also the rule, that a grant of the end is a grant of the means. If you amend the constitution a thousand times, the same imperfection of our nature and our language will attend our new works. There are two dangers to which we are exposed. The one is, that the general government may relapse into the debility which existed in the old confederation, and finally dissolve from the want of cohesion. The denial to it of powers plainly conferred, or clearly necessary and proper to execute the conferred powers, may produce this effect. And I think, with great deference to the gentleman on the other side, this is the danger to which their principles directly tend. The other danger, that of consolidation, is, by the assumption of powers not granted nor incident to granted powers, or the assumption of powers which have been withheld or expressly prohibited. This was the danger of the period of 1798–9. For instance, that, in direct contradiction to a prohibitory clause of the constitution, a sedition act was passed; and an alien law was also passed, in equal violation of the spirit, if not of the express provisions, of the constitution. It was by such measures that the federal party, (if parties might be named,) throwing off the veil, furnished to their adversaries the most effectual ground of opposition. If they had not passed those acts, I think it highly probable that the current of power would have continued to flow in the same channel; and the change of parties in 1801, so auspicious to the best interests of the country, as I believe, would never have occurred.

I beg the committee — I entreat the true friends of the confederated union of these states — to examine this doctrine of state rights,

and see to what abusive, if not dangerous consequences, it may lead, to what extent it has been carried, and how it has varied by the same state at different times. In alluding to the state of Massachusetts, I assure the gentlemen from that state, and particularly the honorable chairman of the committee to whom the claim of Massachusetts has been referred, that I have no intention to create any prejudice against that claim. I hope that when the subject is taken up it will be candidly and dispassionately considered, and that a decision will be made on it consistent with the rights of the union, and of the state of Massachusetts. The high character, amiable disposition, and urbanity of the gentleman to whom I have alluded, (Mr. Mason, of Massachusetts,) will, if I had been otherwise inclined, prevent me from endeavoring to make impressions unfavorable to the claim, whose justice that gentleman stands pledged to manifest. But in the period of 1798 – 9, what was the doctrine promulgated by Massachusetts? It was, that the states, in their sovereign capacity, had no right to examine into the constitutionality or expediency of the measures of the general government.

[Mr. Clay here quoted several passages from the answer of the state of Massachusetts to the Virginia and Kentucky resolutions, concerning the alien and sedition laws, to prove his position.]

We see here an express disclaimer, on the part of Massachusetts, of any right to decide on the constitutionality or expediency of the acts of the general government. But what was the doctrine which the same state, in 1813, thought proper to proclaim to the world, and that, too, when the union was menaced on all sides? She not only claimed but exercised the right which, in 1799, she had so solemnly disavowed. She claimed the right to judge of the propriety of the call made by the general government for her militia, and she refused the militia called for. There is so much plausibility in the reasoning employed by that state in support of her modern doctrine of state rights, that, were it not for the unpopularity of the stand she took in the late war, or had it been in other times, and under other circumstances, she would very probably have escaped a great portion of that odium which has so justly fallen to her lot. The constitution gives to congress power to provide for calling out the militia to execute the laws of the union, to suppress insurrections, and to repel invasions; and in no other cases. The militia was called out by the general government, during the late war, to repel invasions. Massachusetts said, as you have no right to the militia, but in certain contingences, she was competent to decide whether those contingences had or had not occurred. And, having examined the facts, what then? She said, all was peace and quietness in Massachusetts — no non-execution of the laws; no insurrection at home; no invasion from abroad,

nor any immediate danger of invasion. And, in truth, I believe there was no actual invasion for nearly two years after the requisition. Under these circumstances, were it not for the supposed motive of her conduct, would not the case which Massachusetts made out have looked extremely plausible? I hope it is not necessary for me to say, that it is very far from my intention to convey any thing like approbation of the conduct of Massachusetts. No! My doctrine is, that the states, as states, have no right to oppose the execution of the powers which the general government asserts. Any state has undoubtedly the right to express its opinion, in the form of resolution or otherwise, and to proceed, by constitutional means, to redress any real or imaginary grievance; but it has no right to withhold its military aid, when called upon by the high authorities of the general government, much less to obstruct the execution of a law regularly passed. To suppose the existence of such an alarming right, is to suppose, if not disunion itself, such a state of disorder and confusion as must inevitably lead to it.

Greatly as I venerate the state which gave me birth, and much as I respect the judges of its supreme court, several of whom are my personal friends, I am obliged to think that some of the doctrines which that state has recently held concerning state rights, are fraught with much danger. If those doctrines had been asserted during the late war, a large share of the public disapprobation which has been given to Massachusetts would have fallen to Virginia. What are these doctrines? The courts of Virginia assert, that they have a right to determine on the constitutionality of any law or treaty of the United States, and to expound them according to their own views, even if they should vary from the decision of the supreme court of the United States. They assert more — that from their decision there can be no appeal to the supreme court of the United States; and that there exists in congress no power to frame a law, obliging the court of the state, in the last resort, to submit its decision to the supervision of the supreme court of the United States; or, if I do not misunderstand the doctrine, to withdraw from the state tribunal, controversies involving the laws of the United States, and to place them before the federal judiciary. I am a friend, a true friend, to state rights; but not in all cases as they are asserted. The states have their appointed orbit; so has the union; and each should be confined within its fair, legitimate, and constitutional sphere. We should equally avoid that subtle process of argument which dissipates into air the powers of this government, and that spirit of encroachment which would snatch from the state, powers not delegated to the general government. We shall thus escape both the dangers I have noticed — that of relapsing into the alarming weakness of the confederation, which is described as a mere rope of sand; and also that other, perhaps not the greatest danger, consolidation. No man deprecates more

than I do, the idea of consolidation; yet, between separation and consolidation, painful as would be the alternative, I would greatly prefer the latter.

I will now proceed to endeavor to discover the real difference, in the interpretation of the constitution, between the gentlemen on the other side and myself. It is agreed, that there is no power in the general government but that which is expressly granted, or which is impliable from an express grant. The difference, then, must be in the application of this rule. The gentleman from Virginia, who has favored the house with so able an argument on the subject, has conceded, though somewhat reluctantly, the existence of incidental powers, but he contended that they must have a direct and necessary relation to some specified power. Granted. But who is to judge of this relation? And what rule can you prescribe, different from that which the constitution has required, that it should be necessary and proper? Whatever may be the rule, in whatever language you may choose to express it, there must be a certain degree of discretion left to the agent who is to apply it. But gentlemen are alarmed at this discretion — that law of tyrants, on which they contend there is no limitation. It should be observed, in the first place, that the gentlemen are brought, by the very course of reasoning which they themselves employ, by all the rules which they would lay down for the constitution, to cases where discretion must exist. But is there no limitation, no security against the abuse of it? Yes, there is such security in the fact of our being members of the same society, equally affected ourselves by the laws we promulgate. There is the further security in the oath which is taken to support the constitution, and which will tend to restrain congress from deriving powers which are not proper and necessary. There is the yet further security, that, at the end of every two years, the members must be amenable to the people for the manner in which their trusts have been performed. And there remains also that further, though awful security, the last resort of society, which I contend belongs alike to the people and to the states in their sovereign capacity, to be exercised in extreme cases, and when oppression becomes intolerable, the right of resistance. Take the gentleman's own doctrine, (Mr. Barbour,) the most restricted which has been asserted, and what other securities have we against the abuse of power, than those which I have enumerated? Say that there must be an absolute necessity to justify the exercise of an implied power, who is to define that absolute necessity, and then to apply it? Who is to be the judge? Where is the security against transcending that limit? The rule the gentleman contends for has no greater security than that insisted upon by us. It equally leads to the same discretion, a sound discretion, exercised under all the responsibility of a solemn oath, of a regard to our fair fame, of a knowledge that we are ourselves the subjects of those laws which

we pass, and, lastly, of the right of resisting insupportable tyranny. And, by way of illustration, if the sedition act had not been condemned by the indignant voice of the community, the right of resistance would have accrued. If congress assumed the power to control the right of speech, and to assail, by penal statutes, the greatest of all the bulwarks of liberty, the freedom of the press, and there were no other means to arrest their progress, but that to which I have referred, lamentable as would be the appeal, such a monstrous abuse of power, I contend, would authorize a recurrence to that right.

If, then, the gentlemen on the other side and myself differ so little in our general principles, as I think I have shown, I will proceed, for a few moments, to look at the constitution a little more in detail. I have contended, that the power to construct post-roads is expressly granted in the power to establish post-roads. If it be, there is an end of the controversy; but if not, the next inquiry is, whether that power may be fairly deduced, by implication, from any of the special grants of power. To show that the power is expressly granted, I might safely appeal to the arguments already used, to prove that the word *establish*, in this case, can mean only one thing — the right of making. Several gentlemen have contended, that the word has a different sense; and one has resorted to the preamble of the constitution, to show that the phrase 'to establish justice,' there used, does not convey the power of creation. If the word 'establish' is there to be taken in the sense which gentlemen claim for it, that of adoption or designation, congress could have a choice only of systems of justice preëxisting. Will any gentleman contend, that we are obliged to take the Justinian code, the Napoleon code, the code of civil, or the code of common or canon law? Establishment means in the preamble, as in other cases, construction, formation, creation. Let me ask, in all cases of crime, which are merely *malum prohibitum*, if you do not resort to construction, to creating, when you make the offence? By your laws denouncing certain acts as criminal offences, laws which the good of society requires you to pass, and to adapt to our peculiar condition, you do construct and create a system of rules, to be administered by the judiciary. But gentlemen say, that the word cannot mean *make;* that you would not say, for example, to establish a ship, to establish a chair. In the application of this, as of all other terms, you must be guided by the nature of the subject; and if it cannot properly be used in all cases, it does not follow that it cannot be in any. And when we take into consideration, that, under the old articles of confederation, congress had over the subject of post-roads just as much power as gentlemen allow to the existing government, that it was the general scope and spirit of the new constitution to enlarge the powers of the general government, and that, in fact, in this very clause, the power to

establish post-offices, which was alone possessed by the former government, I think that I may safely consider the argument, on this part of the subject, as successfully maintained. With respect to military roads, the concession that they may be made when called for by the emergency, is admitting that the constitution conveys the power. And we may safely appeal to the judgment of the candid and enlightened, to decide between the wisdom of these two constructions, of which one requires you to wait for the exercise of your power until the arrival of an emergency, which may not allow you to exert it, and the other, without denying you the power, if you can exercise it during the emergency, claims the right of providing beforehand against the emergency.

One member has stated what appeared to him a conclusive argument against the power to cut canals, that he had understood that a proposition, made in the convention to insert such a power, was rejected. To this argument more than one sufficient answer can be made. In the first place, the fact itself has been denied, and I have never yet seen any evidence of it. But, suppose that the proposition had been made and overruled, unless the motives of the refusal to insert it are known, gentlemen are not authorized to draw the inference that it was from hostility to the power, or from a desire to withhold it from congress. May not one of the objections be, that the power was fairly to be inferred from some of the specific grants of power, and that it was therefore not necessary to insert the proposition; that to adopt it, indeed, might lead to weaken or bring into doubt other incidental powers not enumerated? A member from New York, (Mr. Storrs,) whose absence I regret on this occasion, not only on account of the great aid which might have been expected from him, but from the cause of that absence, has informed me, that, in the convention of that state, one of the objections to the constitution by the anti-federalists was, that it was understood to convey to the general government the power to cut canals. How often, in the course of the proceedings of this house, do we reject amendments, upon the sole ground that they are not necessary, the principle of the amendment being already contained in the proposition.

I refer to the Federalist, for one moment, to show that the only notice taken of that clause of the constitution which relates to post-roads, is favorable to my construction. The power, that book says, must always be a harmless one. I have endeavored to show, not only that it is perfectly harmless, but that every exercise of it must be necessarily beneficial. Nothing which tends to facilitate intercourse among the states, says the Federalist, can be unworthy of the public care. What intercourse? Even if restricted on the narrowest theory of gentlemen on the other side, to the intercourse of intelligence, they deny that to us, since they will not admit that we have the power to repair or improve the way, the right of which

they yield us. In a more liberal and enlarged sense of the word, it will comprehend all those various means of accomplishing the object, which are calculated to render us a homogeneous people — one in feeling, in interest, and affection; as we are one in our political relation.

Is there not a direct and intimate relation between the power to make war, and military roads and canals? It is in vain that the convention have confided to the general government the tremendous power of declaring war; have imposed upon it the duty to employ the whole physical means of the nation to render the war, whatever may be its character, successful and glorious; if the power is withheld of transporting and distributing those means. Let us appeal to facts, which are sometimes worth volumes of theory. We have recently had a war raging on all the four quarters of the union. The only circumstance which gave me pain at the close of that war, the detention of Moose Island, would not have occurred, if we had possessed military roads. Why did not the union, why did not Massachusetts, make a struggle to reconquer the island? Not for the want of men; not for the want of patriotism, I hope; but from the want of physical ability to march a force sufficient to dislodge the enemy. On the northwestern frontier, millions of money, and some of the most precious blood of the state from which I have the honor to come, was wastefully expended for the want of such roads. My honorable friend from Ohio (General Harrison), who commanded the army in that quarter, could furnish a volume of evidence on this subject. What now paralyses our arms on the southern frontier, and occasioned the recent massacre of fifty of our brave soldiers? What, but the want of proper means for the communication of intelligence, and for the transportation of our resources from point to point? Whether we refer to our own experience, or that of other countries, we cannot fail to perceive the great value of military roads. Those great masters of the world, the Romans, how did they sustain their power so many centuries, diffusing law and liberty, and intelligence, all around them? They made permanent military roads; and among the objects of interest which Europe now presents are the remains of those Roman roads, which are shown to the curious inquirer. If there were no other monument remaining of the sagacity and of the illustrious deeds of the unfortunate captive of St. Helena, the internal improvements which he made, the road from Hamburgh to Basle, would perpetuate his memory to future ages. In making these allusions, let me not be misunderstood. I do not desire to see military roads established for the purpose of conquest, but of defence; and as a part of that preparation which should be made in a season of peace for a season of war. I do not wish to see this country ever in that complete state of preparation for war, for which some contend; that is, that we should constantly have a

large standing army, well disciplined, and always ready to act. I want to see the bill reported by my friend from Ohio, or some other, embracing an effective militia system, passed into a law; and a chain of roads and canals, by the aid of which our physical means can be promptly transported to any required point. These, connected with a small military establishment to keep up our forts and garrisons, constitute the kind of preparation for war, which, it appears to me, this country ought to make. No man, who has paid the least attention to the operations of modern war, can have failed to remark, how essential good roads and canals are to the success of those operations. How often have battles been won by celerity and rapidity of movement! It is one of the most essential circumstances in war. But, without good roads, it is impossible. Members will recall to their recollection the fact, that, in the senate, several years ago, an honorable friend of mine (Mr. Bayard), whose premature death I shall ever deplore, who was an ornament to the councils of his country, and who, when abroad, was the able and fearless advocate of her rights, did, in supporting a subscription which he proposed the United States bank should make to the stock of the Delaware and Chesapeake canal company, earnestly recommend the measure as connected with our operations in war. I listened to my friend with some incredulity, and thought he pushed his argument too far. I had, soon after, a practical evidence of its justness. For, in travelling from Philadelphia, in the fall of 1813, I saw transporting, by government, from Elk river to the Delaware, large quantities of massy timbers for the construction of the Guerriere or the Franklin, or both; and, judging from the number of wagons and horses, and the number of days employed, I believe the additional expense of that single operation would have gone very far to complete that canal, whose cause was espoused with so much eloquence in the senate, and with so much effect, too; bills having passed that body more than once to give aid, in some shape or other, to that canal. With notorious facts like this, is it not obvious, that a line of military canals is not only necessary and proper, but almost indispensable to the war-making power?

One of the rules of construction which has been laid down, I acknowledge my incapacity to comprehend. Gentlemen say, that the power in question is a substantive power; and that no substantive power can be derived by implication. What is their definition of a substantive power? Will they favor us with the principle of discrimination between powers which, being substantive, are not grantable but by express grant, and those which, not being substantive, may be conveyed by implication? Although I do not perceive why this power is more entitled than many implied powers, to the denomination of substantive, suppose that be yielded, how do gentlemen prove that it may not be conveyed by implication? If the positions were maintained, which have not yet been proved,

that the power is substantive, and that no substantive power can be implied, yet I trust it has been satisfactorily shown that there is an express grant.

My honorable friend from Virginia, (Mr. Nelson,) has denied the operation of executive influence on his mind; and has informed the committee, that from that quarter he has nothing to expect, to hope, or to fear. I did not impute to my honorable friend any such motive; I knew his independence of character and of mind too well to do so. But I entreat him to reflect, if he does not expose himself to such an imputation by those less friendly disposed towards him than myself. Let us look a little at facts. The president recommends the establishment of a bank. If ever there were a stretch of implied powers conveyed by the constitution, it has been thought that the grant of the charter of the national bank was one. But the president recommends it. Where was then my honorable friend, the friend of state rights, who so pathetically calls upon us to repent, in sackcloth and ashes, our meditated violation of the constitution; and who kindly expresses his hope, that we shall be made to feel the public indignation? Where was he at that awful epoch? Where was that eloquent tongue, which we have now heard with so much pleasure? Silent! Silent as the grave!

[Mr. Nelson said, across the house, that he had voted against the bank bill when first recommended.]

Alas! my honorable friend had not the heart to withstand a second recommendation from the president; but, when it came, yielded, no doubt most reluctantly, to the executive wishes, and voted for the bank. At the last session of congress, Mr. Madison recommended, (and I will presently make some remarks on that subject,) an exercise of all the existing powers of the general government, to establish a comprehensive system of internal improvements. Where was my honorable friend on that occasion? Not silent as the grave, but he gave a negative vote, almost as silent. No effort was made on his part, great as he is when he exerts the powers of his well-stored mind, to save the commonwealth from that greatest of all calamities, a system of internal improvement. No; although a war with all the allies, he now thinks, would be less terrible than the adoption of this report, not one word then dropped from his lips against the measure.

[Mr. Nelson said he voted against the bill.]

That he whispered out an unwilling negative, I do not deny! but it was unsustained by that torrent of eloquence which he has poured out on the present occasion. But we have an executive message *now*, not quite as ambiguous in its terms, nor as oracular

in its meaning, as that of Mr. Madison appears to have been. No! the president now says, that he has made great efforts to vanquish his objections to the power, and that he cannot but believe that it does not exist. Then my honorable friend rouses, thunders forth the danger in which the constitution is, and sounds the tocsin of alarm. Far from insinuating that he is at all biased by the executive wishes, I appeal to his candor to say, if there is not a remarkable coincidence between his zeal and exertions, and the opinions of the chief magistrate?

Now let us review those opinions, as communicated at different periods. It was the opinion of Mr. Jefferson, that, although there was no general power vested by the constitution in congress, to construct roads and canals, without the consent of the states, yet such a power might be exercised with their assent. Mr. Jefferson not only held this opinion in the abstract, but he practically executed it in the instance of the Cumberland road; and how? First, by a compact made with the state of Ohio, for the application of a specified fund, and then by compacts with Virginia, Pennsylvania, and Maryland, to apply the fund so set apart within their respective limits. If, however, I rightly understood my honorable friend the other day, he expressly denied (and in that I concur with him) that the power could be acquired by the mere consent of the state. Yet he defended the act of Mr. Jefferson, in the case referred to.

[Mr. Nelson expressed his dissent to this statement of his argument.]

It is far from my intention to misstate the gentleman. I certainly understood him to say, that, as the road was first stipulated for, in the compact with Ohio, it was competent afterwards to carry it through the states mentioned, with their assent. Now, if we have not the right to make a road in virtue of one compact made with a single state, can we obtain it by two contracts made with several states? The character of the fund cannot affect the question. It is totally immaterial whether it arises from the sales of the public lands, or from the general revenue. Suppose a contract made with Massachusetts, that a certain portion of the revenue, collected at the port of Boston, from foreign trade, should be expended in making roads and canals leading to that state, and that a subsequent compact should be made with Connecticut or New Hampshire, for the expenditure of the fund on these objects, within their limits. Can we acquire the power, in this manner, over internal improvements, if we do not possess it independently of such compacts? I conceive, clearly not. And I am entirely at a loss to comprehend how gentlemen, consistently with their own principles, can justify the erection of the Cumberland road. No man is prouder than I am of that noble monument of the provident care of the nation, and of the public spirit of its projectors;

and I trust that, in spite of all constitutional and other scruples, here or elsewhere, an appropriation will be made to complete that road. I confess, however, freely, that I am entirely unable to conceive of any principle on which that road can be supported, that would not uphold the general power contended for.

I will now examine the opinion of Mr. Madison. Of all the acts of that pure, virtuous, and illustrious statesman, whose administration has so powerfully tended to advance the glory, honor, and prosperity of this country, I most regret, for his sake and for the sake of the country, the rejection of the bill of the last session. I think it irreconcilable with Mr. Madison's own principles — those great, broad, and liberal principles, on which he so ably administered the government. And, sir, when I appeal to the members of the last congress, who are now in my hearing, I am authorized to say, with regard to the majority of them, that no circumstance, not even an earthquake, that should have swallowed up one half of this city, could have excited more surprise than when it was first communicated to this house, that Mr. Madison had rejected his own bill — I say his own bill, for his message at the opening of the session meant nothing, if it did not recommend such an exercise of power as was contained in that bill. My friend, who is near me, (Mr. Johnson, of Virginia,) the operations of whose vigorous and independent mind, depend upon his own internal perceptions, has expressed himself with becoming manliness, and thrown aside the authority of names, as having no bearing with him on the question. But their authority has been referred to, and will have influence with others. It is impossible, moreover, to disguise the fact, that the question is now a question between the executive on the one side, and the representatives of the people on the other. So it is understood in the country, and such is the fact. Mr. Madison enjoys, in his retreat at Montpelier, the repose and the honors due to his eminent and laborious services; and I would be among the last to disturb it. However painful it is to me to animadvert upon any of his opinions, I feel perfectly sure that the circumstance can only be viewed by him with an enlightened liberality. What are the opinions which have been expressed by Mr. Madison on this subject? I will not refer to all the messages wherein he has recommended internal improvements; but to that alone which he addressed to congress, at the commencement of the last session, which contains this passage:

'I particularly invite *again* the attention of congress to the expediency of exercising *their existing powers*, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to *effectuate a comprehensive system of roads and canals*, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.'

In the examination of this passage, two positions force themselves upon our attention. The first is, the assertion that there are existing powers in congress to effectuate a comprehensive system of roads and canals, the effect of which would be to draw the different parts of the country more closely together. And I would candidly admit, in the second place, that it was intimated, that, in the exercise of those existing powers, some defect might be discovered which would render an amendment of the constitution necessary. Nothing could be more clearly affirmed than the first position; but in the message of Mr. Madison returning the bill, passed in consequence of his recommendation, he has not specified a solitary case to which those existing powers are applicable; he has not told us what he meant by those existing powers; and the general scope of his reasoning, in that message, if well founded, proves that there are no existing powers whatever. It is apparent, that Mr. Madison himself has not examined some of those principal sources of the constitution from which, during this debate, the power has been derived. I deeply regret, and I know that Mr. Madison regretted, that the circumstances under which the bill was presented to him (the last day but one of a most busy session) deprived him of an opportunity of that thorough investigation of which no man is more capable. It is certain, that, taking his two messages at the same session together, they are perfectly irreconcilable. What, moreover, was the nature of that bill? It did not apply the money to any specific object of internal improvement, nor designate any particular mode in which it should be applied; but merely set apart and pledged the fund to the general purpose, subject to the future disposition of congress. If, then, there were any supposable case whatever, to which congress might apply money in the erection of a road, or cutting a canal, the bill did not violate the constitution. And it ought not to have been anticipated, that money constitutionally appropriated by one congress would be unconstitutionally expended by another.

I come now to the message of Mr. Monroe; and if, by the communication of his opinion to congress, he intended to prevent discussion, he has most wofully failed. I know that, according to a most venerable and excellent usage, the opinion, neither of the president nor of the senate, upon any proposition depending in this house, ought to be adverted to. Even in the parliament of Great Britain, a member who would refer to the opinion of the sovereign, in such a case, would be instantly called to order; but under the extraordinary circumstances of the president having, with, I have no doubt, the best motives, volunteered his opinion on this head, and inverted the order of legislation by beginning where it should end, I am compelled, most reluctantly, to refer to that opinion. I cannot but deprecate the practice of which the president has, in this instance, set the example to his successors. The constitutional

order of legislation supposes that every bill originating in one house, shall be there deliberately investigated, without influence from any other branch of the legislature; and then remitted to the other house for a like free and unbiased consideration. Having passed both houses, it is to be laid before the president; signed if approved, and if disapproved, to be returned, with his objections, to the originating house. In this manner, entire freedom of thought and of action is secured, and the president finally sees the proposition in the most matured form which congress can give to it. The practical effect, to say no more, of forestalling the legislative opinion, and telling us what we may or may not do, will be to deprive the president himself of the opportunity of considering a proposition so matured, and us of the benefit of his reasoning applied specifically to such proposition. For the constitution further enjoins it upon him, to state his objections upon returning the bill. The originating house is then to reconsider it, and deliberately to weigh those objections; and it is further required, when the question is again taken, shall the bill pass, those objections notwithstanding? that the votes shall be solemnly spread, by ayes and noes, upon the record. Of this opportunity of thus recording our opinions, in matters of great public concern, we are deprived, if we submit to the innovation of the president. I will not press this part of the subject further. I repeat, again and again, that I have no doubt but that the president was actuated by the purest motives. I am compelled, however, in the exercise of that freedom of opinion which, so long as I exist, I will maintain, to say, that the proceeding is irregular and unconstitutional. Let us, however, examine the reasoning and opinion of the president.

'A difference of opinion has existed from the first formation of our constitution to the present time, among our most enlightened and virtuous citizens, respecting the right of congress to establish a system of internal improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived, with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required and the result is, a settled conviction in my mind, that congress does not possess the right. It is not contained in any of the specified powers granted to congress; nor can I consider it incidental to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I cannot resist the obligation which I feel, to suggest to congress the propriety of recommending to the states the adoption of an amendment to the constitution, which shall give the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of power. We may confidently rely, that, if it appears to their satisfaction that the power is necessary, it will always be granted.'

In this passage, the president has furnished us with no reasoning, no argument in support of his opinion — nothing addressed to the understanding. He gives us, indeed, an historical account of the operations of his own mind, and he asserts that he has made a

laborious effort to conquer his early impressions, but that the result is a settled conviction against the power, without a single reason. In his position, that the power must be specifically granted, or incident to a power so granted, it has been seen, that I have the honor to entirely concur with him; but, he says, the power is not among the specified powers. Has he taken into consideration the clause respecting post-roads, and told us how and why that does not convey the power? If he had acted within what I conceive to be his constitutional sphere of rejecting the bill, after it had passed both houses, he must have learned that great stress was placed on that clause, and we should have been enlightened by his comments upon it. As to his denial of the power, as an incident to any of the express grants, I would have thought that we might have safely appealed to the experience of the president, during the late war, when the country derived so much benefit from his judicious administration of the duties of the war department, whether roads and canals for military purposes were not essential to celerity and successful result in the operations of armies. This part of the message is all assertion, and contains no argument which I can comprehend, or which meet the points contended for during this debate. Allow me here to say, and I do it without the least disrespect to that branch of the government, on whose opinions and acts it has been rendered my painful duty to comment; let me say, in reference to any man, however elevated his station, even if he be endowed with the power and prerogatives of a sovereign, that his acts are worth infinitely more, and are more intelligible, than mere paper sentiments or declarations. And what have been the acts of the president? During his tour of the last summer, did he not order a road to be cut or repaired from near Plattsburgh to the St. Lawrence? My honorable friend will excuse me, if my comprehension is too dull to perceive the force of that argument, which seeks to draw a distinction between repairing an old and making a new road.

[Mr. Nelson said, he had not drawn that distinction, having only stated the fact.]

Certainly no such distinction is to be found in the constitution, or exists in reason. Grant, however, the power of reparation, and we will make it do. We will take the post-roads, sinuous as they are, and put them in a condition to enable the mails to pass, without those mortifying delays and disappointments, to which we, at least in the west, are so often liable. The president, then, ordered a road of considerable extent to be constructed or repaired, on his sole authority, in a time of profound peace, when no enemy threatened the country, and when, in relation to the power as to which alone that road could be useful in time of war, there exists the best understanding, and a prospect of lasting friendship, greater than at any other period. On his sole authority the president acted, and we are

already called upon by the chairman of the committee of ways and means to sanction the act by an appropriation. This measure has been taken, too, without the consent of the state of New York; and what is wonderful, when we consider the magnitude of the state rights which are said to be violated, without even a protest on the part of that state against it. On the contrary, I understand, from some of the military officers who are charged with the execution of the work, what is very extraordinary, that the people through whose quarter of the country the road passes, do not view it as a national calamity; that they would be very glad that the president would visit them often, and that he would order a road to be cut and improved, at the national expense, every time he should visit them. Other roads, in other parts of the union, have, it seems, been likewise ordered, or their execution, at the public expense, sanctioned by the executive, without the concurrence of congress. If the president has the power to cause these public improvements to be executed at his pleasure, whence is it derived? If any member will stand up in this place and say the president is clothed with this authority, and that it is denied to congress, let us hear from him; and let him point to the clause of the constitution which vests it in the executive and withholds it from the legislative branch.

There is no such clause; there is no such exclusive executive power. The power is derivable by the executive only from those provisions of the constitution which charge him with the duties of commanding the physical force of the country, and the employment of that force in war, and the preservation of the public tranquillity, and in the execution of the laws. But congress has paramount powers to the president. It alone can declare war, can raise armies, can provide for calling out the militia, in the specified instances, and can raise and appropriate the ways and means necessary to those objects. Or is it come to this, that there are to be two rules of construction for the constitution — one, an enlarged rule, for the executive, and another, a restricted rule, for the legislature? Is it already to be held, that, according to the genius and nature of our constitution, powers of this kind may be safely intrusted to the executive, but, when attempted to be exercised by the legislature, are so alarming and dangerous, that a war with all the allied powers would be less terrible, and that the nation should clothe itself straightway in sackcloth and ashes! No, sir; if the power belongs only by implication to the chief magistrate, it is placed both by implication and express grant in the hands of congress. I am so far from condemning the act of the president, to which I have referred, that I think it deserving of high approbation. That it was within the scope of his constitutional authority, I have no doubt; and I sincerely trust, that the secretary at war will, in time of peace, constantly employ in that way the military force. It will at the same time guard that force against the vices

incident to indolence and inaction, and correct the evil of subtracting from the mass of the labor of society, where labor is more valuable than in any other country, that portion of it which enters into the composition of the army. But I most solemnly protest against any exercise of powers of this kind by the president, which are denied to congress. And, if the opinions expressed by him, in his message, were communicated, or are to be used here, to influence the judgment of the house, their authority is more than countervailed by the authority of his deliberate acts.

Some principles drawn from political economists have been alluded to, and we are advised to leave things to themselves, upon the ground that, when the condition of society is ripe for internal improvements — that is, when capital can be so invested with a fair prospect of adequate remuneration, they will be executed by associations of individuals, unaided by government. With my friend from South Carolina (Mr. Lowndes) I concur in this as a general maxim; and I also concur with him that there are exceptions to it. The foreign policy which I think this country ought to adopt, presents one of those exceptions. It would perhaps be better for mankind, if, in the intercourse between nations, all would leave skill and industry to their unstimulated exertions. But this is not done; and if other powers will incite the industry of their subjects, and depress that of our citizens, in instances where they may come into competition, we must imitate their selfish example. Hence the necessity to protect our manufactures. In regard to internal improvements, it does not follow, that they will always be constructed whenever they will afford a competent dividend upon the capital invested. It may be true generally that, in old countries, where there is a great accumulation of surplus capital, and a consequent low rate of interest, they will be made. But, in a new country, the condition of society may be ripe for public works long before there is, in the hands of individuals, the necessary accumulation of capital to effect them; and, besides, there is generally, in such a country, not only a scarcity of capital, but such a multiplicity of profitable objects presenting themselves as to distract the judgment. Further; the aggregate benefit resulting to the whole society, from a public improvement, may be such as to amply justify the investment of capital in its execution, and yet that benefit may be so distributed among different and distant persons, that they can never be got to act in concert. The turnpike roads wanted to pass the Alleghany mountains, and the Delaware and Chesapeake canal, are objects of this description. Those who will be most benefited by these improvements, reside at a considerable distance from the sites of them; many of those persons never have seen and never will see them. How is it possible to regulate the contributions, or to present to individuals so situated a sufficiently lively picture of their real interests, to get them to make exertions

in effectuating the object, commensurate with their respective abilities? I think it very possible that the capitalist, who should invest his money in one of these objects, might not be reimbursed three per centum annually upon it; and yet society, in various forms, might actually reap fifteen or twenty per centum. The benefit resulting from a turnpike road, made by private associations, is divided between the capitalist who receives his tolls, the lands through which it passes, and which are augmented in their value, and the commodities whose value is enhanced by the diminished expense of transportation. A combination, upon any terms, much less a just combination, of all those interests, to effect the improvement, is impracticable. And if you await the arrival of the period when the tolls alone can produce a competent dividend, it is evident that you will have to suspend its execution long after the general interests of society would have authorized it.

Again, improvements, made by private associations, are generally made by local capital. But ages must elapse before there will be concentrated in certain places, where the interests of the whole community may call for improvements, sufficient capital to make them. The place of the improvement, too, is not always the most interested in its accomplishment. Other parts of the union — the whole line of the seaboard — are quite as much, if not more interested, in the Delaware and Chesapeake canal, as the small tract of country through which it is proposed to pass. The same observation will apply to turnpike roads passing through the Alleghany mountain. Sometimes the interest of the place of the improvement is adverse to the improvement and to the general interest. I would cite Louisville, at the rapids of the Ohio, as an example, whose interest will probably be more promoted by the continuance, than the removal of the obstruction. Of all the modes in which a government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort, and activity, and animation, on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus, if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened two dollars, the producer of the article would receive that two dollars more now than formerly.

But, putting aside all pecuniary considerations, there may be political motives sufficiently powerful alone to justify certain internal improvements. Does not our country present such? How are they to be effected, if things are left to themselves? I will not press the subject further. I am but too sensible how much I have abused the patience of the committee by trespassing so long upon its attention. The magnitude of the question, and the deep interest

I feel in its rightful decision, must be my apology. We are now making the last effort to establish our power, and I call on the friends of congress, of this house, or the true friends of state rights, (not charging others with intending to oppose them,) to rally round the constitution, and to support by their votes, on this occasion, the legitimate powers of the legislature. If we do nothing this session but pass an abstract resolution on the subject, I shall, under all circumstances, consider it a triumph for the best interests of the country, of which posterity will, if we do not, reap the benefit. I trust, that by the decision which shall be given, we shall assert, uphold, and maintain, the authority of congress, notwithstanding all that has been or may be said against it.

[The resolution of giving the power of congress, first, to appropriate money to the construction of military and post roads, make canals, and improve water-courses, was adopted: yeas ninety; nays seventy-five: secondly, to construct such roads: lost: yeas eighty-two; nays eighty-four: thirdly, to construct roads and canals for commercial purposes: lost: yeas seventy-one; nays ninety-five: fourthly, to construct canals for military purposes: lost: eighty-one to eighty-three.]

ON THE EMANCIPATION OF SOUTH AMERICA.

IN THE HOUSE OF REPRESENTATIVES, MARCH 24, 1818.

[The following is considered one of the most important speeches made by Mr. Clay, during his congressional career. It is here that he appears as an advocate for the cause of human liberty—'when, striving to usher the southern republics into the great family of nations, he stood up before his countrymen like an apostle, commissioned by Freedom, to welcome her new votaries to the reward of their labors and their sacrifices. The glory which he won by the discharge of that commission, is as imperishable as liberty itself. It will rise freshly above his grave, and grow greener with the lapse of centuries.' At the sessions of congress, in 1816 and 1817, he had made allusions to the situation of the South American patriots, and expressed his warm sympathies in their behalf, as may be observed in preceding speeches, and he now proposes to recognize the independence of the United Provinces of La Plata or Buenos Ayres, as the first established republic of South America.

In the summer of 1817, the president of the United States (Mr. Monroe) appointed Messrs. Rodney, Graham, and Bland, commissioners to proceed to South America, for the purpose of ascertaining the condition of the country, the character of the people, and their ability for self-government. At the present session of congress, (March twenty-fourth, 1818,) the house being in committee of the whole, on the bill making appropriations for the support of government, which bill proposed thirty thousand dollars, for compensation to the commissioners above mentioned; this item being passed by for the time, Mr. Clay (speaker) moved to amend the bill, by adding, and 'for one year's salary and an outfit to a minister to the *United Provinces* of *Rio de La Plata*, the salary to commence, and the outfit to be paid, whenever the president shall deem it expedient to send a minister to the said United Provinces, a sum not exceeding eighteen thousand dollars.'

This motion he followed up by the subjoined argument, and on this occasion he differed with many of his political and personal friends in congress, as well as the president and heads of departments. The house rejected his proposition at this time, but in 1820, by recognizing its principles, and the independence of South America, congress acknowledged his triumph.]

I rise under feelings of deeper regret than I have ever experienced on any former occasion, inspired, principally, by the painful consideration, that I find myself, on the proposition which I meant to submit, differing from many highly esteemed friends, in and out of this house, for whose judgment I entertained the greatest respect. A knowledge of this circumstance has induced me to pause; to subject my own convictions to the severest scrutiny, and to revolve the question over and over again. But all my reflections have conducted me to the same clear result; and, much as I value those friends, great as my deference is for their opinions, I cannot hesitate, when reduced to the distressing alternative of conforming

my judgment to theirs, or pursuing the deliberate and mature dictates of my own mind. I enjoy some consolation, for the want of their coöperation, from the persuasion that, if I err on this occasion, I err on the side of the liberty and happiness of a large portion of the human family. Another, and, if possible, indeed a greater, source of the regret to which I refer, is the utter incompetency, which I unfeignedly feel, to do any thing like adequate justice to the great cause of American independence and freedom, whose interests I wish to promote by my humble exertions in this instance. Exhausted and worn down as I am, by the fatigue, confinement, and incessant application incident to the arduous duties of the honorable station I hold, during a four months' session, I shall need all that kind indulgence which has been so often extended to me by the house.

I beg, in the first place, to correct misconceptions, if any exist, in regard to my opinions. I am averse to war with Spain, or with any power. I would give no just cause of war to any power — not to Spain herself. I have seen enough of war, and of its calamities, even when successful. No country upon earth has more interest than this in cultivating peace and avoiding war, as long as it is possible honorably to avoid it. Gaining additional strength every day; our numbers doubling in periods of twenty-five years; with an income outstripping all our estimates, and so great, as, after a war in some respects disastrous, to furnish results which carry astonishment, if not dismay, into the bosom of states jealous of our rising importance; we have every motive for the love of peace. I cannot, however, approve, in all respects, of the manner in which our negotiations with Spain have been conducted. If ever a favorable time existed for the demand, on the part of an injured nation, of indemnity for past wrongs from the aggressor, such is the present time. Impoverished and exhausted at home, by the wars which have desolated the peninsula; with a foreign war, calling for infinitely more resources, in men and money, than she can possibly command, this is the auspicious period for insisting upon justice at her hands, in a firm and decided tone. Time is precisely what Spain now most wants. Yet what are we told by the president, in his message at the commencement of congress? That Spain had procrastinated, and we acquiesced in her procrastination. And the secretary of state, in a late communication with Mr. Onis, after ably vindicating all our rights, tells the Spanish minister, with a good deal of *sang froid*, that we had patiently waited thirteen years for a redress of our injuries, and that it required no great effort to wait longer! I would have abstained from thus exposing our intentions. Avoiding the use of the language of menace, I would have required, in temperate and decided terms, indemnity for all our wrongs; for the spoliations of our commerce; for the interruption of the right of depot at New

Orleans, guarantied by treaty; for the insults repeatedly offered to our flag; for the Indian hostilities, which she was bound to prevent; for belligerent use made of her ports and territories, by our enemy, during the late war; and the instantaneous liberation of the free citizens of the United States, now imprisoned in her jails. Contemporaneous with that demand, without waiting for her final answer, and with a view to the favorable operation on her councils in regard to our own peculiar interests, as well as in justice to the cause itself, I would recognize any established government in Spanish America. I would have left Spain to draw her own inferences from these proceedings, as to the ultimate step which this country might adopt, if she longer withheld justice from us. And if she persevered in her iniquity, after we have conducted the negotiation in the manner I have endeavored to describe, I would then take up and decide the solemn question of peace or war, with the advantage of all the light shed upon it, by subsequent events, and the probable conduct of Europe.

Spain has undoubtedly given us abundant and just cause of war. But it is not every cause of war that should lead to war. War is one of those dreadful scourges, that so shakes the foundations of society, overturns or changes the character of governments, interrupts or destroys the pursuits of private happiness, brings, in short, misery and wretchedness in so many forms, and at last is, in its issue, so doubtful and hazardous, that nothing but dire necessity can justify an appeal to arms. If we are to have war with Spain, I have, however, no hesitation in saying, that no mode of bringing it about could be less fortunate than that of seizing, at this time, upon her adjoining province. There was a time, under certain circumstances, when we might have occupied East Florida with safety; had we then taken it, our posture in the negotiation with Spain would have been totally different from what it is. But we have permitted that time, not with my consent, to pass by unimproved. If we were now to seize upon Florida, after a great change in those circumstances, and after declaring our intention to acquiesce in the procrastination desired by Spain, in what light should we be viewed by foreign powers, particularly Great Britain? We have already been accused of inordinate ambition, and of seeking to aggrandize ourselves by an extension, on all sides, of our limits. Should we not, by such an act of violence, give color to the accusation? No, Mr. Chairman; if we are to be involved in a war with Spain, let us have the credit of disinterestedness. Let us put her yet more in the wrong. Let us command the respect which is never withheld from those who act a noble and generous part. I hope to communicate to the committee the conviction which I so strongly feel, that the adoption of the amendment which I intend to propose, would not hazard, in the slightest degree, the peace of the country. But if that peace is to be

endangered, I would infinitely rather it should be for our exerting the right appertaining to every state, of acknowledging the independence of another state, than for the seizure of a province, which, sooner or later, we must certainly acquire.

In contemplating the great struggle in which Spanish America is now engaged, our attention is first fixed by the immensity and character of the country which Spain seeks again to subjugate. Stretching on the Pacific ocean from about the fortieth degree of north latitude to about the fifty-fifth degree of south latitude, and extending from the mouth of the Rio del Norte, (exclusive of East Florida,) around the Gulf of Mexico, and along the South Atlantic to near Cape Horn; it is about five thousand miles in length, and in some places near three thousand in breadth. Within this vast region we behold the most sublime and interesting objects of creation; the loftiest mountains, the most majestic rivers in the world; the richest mines of the precious metals, and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime — the glorious spectacle of eighteen millions of people, struggling to burst their chains and to be free. When we take a little nearer and more detailed view, we perceive that nature has, as it were, ordained that this people and this country shall ultimately constitute several different nations. Leaving the United States on the north, we come to New Spain, or the vice-royalty of Mexico on the south; passing by Guatemala, we reach the vice-royalty of New Grenada, the late captain-generalship of Venezuela, and Guiana, lying on the east side of the Andes. Stepping over the Brazils, we arrive at the united provinces of La Plata, and crossing the Andes, we find Chili on their west side, and, further north, the vice-royalty of Lima, or Peru. Each of these several parts is sufficient in itself, in point of limits, to constitute a powerful state; and, in point of population, that which has the smallest, contains enough to make it respectable. Throughout all the extent of that great portion of the world, which I have attempted thus hastily to describe, the spirit of revolt against the dominion of Spain has manifested itself. The revolution has been attended with various degrees of success in the several parts of Spanish America. In some it has been already crowned, as I shall endeavor to show, with complete success, and in all I am persuaded that independence has struck such deep root, that the power of Spain can never eradicate it. What are the causes of this great movement?

Three hundred years ago, upon the ruins of the thrones of Montezuma and the incas of Peru, Spain erected the most stupendous system of colonial despotism that the world has ever seen — the most vigorous, the most exclusive. The great principle and object of this system, has been, to render one of the largest portions of the world exclusively subservient, in all its faculties, to the

interests of an inconsiderable spot in Europe. To effectuate this aim of her policy, she locked up Spanish America from all the rest of the world, and prohibited, under the severest penalties, any foreigner from entering any part of it. To keep the natives themselves ignorant of each other, and of the strength and resources of the several parts of her American possessions, she next prohibited the inhabitants of one vice-royalty or government from visiting those of another; so that the inhabitants of Mexico, for example, were not allowed to enter the vice-royalty of New Granada. The agriculture of those vast regions was so regulated and restrained, as to prevent all collision with the agriculture of the peninsula. Where nature, by the character and composition of the soil, had commanded, the abominable system of Spain has forbidden, the growth of certain articles. Thus the olive and the vine, to which Spanish America is so well adapted, are prohibited, wherever their culture can interfere with the olive and the vine of the peninsula. The commerce of the country, in the direction and objects of the exports and imports, is also subjected to the narrow and selfish views of Spain, and fettered by the odious spirit of monopoly, existing in Cadiz. She has sought, by scattering discord among the several castes of her American population, and by a debasing course of education, to perpetuate her oppression. Whatever concerns public law, or the science of government, all writers upon political economy, or that tend to give vigor, and freedom, and expansion, to the intellect, are prohibited. Gentlemen would be astonished by the long list of distinguished authors, whom she proscribes, to be found in Depon's and other works. A main feature in her policy, is that which constantly elevates the European and depresses the American character. Out of upwards of seven hundred and fifty viceroys and captains general, whom she has appointed since the conquest of America, about eighteen only have been from the body of the American population. On all occasions, she seeks to raise and promote her European subjects, and to degrade and humiliate the Creoles. Wherever in America her sway extends, every thing seems to pine and wither beneath its baneful influence. The richest regions of the earth: man, his happiness and his education, all the fine faculties of his soul, are regulated, and modified, and moulded, to suit the execrable purposes of an inexorable despotism.

Such is a brief and imperfect picture of the state of things in Spanish America, in 1808, when the famous transactions of Bayonne occurred. The king of Spain and the Indies (for Spanish America has always constituted an integral part of the Spanish empire) abdicated his throne and became a voluntary captive. Even at this day, one does not know whether he should most condemn the baseness and perfidy of the one party, or despise the meanness and imbecility of the other. If the obligation of

obedience and allegiance existed on the part of the colonies to the king of Spain, it was founded on the duty of protection which he owed them. By disqualifying himself for the performance of this duty, they became released from that obligation. The monarchy was dissolved; and each integral part had a right to seek its own happiness, by the institution of any new government adapted to its wants. Joseph Bonaparte, the successor *de facto* of Ferdinand, recognized this right on the part of the colonies, and recommended them to establish their independence. Thus, upon the ground of strict right; upon the footing of a mere legal question, governed by forensic rules, the colonies, being absolved by the acts of the parent country from the duty of subjection to it, had an indisputable right to set up for themselves. But I take a broader and a bolder position. I maintain, that an oppressed people are authorized, whenever they can, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our own. Vattel, if authority were wanting, expressly supports this right. We must pass sentence of condemnation upon the founders of our liberty, say that they were rebels, traitors, and that we are at this moment legislating without competent powers, before we can condemn the cause of Spanish America. Our revolution was mainly directed against the mere theory of tyranny. We had suffered comparatively but little; we had, in some respects, been kindly treated; but our intrepid and intelligent fathers saw, in the usurpation of the power to levy an inconsiderable tax, the long train of oppressive acts that were to follow. They rose; they breasted the storm; they achieved our freedom. Spanish America for centuries has been doomed to the practical effects of an odious tyranny. If we were justified, she is more than justified.

I am no propagandist. I would not seek to force upon other nations our principles and our liberty, if they do not want them. I would not disturb the repose even of a detestable despotism. But, if an abused and oppressed people will their freedom; if they seek to establish it; if, in truth, they have established it; we have a right, as a sovereign power, to notice the fact, and to act as circumstances and our interest require. I will say, in the language of the venerated father of my country, 'born in a land of liberty, my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom.' Whenever I think of Spanish America, the image irresistibly forces itself upon my mind, of an elder brother, whose education has been neglected, whose person has been abused and maltreated, and who has been disinherited by the unkindness of an unnatural parent. And, when I contemplate the glorious struggle which that country is now making, I think I behold that brother rising, by the power and energy of his fine native genius, to the manly rank which nature, and nature's God, intended for him.

If Spanish America be entitled to success from the justness of her cause, we have no less reason to wish that success, from the horrible character which the royal arms have given to the war. More atrocities, than those which have been perpetrated during its existence, are not to be found, even in the annals of Spain herself. And history, reserving some of her blackest pages for the name of Morillo, is prepared to place him by the side of his great prototype, the infamous desolater of the Netherlands. He who has looked into the history of the conduct of this war, is constantly shocked at the revolting scenes which it portrays; at the refusal, on the part of the commanders of the royal forces, to treat, on any terms, with the other side; at the denial of quarters; at the butchery, in cold blood, of prisoners; at the violation of flags, in some cases, after being received with religious ceremonies; at the instigation of slaves to rise against their owners; and at acts of wanton and useless barbarity. Neither the weakness of the other sex, nor the imbecility of old age, nor the innocence of infants, nor the reverence due to the sarcedotal character, can stay the arm of royal vengeance. On this subject, I beg leave to trouble the committee, with reading a few passages from a most authentic document, the manifesto of the congress of the United Provinces of Rio del la Plata, published in October last. This is a paper of the highest authority; it is an appeal to the world; it asserts facts of notoriety in the face of the whole world. It is not to be credited, that the congress would come forward with a statement which was not true, when the means, if it were false, of exposing their fabrications, must be so abundant, and so easy to command. It is a document, in short, that stands upon the same footing of authority with our own papers, promulgated during the revolution by our congress. I will add, that many of the facts which it affirms, are corroborated by most respectable historical testimony, which is in my own possession.

'Memory shudders at the recital of the horrors that were committed by Goyeneche in Cochabamba. Would to heaven it were possible to blot from remembrance the name of that ungrateful and blood-thirsty American; who, on the day of his entry, ordered the virtuous governor and intendant, Antesana, to be shot; who, beholding from the balcony of his house that infamous murder, cried out with a ferocious voice to the soldiers, that they must not fire at the head, because he wanted it to be affixed to a pole; and who, after the head was taken off, ordered the cold corpse to be dragged through the streets; and, by a barbarous decree, placed the lives and fortunes of the citizens at the mercy of his unbridled soldiery, leaving them to exercise their licentious and brutal sway during several days! But those blind and cruelly capricious men (the Spaniards) rejected the mediation of England, and despatched rigorous orders to all the generals, to aggravate the war, and to punish us with more severity. The scaffolds were every where multiplied, and invention was racked to devise means for spreading murder, distress, and consternation.

'Thenceforth they made all possible efforts to spread division amongst us, to incite us to mutual extermination; they have slandered us with the most atrocious calumnies; accusing us of plotting the destruction of our holy religion, the abolition of all morality, and of introducing licentiousness of manners. They wage a religious war

against us, contriving a thousand artifices to disturb and alarm the consciences of the people, making the Spanish bishops issue decrees of ecclesiastical condemnation, public excommunications, and disseminating, through the medium of some ignorant confessor, fanatical doctrines in the tribunal of penitence. By means of these religious discords, they have divided families against themselves; they have caused disaffection between parents and children; they have dissolved the tender ties which unite man and wife; they have spread rancor and implacable hatred between brothers most endeared, and they have presumed to throw all nature into discord.

'They have adopted the system of murdering men indiscriminately, to diminish our numbers; and, on their entry into towns, they have swept off all, even the market people, leading them to the open squares, and there shooting them one by one. The cities of Chuquisaca and Cochabamba have more than once been the theatres of these horrid slaughters.

'They have intermixed with their troops soldiers of ours, whom they had taken prisoners, carrying away the officers in chains, to garrisons where it is impossible to preserve health for a year; they have left others to die in their prisons, of hunger and misery, and others they have forced to hard labor on the public works. They have exultingly put to death our bearers of flags of truce, and have been guilty of the blackest atrocities to our chiefs, after they had surrendered, as well as to other principal characters, in disregard of the humanity with which we treated prisoners; as a proof of it, witness the deputy Mutes of Potosi, the captain-general Pumacagua, general Augulo, and his brother commandant Munecas, and other partisan chiefs, who were shot in cold blood after having been prisoners for several days.

'They took a brutal pleasure in cropping the ears of the natives of the town of Ville-Grande, and sending a basket full of them as presents to the head-quarters. They afterwards burnt that town, and set fire to thirty other populous towns of Peru, and, worse than the worst of savages, shutting the inhabitants up in the houses before setting them on fire, that they might be burnt alive.

'They have not only been cruel and unsparing in their mode of murder, but they have been void of all morality and public decency, causing aged ecclesiastics and women to be lashed to a gun, and publicly flogged, with the abomination of first having them stripped, and their nakedness exposed to shame, in the presence of their troops.

'They established an inquisitorial system in all these punishments; they have seized on peaceable inhabitants, and transported them across the sea, to be judged for suspected crimes, and they have put a great number of citizens to death every where, without accusation or the form of a trial.

'They have invented a crime of unexampled horror, in poisoning our water and provisions, when they were conquered by general Pineto at Lapaz; and, in return for the kindness with which we treated them, after they had surrendered at discretion, they had the barbarity to blow up the head-quarters, under which they had constructed a mine, and prepared a train, beforehand.

'He has branded us with the stigma of rebels, the moment he returned to Madrid; he refused to listen to our complaints, or to receive our supplications: and, as an act of extreme favor, he offered us pardon. He confirmed the viceroys, governors, and generals whom he found actually glutted with carnage. He declared us guilty of a high misdemeanor, for having dared to frame a constitution for our own government, free from the control of a deified, absolute, and tyrannical power, under which we had groaned three centuries; a measure that could be offensive only to a prince, an enemy to justice and beneficence, and consequently unworthy to rule over us.

'He then undertook, with the aid of his ministers, to equip large military armaments, to be directed against us. He caused numerous armies to be sent out, to consummate the work of devastation, fire, and plunder.

'He has sent his generals, with certain decrees of pardon, which they publish to deceive the ignorant, and induce them to facilitate their entrance into towns, whilst at the same time he has given them other secret instructions, authorizing them, as soon as they could get possession of a place, to hang, burn, confiscate, and sack; to encourage private assassinations, and to commit every species of injury in their power, against the deluded beings who had confided in his pretended pardon. It is in the name of Ferdinand of Bourbon, that the heads of patriot officers, prisoners, are fixed up in the highways, that they beat and stoned to death a commandant of light troops, and that, after having killed colonel Camugo, in the same manner, by the hands of the indecent Centeno, they cut off his head, and sent it as a present to general Pazuela, telling him it was a miracle of the virgin of the Carmelites.'

In the establishment of the independence of Spanish America, the United States have the deepest interest. I have no hesitation in asserting my firm belief, that there is no question in the foreign policy of this country, which has ever arisen, or which I can conceive as ever occurring, in the decision of which we have had or can have so much at stake. This interest concerns our politics, our commerce, our navigation. There cannot be a doubt that Spanish America, once independent, whatever may be the form of the governments established in its several parts, these governments will be animated by an American feeling, and guided by an American policy. They will obey the laws of the system of the new world, of which they will compose a part, in contradistinction to that of Europe. Without the influence of that vortex in Europe, the balance of power between its several parts, the preservation of which has so often drenched Europe in blood, America is sufficiently remote to contemplate the new wars which are to afflict that quarter of the globe, as a calm if not a cold and indifferent spectator. In relation to those wars, the several parts of America will generally stand neutral. And as, during the period when they rage, it will be important that a liberal system of neutrality should be adopted and observed, all America will be interested in maintaining and enforcing such a system. The independence of Spanish America, then, is an interest of primary consideration. Next to that, and highly important in itself, is the consideration of the nature of their governments. That is a question, however, for themselves. They will, no doubt, adopt those kinds of governments which are best suited to their condition, best calculated for their happiness. Anxious as I am that they should be free governments, we have no right to prescribe for them. They are, and ought to be, the sole judges for themselves. I am strongly inclined to believe that they will in most, if not all parts of their country, establish free governments. We are their great example. Of us they constantly speak as of brothers, having a similar origin. They adopt our principles, copy our institutions, and, in many instances, employ the very language and sentiments of our revolutionary papers.

'Having, then, been thus impelled by the Spaniards and their king, we have calculated all the consequences, and have constituted ourselves independent, prepared to exercise the right of nature to defend ourselves against the ravages of tyranny, at the risk of our honor, our lives, and fortune. We have sworn to the only King we acknowledge, the supreme judge of the world, that we will not abandon the cause of justice; that we will not suffer the country which he has given us, to be buried in ruins, and inundated with blood, by the hands of the executioner,' &c.

But it is sometimes said, that they are too ignorant and too superstitious to admit of the existence of free government. This charge of ignorance is often urged by persons themselves actually ignorant of the real condition of that people. I deny the alleged

fact of ignorance; I deny the inference from that fact, if it were true, that they want capacity for free government; and I refuse assent to the further conclusion, if the fact were true, and the inference just, that we are to be indifferent to their fate. All the writers of the most established authority, Depons, Humboldt, and others, concur in assigning to the people of Spanish America great quickness, genius, and particular aptitude for the acquisition of the exact sciences, and others which they have been allowed to cultivate. In astronomy, geology, mineralogy, chemistry, botany, and so forth, they are allowed to make distinguished proficiency. They justly boast of their Abzate, Velasques, and Gama, and other illustrious contributors to science. They have nine universities, and in the city of Mexico, it is affirmed by Humboldt, that there are more solid scientific establishments than in any city even of North America. I would refer to the message of the supreme director of La Plata, which I shall hereafter have occasion to use for another purpose, as a model of fine composition of a state paper, challenging a comparison with any, the most celebrated, that ever issued from the pens of Jefferson or Madison. Gentlemen will egregiously err, if they form their opinions of the present moral condition of Spanish America, from what it was under the debasing system of Spain. The eight years' revolution in which it has been engaged, has already produced a powerful effect. Education has been attended to, and genius developed.

'As soon as the project of the revolution arose on the shores of La Plata, genius and talent exhibited their influence; the capacity of the people became manifest, and the means of acquiring knowledge were soon made the favorite pursuit of the youth. As far as the wants or the inevitable interruption of affairs has allowed, every thing has been done to disseminate useful information. The liberty of the press has indeed met with some occasional checks; but in Buenos Ayres alone, as many periodical works weekly issue from the press as in Spain and Portugal put together.'

The fact is not therefore true, that the imputed ignorance exists; but, if it do, I repeat, I dispute the inference. It is the doctrine of thrones, that man is too ignorant to govern himself. Their partisans assert his incapacity, in reference to all nations; if they cannot command universal assent to the proposition, it is then demanded as to particular nations; and our pride and our presumption too often make converts of us. I contend, that it is to arraign the dispositions of Providence himself, to suppose that he has created beings incapable of governing themselves, and to be trampled on by kings. Self-government is the natural government of man, and for proof, I refer to the aborigines of our own land. Were I to speculate in hypotheses unfavorable to human liberty, my speculations should be founded rather upon the vices, refinements, or density of population. Crowded together in compact masses, even if they were philosophers, the contagion of the passions is communicated and caught, and the effect too often, I admit, is the

overthrow of liberty. Dispersed over such an immense space as that on which the people of Spanish America are spread, their physical, and I believe also their moral condition, both favor their liberty.

With regard to their superstition, they worship the same God with us. Their prayers are offered up in their temples to the same Redeemer, whose intercession we expect to save us. Nor is there any thing in the Catholic religion unfavorable to freedom. All religions united with government, are more or less inimical to liberty. All, separated from government, are compatible with liberty. If the people of Spanish America have not already gone as far in religious toleration as we have, the difference in their condition from ours should not be forgotten. Every thing is progressive; and, in time, I hope to see them imitating, in this respect, our example. But grant that the people of Spanish America are ignorant, and incompetent for free government, to whom is that ignorance to be ascribed? Is it not to the execrable system of Spain, which she seeks again to establish and to perpetuate? So far from chilling our hearts, it ought to increase our solicitude for our unfortunate brethren. It ought to animate us to desire the redemption of the minds and the bodies of unborn millions, from the brutifying effects of a system, whose tendency is to stifle the faculties of the soul, and to degrade man to the level of beasts. I would invoke the spirits of our departed fathers. Was it for yourselves only that you nobly fought? No, no! It was the chains that were forging for your posterity, that made you fly to arms, and, scattering the elements of these chains to the winds, you transmitted to us the rich inheritance of liberty.

The exports of Spanish America (exclusive of those of the islands) are estimated in the valuable little work of M. Torres, deserving to be better known, at about eighty-one millions of dollars. Of these, more than three fourths consist of the precious metals. The residue are cocoa, coffee, cochineal, sugar, and some other articles. No nation ever offered richer commodities in exchange. It is of no material consequence, that we produce but little that Spanish America wants. Commerce, as it actually exists in the hands of maritime states, is no longer confined to a mere barter, between any two states, of their respective productions. It renders tributary to its interests the commodities of all quarters of the world; so that a rich American cargo, or the contents of an American commercial warehouse, present you with whatever is rare or valuable, in every part of the globe. Commerce is not to be judged by its results in transactions with one nation only. Unfavorable balances existing with one state, are made up by contrary balances with other states, and its true value should be tested by the totality of its operations. Our greatest trade, that with Great Britain, judged by the amount of what we sell for her

consumption, and what we buy of her for ours, would be pronounced ruinous. But the unfavorable balance is covered by the profits of trade with other nations. We may safely trust to the daring enterprise of our merchants. The precious metals are in South America, and they will command the articles wanted in South America, which will purchase them. Our navigation will be benefited by the transportation, and our country will realize the mercantile profits. Already the item in our exports of American manufactures is respectable. They go chiefly to the West Indies and to Spanish America. This item is constantly augmenting. And I would again, as I have on another occasion, ask gentlemen to elevate themselves to the actual importance and greatness of our republic; to reflect, like true American statesmen, that we are not legislating for the present day only; and to contemplate this country in its march to true greatness, when millions and millions will be added to our population, and when the increased productive industry will furnish an infinite variety of fabrics for foreign consumption, in order to supply our own wants. The distribution of the precious metals has hitherto been principally made through the circuitous channel of Cadiz. No one can foresee all the effects which will result from a direct distribution of them from the mines which produce them. One of these effects will probably be, to give us the entire command of the Indian trade. The advantage we have on the map of the world over Europe, in that respect, is prodigious. Again, if England, persisting in her colonial monopoly, continues to occlude her ports in the West Indies to us, and we should, as I contend we ought, meet her system by a countervailing measure, Venezuela, New Granada, and other parts of Spanish America, would afford us all we get from the British West Indies. I confess that I despair, for the present, of adopting that salutary measure. It was proposed at the last session, and postponed. During the present session, it has been again proposed, and, I fear, will be again postponed. I see, and I own it with infinite regret, a tone and a feeling in the councils of the country, infinitely below that which belongs to the country. It is, perhaps, the moral consequence of the exertions of the late war. We are alarmed at dangers, we know not what; by spectres conjured up by our own vivid imaginations.

The West India bill is brought up. We shrug our shoulders, talk of restrictions, non-intercourse, embargo, commercial warfare, make long faces, and — postpone the bill. The time will however come, must come, when this country will not submit to a commerce with the British colonies, upon the terms which England alone prescribes. And, I repeat, when it arrives, Spanish America will afford us an ample substitute. Then, as to our navigation; gentlemen should recollect, that if reasoning from past experience were safe for the future, our great commercial rival will be in war a

greater number of years than she will be in peace. Whenever she shall be at war, and we are in peace, our navigation being free from the risks and insurance incident to war, we shall engross almost the whole transportation of the Spanish American commerce. For I do not believe that that country will ever have a considerable marine. Mexico, the most populous part of it, has but two ports, La Vera Cruz and Acapulca, and neither of them very good. Spanish America has not the elements to construct a marine. It wants, and must always want, hardy seamen. I do not believe, that, in the present improved state of navigation, any nation so far south will ever make a figure as a maritime power. If Carthage and Rome, in ancient times, and some other states of a later period, occasionally made great exertions on the water, it must be recollected that they were principally on a small theatre, and in a totally different state of the art of navigation, or when there was no competition from northern states.

I am aware that, in opposition to the interest, which I have been endeavoring to manifest, that this country has in the independence of Spanish America, it is contended that we shall find that country a great rival in agricultural productions. There is something so narrow, and selfish, and grovelling, in this argument, if founded in fact, something so unworthy the magnanimity of a great and a generous people, that I confess I have scarcely patience to notice it. But it is not true to any extent. Of the eighty odd millions of exports, only about one million and a half consist of an article which can come into competition with us, and that is cotton. The tobacco which Spain derives from her colonies, is chiefly produced in her islands. Bread stuffs can nowhere be raised and brought to market in any amount materially affecting us. The table-lands of Mexico, owing to their elevation, are, it is true, well adapted to the culture of grain; but the expense and difficulty of getting it to the Gulf of Mexico, and the action of the intense heat at La Vera Cruz, the only port of exportation, must always prevent Mexico from being an alarming competitor. Spanish America is capable of producing articles so much more valuable than those which we raise, that it is not probable they will abandon a more profitable for a less advantageous culture, to come into competition with us. The West India islands are well adapted to the raising of cotton; and yet the more valuable culture of coffee and sugar is constantly preferred. Again, Providence has so ordered it, that, with regard to countries producing articles apparently similar, there is some peculiarity, resulting from climate, or from some other cause, that gives to each an appropriate place in the general wants and consumption of mankind. The southern part of the continent, La Plata and Chili, is too remote to rival us.

The immense country watered by the Mississippi and its branches, has a peculiar interest, which I trust I shall be excused

for noticing. Having but the single vent of New Orleans for all the surplus produce of their industry, it is quite evident that they would have a greater security for enjoying the advantages of that outlet, if the independence of Mexico upon any European power were effected. Such a power, owning at the same time Cuba, the great key of the Gulf of Mexico, and all the shores of that gulf, with the exception of the portion between the Perdido and the Rio del Norte, must have a powerful command over our interests. Spain, it is true, is not a dangerous neighbor at present, but, in the vicissitudes of states, her power may be again resuscitated.

Having shown that the cause of the patriots is just, and that we have a great interest in its successful issue, I will next inquire what course of policy it becomes us to adopt. I have already declared it to be one of strict and impartial neutrality. It is not necessary for their interests, it is not expedient for our own, that we should take part in the war. All they demand of us is a just neutrality. It is compatible with this pacific policy, it is required by it, that we should recognize any established government, if there be any established government in Spanish America. Recognition alone, without aid, is no just cause of war. With aid, it is; not because of the recognition, but because of the aid; as aid, without recognition, is cause of war. The truth of these propositions I will maintain upon principle, by the practice of other states, and by the usage of our own. There is no common tribunal among nations, to pronounce upon the fact of the sovereignty of a new state. Each power does and must judge for itself. It is an attribute of sovereignty so to judge. A nation, in exerting this incontestable right, in pronouncing upon the independence, in fact, of a new state, takes no part in the war. It gives neither men, nor ships, nor money. It merely pronounces that, in so far as it may be necessary to institute any relations, or to support any intercourse, with the new power, that power is capable of maintaining those relations, and authorizing that intercourse. Martens and other publicists lay down these principles.

When the United Provinces formerly severed themselves from Spain, it was about eighty years before their independence was finally recognized by Spain. Before that recognition, the United Provinces had been received by all the rest of Europe, into the family of nations. It is true, that a war broke out between Philip and Elizabeth, but it proceeded from the aid which she determined to give, and did give, to Holland. In no instance, I believe, can it be shown, from authentic history, that Spain made war upon any power, on the sole ground that such power had acknowledged the independence of the United Provinces.

In the case of our own revolution, it was not until after France had given us aid, and had determined to enter into a treaty of alliance with us — a treaty by which she guarantied our indepen-

dence — that England declared war. Holland also was charged by England with favoring our cause, and deviating from the line of strict neutrality. And, when it was perceived that she was, moreover, about to enter into a treaty with us, England declared war. Even if it were shown that a proud, haughty, and powerful nation like England, had made war upon other provinces, on the ground of a mere recognition, the single example could not alter the public law, or shake the strength of a clear principle.

But what has been our uniform practice? We have constantly proceeded on the principle, that the government *de facto* is that we can alone notice. Whatever form of government any society of people adopts, whoever they acknowledge as their sovereign, we consider that government or that sovereign as the one to be acknowledged by us. We have invariably abstained from assuming a right to decide in favor of the sovereign *de jure*, and against the sovereign *de facto*. That is a question for the nation in which it arises to determine. And, so far as we are concerned, the sovereign *de facto* is the sovereign *de jure*. Our own revolution stands on the basis of the right of a people to change their rulers. I do not maintain that every immature revolution, every usurper, before his power is consolidated, is to be acknowledged by us; but that as soon as stability and order are maintained, no matter by whom, we always have considered, and ought to consider, the actual as the true government. General Washington, Mr. Jefferson, Mr. Madison, all, while they were respectively presidents, acted on these principles.

In the case of the French republic, general Washington did not wait until some of the crowned heads of Europe should set him the example of acknowledging it, but accredited a minister at once. And it is remarkable, that he was received before the government of the republic was considered as established. It will be found in Marshall's Life of Washington, that, when it was understood that a minister from the French republic was about to present himself, president Washington submitted a number of questions to his cabinet for their consideration and advice, one of which was, whether, upon the reception of the minister, he should be notified that America would suspend the execution of the treaties between the two countries, until France had an established government. General Washington did not stop to inquire whether the descendants of St. Louis were to be considered as the legitimate sovereigns of France, and if the revolution was to be regarded as unauthorized resistance to their sway. He saw France, in fact, under the government of those who had subverted the throne of the Bourbons, and he acknowledged the actual government. During Mr. Jefferson's and Mr. Madison's administrations, when the cortes of Spain and Joseph Bonaparte respectively contended for the crown, those enlightened statesmen said,

we will receive a minister from neither party; settle the question between yourselves, and we will acknowledge the party that prevails. We have nothing to do with your feuds; whoever all Spain acknowledges as her sovereign, is the only sovereign with whom we can maintain any relations. Mr. Jefferson, it is understood, considered whether he should not receive a minister from both parties, and finally decided against it, because of the inconveniences to this country, which might result from the double representation of another power. As soon as the French armies were expelled from the peninsula, Mr. Madison, still acting on the principle of the government *de facto*, received the present minister from Spain. During all the phases of the French government, republic, directory, consuls, consul for life, emperor, king, emperor again, king, our government has uniformly received the minister.

If, then, there be an established government in Spanish America, deserving to rank among the nations, we are morally and politically bound to acknowledge it, unless we renounce all the principles which ought to guide, and which hitherto have guided our councils. I shall now undertake to show, that the United Provinces of the Rio de la Plata possess such a government. Its limits, extending from the south Atlantic ocean to the Pacific, embrace a territory equal to that of the United States, certainly equal to it exclusive of Louisiana. Its population is about three millions, more than equal to ours at the commencement of our revolution. That population is a hardy, enterprising, and gallant population. The establishments of Montevideo and Buenos Ayres have, during different periods of their history, been attacked by the French, Dutch, Danes, Portuguese, English, and Spanish; and such is the martial character of the people, that, in every instance, the attack has been repulsed. In 1807, general Whitlocke, commanding a powerful English army, was admitted, under the guise of a friend, into Buenos Ayres, and, as soon as he was supposed to have demonstrated inimical designs, he was driven by the native and unaided force of Buenos Ayres from the country. Buenos Ayres has, during now nearly eight years, been, in point of fact, in the enjoyment of self-government. The capital, containing more than sixty thousand inhabitants, has never been once lost. As early as 1811, the regency of old Spain made war upon Buenos Ayres, and the consequence subsequently was, the capture of a Spanish army in Montevideo, equal to that of Burgoyne. This government has now, in excellent discipline, three well-appointed armies, with the most abundant material of war; the army of Chili, the army of Peru, and the army of Buenos Ayres. The first, under San Martin, has conquered Chili; the second is penetrating in a northwestern direction from Buenos Ayres, into the vice-royalty of Peru; and, according to the last accounts, had reduced the ancient seat of empire of the incas. The third remains at Buenos Ayres to

oppose any force which Spain may send against it. To show the condition of the country in July last, I again call the attention of the committee to the message of the supreme director, delivered to the congress of the United Provinces. It is a paper of the same authentic character with the speech of the king of England on opening his parliament, or the message of the president of the United States at the commencement of congress.

'The army of this capital was organized at the same time with those of the Andes and of the interior; the regular force has been nearly doubled; the militia has made great progress in military discipline; our slave population has been formed into battalions, and taught the military art as far as is consistent with their condition. The capital is under no apprehension that an army of ten thousand men can shake its liberties, and should the peninsularians send against us thrice that number, ample provision has been made to receive them.

'Our navy has been fostered in all its branches. The scarcity of means under which we labored until now, has not prevented us from undertaking very considerable operations, with respect to the national vessels; all of them have been repaired, and others have been purchased and armed, for the defence of our coasts and rivers; provisions have been made, should necessity require it, for arming many more, so that the enemy will not find himself secure from our reprisals, even upon the ocean.

'Our military force, at every point which it occupies, seems to be animated with the same spirit; its tactics are uniform, and have undergone a rapid improvement from the science of experience, which it has borrowed from warlike nations.

'Our arsenals have been replenished with arms, and a sufficient store of cannon and munitions of war have been provided, to maintain the contest for many years; and this, after having supplied articles of every description to those districts, which have not as yet come into the union, but whose connection with us has been only intercepted by reason of our past misfortunes.

"Our legions daily receive considerable augmentations from new levies; all our preparations have been made, as though we were about to enter upon the contest anew. Until now, the vastness of our resources was unknown to us, and our enemies may contemplate, with deep mortification and despair, the present flourishing state of these provinces after so many devastations.

'While thus occupied in providing for our safety within, and preparing for assaults from without, other objects of solid interest have not been neglected, and which hitherto were thought to oppose insurmountable obstacles.

'Our system of finance had hitherto been on a footing entirely inadequate to the unfailing supply of our wants, and still more to the liquidation of the immense debt which had been contracted in former years. An unremitted application to this object has enabled me to create the means of satisfying the creditors of the state who had already abandoned their debts as lost, as well as to devise a fixed mode, by which the taxes may be made to fall equally and indirectly on the whole mass of our population. It is not the least merit of this operation, that it has been effected in despite of the writings by which it was attacked, and which are but little creditable to the intelligence and good intentions of their authors. At no other period have the public exigences been so punctually supplied, nor have more important works been undertaken.

'The people, moreover, have been relieved from many burdens, which being partial, or confined to particular classes, had occasioned vexation and disgust. Other vexations, scarcely less grievous, will by degrees be also suppressed, avoiding as far as possible a recurrence to loans, which have drawn after them the most fatal consequences to states. Should we, however, be compelled to resort to such expedients, the lenders will not see themselves in danger of losing their advances.

'Many undertakings have been set on foot for the advancement of the general prosperity. Such has been the reëstablishing of the college, heretofore named San Carlos, but hereafter to be called the Union of the South, as a point designated for the dissemination of learning to the youth of every part of the state, on the most extensive scale, for the attainment of which object the government is at the present moment engaged in putting in practice every possible diligence. It will not be long before these nurseries will flourish, in which the liberal and exact sciences will be

cultivated, in which the hearts of those young men will be formed, who are destined at some future day to add new splendor to our country.

'Such has been the establishment of a military depot on the frontier, with its spacious magazine, a necessary measure to guard us from future dangers, a work which does more honor to the prudent foresight of our country, as it was undertaken in the moment of its prosperous fortunes, a measure which must give more occasion for reflection to our enemies than they can impose upon us by their boastings.

'Fellow citizens, we owe our unhappy reverses and calamities to the depraving system of our ancient metropolis, which, in condemning us to the obscurity and opprobrium of the most degraded destiny, has sown with thorns the path that conducts us to liberty. Tell that metropolis that even she may glory in your works! Already have you cleared all the rocks, escaped every danger, and conducted these provinces to the flourishing condition in which we now behold them. Let the enemies of your name contemplate with despair the energies of your virtues, and let the nations acknowledge that you already appertain to their illustrious rank. Let us felicitate ourselves on the blessings we have already obtained, and let us show to the world that we have learned to profit by the experience of our past misfortunes.'

There is a spirit of bold confidence running through this fine state paper, which nothing but conscious strength could communicate. Their armies, their magazines, their finances, are on the most solid and respectable footing. And, amidst all the cares of war, and those incident to the consolidation of their new institutions, leisure is found to promote the interests of science, and the education of the rising generation. It is true, the first part of the message portrays scenes of difficulty and commotion, the usual attendants upon revolution. The very avowal of their troubles manifests, however, that they are subdued. And what state, passing through the agitation of a great revolution, is free from them? We had our tories, our intrigues, our factions. More than once were the affections of the country, and the confidence of our councils, attempted to be shaken in the great father of our liberties. Not a Spanish bayonet remains within the immense extent of the territories of the La Plata, to contest the authority of the actual government. It is free, it is independent, it is sovereign. It manages the interests of the society that submits to its sway. It is capable of maintaining the relations between that society and other nations.

Are we not bound, then, upon our own principles, to acknowledge this new republic? If we do not, who will? Are we to expect that kings will set us the example of acknowledging the only republic on earth, except our own? We receive, promptly receive, a minister, from whatever king sends us one. From the great powers and the little powers, we accredit ministers. We do more: we hasten to reciprocate the compliment; and, anxious to manifest our gratitude for royal civility, we send for a minister (as in the case of Sweden and the Netherlands) of the lowest grade, one of the highest rank recognized by our laws. We are the natural head of the American family. I would not intermeddle in the affairs of Europe. We wisely keep aloof from their broils. I would not even intermeddle in those of other parts of America,

further than to exert the incontestable rights appertaining to us as a free, sovereign, and independent power; and I contend, that the accrediting of a minister from the new republic is such a right. We are bound to receive their minister, if we mean to be really neutral. If the royal belligerent is represented and heard at our government, the republican belligerent ought also to be heard. Otherwise, one party will be in the condition of the poor patriots, who were tried *ex-parte* the other day, in the supreme court, without counsel, without friends. Give Mr. Onis his *conge*, or receive the republican minister. Unless you do so, your neutrality is nominal.

I will next proceed to inquire into the consequences of a recognition of the new republic. Will it involve us in war with Spain? I have shown, I trust successfully shown, that there is no just cause of war to Spain. Being no cause of war, we have no right to expect that war will ensue. If Spain, without cause, will make war, she may make it whether we do or do not acknowledge the republic. But she will not, because she cannot, make war against us. I call the attention of the committee to a report of the minister of the Hacienda to the king of Spain, presented about eight months ago. A more beggarly account of empty boxes was never rendered. The picture of Mr. Dallas, sketched in his celebrated report during the last war, may be contemplated without emotion, after surveying that of Mr. Gary. The expenses of the current year required eight hundred and thirty million two hundred and sixty-seven thousand eight hundred and twenty-nine reals, and the deficit of the income is represented as two hundred and thirty-three million one hundred and forty thousand nine hundred and thirty-two reals. This, besides an immense mass of unliquidated debt, which the minister acknowledges the utter inability of the country to pay, although bound in honor to redeem it. He states, that the vassals of the king are totally unable to submit to any new taxes, and the country is without credit, so as to render anticipation by loans wholly impracticable. Mr. Gary appears to be a virtuous man, who exhibits frankly the naked truth; and yet such a minister acknowledges, that the decorum due to one single family, that of a monarch, does not admit, in this critical condition of his country, any reduction of the enormous sum of upwards of fifty-six millions of reals, set apart to defray the expenses of that family! He states that a foreign war would be the greatest of all calamities, and one which, being unable to provide for it, they ought to employ every possible means to avert. He proposed some inconsiderable contribution from the clergy, and the whole body was instantly in an uproar. Indeed, I have no doubt that, surrounded as Mr. Gary is by corruption, by intrigue, and folly, and imbecility, he will be compelled to retire, if he has not already been dismissed, from a post for which he has too much integrity. It has been now about four years since the restoration of Ferdinand; and if, during that

period, the whole energies of the monarchy have been directed, unsuccessfully, against the weakest and most vulnerable of all the American possessions, Venezuela, how is it possible for Spain to encounter the difficulties of a new war with this country? Morillo has been sent out with one of the finest armies that has ever left the shores of Europe — consisting of ten thousand men, chosen from all the veterans who have fought in the peninsula. It has subsequently been reinforced with about three thousand more. And yet, during the last summer, it was reduced, by the sword and the climate, to about four thousand effective men. And Venezuela, containing a population of only about one million, of which near two thirds are persons of color, remains unsubdued. The little island of Margaritta, whose population is less than twenty thousand inhabitants — a population fighting for liberty, with more than Roman valor — has compelled that army to retire upon the main. Spain, by the late accounts, appeared to be deliberating upon the necessity of resorting to that measure of conscription, for which Bonaparte has been so much abused. The effect of a war with this country would be, to insure success, beyond all doubt, to the cause of American independence. Those parts even, over which Spain has some prospect of maintaining her dominions, would probably be put in jeopardy. Such a war would be attended with the immediate and certain loss of Florida. Commanding the Gulf of Mexico, as we should be enabled to do by our navy, blockading the port of Havana, the port of La Vera Cruz, and the coast of Terra Firma, and throwing munitions of war into Mexico, Cuba would be menaced, Mexico emancipated, and Morillo's army, deprived of supplies, now drawn principally from this country through the Havana, compelled to surrender. The war, I verily believe, would be terminated in less than two years, supposing no other power to interpose.

Will the allies interfere? If, by the exertion of an unquestionable attribute of a sovereign power, we should give no just cause of war to Spain herself, how can it be pretended that we should furnish even a specious pretext to the allies for making war upon us? On what ground could they attempt to justify a rupture with us, for the exercise of a right which we hold in common with them, and with every other independent state? But we have a surer guarantee against their hostility, in their interests. That all the allies, who have any foreign commerce, have an interest in the independence of Spanish America, is perfectly evident. On what ground, I ask, is it likely, then, that they would support Spain, in opposition to their own decided interests? To crush the spirit of revolt, and prevent the progress of free principles? Nations, like individuals, do not sensibly feel, and seldom act upon dangers which are remote either in time or place. Of Spanish America, but little is known by the great body of the population of Europe.

Even in this country, the most astonishing ignorance prevails respecting it. Those European statesmen who are acquainted with the country, will reflect, that, tossed by a great revolution, it will most probably constitute four or five several nations, and that the ultimate modification of all their various governments is by no means absolutely certain. But I entertain no doubt that the principle of cohesion among the allies is gone. It was annihilated in the memorable battle of Waterloo. When the question was, whether one should engross all, a common danger united all. How long was it, even with a clear perception of that danger, before an effective coalition could be formed? How often did one power stand by, unmoved and indifferent to the fate of its neighbor, although the destruction of that neighbor removed the only barrier to an attack upon itself? No; the consummation of the cause of the allies was, and all history and all experience will prove it, the destruction of the alliance. The principle is totally changed. It is no longer a common struggle against the colossal power of Bonaparte, but it has become a common scramble for the spoils of his empire. There may, indeed, be one or two points on which a common interest still exists, such as the convenience of subsisting their armies on the vitals of poor suffering France. But as for action, for new enterprises, there is no principle of unity, there can be no accordance of interests, or of views, among them.

What is the condition in which Europe is left after all its efforts? It is divided into two great powers, one having the undisputed command of the land, the other of the water. Paris is transferred to St. Petersburgh, and the navies of Europe are at the bottom of the sea, or concentrated in the ports of England. Russia — that huge land animal — awing by the dread of her vast power all continental Europe, is seeking to encompass the Porte; and, constituting herself the kraken of the ocean, is anxious to lave her enormous sides in the more genial waters of the Mediterranean. It is said, I know, that she has indicated a disposition to take part with Spain. No such thing. She has sold some old worm-eaten, decayed fir-built ships to Spain, but the crews which navigate them are to return from the port of delivery, and the *bonus* she is to get, I believe to be the island of Minorca, in conformity with the cardinal point of her policy. France is greatly interested in whatever would extend her commerce, and regenerate her marine, and consequently, more than any other power of Europe, England alone excepted, is concerned in the independence of Spanish America. I do not despair of France, so long as France has a legislative body collected from all its parts, the great repository of its wishes and its will. Already has that body manifested a spirit of considerable independence. And those who, conversant with French history, know what magnanimous stands have been made by the parliaments, bodies of limited extent, against the royal

prerogative, will be able to appreciate justly the moral force of such a legislative body. Whilst it exists, the true interests of France will be cherished and pursued on points of foreign policy, in opposition to the pride and interests of the Bourbon family, if the actual dynasty, impelled by this pride, should seek to subserve these interests.

England finds that, after all her exertions, she is every where despised on the continent; her maratime power viewed with jealousy; her commerce subjected to the most onerous restrictions; selfishness imputed to all her policy. All the accounts from France represent that every party, Bonapartists, Jacobins, royalists, moderes, ultras, all burn with indignation towards England, and pant for an opportunity to avenge themselves on the power to whom they ascribe all their disasters.

[Here Mr. Clay read a part of a letter which he had just received from an intelligent friend at Paris, and which composed only a small portion of the mass of evidence to the same effect, which had come under his notice.]

It is impossible, that with powers, between whom so much cordial dislike, so much incongruity exists, there can be any union or concert. Whilst the free principles of the French revolution remained, those principles which were so alarming to the stability of thrones, there never was any successful or cordial union; coalition after coalition, wanting the spirit of union, was swept away by the overwhelming power of France. It was not until those principles were abandoned, and Bonaparte had erected on their ruins his stupendous fabric of universal empire; nor, indeed, until after the frosts of heaven favored the cause of Europe, that an effective coalition was formed. No, the complaisance inspired in the allies from unexpected if not undeserved success, may keep them nominally together; but for all purposes of united and combined action, the alliance is gone; and I do not believe in the chimera of their crusading against the independence of a country, whose liberation would essentially promote all their respective interests.

But the question of the interposition of the allies, in the event of our recognizing the new republic, resolves itself into a question, whether England, in such event, would make war upon us; if it can be shown that England would not, it results, either that the other allies would not, or that, if they should, in which case England would most probably support the cause of America, it would be a war without the maratime ability to maintain it. I contend, that England is alike restrained by her honor and by her interests from waging war against us, and consequently against Spanish America, also, for an acknowledgment of the independence of the new state. England encouraged and fomented the revolt of the colonies as early as June, 1797. Sir Thomas Picton, governor of Trinidad, in virtue of orders from the British minister

of foreign affairs, issued a proclamation, in which he expressly assures the inhabitants of Terra Firma, that the British government will aid in establishing their independence.

'With regard to the hope you entertain of raising the spirits of those persons with whom you are in correspondence, towards encouraging the inhabitants to resist the oppressive authority of their government, I have little more to say than that they may be certain, that whenever they are in that disposition, they may receive at your hands all the succors to be expected from his Britannic majesty, be it with forces or with arms and ammunition to any extent; with the assurance that the views of his Britannic majesty go no further than to secure to them their independence,' and so forth.

In the prosecution of the same object, Great Britain defrayed the expenses of the famous expedition of Miranda. England, in 1811, when she was in the most intimate relations with Spain, then struggling against the French power, assumed the attitude of a mediator between the colonies and the peninsula. The terms, on which she conceived her mediation could alone be effectual, were rejected by the cortes, at the lowest state of the Spanish power. Among these terms, England required for the colonies a perfect freedom of commerce, allowing only some degree of preference to Spain; that the appointments of viceroys and governors should be made indiscriminately from Spanish Americans and Spaniards; and that the interior government, and every branch of public administration, should be intrusted to the cabildo, or municipalities, and so forth. If Spain, when Spain was almost reduced to the island of St. Leon, then rejected those conditions, will she now consent to them, amounting, as they do, substantially, to the independence of Spanish America? If England, devoted as she was at that time to the cause of the peninsula, even then thought those terms due to the colonies, will she now, when no particular motive exists for cherishing the Spanish power, and after the ingratitude with which Spain has treated her, think that the colonies ought to submit to less favorable conditions? And would not England stand disgraced in the eyes of the whole world, if, after having abetted and excited a revolution, she should now attempt to reduce the colonies to unconditional submission, or should make war upon us for acknowledging that independence which she herself sought to establish?

No guarantee for the conduct of nations or individuals ought to be stronger than that which honor imposes; but for those who put no confidence in its obligations, I have an argument to urge of more conclusive force. It is founded upon the interests of England. Excluded almost as she is from the continent, the commerce of America, South and North, is worth to her more than the commerce of the residue of the world. That to all Spanish America has been alone estimated at fifteen millions sterling. Its aggregate value to Spanish America and the United States may be fairly

stated at upwards of one hundred thousand dollars. The effect of a war with the two countries would be, to divest England of this great interest, at a moment when she is anxiously engaged in repairing the ravages of the European war. Looking to the present moment only, and merely to the interests of commerce, England is concerned more than even this country, in the success of the cause of independence in Spanish America. The reduction of the Spanish power in America has been the constant and favorite aim of her policy for two centuries; she must blot out her whole history, reverse the maxims of all her illustrious statesmen, extinguish the spirit of commerce which animates, directs, and controls all her movements, before she can render herself accessary to the subjugation of Spanish America. No commercial advantages which Spain may offer by treaty, can possess the security for her trade, which independence would communicate. The one would be most probably of limited duration, and liable to violation from policy, from interest, or from caprice. The other would be as permanent as independence. That I do not mistake the views of the British cabinet, the recent proclamation of the prince regent I think proves. The committee will remark, that the document does not describe the patriots as rebels, or insurgents, but, using a term which I have no doubt has been well weighed, it declares the existence of a 'state of warfare.' And with regard to English subjects, who are in the armies of Spain, although they entered the service without restriction as to their military duties, it requires that they shall not take part against the colonies. The subjects of England freely supply the patriots with arms and ammunition, and an honorable friend of mine (Colonel Johnson) has just received a letter from one of the West India islands, stating the arrival there from England of the skeletons of three regiments, with many of the men to fill them, destined to aid the patriots. In the Quarterly Review of November last, a journal devoted to the ministry, and a work of the highest authority, as it respects their views, the policy of neutrality is declared and supported as the true policy of England; and that, even if the United States were to take part in the war; and Spain is expressly notified, that she cannot and must not expect aid from England.

'In arguing, therefore, for the advantage of a strict neutrality, we must enter an early protest against any imputations of hostility to the cause of genuine freedom, or of any passion for despotism and the inquisition. We are no more the panegyrists of legitimate authority in all times, circumstances, and situations, than we are advocates for revolution in the abstract,' and so forth. 'But it has been plausibly asserted, that, by abstaining from interference in the affairs of South America, we are surrendering to the United States all the advantages which might be secured to ourselves from this revolution; that we are assisting to increase the trade and power of a nation which alone can ever be the maritime rival of England. It appears to us extremely doubtful, whether any advantage, commercial or political, can be lost to England by a neutral conduct; it must be observed, that the United States themselves, have given every public proof of their intention to pursue the same line of policy. But

admitting that this conduct is nothing more than a decent pretext; or admitting, still further, that they will afford to the independents direct and open assistance, our view of the case would remain precisely the same,' and so forth. 'To persevere in force, unaided, is to miscalculate her (Spain's) own resources, even to infatuation. To expect the aid of an ally in such a cause would, if that ally were England, be to suppose this country as forgetful of its own past history as of its immediate interests and duties. Far better would it be for Spain, instead of calling for our aid, to profit by our experience; and to substitute, ere it be too late, for efforts like those by which the North American colonies were lost to this country, the conciliatory measures by which they might have been retained.'

In the case of the struggle between Spain and her colonies, England, for once, at least, has manifested a degree of wisdom highly deserving our imitation, but unfortunately the very reverse of her course has been pursued by us. She has so conducted, by operating upon the hopes of the two parties, as to keep on the best terms with both; to enjoy all the advantages of the rich commerce of both. We have, by a neutrality bill containing unprecedented features, and still more by a late executive measure, to say the least of it, of doubtful constitutional character, contrived to dissatisfy both parties. We have the confidence neither of Spain nor the colonies.

It remains for me to defend the proposition which I meant to submit, from an objection which I have heard intimated, that it interferes with the duties assigned to the executive branch. On this subject I feel the greatest solicitude; for no man, more than myself, respects the preservation of the independence of the several departments of government, in the constitutional orbits which are prescribed to them. It is my favorite maxim, that each, acting within its proper sphere, should move with its constitutional independence, and under its constitutional responsibility, without influence from any other. I am perfectly aware that the constitution of the United States — and I admit the proposition in its broadest sense — confides to the executive the reception and the deputation of ministers. But, in relation to the latter operation, congress has concurrent will, in the power of providing for the payment of their salaries. The instrument nowhere says or implies that the executive act of sending a minister to a foreign country, shall precede the legislative act which provides for the payment of his salary. And, in point of fact, our statutory code is full of examples of legislative action prior to executive action, both in relation to the deputation of agents abroad, and to the subject matter of treaties. Perhaps the act of sending a minister abroad, and the act of providing for the allowance of his salary, ought to be simultaneous; but if, in the order of precedence, there be more reason on the one side than on the other, I think it is in favor of the priority of the legislative act, as the safer depository of power. When a minister is sent abroad, although the legislature may be disposed to think his mission useless; although, if previously consulted, they would have said they would not consent to pay

such a minister; the duty is delicate and painful to refuse to pay the salary promised to him whom the executive has even unnecessarily sent abroad. I can illustrate my idea by the existing missions to Sweden and to the Netherlands. I have no hesitation in saying, that if we had not ministers of the first grade there, and if the legislature were asked, prior to sending them, whether it would consent to pay ministers of that grade, I would not, and I believe congress would not, consent to pay them.

If it be urged that, by avowing our willingness, in a legislative act, to pay a minister not yet sent, and whom the president may think it improper to send abroad, we operate upon the president by all the force of our opinion; it may be retorted, that when we are called upon to pay any minister, sent under similar circumstances, we are operated upon by all the force of the president's opinion. The true theory of our government, at least, supposes that each of the two departments, acting on its proper constitutional responsibility, will decide according to its best judgment, under all the circumstances of the case. If we make the previous appropriation, we act upon our constitutional responsibility, and the president afterwards will proceed upon his. And so if he makes the previous appointment. We have the right, after a minister is sent abroad, and we are called upon to pay him, and we ought, to deliberate upon the propriety of his mission; we may and ought to grant or withhold his salary. If this power of deliberation is conceded subsequently to the deputation of the minister, it must exist prior to that deputation. Whenever we deliberate, we deliberate under our constitutional responsibility. Pass the amendment I propose, and it will be passed under that responsibility. Then the president, when he deliberates on the propriety of the mission, will act under his constitutional responsibility. Each branch of government, moving in its proper sphere, will act with as much freedom from the influence of the other, as is practically attainable.

There is great reason, from the peculiar character of the American government, for a perfect understanding between the legislative and executive branches, in relation to the acknowledgment of a new power. Every where else the power of declaring war resides with the executive. Here it is deposited with the legislature. If, contrary to my opinion, there be even a risk that the acknowledgment of a new state may lead to war, it is advisable that the step should not be taken without a previous knowledge of the will of the war-making branch. I am disposed to give to the president all the confidence which he must derive from the unequivocal expression of our will. This expression I know may be given in the form of an abstract resolution, declaratory of that will; but I prefer at this time proposing an act of practical legislation. And if I have been so fortunate as to communicate to the committee, in any thing like that degree of strength in which I entertain them,

the convictions that the cause of the patriots is just; that the character of the war, as waged by Spain, should induce us to wish them success; that we have a great interest in that success; that this interest, as well as our neutral attitude, requires us to acknowledge any established government in Spanish America; that the United Provinces of the river Plate is such a government; that we may safely acknowledge its independence, without danger of war from Spain, from the allies, or from England; and that, without unconstitutional interference with the executive power, with peculiar fitness, we may express, in an act of appropriation, our sentiments, leaving him to the exercise of a just and responsible discretion; I hope the committee will adopt the proposition which I have now the honor of presenting to them, after a respectful tender of my acknowledgments for their attention and kindness, during, I fear, the tedious period I have been so unprofitably trespassing upon their patience.

EMANCIPATION OF SOUTH AMERICA.

IN THE HOUSE OF REPRESENTATIVES, MARCH 28, 1818.

[The house having again resolved itself into a committee of the whole on the general appropriation bill, to which Mr. Clay had moved an amendment, which was still pending, to introduce an appropriation for a mission to Buenos Ayres (as stated in the last foregoing speech), Mr. Clay said, that as no other gentleman appeared disposed to address the chair, he would avail himself of this opportunity of making some remarks in reply to the opponents of his motion. The members who had spoken against the measure were Messrs. Lowndes, of South Carolina, Forsyth, of Georgia, Smith, of Maryland, Smyth and H. Nelson, of Virginia, and Poindexter, of Mississippi; while those who supported it were Messrs. Robertson, of Louisiana, Holmes, of Massachusetts, Floyd and Tucker, of Virginia, and R. M. Johnson, of Kentucky. The amendment was rejected by a vote of one hundred and fifteen to forty-five; a result which was reversed in 1820.]

The first objection which I think it incumbent on me to notice is that of my friend from South Carolina (Mr. Lowndes), who opposed the form of the proposition, as being made on a general appropriation bill, on which he appeared to think nothing ought to be engrafted which was likely to give rise to a difference between the two branches of the legislature. If the gentleman himself had always acted on this principle, his objection would be entitled to more weight; but, the item in the appropriation bill next following this, and reported by the gentleman himself, is infinitely more objectionable — which is, an appropriation of thirty thousand dollars for defraying the expenses of three commissioners, appointed, or proposed to be paid, in an unconstitutional form. It cannot be expected that a general appropriation bill will ever pass without some disputable clauses, and in case of a difference between the two houses (a difference which we have no right to anticipate in this instance), which cannot be compromised as to any article, the obvious course is, to omit such article altogether, retaining all the others; and, in a case of this character, relative to brevet pay, which has occurred during the present session, such has been the ground the gentleman himself has taken in a conference with the senate, of which he is a manager.

The gentleman from South Carolina, has professed to concur with me in a great many of his general propositions; and neither

he nor any other gentleman has disagreed with me, that the mere recognition of the independence of the provinces is no cause of war with Spain, except the gentleman from Maryland (Mr. Smith), to whom I recommend, without intending disrespect to him, to confine himself to the operation of commerce, rather than undertake to expound questions of public law; for I can assure the gentleman, that, although he may make some figure, with his practical knowledge, in the one case, he will not in the other. No man, except the gentleman from Maryland, has had what I should call the hardihood to contend, that, on the ground of principle and mere public law, the exercise of the right of recognizing another power is cause of war. But though the gentleman from South Carolina admitted, that the recognition would be no cause of war, and that it was not likely to lead to a war with Spain, we find him, shortly after, getting into a war with Spain, how, I do not see, and by some means, which he did not deign to discover to us, getting us into a war with England also. Having satisfied himself, by this course of reasoning, the gentleman has discovered, that the finances of Spain are in a most favorable condition. On this part of the subject, it is not necessary for me to say any thing after what the committee has heard from the eloquent gentleman from Massachusetts (Mr. Holmes), whose voice, in a period infinitely more critical in our affairs than the present, has been heard with so much delight from the east in support of the rights and honor of the country. He has clearly shown, that there is no parallel between the state of Spain and of this country — the one of a country whose resources are completely impoverished and exhausted; the other of a country whose resources are almost untouched. But, I would ask of the gentleman from South Carolina, if he can conceive that a state, in the condition of Spain, whose minister of the treasury admits that the people have no longer the means of paying new taxes — a nation with an immense mass of floating debt, and totally without credit — can feel any anxiety to engage in a war with a nation like this, whose situation is, in every possible view, directly the reverse? I ask, if an annual revenue, equal only to five eighths of the annual expenditure, exhibits a financial ability to enter upon a new war, when, too, the situation of Spain is altogether unlike that of the United States and England, whose credit, resting upon a solid basis, enables them to supply, by loans, any deficit in the income?

Notwithstanding the diversity of sentiment which has been displayed during the debate, I am happy to find that, with one exception, every member has done justice to the struggle in the south, and admitted it to be entitled to the favor of the best feelings of the human heart. Even my honorable friend near me (Mr. Nelson) has made a speech on our side, and we should not have found out, if he had not told us, that he would vote against us.

Although his speech has been distinguished by his accustomed eloquence, I should be glad to agree on a cartel with the gentlemen on the other side of the house, to give them his speech for his vote. The gentleman says his heart is with us, that he ardently desires the independence of the south. Will he excuse me for telling him, that if he will give himself up to the honest feelings of his heart, he will have a much surer guide than by trusting to his head, to which, however, I am far from offering any disparagement?

But, sir, it seems that a division of the republican party is about to be made by the proposition. Who is to furnish, in this respect, the correct criterion — whose conduct is to be the standard of orthodoxy? What has been the great principle of the party to which the gentleman from Virginia refers, from the first existence of the government to the present day? An attachment to liberty, a devotion to the great cause of humanity, of freedom, of self-government, and of equal rights. If there is to be a division, as the gentleman says; if he is going to leave us, who are following the old track, he may, in his new connections, find a great variety of company, which, perhaps, may indemnify him for the loss of his old friends. What is the great principle that has distinguished parties in all ages, and under all governments — democrats and federalists, whigs and tories, plebeians and patricians? The one, distrustful of human nature, appreciates less the influence of reason and of good dispositions, and appeals more to physical force; the other party, confiding in human nature, relies much upon moral power, and applies to force as an auxiliary only to the operations of reason. All the modifications and denominations of political parties and sects may be traced to this fundamental distinction. It is that which separated the two great parties in this country. If there is to be a division in the republican party, I glory that I, at least, am found among those who are anxious for the advancement of human rights and of human liberty; and the honorable gentleman who spoke of appealing to the public sentiment, will find, when he does so, or I am much mistaken, that public sentiment is also on the side of public liberty and of human happiness.

But the gentleman from South Carolina has told us, that the constitution has wisely confided to the executive branch of the government, the administration of the foreign interests of the country. Has the honorable gentleman attempted to show, though his proposition be generally true, and will never be controverted by me, that we also have not our participation in the administration of the foreign concerns of the country, when we are called upon, in our legislative capacity, to defray the expenses of foreign missions, or to regulate commerce? I stated, when up before, and I have listened in vain for an answer to the argument, that no part of the constitution says which shall have the precedence, the act of making

the appropriation for paying a minister, or the act of sending one. I have contended, and now repeat, that either the acts of deputing and of paying a minister should be simultaneous, or, if either has the preference, the act of appropriating his pay should precede the sending of a minister. I challenge gentlemen to show me any thing in the constitution which directs that a minister shall be sent before his payment is provided for. I repeat, what I said the other day, that, by sending a minister abroad, during the recess, to nations between whom and us no such relations existed as to justify incurring the expense, the legislative opinion is forestalled, or unduly biased. I appeal to the practice of the government, and refer to various acts of congress for cases of appropriations, without the previous deputation of the agent abroad, and without the preliminary of a message from the president, asking for them.

[Mr. Clay here quoted the act, authorizing the establishment of certain consulates in the Mediterranean, and affixing salaries thereto, in consequence of which the president had subsequently appointed consuls, who had been receiving their salaries to this day.]

From these it appears that congress has constantly pursued the great principle of the theory of the constitution, for which I now contend — that each department of the government must act within its own sphere, independently, and on its own responsibility. It is a little extraordinary, indeed, after the doctrine which was maintained the other day, of a sweeping right in congress to appropriate money to any object, that it should now be contended that congress has no right to appropriate money to a particular object. The gentleman's (Mr. Lowndes's) doctrine is broad, comprehending every case; but, when proposed to be exemplified in any specific case, it does not apply. My theory of the constitution, on this particular subject, is, that congress has the right of appropriating money for foreign missions, the president the power to use it. The president having the power, I am willing to say to him, 'here is the money, which we alone have a right to appropriate, which will enable you to carry your power into effect, if it seems expedient to you.' Both being before him, the power and the means of executing it, the president would judge, on his own responsibility, whether or not it was expedient to exercise it. In this course, each department of the government would act independently, without influence from, and without interference with, the other. I have stated cases, from the statute-book, to show, that, in instances where no foreign agent has been appointed, but only a possibility of their being appointed, appropriations have been made for paying them. Even in the case of the subject matter of negotiation (a right much more important than that of sending an agent), an appropriation of money has preceded the negotiation of a treaty — thus, in the third volume of the new

edition of the laws, page twenty-seven, a case of an appropriation of twenty-five thousand eight hundred and eighty dollars to defray the expense of such treaties as the president of the United States might deem proper to make with certain Indian tribes. An act, which has been lately referred to, appropriating two millions for the purchase of Florida, is a case still more strongly in point, as contemplating a treaty, not with a savage, but a civilized power. In this case there may have been, though I believe there was not, an executive message, recommending the appropriation; but I take upon myself to assert, that, in almost all the cases I have quoted, there was no previous executive intimation that the appropriation of the money was necessary to the object; but congress has taken up the subject, and authorized these appropriations, without any official call from the executive to do so.

With regard to the general condition of the provinces now in revolt against the parent country, I will not take up much of the time of the house. Gentlemen are, however, much mistaken as to many of the points of their history, geography, commerce, and produce, which have been touched upon. Gentlemen have supposed there would be from those countries a considerable competition of the same products which we export. I venture to say, that, in regard to Mexico, there can be no such competition; that the table-lands are at such a distance from the seashore, and the difficulty of reaching it is so great, as to make the transportation to La Vera Cruz too expensive to be borne, and the heat so intense as to destroy the bread-stuffs as soon as they arrive. With respect to New Grenada, the gentleman from Maryland is entirely mistaken. It is the elevation of Mexico, principally, which enables it to produce bread-stuffs; but New Granada, lying nearly under the line, cannot produce them. The productions of New Granada for exportation are, the precious metals, (of which, of gold, particularly, a greater portion is to be found than in any of the provinces, except Mexico,) sugar, coffee, cocoa, and some other articles of a similar character. Of Venezuela, the principal productions are coffee, cocoa, indigo, and some sugar. Sugar is also produced in all the Guianas — French, Spanish, and Dutch. The interior of the provinces of La Plata may be productive of bread stuffs, but they are too remote to come into competition with us in the West India market, the voyages to the United States generally occupying from fifty to sixty days, and some times as long as ninety days. By deducting from that number the average passage from the United States to the West Indies, the length of the usual passage between Buenos Ayres and the West Indies will be found, and will show that, in the supply of the West India market with bread-stuffs, the provinces can never come seriously into competition with us. And in regard to Chili, productive as it may be, does the gentleman from Maryland suppose that vessels are going to double Cape

Horn and come into competition with us in the West Indies? It is impossible. But I feel a reluctance at pursuing the discussion of this part of the question; because I am sure these are considerations on which the house cannot act, being entirely unworthy of the subject. We may as well stop all our intercourse with England, with France, or with the Baltic, whose products are in many respects the same as ours, as to act on the present occasion, under the influence of any such considerations. It is too selfish, too mean a principle for this body to act on, to refuse its sympathy for the patriots of the south, because some little advantage of a commercial nature may be retained to us from their remaining in the present condition, which, however, I totally deny. Three fourths of the productions of the Spanish provinces are the precious metals, and the greater part of the residue not of the same character as the staple productions of our soil. But it seems that a pamphlet has recently been published on this subject to which gentlemen have referred. Now permit me to express a distrust of all pamphlets of this kind, unless we know their source. It may, for aught I know, if not composed at the instance of the Spanish minister, have been written by some merchant who has a privilege of trading to Lima under royal license; for such do exist, as I am informed, and some of them procured under the agency of a celebrated person by the name of Sarmiento, of whom perhaps the gentleman from Maryland (Mr. Smith) can give the house some information. To gentlemen thus privileged to trade with the Spanish provinces under royal authority, the effect of a recognition of the independence of the provinces would be, to deprive them of that monopoly. The reputed author of the pamphlet in question, if I understand correctly, is one who has been, if he is not now, deeply engaged in the trade, and I will venture to say, that many of his statements are incorrect. In relation to the trade of Mexico, I happen to possess the Royal Gazette of Mexico of 1804, showing what was the trade of that province in 1803; from which it appears that, without making allowance for the trade from the Philippine Islands to Acapulco, the imports into the port of Vera Cruz were in that year twenty-two millions in value, exclusive of contraband, the amount of which was very considerable. Among these articles were many which the United States could supply as well, if not on better terms, than they could be supplied from any other quarter; for example, brandy and spirits, paper, iron, implements for agriculture and the mines; wax, spices, naval stores, salt fish, butter, provisions; these articles amounting in the whole to one seventh part of the whole import trade to Mexico. 'With regard to the independence of that country, which gentlemen seemed to think improbable, I rejoice that I am able to congratulate the house, that we have this morning intelligence that Mina yet lives, and the patriot flag is still unfurled, and the cause

infinitely more prosperous than ever. This intelligence I am in hopes will prove true, notwithstanding the particular accounts of his death, which, there is so much of fabrication and falsehood in the Spanish practice, are not entitled to credit, unless corroborated by other information. Articles are manufactured in one province to produce effect on other provinces, and in this country; and I am, therefore, disposed to think, that the details respecting the capture and execution of Mina, are too minute to be true, and were made up to produce an effect here.

With regard to the general value of the trade of a country, it is to be determined by the quantum of its population, and its character, its productions, and the extent and character of the territory; and, applying these criteria to Spanish America, no nation offers higher inducements to commercial enterprise. Washed on the one side by the Pacific, on the other by the south Atlantic; standing between Africa and Europe on the one hand, and Asia on the other; lying along side of the United States; her commerce must, when free from the restraints of despotism, be immensely important; particularly when it is recollected how great a proportion of the precious metals it produces; for that nation which can command the precious metals, may be said to command almost the resources of the world. For one moment, imagine the mines of the south locked up from Great Britain for two years, what would be the effect on her paper system? Bankruptcy, explosion, revolution. Even if the supply which we get abroad of the precious metals was cut off for any length of time, I ask if the effect on our paper system would not be, not perhaps equally as fatal as to England, yet one of the greatest calamities which could befall this country. The revenue of Spain, in Mexico alone, was, in 1809, twenty millions of dollars, and in the other provinces in about the same proportion, taking into view their population, independent of the immense contributions annually paid to the clergy. When you look at the resources of the country, and the extent of its population, recollecting that it is double our own; that its consumption of foreign articles, under a free commerce would be proportionably great; that it yields a large revenue under the most abominable system, under which nearly three fourths of the population are unclad, and almost naked as from the hands of nature, because absolutely deprived of the means of clothing themselves, what may not be the condition of this country, under the operation of a different system, which would let industry develope its resources in all possible forms? Such a neighbor cannot but be a valuable acquisition in a commercial point of view.

Gentlemen have denied the fact of the existence of the independence of Buenos Ayres at as early a date as I have assigned to it. The gentleman from South Carolina, who is well informed on the subject, has not, I think, exhibited his usual

candor on this part of it. When the gentleman talked of the upper provinces being out of the possession of the patriots as late as 1815, he ought to have gone back and told the house what was the actual state of the fact, with which I am sure the gentleman is very well acquainted. In 1811, the government of Buenos Ayres had been in possession of every foot of the territory of the vice-royalty. The war has been raging from 1811 to 1814 in those interior provinces, bordering on Lima, which have been as often as three times conquered by the enemy, and as often recovered, and from which the enemy is now finally expelled. Is this at all remarkable during the progress of such a revolution? During the different periods of our war of independence, the British had possession of different parts of our country; as late as 1780, the whole of the southern states were in their possession; and at an earlier date they had possession of the great northern capitals. There is, in regard to Buenos Ayres, a distinguishing trait, which does not exist in the history of our revolution. That is, that from 1810 to the present day, the capital of the republic of La Plata has been invariably in the possession of the patriot government. Gentlemen must admit that when, in 1814, she captured at Montevideo an army as large as Burgoyne's captured at Saratoga, they were then in possession of independence. If they have been since 1810 in the enjoyment of self-government, it is, indeed, not very material under what name or under what form. The fact of their independence is all that is necessary to be established. In reply to the argument of the gentleman from South Carolina, derived from his having been unable to find out the number of the provinces, this arose from the circumstance that, thirty-six years ago, the vice-royalty had been a captain-generalship; that it extended then only to Tucuman, whilst of late and at present the government extends to Desaguedera, in about the sixteenth degree of south latitude. There are other reasons why there is some confusion in the number of the provinces, as stated by different writers; there is, in the first place, a territorial division of the country; then a judicial; and next a military division; and the provinces have been stated at ten, thirteen, or twenty, according to the denominations used. This, however, with the gentleman from South Carolina, I regard as a fact of no sort of consequence.

I will pass over the report lately made to the house by the department of state, respecting the state of South America, with only one remark — that it appears to me to exhibit evidence of an adroit and experienced diplomatist, negotiating, or rather conferring on a subject with a young and inexperienced minister, from a young and inexperienced republic. From the manner in which this report was communicated, after a call for information so long made, and after a lapse of two months from the last date in the correspondence on the subject, I was mortified at hearing the

report read. Why talk of the mode of recognition? Why make objections to the form of the commission? If the minister has not a formal power, why not tell him to send back for one? Why ask of him to enumerate the particular states whose independence he wished acknowledged? Suppose the French minister had asked of Franklin what number of states he represented? Thirteen, if you please, Franklin would have replied. But Mr. Franklin, will you tell me if Pennsylvania, whose capital is in possession of the British, be one of them? What would Dr. Franklin have said? It would have comported better with the frankness of the American character, and of American diplomacy, if the secretary, avoiding cavils about the form of the commission, had said to the minister of Buenos Ayres, 'at the present moment we do not intend to recognise you, or to receive or to send a minister to you.'

But among the charges which gentlemen have industriously brought together, the house has been told of factions prevailing in Buenos Ayres. Do not factions exist every where? Are they not to be found in the best regulated and most firmly established governments? Respecting the Carreras, public information is abused; they were supposed to have had improper views, designs hostile to the existing government, and it became necessary to deprive them of the power of doing mischief. And what is the fact respecting the alleged arrest of American citizens? Buenos Ayres has been organizing an army to attack Chili. Carrera arrives at the river La Plata with some North Americans; he had before defeated the revolution in Chili, by withholding his coöperation; the government of Buenos Ayres therefore said to him, we do not want your resources; our own army is operating; if you carry yours there, it may produce dissension, and cause the loss of liberty; you shall not go. On his opposing this course, what was done which has called forth the sympathy of gentlemen? He and those who attended him from this country were put in confinement, but only long enough to permit the operations of the Buenos Ayrean army to go on; they were then permitted to go, or made their escape to Montevideo, and afterwards where they pleased. With respect to the conduct of that government, I would only recall the attention of gentlemen to the orders which have lately emanated from it, for the regulation of privateers, which has displayed a solicitude to guard against irregularity, and to respect the rights of neutrals, not inferior to that ever shown by any government, which has on any occasion attempted to regulate this licentious mode of warfare.

The honorable gentleman from Georgia commenced his remarks the other day by an animadversion which he might well have spared, when he told us, that even the prayers of the chaplain of this house had been offered up in behalf of the patriots. And was it reprehensible, that an American chaplain, whose cheeks are

furrowed by age, and his head as white as snow, who has a thousand times, during our own revolution, implored the smiles of heaven on our exertions, should indulge in the pious and patriotic feelings flowing from his recollections of our own revolution? Ought he to be subject to animadversion for so doing, in a place where he cannot be heard? Ought he to be subject to animadversion for soliciting the favor of heaven on the same cause as that in which we fought the good fight, and conquered our independence? I trust not.

But the gentleman from Georgia, it appears, can see no parallel between our revolution and that of the Spanish provinces. Their revolution, in its commencement, did not aim at complete independence, neither did ours. Such is the loyalty of the Creole character, that, although groaning under three hundred years of tyranny and oppression, they have been unwilling to cast off their allegiance to that throne, which has been the throne of their ancestors. But, looking forward to a redress of wrongs, rather than a change of government, they gradually, and perhaps at first unintentionally, entered into a revolution. I have it from those who have been actively engaged in our revolution, from that venerable man (chancellor Wythe), whose memory I shall ever cherish with filial regard, that, a very short time before our declaration of independence, it would have been impossible to have got a majority of congress to declare it. Look at the language of our petitions of that day, carrying our loyalty to the foot of the throne, and avowing our anxiety to remain under the crown of our ancestors; independence was then not even remotely suggested as our object.

The present state of facts, and not what has passed and gone in South America, must be consulted. At the present moment, the patriots of the south are fighting for liberty and independence; for precisely what we fought. But their revolution, the gentleman told the house, was stained by scenes which had not occurred in ours. If so, it was because execrable outrages had been committed upon them by troops of the mother country, which were not upon us. Can it be believed, if the slaves had been let loose upon us in the south, as they have been let loose in Venezuela; if quarters had been refused; capitulations violated; that general Washington, at the head of the armies of the United States, would not have resorted to retribution? Retaliation is sometimes mercy, mercy to both parties. The only means by which the coward soul that indulges in such enormities can be reached, is to show to him that they will be visited by severe but just retribution. There are traits in the history of this revolution, which show what deep root liberty has taken in South America. I will state an instance. The only hope of a wealthy and reputable family was charged, at the head of a small force, with the care of the magazine of the army. He saw that it was impossible to defend it. 'Go,' said he to his

companions in arms, 'I alone am sufficient for its defence.' The assailants approached; he applied a match and blew up the magazine, with himself, scattering death and destruction on his enemy. There is another instance of the intrepidity of a female of the patriot party. A lady in New Granada had given information to the patriot forces, of plans and instructions by which the capitol might be invaded. She was put upon the rack to divulge her accomplices. She bore the torture with the greatest fortitude, and died exclaiming, 'you shall not hear it from my mouth; I will die, and may those live who can free my country.'

But the house has been asked, and asked with a triumph worthy of a better cause, why recognise this republic? Where is the use of it? And is it possible that gentlemen can see no use in recognising this republic? For what did this republic fight? To be admitted into the family of nations. Tell the nations of the world, says Pueyrredon, in his speech, that we already belong to their illustrious rank. What would be the powerful consequences of a recognition of their claim? I ask my honorable friend before me (general Bloomfield), the highest sanction of whose judgment in favor of my proposition, I fondly anticipate, with what anxious solicitude, during our revolution, he and his glorious compatriots turned their eyes to Europe and asked to be recognised, I ask him, the patriot of '76, how the heart rebounded with joy, on the information that France had recognised us. The moral influence of such a recognition, on the patriot of the south, will be irresistible. He will derive assurance from it, of his not having fought in vain. In the constitution of our natures there is a point, to which adversity may pursue us, without perhaps any worse effect than that of exciting new energy to meet it. Having reached that point, if no gleam of comfort breaks through the gloom, we sink beneath the pressure, yielding reluctantly to our fate, and in hopeless despair lose all stimulus to exertion. And is there not reason to fear such a fate to the patriots of La Plata? Already enjoying independence for eight years, their ministers are yet spurned from the courts of Europe, and rejected by the government of a sister republic. Contrast this conduct of ours with our conduct in other respects. No matter whence the minister comes, be it from a despotic power, we receive him; and even now, the gentleman from Maryland, (Mr. Smith) would have us send a minister to Constantinople, to beg a passage through the Dardanelles to the Black Sea, that, I suppose, we might get some hemp and bread-stuffs there, of which we ourselves produce none; he, who can see no advantage to the country from opening to its commerce the measureless resources of South America, would send a minister to Constantinople for a little trade. Nay, I have seen a project in the newspapers, and I should not be surprised, after what we have already seen, at its being carried into effect, for sending a minister to the porte. Yes,

sir, from Constantinople, or from the Brazils; from Turk or christian; from black or white; from the dey of Algiers or the bey of Tunis; from the devil himself, if he wore a crown, we should receive a minister. We even paid the expenses of the minister of his sublime highness, the bey of Tunis, and thought ourselves highly honored by his visit. But, let the minister come from a poor republic, like that of La Plata, and we turn our back on him. The brilliant costumes of the ministers of the royal governments are seen glistening in the circles of our drawing-rooms, and their splendid equipages rolling through the avenues of the metropolis; but the unaccredited minister of the republic, if he visit our president or secretary of state at all, must do it *incognito*, lest the eye of don Onis should be offended by so unseemly a sight! I hope the gentleman from South Carolina, who is so capable of estimating the effect of moral causes, will see some use in recognising the independence of La Plata. I appeal to the powerful effect of moral causes, manifested in the case of the French revolution, when, by their influence, that nation swept from about her the armies of the combined powers, by which she was environed, and rose up, the colossal power of Europe. There is an example of the effect of moral power. All the patriots ask, all they want at our hands, is, to be recognised as, what they have been for the last eight years, an independent power.

But, it seems, we dare not do this, lest we tread on sacred ground; and an honorable gentleman from Virginia (Mr. Smyth), who, when he has been a little longer in this house, will learn to respect its powers, calls it an usurpation on the part of this house. Has the gentleman weighed the terms which he employed? If I mistake not, the gentleman, in the debate respecting the power to make internal improvements, called that too an usurpation on the part of this house. That power, too, however, he admitted to belong to the executive, and traced it to an imperial source, informing us that Cæsar or somebody else, had exercised it. Sir, the gentleman has mistaken his position here; he is a military chieftain, and an admirable defender of executive authority, but he has yet to learn his horn-book as to the powers of this branch of the legislature. Usurpation is arrogating to yourself authority which is vested elsewhere. But what is it that I propose, to which this term has been applied? To appropriate money to pay a foreign minister his outfit and a year's salary. If that be an usurpation, we have been usurping power from the commencement of the government to the present time. The chairman of the committee of ways and means has never reported an appropriation bill without some instance of this usurpation.

There are three modes under our constitution, in which a nation may be recognised; by the executive receiving a minister; secondly, by its sending one thither; and, thirdly, this house

unquestionably nas the right to recognise, in the exercise of the constitutional power of congress to regulate foreign commerce. To receive a minister from a foreign power, is an admission that the party sending him is sovereign and independent. So the sending a minister, as ministers are never sent but to sovereign powers, is a recognition of the independence of the power to whom the minister is sent. Now, the honorable gentleman from South Carolina would prefer the expression of our opinion by a resolution, independent of the appropriation bill. If the gentleman will vote for it in that shape, I will readily gratify him; all that I want to do is, to convey to the president an expression of our willingness, that the government of Buenos Ayres should be recognised. Whether it shall be done by receiving a minister or sending one, is quite immaterial. It is urged, that there may be an impropriety in sending a minister, not being certain, after what has passed, that he will be received; but that is one of the questions submitted to the direction of the executive, which he will determine, upon a view of all the circumstances; and who, of course, will previously have an understanding, that our minister will be duly respected. If gentlemen desire to know what a minister from us? is to do, I would have him congratulate the republic on the establishment of free government and on their liberation from the ancient dynasty of Spain; assure it of the interest we feel in its welfare, and of our readiness to concur in any arrangement which may be advantageous to our mutual interest. Have we not a minister at the Brazils, a nation lying along side of the provinces of La Plata; and, considering the number of slaves in it, by no means so formidable as the latter, and about equi-distant from us. In reference to the strength of the two powers, that of La Plata is much stronger, and the government of Brazil, trembling under the apprehension of the effect of the arms of La Plata, has gone further than any other power to recognise its independence, having entered into a military convention with the republic, by which each power guaranties the possessions of the other. And we have exchanged ministers with the Brazils. The one, however, is a *kingdom*, the other a *republic;* and if any gentleman can assign any other better reason why a minister should be sent to one and not to the other of these powers, I shall be glad to hear it disclosed, for I have not been able myself to discover it.

A gentleman yesterday told the house that the news from Buenos Ayres was unfavorable. Take it altogether, I believe it is not. But I put but little trust in such accounts. In our revolution, incredulity of reports and newspaper stories, propagated by the enemy, was so strengthened by experience, that at last, nothing was believed which was not attested by the signature of 'Charles Thomson.' I am somewhat similarly situated; I cannot believe these reports; I wish to see 'Charles Thomson' before I give

full credit to them. The vessel which has arrived at Baltimore — and, by the way, by its valuable cargo of specie, hides, and tallow, gives evidence of a commerce worth pursuing — brought some rumor of a difference between Artigas and the authorities of Buenos Ayres. With respect to the Banda Oriental, which is said to be occupied by Artigas, it constitutes but a very subordinate part of the territory of the United Provinces of La Plata; and it can be no more objection to recognising the nation, because that province is not included within its power, than it could have been to our recognition, because several states held out against the adoption of the constitution. Before I attach any confidence to a letter not signed 'Charles Thomson,' I must know who the man is who writes it, what are his sources of information, his character for veracity, and so forth, and of all those particulars, we are deprived of the information, in the case of the recent intelligence in the Baltimore papers, as extracted from private letters.

But we are charged, on the present occasion, with treading on sacred ground. Let me suppose, what I do not believe to be the case, that the president has expressed an opinion one way and we another. At so early a period of our government, because a particular individual fills the presidential chair — an individual whom I highly respect, more perhaps than some of those who would be considered his exclusive friends — is the odious doctrine to be preached here, that the chief magistrate can do no wrong? Is the doctrine of passive obedience and non-resistance, are the principles of the Stuarts, to be revived in this free government? Is an opinion to be suppressed and scouted, because it is in opposition to the opinion of the president? Sir, as long as I have a seat on this floor, I shall not hesitate to exert the independence which belongs to the representative character; I shall not hesitate to express my opinions, coincident or not with those of the executive. But I can show that this cry has been raised on the present occasion without reason. Suppose a case — that the president had sent a minister to Buenos Ayres, and this house had been called on to make an appropriation for the payment of his salary. I ask of gentlemen, whether in that case they would not have voted an appropriation? And has not the house a right to deliberate on the propriety of doing so, as well before, as after a minister is sent? Will gentlemen please to point out the difference? I contend that *we* are the true friends of the executive; and that the title does not belong to those who have taken it. We wish to extend his influence, and give him patronage; to give him means, as he has now the power, to send another minister abroad. But, apart from this view of the question, as regards the executive power, this house has the incontestable right to recognise a foreign nation in the exercise of its power, to regulate commerce with foreign nations. Suppose, for example, we pass an act to regulate trade between

the United States and Buenos Ayres, the existence of the nation would be thereby recognised, as we could not regulate trade with a nation which does not exist.

The gentleman from Maryland (Mr. Smith) and the gentleman from Virginia (Mr. Smyth), the great champions of executive power, and the opponent of legislative authority, have contended that recognition would be cause of war. These gentlemen are reduced to this dilemma. If it is cause of war, the executive ought not to have the right to produce a war upon the country, without consulting congress. If it is no cause of war, it is an act which there is no danger in performing. There is very little difference in principle, between vesting the executive with the power of declaring war, or with the power of necessarily leading the country into war, without consulting the authority to whom the power of making war is confided. But I deny that it is cause of war; but if it is, the sense of congress ought certainly in some way or other to be taken on it, before that step is taken. I know that some of the most distinguished statesmen in the country have taken the view of this subject, that the power to recognise the independence of any nation does not belong to the president; that it is a power too momentous and consequential in its character, to belong to the executive. My own opinion, I confess, is different, believing the power to belong to either the president or congress, and that it may, as most convenient, be exercised by either. If aid is to be given, to afford which will be cause of war, however, congress alone can give it.

This house, then, has the power to act on the subject, even though the president has expressed an opinion, which he has not, further than, as appears by the report of the secretary of state, to decide that in January last, it would not be proper to recognise them. But the president stands pledged to recognise the republic, if on the return of the commissioners whom he has deputed, they shall make report favorable to the stability of the government. Suppose the chairman of the committee of foreign relations had reported a provision for an appropriation of that description which I propose, should we not all have voted for it? And can any gentleman be so pliant, as, on the mere ground of an executive recommendation, to vote an appropriation without exercising his own faculties on the question; and yet, when there is no such suggestion, will not even so far act for himself as to determine whether a republic is so independent that we may fairly take the step of recognition of it? I hope that no such submission to the executive pleasure will characterize this house.

One more remark, and I have done. One gentleman told the house that the population of the Spanish provinces is eighteen millions; that we, with a population of two millions only, have conquered our independence; and that, if the southern provinces

willed it, they must be free. This population, I have already stated, consists of distinct nations, having but little, if any, intercourse, the largest of which is Mexico; and they are so separated by immense distances, that it is impossible there should be any coöperation between them. Besides, they have difficulties to encounter which we had not. They have a noblesse; they are divided into jealous castes, and a vast proportion of Indians; to which adding the great influence of the clergy, and it will be seen how widely different the circumstances of Spanish America are, from those under which the revolution in this country was brought to a successful termination. I have already shown how deep-rooted is the spirit of liberty in that country. I have instanced the little island of Margarita, against which the whole force of Spain has been in vain directed; containing a population of only sixteen thousand souls, but where every man, woman, and child, is a Grecian soldier, in defence of freedom. For many years the spirit of freedom has been struggling in Venezuela, and Spain has been unable to conquer it. Morillo, in an official despatch, transmitted to the minister of marine of his own country, avows that Angostura and all Guayana are in possession of the patriots, as well as all that country from which supplies can be drawn. According to the last accounts, Bolivar and other patriot commanders, are concentrating their forces, and are within one day's march of Morillo; and if they do not forsake the Fabian policy, which is the true course for them, the result will be, that even the weakest of the whole of the provinces of Spanish America, will establish their independence, and secure the enjoyment of those rights and blessings, which rightfully belong to them.

ON THE SEMINOLE WAR.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 17, 1819.

[THE Seminoles were a tribe of Indians inhabiting Florida, and parts of the adjacent country. During the war between the United States and Great Britain, from 1812 to 1815, the Seminoles and Creek Indians made attacks upon our frontier settlements in the southwest, and in consequence, general Andrew Jackson, then a major-general of militia in Tennessee, was sent against them, at the head of a considerable force, by which, after a sanguinary contest, the Indians were subdued, and a treaty concluded with the Creek nation, in 1814. After the peace of 1815, the Seminoles, being sheltered in Florida, at that time a Spanish province, made frequent depredations upon the people of the United States. In December, 1817, the department of war ordered general Jackson, who in 1814 was appointed a major-general in the United States army, to assume the command of the forces in the southwest, and march against the Indians; also to adopt the necessary measures to terminate a conflict which has since been called 'the Seminole war.' In the early part of 1818, general Jackson took command of an army of regulars, militia, and friendly Creeks, and pursued the Seminoles into Florida, destroying their towns, and killing and capturing many Indians and run-a-way negroes. He also took possession of the Spanish fortresses of St. Marks, Pensacola, and the Barancas, during a period of peace between Spain and the United States. Two Indian traders, Arbuthnot, a Scotchman, and Ambrister, an Englishman, were taken prisoners, (being found among the Indians and Spaniards,) tried by a court martial, and executed by order of general Jackson. Two Indian chiefs, who were captured, were also put to death by his order, and sundry other cruel and high-handed acts committed, to which the attention of congress was called, at the session of 1818–19.

The subject having been referred to the committee on military affairs, that committee brought in a report, concluding with the following resolution: 'Resolved, that the house of representatives disapproves the proceedings in the trial and execution of Alexander Arbuthnot and Robert C. Ambrister.' To this resolution, Mr. Cobb, of Georgia, moved to add others, disapproving of the execution of Indian captives, and declaring that the seizure of the Spanish posts was contrary to the constitution, and so forth. The discussion on these resolutions caused one of the most exciting and interesting debates ever known in congress. Thirty-one of the most distinguished members of the house participated in the debate, which was opened on the eighteenth of January, in committee of the whole, and concluded on the tenth of February, when the question on the resolutions was taken, and decided in the negative, by majorities varying from thirty to forty-six, in a house of one hundred and seventy members present. General Jackson, besides his own popularity, as the victor of New Orleans, had the advantage of being sustained by the influence and power of Mr. Monroe's administration, the president being considered as implicated with him in some of his transactions in Florida, by having sanctioned the same. Among those who coincided with Mr. Clay, in condemning these proceedings, were Messrs. Cobb, of Georgia, Storrs, of New York, Colston, J. Johnson, T. M. Nelson, and Mercer, of Virginia, Hopkinson, of Pennsylvania, Williams, of Connecticut, Harrison, of Ohio, Tyler, of Virginia, (the two latter since presidents of the United States,) Lowndes, of South Carolina, and Reed, of Maryland; while, on the other side, Messrs. Holmes, of Massachusetts, Tallmadge, of New York, P. P. Barbour, and Floyd, of Virginia, Baldwin, of Pennsylvania, R. M. Johnson, of Kentucky, and others, made able speeches in support of the administration, and general Jackson's military course in this campaign.

Mr. Clay twice addressed the committee of the whole on the subject; the first speech only, is reported at length, as follows.]

MR. CHAIRMAN:

IN rising to address you, sir, on the very interesting subject which now engages the attention of congress, I must be allowed to say, that all inferences drawn from the course which it will be my painful duty to take in this discussion, of unfriendliness either to the chief magistrate of the country, or to the illustrious military chieftain whose operations are under investigation, will be wholly unfounded. Towards that distinguished captain, who shed so much glory on our country, whose renown constitutes so great a portion of its moral property, I never had, I never can have, any other feelings than those of the most profound respect, and of the utmost kindness. With him my acquaintance is very limited, but, so far as it has extended, it has been of the most amicable kind. I know the motives which have been, and which will again be, attributed to me, in regard to the other exalted personage alluded to. They have been and will be unfounded. I have no interest, other than that of seeing the concerns of my country well and happily administered. It is infinitely more gratifying to behold the prosperity of my country advancing by the wisdom of the measures adopted to promote it, than it would be to expose the errors which may be committed, if there be any, in the conduct of its affairs. Little as has been my experience in public life, it has been sufficient to teach me that the most humble station is surrounded by difficulties and embarrassments. Rather than throw obstructions in the way of the president, I would precede him, and pick out those, if I could, which might jostle him in his progress; I would sympathize with him in his embarrassments, and commiserate with him in his misfortunes. It is true that it has been my mortification to differ from that gentleman on several occasions. I may be again reluctantly compelled to differ from him; but I will with the utmost sincerity, assure the committee, that I have formed no resolution, come under no engagements, and that I never will form any resolution, or contract any engagements, for systematic opposition to his administration, or to that of any other chief magistrate.

I beg leave further to premise, that the subject under consideration, presents two distinct aspects, susceptible, in my judgment, of the most clear and precise discrimination. The one I will call its foreign, the other its domestic aspect. In regard to the first, I will say, that I approve entirely of the conduct of our government, and that Spain has no cause of complaint. Having violated an important stipulation of the treaty of 1795, that power has justly subjected herself to all the consequences which ensued upon the entry into her dominions, and it belongs not to her to complain of those measures which resulted from her breach of contract; still

less has she a right to examine into the considerations connected with the domestic aspect of the subject.

What are the propositions before the committee? The first in order, is that reported by the military committee, which asserts the disapprobation of this house, of the proceedings in the trial and execution of Arbuthnot and Ambrister. The second, being the first contained in the proposed amendment, is the consequence of that disapprobation, and contemplates the passage of a law to prohibit the execution hereafter of any captive, taken by the army, without the approbation of the president. The third proposition is, that this house disapproves of the forcible seizure of the Spanish posts, as contrary to orders, and in violation of the constitution. The fourth proposition, as the result of the last, is, that a law shall pass to prohibit the march of the army of the United States, or any corps of it, into any foreign territory, without the previous authorization of congress, except it be in fresh pursuit of a defeated enemy. The first and third are general propositions, declaring the sense of the house in regard to the evils pointed out; and the second and fourth, propose the legislative remedies against the recurrence of those evils.

It will be at once perceived, by this simple statement of the propositions, that no other censure is proposed against general Jackson himself, than what is merely consequential. His name even does not appear in any of the resolutions. The legislature of the country, in reviewing the state of the union, and considering the events which have transpired since its last meeting, finds that particular occurrences, of the greatest moment, in many respects, have taken place near our southern border. I will add, that the house has not sought, by any officious interference with the doings of the executive, to gain jurisdiction over this matter. The president, in his message at the opening of the session, communicated the very information on which it was proposed to act. I would ask, for what purpose? That we should fold our arms and yield a tacit acquiescence, even if we supposed that information disclosed alarming events, not merely as it regards the peace of the country, but in respect to its constitution and character? Impossible. In communicating these papers, and voluntarily calling the attention of congress to the subject, the president must himself have intended, that we should apply any remedy that we might be able to devise. Having the subject thus regularly and fairly before us, and proposing merely to collect the sense of the house upon certain important transactions which it discloses, with the view to the passage of such laws as may be demanded by the public interest, I repeat, that there is no censure any where, except such as is strictly consequential upon our legislative action. The supposition of every new law, having for its object to prevent the recurrence of evil, is, that something has happened which ought

not to have taken place, and no other than this indirect sort of censure will flow from the resolutions before the committee.

Having thus given my view of the nature and character of the propositions under consideration, I am far from intimating that it is not my purpose to go into a full, a free, and a thorough investigation of the facts, and of the principles of law, public, municipal, and constitutional, involved in them. And, whilst I trust I shall speak with the decorum due to the distinguished officers of the government whose proceedings are to be examined, I shall exercise the independence which belongs to me as a representative of the people, in freely and fully submitting my sentiments.

In noticing the painful incidents of this war, it is impossible not to inquire into its origin. I fear that it will be found to be the famous treaty of Fort Jackson, concluded in August, 1814; and I must ask the indulgence of the chairman while I read certain parts of that treaty.

'*Whereas* an unprovoked, inhuman, and sanguinary war, waged by the hostile Creeks against the United States, hath been repelled, prosecuted, and determined, successfully on the part of the said states, in conformity with principles of national justice and honorable warfare: and *whereas* consideration is due to the rectitude of proceedings dictated by instructions relating to the re-establishing of peace: Be it remembered, that, prior to the conquest of that part of the Creek nation hostile to the United States, numberless aggressions had been committed against the peace, the property, and the lives of citizens of the United States, and those of the Creek nation in amity with her, at the mouth of Duck river, Fort Mimms, and elsewhere, contrary to national faith, and the regard due to an article of the treaty concluded at New York, in the year 1790, between the two nations; that the United States, previous to the perpetration of such outrages, did, in order to insure future amity and concord between the Creek nation and the said states, in conformity with the stipulations of former treaties, fulfil, with punctuality and good faith, her engagements to the said nation; that more than two thirds of the whole number of chiefs and warriors of the Creek nation, disregarding the genuine spirit of existing treaties, suffered themselves to be instigated to violations of their national honor, and the respect due to a part of their own nation, faithful to the United States, and the principles of humanity, by impostors, denominating themselves prophets, and by the duplicity and misrepresentations of foreign emissaries, whose governments are at war, open or understood, with the United States.

Article 2. The United States will guaranty to the Creek nation the integrity of all their territory eastwardly and northwardly of the said line, (described in the first article,) to be run and described as mentioned in the first article.

Article 3. The United States *demand* that the Creek nation abandon all communication, and cease to hold intercourse with any British post, garrison, or town; and that they shall not admit among them any agent or trader, who shall not derive authority to hold commercial or other intercourse with them, by license from the President or other authorized agent of the United States.

Article 4. The United States *demand* an acknowledgment of the right to establish military posts and trading houses, and to open roads within the territory guarantied to the Creek nation by the second article, and a right to the free navigation of all its waters.

Article 5. The United States *demand* that a surrender be immediately made, of all the persons and property taken from the citizens of the United States, the friendly part of the Creek nation, the Cherokee, Chickasaw, and Choctaw nations, to the respective owners; and the United States will cause to be immediately restored to the formerly hostile Creeks all the property taken from them since their submission, either by the United States, or by any Indian nations in amity with the United States, together with all the prisoners taken from them during the war.

Article 6. The United States *demand* the caption and surrender of all the *prophets*

and instigators of the war, whether foreigners or natives, who have not submitted to the arms of the United States, and become parties to these articles of capitulation, if ever they shall be found within the territory guaranteed to the Creek nation by the second article.

Article 7. The Creek nation *being reduced to extreme want*, and not at present having the means of subsistence, the United States, from motives of humanity, will continue to furnish gratuitously the necessaries of life, until the crops of corn can be considered competent to yield the nation a supply, and will establish trading houses in the nation, at the discretion of the president of the United States, and at such places as he shall direct, to enable the nation, by industry and economy, to procure clothing.'

I have never perused this instrument until within a few days past, and I have read it with the deepest mortification and regret. A more dictatorial spirit I have never seen displayed in any instrument. I would challenge an examination of all the records of diplomacy, not excepting even those in the most haughty period of imperial Rome, when she was carrying her arms into the barbarian nations that surrounded her, and I do not believe a solitary instance can be found of such an inexorable spirit of domination pervading a compact purporting to be a treaty of *peace*. It consists of the most severe and humiliating demands — of the surrender of a large territory; of the privilege of making roads through the remnant which was retained; of the right of establishing trading-houses; of the obligation of delivering into our hands their prophets. And all this of a wretched people reduced to the last extremity of distress, whose miserable existence we have to preserve by a voluntary stipulation to furnish them with bread! When did the all-conquering and desolating Rome ever fail to respect the altars and the gods of those whom she subjugated? Let me not be told that these prophets were impostors, who deceived the Indians. They were *their* prophets; the Indians believed and venerated them, and it is not for us to dictate a religious belief to them. It does not belong to the holy character of the religion which we profess, to carry its precepts, by the force of the bayonet, into the bosoms of other people. Mild and gentle persuasion was the great instrument employed by the meek founder of our religion. We leave to the humane and benevolent efforts of the reverend professors of christianity to convert from barbarism those unhappy nations yet immersed in its gloom. But, sir, spare them their prophets! spare their delusions! spare their prejudices and superstitions! spare them even their religion, such as it is, from open and cruel violence. When, sir, was that treaty concluded? On the very day, after the protocol was signed, of the first conference between the American and British commissioners, treating of peace, at Ghent. In the course of that negotiation, pretensions so enormous were set up by the other party, that, when they were promulgated in this country, there was one general burst of indignation throughout the continent. Faction itself was silenced, and the firm and unanimous determination of

all parties was, to fight until the last man fell in the ditch, rather than submit to such ignominious terms. What a contrast is exhibited between the contemporaneous scenes of Ghent and of Fort Jackson! what a powerful voucher would the British commissioners have been furnished with, if they could have got hold of that treaty! The United States *demand*, the United States *demand*, is repeated five or six times. And what did the preamble itself disclose? That two thirds of the Creek nation had been hostile, and one third only friendly to us. Now I have heard, (I cannot vouch for the truth of the statement,) that not one hostile chief signed the treaty. I have also heard that perhaps one or two of them did. If the treaty were really made by a minority of the nation, it was not obligatory upon the whole nation. It was void, considered in the light of a national compact. And, if void, the Indians were entitled to the benefit of the provision of the ninth article of the treaty of Ghent, by which we bound ourselves to make peace with any tribes with whom we might be at war on the ratification of the treaty, and to restore to them their lands, as they held them in 1811. I do not know how the honorable senate, that body for which I hold so high a respect, could have given their sanction to the treaty of Fort Jackson, so utterly irreconcilable as it is with those noble principles of generosity and magnanimity which I hope to see my country always exhibit, and particularly toward the miserable remnant of the aborigines. It would have comported better with those principles, to have imitated the benevolent policy of the founder of Pennsylvania, and to have given to the Creeks, conquered as they were, even if they had made an unjust war upon us, the trifling consideration, to them an adequate compensation, which he paid for their lands. That treaty, I fear, has been the main cause of the recent war. And, if it has been, it only adds another melancholy proof to those with which history already abounds, that hard and unconscionable terms, extorted by the power of the sword and the right of conquest, serve but to whet and stimulate revenge, and to give old hostilities, smothered, not extinguished, by the pretended peace, greater exasperation and more ferocity. A truce, thus patched up with an unfortunate people, without the means of existence, without bread, is no real peace. The instant there is the slightest prospect of relief from such harsh and severe conditions, the conquered party will fly to arms, and spend the last drop of blood rather than live in such degraded bondage. Even if you again reduce him to submission, the expenses incurred by this second war, to say nothing of the human lives that are sacrificed, will be greater than what it would have cost you to grant him liberal conditions in the first instance. This treaty, I repeat it, was, I apprehend, the cause of the war. It led to those excesses on our southern borders which began it. Who first commenced them, it is perhaps difficult to ascertain.

There was, however, a paper on this subject, communicated at the last session by the president, that told, in language pathetic and feeling, an artless tale; a paper that carried such internal evidence, at least, of the belief of the authors of it that they were writing the truth, that I will ask the favor of the committee to allow me to read it.

To the Commanding Officer at Fort Hawkins:

DEAR SIR:

Since the last war, after you sent word that we must quit the war, we, the red people, have come over on this side. The white people *have carried all the red people's cattle off.* After the war, I sent to all my people to let the white people alone, and stay on this side of the river; and they did so; but the white people *still continued to carry off their cattle.* Bernard's son was here, and I inquired of him what was to be done; and he said we must go to the head man of the white people and *complain.* I did so, and there was no head white man, and *there was no law in this case.* The whites first began, and there is nothing said about that; but great complaint *about what the Indians do.* This is now three years since the white people killed three Indians; since that time they have killed *three other Indians*, and taken their horses, and what they had; and this summer they killed *three more;* and very lately they killed one more. We sent word to the white people that these murders were done, and the answer was, that they were people that were *outlaws*, and we ought to go and kill them. The white people killed our people first; the Indians then took satisfaction. There are yet three men that the red people have never taken satisfaction for. You have wrote that there were houses burnt; but we know of no such thing being done; the truth, in such cases, ought to be told, but this appears otherwise. On that side of the river, the white people have killed five Indians, but there is nothing said about that; and all that the Indians have done is brought up. *All the mischief the white people have done, ought to be told to their head man.* When there is any thing done, you write to us; but never write to your head man what the white people do. When the red people send talks, or write, they always send the truth. You have sent to us for your horses, and we sent all that we could find; but there were some dead. It appears that all the mischief is laid on this town; but all the mischief that has been done by this town, is two horses; one of them is dead, and the other was sent back. The cattle that we are accused of taking, were cattle *that the white people took from us.* Our young men went and brought them back, with the same marks and brands. There were some of our young men out hunting, and they were killed; others went to take satisfaction, and the kettle of one of the men that was killed, was found in the house where the woman and two children were killed; and they supposed it had been her husband who had killed the Indians, and took their satisfaction there. We are accused of killing the Americans, and so on; but since the word was sent to us that peace was made, we stay steady at home, *and meddle with no person.* You have sent to us respecting the black people on the Suwany river; we have nothing to do with them. They were put there by the English, and to them you ought to apply for any thing about them. We do not wish our country desolated by an army passing through it, for the concern of other people. The Indians have slaves there also; a great many of them. When we have an opportunity, we shall apply to the English for them; but we cannot get them now.

This is what we have to say at present.

Sir, I conclude by subscribing myself,

Your humble servant, &c.

September, the 11th day, 1817.

N. B. There are ten towns have read this letter, and this is the answer.

A true copy of the original. WM. BELL, Aid-de-camp.

I should be very unwilling to assert, in regard to this war, that the fault was on our side; I fear it was. I have heard that a very respectable gentleman, now no more, who once filled the executive chair of Georgia, and who, having been agent of Indian affairs in

that quarter, had the best opportunity of judging of the origin of this war, deliberately pronounced it as his opinion, that the Indians were not in fault. I am far from attributing to general Jackson any other than the very slight degree of blame that attaches to him as the negotiator of the treaty of Fort Jackson, and will be shared by those who subsequently ratified and sanctioned that treaty. But if there be even a doubt as to the origin of the war, whether we were censurable or the Indians, that doubt will serve to increase our regret at any distressing incidents which may have occurred, and to mitigate, in some degree, the crimes which we impute to the other side. I know that when general Jackson was summoned to the field, it was too late to hesitate; the fatal blow had been struck, in the destruction of Fowl-town, and the dreadful massacre of lieutenant Scott and his detachment; and the only duty which remained to him, was to terminate this unhappy contest.

The first circumstance which, in the course of his performing that duty, fixed our attention, has filled me with regret. It was the execution of the Indian chiefs. How, I ask, did they come into our possession? Was it in the course of fair, and open, and honorable war? No; but by means of deception — by hoisting foreign colors on the staff from which the stars and stripes should alone have floated. Thus ensnared, the Indians were taken on shore; and without ceremony, and without delay, were hung. Hang an Indian! We, sir, who are civilized, and can comprehend and feel the effect of moral causes and considerations, attach ignominy to that mode of death. And the gallant, and refined, and high-minded man, seeks by all possible means to avoid it. But what cares an Indian whether you hang or shoot him? The moment he is captured, he is considered by his tribe as disgraced, if not lost. They, too, are indifferent about the manner in which he is despatched. But I regard the occurrence with grief, for other and higher considerations. It was the first instance that I know of, in the annals of our country, in which retaliation, by executing Indian captives, has ever been deliberately practiced. There may have been exceptions, but if there are, they met with contemporaneous condemnation, and have been reprehended by the just pen of impartial history. The gentleman from Massachusetts may tell me, if he chooses, what he pleases about the tomahawk and scalping knife; about Indian enormities, and foreign miscreants and incendiaries. I, too, hate them; from my very soul I abominate them. But I love my country, and its constitution; I love liberty and safety, and fear military despotism more, even, than I hate these monsters. The gentleman, in the course of his remarks, alluded to the state from which I have the honor to come. Little, sir, does he know of the high and magnanimous sentiments of the people of that state, if he supposes they will approve of the transaction to which he referred. Brave and generous, humanity and

clemency towards a fallen foe constitute one of their noblest characteristics. Amidst all the struggles for that fair land, between the natives and the present inhabitants, I defy the gentleman to point out one instance, in which a Kentuckian has stained his hand by — nothing but my high sense of the distinguished services and exalted merits of general Jackson, prevents my using a different term — the execution of an unarmed and prostrate captive. Yes, there is one solitary exception, in which a man, enraged at beholding an Indian prisoner who had been celebrated for his enormities, and who had destroyed some of his kindred, plunged his sword into his bosom. The wicked deed was considered as an abominable outrage when it occurred, and the name of the man has been handed down to the execration of posterity. I deny your right thus to retaliate on the aboriginal proprietors of the country; and unless I am utterly deceived, it may be shown that it does not exist. But before I attempt this, allow me to make the gentleman from Massachusetts a little better acquainted with those people, to whose feelings and sympathies he has appealed through their representative. During the late war with Great Britain, colonel Campbell, under the command of my honorable friend from Ohio (general Harrison), was placed at the head of a detachment, consisting chiefly, I believe, of Kentucky volunteers, in order to destroy the Mississinaway towns. They proceeded and performed the duty, and took some prisoners. And here is the evidence of the manner in which they treated them.

'But the character of this gallant detachment, exhibiting, as it did, perseverance, fortitude, and bravery, would, however, be incomplete, if, in the midst of victory, they had forgotten the feelings of humanity. It is with the sincerest pleasure that the general has heard, that the most punctual obedience was paid to his orders, in not only saving all the women and children, but in *sparing all the warriors who ceased to resist*; and that even when vigorously attacked by the enemy, the claims of mercy prevailed over every sense of their own danger, and this heroic band *respected the lives of their prisoners*. Let an account of murdered innocence be opened in the records of heaven, against our enemies alone. The American soldier will follow the example of his government, and the sword of the one will not be raised against the fallen and the helpless, nor the gold of the other be paid for scalps of a massacred enemy.'

I hope, sir, the honorable gentleman will now be able better to appreciate the character and conduct of my gallant countrymen, than he appears hitherto to have done.

But, sir, I have said that you have no right to practice, under color of retaliation, enormities on the Indians. I will advance in support of this position, as applicable to the origin of all law, the principle, that whatever has been the custom, from the commencement of a subject, whatever has been the uniform usage, coeval and coexistent with the subject to which it relates, becomes its fixed law. Such is the foundation of all common law; and such, I believe, is the principal foundation of all public or international law. If, then, it can be shown that from the first settlement of the

colonies, on this part of the American continent, to the present time, we have constantly abstained from retaliating upon the Indians the excesses practiced by them towards us, we are morally bound by this invariable usage, and cannot lawfully change it without the most cogent reasons. So far as my knowledge extends, from the first settlement at Plymouth or at Jamestown, it has not been our practice to destroy Indian captives, combatants or non-combatants. I know of but one deviation from the code which regulates the warfare between civilized communities, and that was the destruction of Indian towns, which was supposed to be authorized upon the ground that we could not bring the war to a termination but by destroying the means which nourished it. With this single exception, the other principles of the laws of civilized nations are extended to them, and are thus made law in regard to them. When did this humane custom, by which, in consideration of their ignorance, and our enlightened condition, the rigors of war were mitigated, begin? At a time when we were weak, and they comparatively strong; when they were the lords of the soil, and we were seeking, from the vices, from the corruptions, from the religious intolerance, and from the oppressions of Europe, to gain an asylum among them. And when is it proposed to change this custom, to substitute for it the bloody maxims of barbarous ages, and to interpolate the Indian public law with revolting cruelties? At a time when the situation of the two parties is totally changed — when we are powerful and they are weak — at a time when, to use a figure drawn from their own sublime eloquence, the poor children of the forest have been driven by the great wave which has flowed in from the Atlantic ocean almost to the base of the Rocky mountains, and, overwhelming them in its terrible progress, has left no other remains of hundreds of tribes, now extinct, than those which indicate the remote existence of their former companion, the mammoth of the new world! Yes, sir, it is at this auspicious period of our country, when we hold a proud and lofty station among the first nations of the world, that we are called upon to sanction a departure from the established laws and usages which have regulated our Indian hostilities. And does the honorable gentleman from Massachusetts expect, in this august body, this enlightened assembly of christians and Americans, by glowing appeals to our passions, to make us forget our principles, our religion, our clemency, and our humanity? Why is it that we have not practiced towards the Indian tribes the right of retaliation, now for the first time asserted in regard to them? It is because it is a principle proclaimed by reason, and enforced by every respectable writer on the law of nations, that retaliation is only justifiable as calculated to produce *effect* in the war. Vengeance is a new motive for resorting to it. If retaliation will produce no effect on the enemy, we are bound to abstain from it by every consideration of humanity

and of justice. Will it then produce effect on the Indian tribes? No; they care not about the execution of those of their warriors who are taken captive. They are considered as disgraced by the very circumstance of their captivity, and it is often mercy to the unhappy captive to deprive him of his existence. The poet evinced a profound knowledge of the Indian character, when he put into the mouth of a son of a distinguished chief, about to be led to the stake and tortured by his victorious enemy, the words:

'Begin, ye tormentors! your threats are in vain:
The son of Alknomook will never complain.'

Retaliation of Indian excesses, not producing then any effect in preventing their repetition, is condemned by both reason and the principles upon which alone, in any case, it can be justified. On this branch of the subject much more might be said, but as I shall possibly again allude to it, I will pass from it, for the present, to another topic.

It is not necessary, for the purpose of my argument in regard to the trial and execution of Arbuthnot and Ambrister, to insist on the innocency of either of them. I will yield for the sake of that argument, without inquiry, that both of them were guilty; that both had instigated the war; and that one of them had led the enemy to battle. It is possible, indeed, that a critical examination of the evidence would show, particularly in the case of Arbuthnot, that the whole amount of his crime consisted in his trading, without the limits of the United States, with the Seminole Indians, in the accustomed commodities which form the subject of Indian trade, and that he sought to ingratiate himself with his customers by espousing their interests, in regard to the provision of the treaty of Ghent, which he may have honestly believed entitled them to the restoration of their lands. And if, indeed, the treaty of Fort Jackson, for the reasons already assigned, were not binding upon the Creeks, there would be but too much cause to lament his unhappy if not unjust fate. The first impression made, on the examination of the proceedings in the trial and execution of those two men, is, that on the part of Ambrister there was the most guilt, but, at the same time, the most irregularity. Conceding the point of guilt of both, with the qualification which I have stated, I will proceed to inquire, first, if their execution can be justified upon the principles assumed by general Jackson himself. If they do not afford a justification, I will next inquire, if there be any other principles authorizing their execution; and I will in the third place make some other observations upon the mode of proceeding.

The principle assumed by general Jackson, which may be found in his general orders commanding the execution of these men, is, 'that it is an established principle of the law of nations, that any individual of a nation making war against the citizens of any other

nation, they being at peace, forfeits his allegiance, and becomes an outlaw and a pirate.' Whatever may be the character of individuals waging private war, the principle assumed is totally erroneous when applied to such individuals associated with a power, whether Indian or civilized, capable of maintaing the relations of peace and war. Suppose, however, the principle were true, as asserted, what disposition should he have made of these men? What jurisdiction, and how acquired, has the military over pirates, robbers, and outlaws? If they were in the character imputed, they were alone amenable, and should have been turned over, to the civil authority. But the principle, I repeat, is totally incorrect, when applied to men in their situation. A foreigner connecting himself with a belligerent, becomes an enemy of the party to whom that belligerent is opposed, subject to whatever he may be subject, entitled to whatever he is entitled. Arbuthnot and Ambrister, by associating themselves, became identified with the Indians; they became our enemies, and we had a right to treat them as we could lawfully treat the Indians. These positions are so obviously correct, that I shall consider it an abuse of the patience of the committee to consume time in their proof. They are supported by the practice of all nations, and of our own. Every page of history, in all times, and the recollection of every member, furnish evidence of their truth. Let us look for a moment into some of the consequences of this principle, if it were to go to Europe, sanctioned by the approbation, express or implied, of this house. We have now in our armies probably the subjects of almost every European power. Some of the nations of Europe maintain the doctrine of perpetual allegiance. Suppose Britain and America in peace, and America and France at war. The former subjects of England, naturalized and unnaturalized, are captured by the navy or army of France. What is their condition? According to the principle of general Jackson, they would be outlaws and pirates, and liable to immediate execution. Are gentlemen prepared to return to their respective districts with this doctrine in their mouths, and to say to their Irish, English, Scotch, and other foreign constituents, that they are liable, on the contingency supposed, to be treated as outlaws and pirates?

Is there any other principle which justifies the proceedings? On this subject, if I admire the wonderful ingenuity with which gentlemen seek a colorable pretext for those executions, I am at the same time shocked at some of the principles advanced. What said the honorable gentlemen from Massachusetts (Mr. Holmes), in a cold address to the committee? Why, that these executions were only the wrong mode of doing a right thing. A wrong mode of doing a right thing! In what code of public law; in what system of ethics; nay, in what respectable novel; where, if the gentleman were to take the range of the whole literature of the world; will he

find any sanction for a principle so monstrous? I will illustrate its enormity by a single case. Suppose a man, being guilty of robbery, is tried, condemned, and executed, for murder, upon an indictment for that robbery merely. The judge is arraigned for having executed, contrary to law, a human being, innocent at heart of the crime for which he was sentenced. The judge has nothing to do, to insure his own acquittal, but to urge the gentleman's plea, that he had done a right thing in a wrong way!

The principles which attached to the cases of Arbuthnot and Ambrister, constituting them merely *participes* in the war, supposing them to have been combatants, which the former was not, he having been taken in a Spanish fortress, without arms in his hands, all that we could possibly have a right to do, was to apply to them the rules which we had a right to enforce against the Indians. Their English character was only merged in their Indian character. Now, if the law regulating Indian hostilities be established by long and immemorial usage, that we have no moral right to retaliate upon them, we consequently had no right to retaliate upon Arbuthnot and Ambrister. Even if it were admitted that, in regard to future wars, and to other foreigners, their execution may have a good effect, it would not thence follow that you had a right to execute them. It is not always just to do what may be advantageous. And retaliation, during a war, must have relation to the events of that war, and must, to be just, have an operation on that war, and upon the individuals only who compose the belligerent party. It becomes gentlemen, then, on the other side, to show, by some known, certain, and recognised rule of public or municipal law, that the execution of these men was justified. Where is it? I should be glad to see it. We are told in a paper emanating from the department of state, recently laid before this house, distinguished for the fervor of its eloquence, and of which the honorable gentleman from Massachusetts has supplied us in part with a second edition, in one respect agreeing with the prototype — that they both ought to be inscribed to the American public — we are justly told in that paper, that this is the *first* instance of the execution of persons for the crime of instigating Indians to war. Sir, there are two topics which, in Europe, are constantly employed by the friends and minions of legitimacy against our country. The one is an inordinate spirit of aggrandizement — of coveting other people's goods; the other is the treatment which we extend to the Indians. Against both these charges, the public servants who conducted at Ghent the negotiations with the British commissioners, endeavored to vindicate our country, and I hope with some degree of success. What will be the condition of future American negotiators, when pressed upon this head, I know not, after the unhappy executions on our southern border. The gentleman from Massachusetts seemed yesterday to read, with a sort of triumph, the names of the

commissioners employed in the negotiation at Ghent. Will he excuse me for saying, that I thought he pronounced, even with more complacency, and with a more gracious smile, the first name in the commission, than he emphasized that of the humble individual who addresses you?

[Mr. Holmes desired to explain.]

There is no occasion for explanation; I am perfectly satisfied.

[Mr. Holmes, however, proceeded to say that his intention was, in pronouncing the gentleman's name, to add to the respect due to the negotiator that which was due to the speaker of this house.]

To return to the case of Arbuthnot and Ambrister. Will the principle of these men having been the instigators of the war, justify their execution? It is a new one; there are no landmarks to guide us in its adoption, or to prescribe limits in its application. If William Pitt had been taken by the French army, during the late European war, could France have justifiably executed him on the ground of his having notoriously instigated the continental powers to war against France? Would France, if she had stained her character by executing him, have obtained the sanction of the world to the act, by appeals to the passions and prejudices, by pointing to the cities sacked, the countries laid waste, the human lives sacrificed in the wars which he had kindled, and by exclaiming to the unfortunate captive, you, miscreant, monster, have occasioned all these scenes of devastation and blood? What has been the conduct even of England towards the greatest instigator of all the wars of the present age? The condemnation of that illustrious man to the rock of St. Helena, is a great blot on the English name. And I repeat what I have before said, that if Chatham, or Fox, or even William Pitt himself, had been prime minister in England, Bonaparte had never been so condemned. On that transaction history will one day pass its severe but just censure. Yes, although Napoleon had desolated half Europe; although there was scarcely a power, however humble, that escaped the mighty grasp of his ambition; although in the course of his splendid career, he is charged with having committed the greatest atrocities, disgraceful to himself and to human nature, yet even his life has been spared. The allies would not, England would not, execute him upon the ground of his being an instigator of wars.

The mode of the trial and sentencing these men was equally objectionable with the principles on which it has been attempted to prove a forfeiture of their lives. I know the laudable spirit which prompted the ingenuity displayed in finding out a justification for these proceedings. I wish most sincerely that I could reconcile them to my conscience. It has been attempted to vindicate the

general upon grounds which I am persuaded he would himself disown. It has been asserted, that he was guilty of a mistake in calling upon the court to try them, and that he might have at once ordered their execution, without that formality. I deny that there was any such absolute right in the commander of any portion of our army. The right of retaliation is an attribute of sovereignty. It is comprehended in the war-making power that congress possesses. It belongs to this body not only to declare war, but to raise armies, and to make rules and regulations for their government. It is in vain for gentlemen to look to the law of nations for instances in which retaliation is lawful. The laws of nations merely lay down the *principle or rule;* it belongs to the government to constitute the tribunal for applying that principle or rule. There is, for example, no instance in which the death of a captive is more certainly declared by the law of nations to be justifiable, than in the case of spies. Congress has accordingly provided, in the rules and articles of war, a tribunal for the trial of spies, and consequently for the application of the principle of the national law. The legislature has not left the power over spies undefined, to the mere discretion of the commander-in-chief, or of any subaltern officer in the army. For, if the doctrines now contended for were true, they would apply to the commander of any corps, however small, acting as a detachment. Suppose congress had not legislated in the case of spies, what would have been their condition? It would have been a *casus omissus*, and although the public law pronounced their doom, it could not be executed, because congress had assigned no tribunal for enforcing that public law. No man can be executed in this free country without two things being shown — first, that the law condemns him to death; and, secondly, that his death is pronounced by that tribunal which is authorized by the law to try him. These principles will reach every man's case, native or foreign, citizen or alien. The instant quarters are granted to a prisoner, the majesty of the law surrounds and sustains him, and he cannot be lawfully punished with death without the concurrence of the two circumstances just insisted upon. I deny that any commander-in-chief, in this country, has this absolute power of life and death, at his sole discretion. It is contrary to the genius of all our laws and institutions. To concentrate in the person of one individual the powers to make the rule, to judge and to execute the rule, or to judge and execute the rule only, is utterly irreconcilable with every principle of free government, and is the very definition of tyranny itself; and I trust that this house will never give even a tacit assent to such a principle. Suppose the commander had made even reprisals on property, would that property have belonged to the nation, or could he have disposed of it as he pleased? Had he more power, will gentlemen tell me, over the lives

of human beings than over property? The assertion of such a power to the commander-in-chief is contrary to the practice of the government. By an act of congress which passed in 1799, vesting the power of retaliation in certain cases in the president of the United States — an act which passed during the *quasi* war with France — the president is authorized to retaliate upon any of the citizens of the French republic, the enormities which may be practiced, in certain cases, upon our citizens. Under what administration was this act passed? It was under that which has been justly charged with stretching the constitution to enlarge the executive powers. Even during the mad career of Mr. Adams, when every means was resorted to for the purpose of infusing vigor into the executive arm, no one thought of claiming for him the inherent right of retaliation. I will not trouble the house with reading another law, which passed thirteen or fourteen years after, during the late war with Great Britain, under the administration of that great constitutional president, the father of the instrument itself, by which Mr. Madison was empowered to retaliate on the British in certain instances. It is not only contrary to the genius of our institutions, and to the uniform practice of the government, but it is contrary to the obvious principles on which the general himself proceeded; for, in forming the court, he evidently intended to proceed under the rules and articles of war. The extreme number which they provide for is thirteen, precisely that which is detailed in the present instance. The court proceeded not by a bare plurality, but by a majority of two thirds. In the general orders issued from the adjutant general's office, at head quarters, it is described as a *court-martial.* The prisoners are said, in those orders, to have been *tried,* 'on the following *charges and specifications.*' The court understood itself to be acting as a court-martial. It was so organized, it so proceeded, having a judge advocate, hearing witnesses, and the *written* defence of the miserable trembling prisoners, who seemed to have a presentiment of their doom. And the court was finally dissolved. The whole proceeding manifestly shows, that all parties considered it as a court-martial, convened and acting under the rules and articles of war. In his letter to the secretary of war, noticing the transaction, the general says, 'these individuals were tried under my orders, *legally* convicted as exciters of this savage and negro war, *legally* condemned, and most justly punished for their iniquities.' The Lord deliver us from such legal conviction, and such legal condemnation! The general himself considered the laws of his country to have justified his proceedings. It is in vain then to talk of a power in him beyond the law, and above the law, when he himself does not assert it. Let it be conceded that he was clothed with absolute authority over the lives of those individuals, and that, upon his own fiat, without trial, without defence, he might have

commanded their execution. Now, if an absolute sovereign, in any particular respect, promulgates a rule, which he pledges himself to observe, if he subsequently deviates from that rule, he subjects himself to the imputation of odious tyranny. If general Jackson had the power, without a court, to condemn these men, he had also the power to appoint a tribunal. He did appoint a tribunal, and became, therefore, morally bound to observe and execute the sentence of that tribunal. In regard to Ambrister, it is with grief and pain I am compelled to say, that he was executed in defiance of all law; in defiance of the law to which general Jackson had voluntarily, if you please, submitted himself, and given, by his appeal to the court, his implied pledge to observe. I know but little of military law, and what has happened, has certainly not created in me a taste for acquiring a knowledge of more; but I believe there is no example on record, where the sentence of the court has been erased, and a sentence not pronounced by it carried into execution. It has been suggested that the court had pronounced two sentences, and that the general had a right to select either. Two sentences! Two verdicts! It was not so. The first being revoked, was as though it had never been pronounced. And there remained only one sentence, which was put aside upon the sole authority of the commander, and the execution of the prisoner ordered. He either had or had not a right to decide upon the fate of that man, with the intervention of a court. If he had the right, he waived it, and having violated the sentence of the court, there was brought upon the judicial administration of the army a reproach, which must occasion the most lasting regret.

However guilty these men were, they should not have been condemned or executed without the authority of the law. I will not dwell, at this time, on the effect of these precedents in foreign countries; but I shall not pass unnoticed their dangerous influence in our own country. Bad examples are generally set in the cases of bad men, and often remote from the central government. It was in the provinces that were laid the abuses and the seeds of the ambitious projects which overturned the liberties of Rome. I beseech the committee not to be so captivated with the charms of eloquence, and the appeals made to our passions and our sympathies, as to forget the fundamental principles of our government. The influence of a bad example will often be felt, when its authors and all the circumstances connected with it are no longer remembered. I know of but one analogous instance of the execution of a prisoner, and that has brought more odium than almost any other incident on the unhappy emperor of France. I allude to the instance of the execution of the unfortunate member of the Bourbon house. He sought an asylum in the territories of Baden. Bonaparte despatched a corps of gen-d'armes to the place of his retreat, seized him, and brought him to the dungeons of Vincennes.

He was there tried by a court-martial, condemned, and shot. There, as here, was a violation of neutral territory; there, the neutral ground was not stained with the blood of him whom it should have protected. And there is another most unfortunate difference for the American people. The duke d'Enghein was executed *according to his sentence*. It is said by the defenders of Napoleon, that the duke had been machinating not merely to overturn the French government, but against the life of its chief. If that were true, he might, if taken in France, have been legally executed. Such was the odium brought upon the instruments of this transaction, that those persons who have been even suspected of participation in it, have sought to vindicate themselves from what they appear to have considered as an aspersion, before foreign courts. In conclusion of this part of my subject, I most cheerfully and entirely acquit general Jackson of any intention to violate the laws of the country, or the obligations of humanity. I am persuaded, from all that I have heard, that he considered himself as equally respecting and observing both. With respect to the purity of his intentions, therefore, I am disposed to allow it in the most extensive degree. Of his *acts*, it is my duty to speak, with the freedom which belongs to my station. And I shall now proceed to consider some of them, of the most momentous character, as it regards the distribution of the powers of government.

Of all the powers conferred by the constitution of the United States, not one is more expressly and exclusively granted, than that which gives to congress the power to declare war. The immortal convention who formed that instrument, had abundant reason, drawn from every page of history, for confiding this tremendous power to the deliberate judgment of the representatives of the people. It was there seen, that nations are often precipitated into ruinous war, from folly, from pride, from ambition, and from the desire of military fame. It was believed, no doubt, in committing this great subject to the legislature of the union, we should be safe from the mad wars that have afflicted, and desolated, and ruined other countries. It was supposed, that before any war was declared, the nature of the injury complained of, would be carefully examined, and the power and resources of the enemy estimated, and the power and resources of our own country, as well as the probable issue and consequences of the war. It was to guard our country against precisely that species of rashness which has been manifested in Florida, that the constitution was so framed. If, then, this power, thus cautiously and clearly bestowed upon congress, has been assumed and exercised by any other functionary of the government, it is cause of serious alarm, and it becomes this body to vindicate and maintain its authority by all the means in its power; and yet there are some gentlemen, who would have us not merely to yield a tame and silent acquiescence in the encroachment, but even to pass a vote of thanks to the author.

On the twenty-fifth of March, 1818, the president of the United States communicated a message to congress in relation to the Seminole war, in which he declared, that although, in the prosecution of it, orders had been given to pass into the Spanish territory, they were so guarded as that the local authorities of Spain should be respected. How respected? The president, by the documents accompanying the message, the orders themselves which issued from the department of war to the commanding general, had assured the legislature that, even if the enemy should take shelter under a Spanish fortress, the fortress was not to be attacked, but the fact to be reported to that department for further orders. Congress saw, therefore, that there was no danger of violating the existing peace. And yet, on the same twenty-fifth day of March, (a most singular concurrence of dates,) when the representatives of the people received this solemn message, announced in the presence of the nation and in the face of the world, and in the midst of a friendly negotiation with Spain, does general Jackson write from his head-quarters, that he shall take St. Marks as a necessary depot for his military operations! The general states, in his letter, what he had heard about the threat on the part of the Indians and negroes, to occupy the fort, and declares his purpose to possess himself of it, in either of the two contingences, of its being in their hands, or in the hands of the Spaniards. He assumed a right to judge what Spain was bound to do by her treaty, and judged very correctly; but then he also assumed the power, belonging to congress alone, of determining what should be the effect and consequence of her breach of engagement. General Jackson generally performs what he intimates his intention to do. Accordingly, finding St. Marks yet in the hands of the Spaniards, he seized and occupied it. Was ever, I ask, the just confidence of the legislative body, in the assurances of the chief magistrate, more abused? The Spanish commander intimated his willingness that the American army should take post near him, until he could have instructions from his superior officer, and promised to maintain, in the mean time, the most friendly relations. No! St. Marks was a convenient post for the American army, and delay was inadmissible. I have always understood that the Indians but rarely take or defend fortresses, because they are unskilled in the modes of attack and defence. The threat, therefore, on their part, to seize on St. Marks, must have been empty, and would probably have been impossible. At all events, when general Jackson arrived there, no danger any longer threatened the Spaniards, from the miserable fugitive Indians, who fled on all sides, upon his approach. And, sir, upon what plea is this violation of orders, and this act of war upon a foreign power, attempted to be justified? Upon the grounds of the conveniency of the depôt and the Indian threat. The first I will not seriously examine

and expose. If the Spanish character of the fort had been totally merged in the Indian character, it might have been justifiable to seize it. But that was not the fact; and the bare possibility of its being forcibly taken by the Indians, could not justify our anticipating their blow. Of all the odious transactions which occurred during the late war between France and England, none was more condemned in Europe and in this country, than her seizure of the fleet of Denmark, at Copenhagen. And I lament to be obliged to notice the analogy which exists in the defences made of the two cases. If my recollection does not deceive me, Bonaparte had passed the Rhine and the Alps, had conquered Italy, the Netherlands, Holland, Hanover, Lubec, and Hamburg, and extended his empire as far as Altona, on the side of Denmark. A few days' march would have carried him through Holstein, over the two Belts, through Funen, and into the island of Zealand. What then was the conduct of England? It was my lot to fall into conversation with an intelligent Englishman on this subject. 'We knew (said he) that we were fighting for our existence. It was absolutely necessary that we should preserve the command of the seas. If the fleet of Denmark fell into the enemy's hands, combined with his other fleets, that command might be rendered doubtful. Denmark had only a nominal independence. She was, in truth, subject to his sway. We said to her, give us your fleet; it will otherwise be taken possession of by your secret and our open enemy. We will preserve it, and restore it to you whenever the danger shall be over. Denmark refused. Copenhagen was bombarded, gallantly defended, but the fleet was seized.' Everywhere the conduct of England was censured; and the name even of the negotiator who was employed by her, who was subsequently the minister near this government, was scarcely ever pronounced here without coupling with it an epithet, indicating his participation in the disgraceful transaction. And yet we are going to sanction acts of violence, committed by ourselves, which but too much resemble it! What an important difference, too, between the relative condition of England and of this country! She, perhaps, was struggling for her existence. She was combating, single-handed, the most enormous military power that the world has ever known. With whom were we contending? With a few half-starved, half-clothed, wretched Indians, and fugitive slaves. And, whilst carrying on this inglorious war, inglorious as it regards the laurels or renown won in it, we violate neutral rights, which the government had solemnly pledged itself to respect, upon the principle of convenience, or upon the light presumption that, by possibility, a post might be taken by this miserable combination of Indians and slaves.

On the eighth of April, the general writes from St. Marks, that he shall march for the Suwaney river; the destroying of the establish-

ments on which will, in his opinion, bring the war to a close. Accordingly, having effected that object, he writes, on the twentieth of April, that he believes he may say that the war is at an end for the present. He repeats the same opinion in his letter to the secretary of war, written six days after. The war being thus ended, it might have been hoped that no further hostilities would be committed. But on the twenty-third of May, on his way home, he receives a letter from the commandant of Pensacola, intimating his surprise at the invasion of the Spanish territory, and the acts of hostility performed by the American army, and his determination, if persisted in, to employ force to repel them. Let us pause and examine the proceeding of the governor, so very hostile and affrontive in the view of general Jackson. Recollect that he was governor of Florida; that he had received no orders from his superiors, to allow a passage to the American army; that he had heard of the reduction of St. Marks; and that general Jackson, at the head of his army, was approaching in the direction of Pensacola. He had seen the president's message of the twenty-fifth of March, and reminded general Jackson of it, to satisfy him that the American government could not have authorized all those measures. I cannot read the allusion made by the governor to that message, without feeling that the charge of insincerity, which it implied, had at least but too much the appearance of truth in it. Could the governor have done less than write some such letter? We have only to reverse situations, and to suppose him to have been an American governor. General Jackson says, that when he received that letter, he no longer hesitated. No, sir, he did no longer hesitate. He received it on the twenty-third, he was in Pensacola on the twenty-fourth, and immediately after set himself before the fortress of San Carlos de Barancas, which he shortly reduced. *Veni, vidi, vici.* Wonderful energy! Admirable promptitude! Alas, that it had not been an energy and a promptitude within the pale of the constitution, and according to the orders of the chief magistrate. It is impossible to give any definition of war, that would not comprehend these acts. It was open, undisguised, and unauthorized hostility.

The honorable gentleman from Massachusetts has endeavored to derive some authority to general Jackson from the message of the president, and the letter of the secretary of war to governor Bibb. The message declares, that the Spanish authorities are to be respected wherever maintained. What the president means by their being maintained, is explained in the orders themselves, by the extreme case being put of the enemy seeking shelter under a Spanish fort. If even in that case he was not to attack, certainly he was not to attack in any case of less strength. The letter to governor Bibb admits of a similar explanation. When the secretary says, in that letter, that general Jackson is fully empow-

ered to bring the Seminole war to a conclusion, he means that he is so empowered by his orders, which, being now before us, must speak for themselves. It does not appear that general Jackson ever saw that letter, which was dated at this place after the capture of St. Marks. I will take a momentary glance at the orders. On the second of December, 1817, general Gaines was forbidden to cross the Florida line. Seven days after, the secretary of war having arrived here, and infused a little more energy into our councils, he was authorized to use a sound discretion in crossing or not. On the sixteenth, he was instructed again to consider himself at liberty to cross the line, and pursue the enemy; but, *if he took refuge under a Spanish fortress, the fact was to be reported to the department of war.* These orders were transmitted to general Jackson, and constituted, or ought to have constituted, his guide. There was then no justification for the occupation of Pensacola, and the attack on the Barancas, in the message of the president, the letter to governor Bibb, or in the orders themselves. The gentleman from Massachusetts will pardon me for saying, that he has undertaken what even his talents are not competent to — the maintenance of directly contradictory propositions, that it was right in general Jackson to take Pensacola, and wrong in the president to keep it. The gentleman has made a greater mistake than he supposes general Jackson to have done in attacking Pensacola for an Indian town, by attempting the defence both of the president and general Jackson. If it were right in him to seize the place, it is impossible that it should have been right in the president immediately to surrender it. We, sir, are the supporters of the president. We regret that we cannot support general Jackson also. The gentleman's liberality is more comprehensive than ours. I approve with all my heart of the restoration of Pensacola. I think St. Marks ought, perhaps, to have been also restored; but I say this with doubt and diffidence. That the president thought the seizure of the Spanish posts was an act of war, is manifest from his opening message, in which he says that, to have retained them, would have changed our relations with Spain, to do which the power of the executive was incompetent, congress alone possessing it. The president has, in this instance, deserved well of his country. He has taken the only course which he could have pursued, consistent with the constitution of the land. And I defy the gentleman to make good both his positions, that the general was right in taking, and the president right in giving up, the posts.

[Mr. Holmes explained. We took these posts, he said, to keep them from the hands of the enemy, and, in restoring them, made it a condition that Spain should not let our enemy have them. We said to her, here is your dagger; we found it in the hands of our enemy, and, having wrested it from him, we restore it to you, in the hope that you will take better care of it for the future.]

The gentleman from Massachusetts is truly unfortunate; fact or principle is always against him. The Spanish posts were not in the possession of the enemy. One old Indian only was found in the Barancas, none in Pensacola, none in St. Marks. There was not even the color of a threat of Indian occupation as it regards Pensacola and the Barancas. Pensacola was to be restored unconditionally, and might, therefore, immediately have come into the possession of the Indians, if they had the power and the will to take it. The gentleman is in a dilemma from which there is no escape. He gave up general Jackson when he supported the president, and gave up the president when he supported general Jackson. I rejoice to have seen the president manifesting, by the restoration of Pensacola, his devotedness to the constitution. When the whole country was ringing with plaudits for its capture, I said, and I said alone, in the limited circle in which I moved, that the president must surrender it; that he could not hold it. It is not my intention to inquire, whether the army was or was not constitutionally marched into Florida. It is not a clear question, and I am inclined to think that the express authority of congress ought to have been asked. The gentleman from Massachusetts will allow me to refer to a part of the correspondence at Ghent different from that which he has quoted. He will find the condition of the Indians there accurately defined. And it is widely variant from the gentleman's ideas on this subject. The Indians, inhabiting the United States, according to the statement of the American commissioners at Ghent, have a qualified sovereignty only, the supreme sovereignty residing in the government of the United States. They live under their own laws and customs, may inhabit and hunt their lands; but acknowledge the protection of the United States, and have no right to sell their lands but to the government of the United States. Foreign powers or foreign subjects have no right to maintain any intercourse with them, without our permission. They are not, therefore, independent nations, as the gentleman supposes. Maintaining the relation described with them, we must allow a similar relation to exist between Spain and the Indians residing within her dominions. She must be, therefore, regarded as the sovereign of Florida, and we are, accordingly, treating with her for the purchase of it. In strictness, then, we ought first to have demanded of her to restrain the Indians, and, that failing, we should have demanded a right of passage for our army. But, if the president had the power to march an army into Florida, without consulting Spain, and without the authority of congress, he had no power to authorize any act of hostility against her. If the gentleman had even succeeded in showing that an authority was conveyed by the executive to general Jackson to take the Spanish posts, he would only have established that unconstitutional orders had been given, and thereby transferred the disapprobation from

the military officer to the executive. But no such orders were, in truth, given. The president acted in conformity to the constitution, when he forbade the attack of a Spanish fort, and when, in the same spirit, he surrendered the posts themselves.

I will not trespass much longer upon the time of the committee; but I trust I shall be indulged with some few reflections upon the danger of permitting the conduct on which it has been my painful duty to animadvert, to pass without a solemn expression of the disapprobation of this house. Recall to your recollection the free nations which have gone before us. Where are they now?

> 'Gone glimmering through the dream of things that were,
> A school-boy's tale, the wonder of an hour.'

And how have they lost their liberties? If we could transport ourselves back to the ages when Greece and Rome flourished in their greatest prosperity, and, mingling in the throng, should ask a Grecian if he did not fear that some daring military chieftain, covered with glory, some Philip or Alexander, would one day overthrow the liberties of his country, the confident and indignant Grecian would exclaim, no! no! we have nothing to fear from our heroes; our liberties will be eternal. If a Roman citizen had been asked, if he did not fear that the conqueror of Gaul might establish a throne upon the ruins of public liberty, he would have instantly repelled the unjust insinuation. Yet Greece fell; Cæsar passed the Rubicon, and the patriotic arm even of Brutus could not preserve the liberties of his devoted country! The celebrated Madame de Stael, in her last and perhaps her best work, has said, that in the very year, almost the very month, when the president of the directory declared that monarchy would never more show its frightful head in France, Bonaparte, with his grenadiers, entered the palace of St. Cloud, and dispersing, with the bayonet, the deputies of the people, deliberating on the affairs of the state, laid the foundation of that vast fabric of despotism which overshadowed all Europe. I hope not to be misunderstood; I am far from intimating that general Jackson cherishes any designs inimical to the liberties of the country. I believe his intentions to be pure and patriotic. I thank God that he would not, but I thank him still more that he could not if he would, overturn the liberties of the republic. But precedents, if bad, are fraught with the most dangerous consequences. Man has been described, by some of those who have treated of his nature, as a bundle of habits. The definition is much truer when applied to governments. Precedents are their habits. There is one important difference between the formation of habits by an individual and by governments. He contracts it only after frequent repetition. A single instance fixes the habit and determines the direction of governments. Against

the alarming doctrine of unlimited discretion in our military commanders when applied even to prisoners of war, I must enter my protest. It begins upon them; it will end on us. I hope our happy form of government is to be perpetual. But, if it is to be preserved, it must be by the practice of virtue, by justice, by moderation, by magnanimity, by greatness of soul, by keeping a watchful and steady eye on the executive; and, above all, by holding to a strict accountability the military branch of the public force.

We are fighting a great moral battle, for the benefit not only of our country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the largest portion of it, is gazing with contempt, with jealousy, and with envy; the other portion, with hope, with confidence, and with affection. Everywhere the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the west, to enlighten, and animate, and gladden the human heart. Obscure that, by the downfall of liberty here, and all mankind are enshrouded in a pall of universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting, unimpaired, to posterity, the fair character and liberty of our country. Do you expect to execute this high trust, by trampling, or suffering to be trampled down, law, justice, the constitution, and the rights of the people? by exhibiting examples of inhumanity, and cruelty, and ambition? When the minions of despotism heard, in Europe, of the seizure of Pensacola, how did they chuckle, and chide the admirers of our institutions, tauntingly pointing to the demonstration of a spirit of injustice and aggrandizement made by our country, in the midst of an amicable negotiation. Behold, said they, the conduct of those who are constantly reproaching kings. You saw how those admirers were astounded and hung their heads. You saw, too, when that illustrious man, who presides over us, adopted his pacific, moderate, and just course, how they once more lifted up their heads with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally compelled to unite in the general praises bestowed upon our government. Beware how you forfeit this exalted character. Beware how you give a fatal sanction, in this infant period of our republic, scarcely yet two score years old, to military insubordination. Remember that Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and that if we would escape the rock on which they split, we must avoid their errors.

How different has been the treatment of general Jackson, and that modest, but heroic young man, a native of one of the smallest states in the union, who achieved for his country, on lake Erie, one of the most glorious victories of the late war. In a moment

of passion, he forgot himself, and offered an act of violence which was repented of as soon as perpetrated. He was tried, and suffered the judgment to be pronounced by his peers. Public justice was thought not even then to be satisfied. The press and congress took up the subject. My honorable friend from Virginia (Mr. Johnson), the faithful and consistent sentinel of the law and of the constitution, disapproved in that instance, as he does in this, and moved an inquiry. The public mind remained agitated and unappeased, until the recent atonement so honorably made by the gallant commodore. And is there to be a distinction between the officers of the two branches of the public service? Are former services, however eminent, to preclude even inquiry into recent misconduct? Is there to be no limit, no prudential bounds to the national gratitude? I am not disposed to censure the president for not ordering a court of inquiry, or a general court-martial. Perhaps, impelled by a sense of gratitude, he determined, by anticipation, to extend to the general that pardon which he had the undoubted right to grant after sentence. Let us not shrink from our duty. Let us assert our constitutional powers, and vindicate the instrument from military violation.

I hope gentlemen will deliberately survey the awful isthmus on which we stand. They may bear down all opposition; they may even vote the general the public thanks; they may carry him triumphantly through this house. But, if they do, in my humble judgment, it will be a triumph of the principle of insubordination, a triumph of the military over the civil authority, a triumph over the powers of this house, a triumph over the constitution of the land. And I pray most devoutly to Heaven, that it may not prove, in its ultimate effects and consequences, a triumph over the liberties of the people.

ON SOUTH AMERICAN AFFAIRS.

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 9, 1819.

[The house being in committee of the whole, on the bill to increase the salaries of certain officers of government, Mr. Clay rose and said:]

It had been his settled intention to renew, pending this bill, the proposition which he had the honor of submitting at the last session, having for its object the recognition of the independence of the United Provinces of South America. He was restrained from executing that intention, by two considerations; one was his personal indisposition, but another and more important one, was, the small portion of the session yet remaining, to transact the public business. Whilst he was up, he would say, that so far from his opinions, expressed on the former occasion, having undergone any change, they had been strengthened and confirmed, by all the occurrences which had subsequently taken place. He had been anxious, if time had permitted, to examine what appeared to him very exceptionable reasons assigned for declining to recognise our sister republic, in a paper entitled to the most profound respect, the message of the president at the opening of congress. He was desirous, also, of noticing the still more exceptionable grounds taken in a paper recently transmitted to the house, from the department of state (it ought to be laid on our table; why it was not, he did not know; he hoped our worthy clerk would, in his future contract for the public printing, guard against the delay to which we have so often been subjected). From that paper it appeared, that even a consul could not be received from the southern republic, because the grant of an exequator implied recognition! We receive her flag, we admit her commerce, and yet refuse the consular protection which that flag and commerce necessarily drew with them! But to submit his proposition, would be to occasion, perhaps, a protracted debate. And considering the few days yet left us, the pressing and urgent, though not more important business yet to be done, he should not hold himself excusable to the house and to the country, after having himself so materially contributed to the consumption of time in debate, if he were even

the unintentional instrument of preventing the passage of what might be thought essential laws. He would like exceedingly to contrast the objections urged against the reception of the Venezuelean minister, with the more forcible and stronger personal ones that lay to the present Spanish minister. But deep as the interest which he heretofore had felt and still felt, in the success of that great struggle to the south, he must, for the reasons assigned, forbear to press any proposition upon the house, at present. Should it be necessary at another session, and should he have the honor of a seat on this floor then, he pledged himself to bring up the subject, unless adverse causes should render it highly inexpedient.

ON THE SPANISH TREATY.

IN THE HOUSE OF REPRESENTATIVES, APRIL 3, 1820.

[A PERUSAL of this speech will be always gratifying and instructive, to all who would wish to be well informed in the political history of the United States. While it shows, in a striking manner, the foresight and sagacity of Mr. Clay. as an American statesman, it contains facts of much importance with regard to the settlement of the southern boundaries of the United States and the acquisition of Florida. It will be seen, that Mr. Clay disapproved of the treaty between this country and Spain, made in 1819, by the administration of Mr. Munroe, for reasons stated in this speech, which was made before the treaty was ratified by Spain. His principal objection to the treaty appears to have been, that it relinquished our claim to Texas, which territory Mr. Clay considered of much greater value to us than Florida. The settlement of these questions, by the subsequent ratification of the treaty, in October, 1820, by which we relinquished Texas and acquired Florida, does not diminish the value of this record of Mr. Clay's views on a subject, which has increased in importance since the independence of both Mexico and Texas has been established.]

THE house having resolved itself into a committee of the whole, on the state of the union, and the following resolutions, submitted some days ago by Mr. Clay (the speaker) being under consideration:

First, resolved, that the constitution of the United States vests in congress the power to dispose of the territory belonging to them; and that no treaty, purporting to alienate any portion thereof, is valid without the concurrence of congress:

Second, resolved, that the equivalent proposed to be given by Spain to the United States in the treaty concluded between them, on the twenty-second of February, 1819, for that part of Louisiana lying west of the Sabine, was inadequate; and that it would be inexpedient to make a transfer thereof to any foreign power, or to renew the aforesaid treaty:

Mr. Clay said, that, whilst he felt very grateful to the house for the prompt and respectful manner in which they had allowed him to enter upon the discussion of the resolutions which he had the honor of submitting to their notice, he must at the same time frankly say, that he thought their character and consideration, in the councils of this country, were concerned in not letting the present session pass off without deliberating upon our affairs with

Spain. In coming to the present session of congress, it had been his anxious wish to be able to concur with the executive branch of the government in the measures which it might conceive itself called upon to recommend on that subject, for two reasons, of which the first, relating personally to himself, he would not trouble the committee with further noticing. The other was, that it appeared to him to be always desirable, in respect to the foreign action of this government, that there should be a perfect coincidence in opinion between its several coördinate branches. In time of peace, however, it might be allowable, to those who are charged with the public interests, to entertain and express their respective views, although there might be some discordance between them. In a season of war there should be no division in the public councils; but a united and vigorous exertion to bring the war to an honorable conclusion. For his part, whenever that calamity may befall his country, he would entertain but one wish, and that is, that success might crown our struggle, and the war be honorably and gloriously terminated. He would never refuse to share in the joys incident to the victory of our arms, nor to participate in the griefs of defeat and discomfiture. He conceded entirely in the sentiment once expressed by that illustrious hero, whose recent melancholy fall we all so sincerely deplore, that fortune may attend our country in whatever war it may be involved.

There are two systems of policy, he said, of which our government had had the choice. The first was, by appealing to the justice and affections of Spain, to employ all those persuasives which could arise out of our abstinence from any direct countenance to the cause of South America, and the observance of a strict neutrality. The other was, by appealing to her justice also, and to her fears, to prevail upon her to redress the injuries of which we complain — her fears by a recognition of the independent governments of South America, and leaving her in a state of uncertainty as to the further step we might take in respect to those governments. The unratified treaty was the result of the first system. It could not be positively affirmed, what effect the other system would have produced; but he verily believed that, whilst it rendered justice to those governments, and would have better comported with that magnanimous policy which ought to have characterized our own, it would have more successfully tended to an amicable and satisfactory arrangement of our differences with Spain.

The first system has so far failed. At the commencement of the session, the president recommended an enforcement of the provisions of the treaty. After three months' deliberation, the committee of foreign affairs, not being able to concur with him, has made us a report, recommending the seizure of Florida in the nature of a reprisal. Now the president recommends our postponement of the subject until the next session. It had been his intention, whenever

the committee of foreign affairs should engage the house to act upon their bill, to offer, as a substitute for it, the system which he thought it became this country to adopt, of which the occupation of Texas, as our own, would have been a part, and the recognition of the independent governments of South America another. If he did not now bring forward this system, it was because the committee proposed to withdraw their bill, and because he knew too much of the temper of the house and of the executive, to think that it was advisable to bring it forward. He hoped that some suitable opportunity might occur during the session, for considering the propriety of recognising the independent governments of South America.

Whatever he might think of the *discretion* which was evinced in recommending the postponement of the bill of the committee of foreign relations, he could not think that the reasons, assigned by the president for that recommendation, were entitled to the weight which he had given them. He thought the house was called upon, by a high sense of duty, seriously to animadvert upon some of those reasons. He believed it was the first example, in the annals of the country, in which a course of policy, respecting one foreign power, which we must suppose had been deliberately considered, has been recommended to be abandoned, in a domestic communication from one to another coördinate branch of the government, upon the avowed ground of the interposition of foreign powers. And what is the nature of this interposition? It is evinced by a cargo of scraps, gathered up from this *chargé d'affaires*, and that; of loose conversations held with this foreign minister, and that — perhaps mere levee conversations, without a commitment in writing, in a solitary instance, of any of the foreign parties concerned, except only in the case of his imperial majesty; and what was the character of his commitment we shall presently see. But, he must enter his solemn protest against this and every other species of foreign interference in our matters with Spain. What have they to do with them? Would *they* not repel as officious and insulting intrusion, any interference on our part in their concerns with foreign states? Would his imperial majesty have listened with complacency, to our remonstrances against the vast acquisitions which he has recently made? He has lately crammed his enormous maw with Finland, and with the spoils of Poland, and, whilst the difficult process of digestion is going on, he throws himself upon a couch, and cries out, don't, don't disturb my repose.

He charges his minister here to plead the cause of peace and concord! The American 'government is too enlightened' (ah! sir, how sweet this unction is, which is poured down our backs,) to take hasty steps. And his imperial majesty's minister here is required to *engage* (Mr. Clay said, he hoped the original expression

was less strong, but he believed the French word *engager* bore the same meaning,) 'the American government,' &c. 'Nevertheless, the emperor does not interpose in this discussion.' No! not he. He makes above all 'no pretension to exercise influence in the councils of a foreign power.' Not the slightest. And yet, at the very instant when he is protesting against the imputation of this influence, his interposition is proving effectual! His imperial majesty has at least manifested so far, in this particular, his capacity to govern his empire, by the selection of a sagacious minister. For if count Nesselrode had never written another paragraph, the extract from his despatch to Mr. Poletica, which has been transmitted to this house, will demonstrate that he merited the confidence of his master. It is quite refreshing to read such state papers, after perusing those (he was sorry to say it, he wished there was a veil broad and thick enough to conceal them for ever,) which this treaty had produced on the part of our government.

Conversations between my lord Castlereagh and our minister at London had also been communicated to this house. Nothing from the hand of his lordship is produced; no! he does not commit himself in that way. The *sense* in which our minister understood him, and the purport of certain parts of despatches from the British government to its minister at Madrid, which he deigned to read to our minister, are alone communicated to us. Now we know very well how diplomatists, when it is their pleasure to do so, can wrap themselves up in mystery. No man more than my lord Castlereagh, who is also an able minister, possessing much greater talents than are allowed to him generally in this country, can successfully express himself in ambiguous language, when he chooses to employ it. He recollected himself once to have witnessed this facility, on the part of his lordship. The case was this. When Bonaparte made his escape from Elba, and invaded France, a great part of Europe believed it was with the connivance of the British ministry. The opposition charged them, in parliament, with it, and they were interrogated, to know what measures of precaution they had taken against such an event. Lord Castlereagh replied by stating, that there was an *understanding* with a *certain* naval officer of high rank, commanding in the adjacent seas, that he was to *act* on certain *contingences*. Now, Mr. Chairman, if you can make any thing intelligible out of this reply, you will have much more success than the English opposition had.

The allowance of interference by foreign powers in the affairs of our government, not pertaining to themselves, is against the councils of all our wisest politicians—those of Washington, Jefferson, and he would also add those of the present chief magistrate; for, pending this very Spanish negotiation, the offer of the mediation of foreign states was declined, upon the true ground,

that Europe had her system, and we ours; and that it was not compatible with our policy to entangle ourselves in the labyrinths of hers. But a mediation is far preferable to the species of interference on which it had been his reluctant duty to comment. The mediator is a judge, placed on high; his conscience his guide, the world his spectators, and posterity *his* judge. His position is one, therefore, of the greatest responsibility. But what responsibility is attached to this sort of irregular, drawing-room, intriguing interposition? He could see no motive for governing or influencing our policy, in regard to Spain, furnished in any of the communications which respected the disposition of foreign powers. He regretted, for his part, that they had at all been consulted. There was nothing in the character of the power of Spain, nothing in the beneficial nature of the stipulations of the treaty to us, which warranted us in seeking the aid of foreign powers, if in any case whatever that aid were desirable. He was far from saying that, in the foreign action of this government, it might not be prudent to keep a watchful eye upon the probable conduct of foreign powers. That might be a material circumstance to be taken into consideration. But he never would avow to our own people, never promulgate to foreign powers, that their wishes and interference were the controlling cause of our policy. Such promulgation would lead to the most alarming consequences. It was to *invite* further interposition. It might, in process of time, create in the bosom of our country a Russian faction, a British faction, a French faction. Every nation ought to be jealous of this species of interference, whatever was its form of government. But of all forms of government, the united testimony of all history, admonished a republic to be most guarded against it. From the moment Philip intermeddled with the affairs of Greece, the liberty of Greece was doomed to inevitable destruction.

Suppose, said Mr. Clay, we could see the communications which have passed between his imperial majesty and the British government, respectively, and Spain, in regard to the United States; what do you imagine would be their character? Do you suppose the same language has been held to Spain and to us? Do you not, on the contrary, believe that sentiments have been expressed to her, consoling to her pride? That we have been represented, perhaps as an ambitious republic, seeking to aggrandize ourselves at her expense?

In the other ground taken by the president, the present distressed condition of Spain, for his recommendation of forbearance to act during the present session, he was also sorry to say, that it did not appear to him to be solid. He could well conceive, how the weakness of your aggressor might, when he was withholding from you justice, form a motive for your pressing your equitable demands upon him; but he could not accord in the wisdom of that policy which would wait his recovery of strength, so as to enable him

successfully to resist those demands. Nor would it comport with the practice of our government heretofore. Did we not, in 1811, when the present monarch of Spain was an ignoble captive, and the people of the peninsula were contending for the inestimable privilege of self-government, seize and occupy that part of Louisiana which is situated between the Mississippi and the Perdido? What must the people of Spain think of that policy which would not spare them, and which commiserates alone an unworthy prince, who ignominiously surrendered himself to his enemy; a vile despot, of whom I cannot speak in appropriate language, without departing from the respect due to this house or to myself? What must the people of South America think of this sympathy for Ferdinand, at a moment when they, as well as the people of the peninsula, themselves, (if we are to believe the late accounts, and God send that they may be true,) are struggling for liberty?

Again: when we declared our late just war against Great Britain, did we wait for a moment when she was free from embarrassment or distress; or did we not rather wisely select a period when there was the greatest probability of giving success to our arms? What was the complaint in England; what the language of faction here? Was it not, that we had cruelly proclaimed the war at a time when she was struggling for the liberties of the world? How truly, let the sequel and the voice of impartial history tell.

Whilst he could not, therefore, persuade himself, that the reasons assigned by the president for postponing the subject of our Spanish affairs until another session, were entitled to all the weight which he seemed to think belonged to them, he did not, nevertheless, regret that the particular project recommended by the committee of foreign relations was thus to be disposed of; for it was war — war, attempted to be disguised. And if we went to war, he thought it should have no other limit than indemnity for the past, and security for the future. He had no idea of the wisdom of that measure of hostility which would bind us, whilst the other party is left free.

Before he proceeded to consider the particular propositions which the resolutions contained, which he had had the honor of submitting, it was material to determine the actual posture of our relations to Spain. He considered it too clear to need discussion, that the treaty was at an end; that it contained, in its present state, no obligation whatever upon us, and no obligation whatever on the part of Spain. It was, as if it had never been. We are remitted back to the state of our rights and our demands which existed prior to the conclusion of the treaty, with this only difference, that, instead of being merged in, or weakened by the treaty, they had acquired all the additional force which the intervening time, and the faithlessness of Spain, can communicate to them. Standing

on this position, he should not deem it necessary to interfere with the treaty-making power, if a fixed and persevering purpose had not been indicated by it, to obtain the revival of the treaty. Now he thought it a bad treaty. The interest of the country, as it appeared to him, forbade its renewal. Being gone, it was perfectly incomprehensible to him, why so much solicitude was manifested to restore it. Yet it is clung to with the same sort of frantic affection with which the bereaved mother hugs her dead infant, in the vain hope of bringing it back to life.

Has the house of representatives a right to express its opinion upon the arrangement made in that treaty? The president, by asking congress to carry it into effect, has given us jurisdiction of the subject, if we had it not before. We derive from that circumstance the right to consider, first, if there be a treaty; secondly, if we ought to carry it into effect; and, thirdly, if there be no treaty, whether it be expedient to assert our rights, independent of the treaty. It will not be contended that we are restricted to that specific mode of redress which the president intimated in his opening message.

The first resolution which he had presented, asserted, that the constitution vests in the congress of the United States the power to dispose of the territory belonging to them; and that no treaty, purporting to alienate any portion thereof, is valid, without the concurrence of congress.* It was far from his wish to renew at large a discussion of the treaty-making power. The constitution of the United States had not defined the precise limits of that power, because, from the nature of it, they could not be prescribed. It appeared to him, however, that no safe American statesman would assign to it a boundless scope. He presumed, for example, that it would not be contended that in a government which was itself limited, there was a functionary without limit. The first great bound to the power in question, he apprehended, was, that no treaty could constitutionally transcend the very objects and purposes of the government itself. He thought, also, that wherever there were specific grants of powers to congress, they limited and controlled, or, he would rather say, modified the exercise of the general grant of the treaty-making power, upon the principle which was familiar to every one. He did not insist, that the treaty-making power could not act upon the subjects committed to the charge of congress; he merely contended that the concurrence of congress, in its action upon those subjects, was necessary. Nor would he insist, that the concurrence should precede that action. It would be always most desirable that it should precede it, if convenient, to guard against the commitment of congress, on the one hand, by

* The proposition which it asserts was, he thought, sufficiently maintained by barely reading the clause in the constitution on which it rests: 'the congress *shall have* power to dispose, &c. the territory or other property belonging to the United States.'

the executive, or on the other, what might seem to be a violation of the faith of the country, pledged for the ratification of the treaty. But he was perfectly aware, that it would be very often highly inconvenient to deliberate, in a body so numerous as congress, on the nature of those terms on which it might be proper to treat with foreign powers. In the view of the subject which he had been taking, there was a much higher degree of security to the interests of this country. For, with all respect to the president and senate, it could not disparage the wisdom of their councils, to add to that of this house also. But, if the concurrence of this house be not necessary in the cases asserted, if there be no restriction upon the power he was considering, it might draw to itself and absorb the whole of the powers of government. To contract alliances; to stipulate for raising troops to be employed in a common war about to be waged; to grant subsidies; even to introduce foreign troops within the bosom of the country; were not unfrequent instances of the exercise of this power; and if, in all such cases, the honor and faith of the nation were committed, by the exclusive act of the president and senate, the melancholy duty alone might be left to congress of recording the ruin of the republic.*

Supposing, however, that no treaty, which undertakes to dispose of the territory of the United States, is valid, without the concurrence of congress, it may be contended, that such treaty may constitutionally fix the limits of the territory of the United States, where they are disputed, without the coöperation of congress. He admitted it, when the fixation of the limits simply was the object. As in the case of the river St. Croix, or the more recent stipulation in the treaty of Ghent, or in that of the treaty of Spain in 1795. In all these cases, the treaty-making power merely reduces to certainty that which was before unascertained. It announces the fact; it proclaims, in a tangible form, the existence of the boundary. It does not make a new boundary; it asserts only where the old boundary was. But it cannot, under color of fixing a boundary previously existing, though not in fact marked, undertake to cede away, without the concurrence of congress, whole provinces. If the subject be one of a mixed character, if it consists partly of cession, and partly of the fixation of a prior limit, he contended that the president must come here for the consent of congress. But in the Florida treaty it was not pretended that the object was simply a declaration of where the western limit of Louisiana was. It was, on the contrary, the case

* The house of representatives has uniformly maintained its right to deliberate upon those treaties, in which their coöperation was asked by the executive. In the first case that occurred in the operation of our government, that of the treaty commonly called Mr. Jay's treaty, after general Washington refused to communicate his instructions to that minister, the house asserted its rights, by fifty odd votes to thirty odd. In the last case that occurred, the convention in 1815 with Great Britain, although it passed off upon what was called a compromise, this house substantially obtained its object; for, if that convention operated as a repeal of the laws with which it was incompatible, the act which passed was altogether unnecessary.

of an avowed cession of territory from the United States to Spain. The whole of the correspondence manifested that the respective parties to the negotiation were not engaged so much in an inquiry where the limit of Louisiana *was*, as that they were exchanging overtures as to where it *should be*. Hence, we find various limits proposed and discussed. At one time the Mississippi is proposed; then the Missouri; then a river discharging itself into the gulf east of the Sabine. A vast desert is proposed to separate the territories of the two powers; and finally the Sabine, which neither of the parties had ever contended was the ancient limit of Louisiana, is adopted, and the boundary is extended from its source by a line perfectly new and arbitrary; and the treaty itself proclaims its purpose to be a cession from the United States to Spain.

The second resolution comprehended three propositions; the first of which was, that the equivalent granted by Spain to the United States, for the province of Texas, was inadequate. To determine this, it was necessary to estimate the value of what we gave, and of what we received. This involved an inquiry into our claim to Texas. It was not his purpose to enter at large into this subject. He presumed the spectacle would not be presented of questioning, in this branch of the government, our title to Texas, which had been constantly maintained by the executive for more than fifteen years past, under three several administrations. He was, at the same time, ready and prepared to make out our title, if any one in the house were fearless enough to controvert it. He would, for the present, briefly state, that the man who is most familiar with the transactions of this government, who largely participated in the formation of our constitution, and all that has been done under it, who, besides the eminent services that he has rendered his country, principally contributed to the acquisition of Louisiana, who must be supposed, from his various opportunities, best to know its limits, declared, fifteen years ago, that our title to the Rio del Norte was as well founded as it was to the island of New Orleans. [Here Mr. Clay read an extract from a memoir presented in 1805, by Mr. Monroe and Mr. Pinckney, to Mr. Cevallos, proving that the boundary of Louisiana extended eastward to the Perdido, and westward to the Rio del Norte, in which they say, 'the facts and principles which justify this conclusion, are so satisfactory to their government as to convince it, that the United States have not a better right to the island of New Orleans, under the cession referred to, than they have to the whole district of territory thus described.'] The title to the Perdido on the one side, and to the Rio del Norte on the other, rested on the same principle — the priority of discovery and of occupation by France. Spain had first discovered and made an establishment at Pensacola; France at Dauphine island, in the bay of Mobile. The intermediate space was unoccupied; and the principle observed among European nations having contiguous settlements, being, that the

unoccupied space between them should be equally divided, was applied to it, and the Perdido thus became the common boundary. So, west of the Mississippi, La Salle, acting under France, in 1682 or 3, first discovered that river. In 1685, he made an establishment on the bay of St. Bernard, west of the Colorado, emptying into it. The nearest Spanish settlement was Panuco; and the Rio del Norte, about the midway line, became the common boundary.

All the accounts concurred in representing Texas to be extremely valuable. Its superficial extent was three or four times greater than that of Florida. The climate was delicious; the soil fertile; the margins of the rivers abounding in live oak; and the country admitting of easy settlement. It possessed, moreover, if he were not misinformed, one of the finest ports in the Gulf of Mexico. The productions of which it was capable were suited to our wants. The unfortunate captive of St. Helena wished for ships, commerce, and colonies. We have them all, if we do not wantonly throw them away. The colonies of other countries are separated from them by vast seas, requiring great expense to protect them, and are held subject to a constant risk of their being torn from their grasp. Our colonies, on the contrary, are united to and form a part of our continent; and the same Mississippi, from whose rich deposit the best of them (Louisiana) has been formed, will transport on her bosom the brave, the patriotic men from her tributary streams, to defend and preserve the next most valuable, the province of Texas.

We wanted Florida, or rather we *shall* want it; or, to speak more correctly, we want no body else to have it. We do not desire it for immediate use. It fills a space in our imagination, and we wish it to complete the *arrondissement* of our territory. It must certainly come to us. The ripened fruit will not more surely fall. Florida is enclosed in between Alabama and Georgia, and cannot escape. Texas may. Whether we get Florida now, or some five or ten years hence, it is of no consequence, provided no other power gets it; and if any other power should attempt to take it, an existing act of congress authorizes the president to prevent it. He was not disposed to disparage Florida, but its intrinsic value was incomparably less than that of Texas. Almost its sole value was military. The possession of it would undoubtedly communicate some additional security to Louisiana, and to the American commerce in the Gulf of Mexico But it was not very essential to have it for protection to Georgia and Alabama. There could be no attack upon either of them, by a foreign power, on the side of Florida. It now covered those states. Annexed to the United States, and we should have to extend our line of defence so as to embrace Florida. Far from being, therefore, a source of immediate profit, it would be the occasion of considerable immediate expense.

The acquisition of it was certainly a fair object of our policy; and ought never to be lost sight of. It is even a laudable ambition, in any chief magistrate, to endeavor to illustrate the epoch of his administration, by such an acquisition. It was less necessary, however, to fill the measure of honors of the present chief magistrate, than that of any other man, in consequence of the large share which he had in obtaining all Louisiana. But, whoever may deserve the renown which may attend the incorporation of Florida into our confederacy, it is our business, as the representatives of that people who are to pay the price of it, to take care, as far as we constitutionally can, that too much is not given. He would not give Texas for Florida in a naked exchange. We were bound by the treaty to give not merely Texas, but five millions of dollars, also, and the excess beyond that sum of all our claims upon Spain, which have been variously estimated at from fifteen to twenty millions of dollars!

The public is not generally apprized of another large consideration which passed from us to Spain; if an interpretation which he had heard given to the treaty were just; and it certainly was plausible. Subsequent to the transfer, but before the delivery of Louisiana from Spain to France, the then governor of New Orleans (he believed his name was Gayoso) made a number of concessions, upon the payment of an inconsiderable pecuniary consideration, amounting to between nine hundred thousand and a million acres of land, similar to those recently made at Madrid to the royal favorites. This land is situated in Feliciana, and between the Mississippi and the Amité, in the present state of Louisiana. It was granted to persons who possessed the very best information of the country, and is no doubt, therefore, the choice land. The United States have never recognised, but have constantly denied the validity of these concessions. It is contended by the parties concerned, that they are confirmed by the late treaty. By the second article his catholic majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the *eastward* of the Mississippi, known by the name of *East and West Florida.* And by the eighth article, all grants of land made before the twenty-fourth of January, 1818, by his catholic majesty, or by his *lawful authorities*, shall be ratified and confirmed, &c. Now, the grants in question having been made long prior to that day, are supposed to be confirmed. He understood from a person interested, that don Onis had assured him it was his intention to confirm them. Whether the American negotiator had the same intention or not, he did not know. It will not be pretended, that the letter of Mr. Adams, of the twelfth of March, 1818, in which he declines to treat any further with respect to any part of the territory included within the limits of the state of Louisiana, can control the operation of the subsequent treaty. That treaty must be interpreted by what is in it, and not

by what is out of it. The overtures which passed between the parties respectively, prior to the conclusion of the treaty, can neither restrict nor enlarge its meaning. Moreover, when Mr. Madison occupied, in 1811, the country between the Mississippi and the Perdido, he declared, that in our hands it should be, as it has been, subject to negotiation.

It results, then, that we have given for Florida, charged and incumbered as it is,

First, unincumbered Texas;

Secondly, five millions of dollars;

Thirdly, a surrender of all our claims upon Spain, not included in that five millions; and,

Fourthly, if the interpretation of the treaty which he had stated were well founded, about a million of acres of the best unseated land in the state of Louisiana, worth perhaps ten millions of dollars.

The first proposition contained in the second resolution, was thus, he thought, fully sustained. The next was, that it was inexpedient to cede Texas to any foreign power. They constituted, in his opinion, a sacred inheritance of posterity, which we ought to preserve unimpaired. He wished it was, if it were not, a fundamental and inviolable law of the land, that they should be inalienable to any foreign power. It was quite evident, that it was in the order of providence; that it was an inevitable result of the principle of population, that the whole of this continent, including Texas, was to be peopled in process of time. The question was, by whose race shall it be peopled? In our hands it will be peopled by freemen, and the sons of freemen, carrying with them our language, our laws, and our liberties; establishing, on the prairies of Texas, temples dedicated to the simple, and devout modes of worship of God, incident to our religion, and temples dedicated to that freedom which we adore next to Him. In the hands of others, it may become the habitation of despotism and of slaves, subject to the vile dominion of the inquisition and of superstition. He knew that there were honest and enlightened men, who feared that our confederacy was already too large, and that there was danger of disruption, arising out of the want of reciprocal coherence between its several parts. He hoped and believed, that the principle of representation, and the formation of states, would preserve us a united people. But if Texas, after being peopled by us, and grappling with us, should, at some distant day, break off, she will carry along with her a noble crew, consisting of our children's children. The difference between those who might be disinclined to its annexation to our confederacy, and him, was, that their system began where his might, possibly, in some distant future day, terminate; and their's began with a foreign race, aliens to every thing that we hold dear, and his ended with a race partaking of all our qualities.

The last proposition which the second resolution affirms, is, that it is inexpedient to renew the treaty. If Spain had promptly ratified it, bad as it is, he would have acquiesced in it. After the protracted negotiation which it terminated; after the irritating and exasperating correspondence which preceded it, he would have taken the treaty as a man who has passed a long and restless night, turning and tossing in his bed, snatches at day an hour's disturbed repose. But she would not ratify it; she would not consent to be bound by it; and she has liberated us from it. Is it wise to renew the negotiation, if it is to be recommenced, by announcing to her at once our ultimatum? Shall we not give her the vantage ground? In early life he had sometimes indulged in a species of amusement, which years and experience had determined him to renounce, which, if the committee would allow him to use it, furnished him with a figure — shall we enter on the game, with our hand exposed to the adversary, whilst he shuffles the cards to acquire more strength? What has lost us his ratification of the treaty? Incontestably, our importunity to procure the ratification, and the hopes which that importunity inspired, that he could yet obtain more from us. Let us undeceive him. Let us proclaim the acknowledged truth, that the treaty is prejudicial to the interests of this country. Are we not told, by the secretary of state, in the bold and confident assertion, that don Onis was authorized to grant us *much* more, and that Spain *dare* not deny his instructions? The line of demarcation is *far* within his limits? If she would have then granted us more, is her position now more favorable to her in the negotiation? In our relations to foreign powers, it may be sometimes politic to sacrifice a portion of our rights to secure the residue. But is Spain such a power, as that it becomes us to sacrifice those rights? Is she entitled to it by her justice, by her observance of good faith, or by her possible annoyance of us in the event of war? She will seek, as she has sought, procrastination in the negotiation, taking the treaty as the basis. She will dare to offend us, as she has insulted us, by asking the disgraceful stipulation, that we shall not recognise the patriots. Let us put aside the treaty; tell her to grant us our rights, to their uttermost extent. And if she still *palters*, let us assert those rights by whatever measures it is for the interest of our country to adopt.

If the treaty were abandoned; if we were not on the contrary signified, too distinctly, that there was to be a continued and unremitting endeavor to obtain its revival; he would not think it advisable for this house to interpose. But, with all the information in our possession, and holding the opinions which he entertained, he thought it the bounden duty of the house to adopt the resolutions. He had acquitted himself of what he deemed a solemn duty, in bringing up the subject. Others would discharge their's, according to their own sense of them.

ON THE PROTECTION OF HOME INDUSTRY.

IN THE HOUSE OF REPRESENTATIVES, APRIL 26, 1820.

[On the twenty-second of March, Mr. Baldwin, of Pennsylvania, from the committee on manufactures, reported a tariff bill, embracing provisions of great importance, particularly as a measure of protection to home industry, and the same being under consideration in committee of the whole, Mr. Clay (speaker) renewed his efforts in support of the American system, in the following speech. The bill passed the house by a vote of ninety to sixty-nine, but was postponed in the senate twenty-two to twenty-one.]

Mr. Chairman,

Whatever may be the value of my opinions on the interesting subject now before us, they have not been hastily formed. It may possibly be recollected by some gentlemen, that I expressed them when the existing tariff was adopted; and that I then urged, that the period of the termination of the war, during which the manufacturing industry of the country had received a powerful spring, was precisely that period when government was alike impelled, by duty and interest, to protect it against the free admission of foreign fabrics, consequent upon a state of peace. I insisted, on that occasion, that a less measure of protection would prove more efficacious, at that time, than one of greater extent at a future day. My wishes prevailed only in part; and we are now called upon to decide whether we will correct the error which, I think, we then committed.

In considering the subject, the first important inquiry that we should make is, whether it be desirable that such a portion of the capital and labor of the country should be employed in the business of manufacturing, as would furnish a supply of our necessary wants? Since the first colonization of America, the principal direction of the labor and capital of the inhabitants, has been to produce raw materials for the consumption or fabrication of foreign nations. We have always had, in great abundance, the means of subsistence, but we have derived chiefly from other countries our clothes, and the instruments of defence. Except during those interruptions of commerce arising from a state of war, or from measures adopted for vindicating our commercial rights, we have

experienced no very great inconvenience heretofore from this mode of supply. The limited amount of our surplus produce, resulting from the smallness of our numbers, and the long and arduous convulsions of Europe, secured us good markets for that surplus in her ports, or those of her colonies. But those convulsions have now ceased, and our population has reached nearly ten millions. A new epoch has arisen; and it becomes us deliberately to contemplate our own actual condition, and the relations which are likely to exist between us and the other parts of the world. The actual state of our population, and the ratio of its progressive increase, when compared with the ratio of the increase of the population of the countries which have hitherto consumed our raw produce, seem, to me, alone to demonstrate the necessity of diverting some portion of our industry from its accustomed channel. We double our population in about the term of twenty-five years. If there be no change in the mode of exerting our industry, we shall double, during the same term, the amount of our exportable produce. Europe, including such of her colonies as we have free access to, taken altogether, does not duplicate her population in a shorter term, probably, than one hundred years. The ratio of the increase of her capacity of consumption, therefore, is, to that of our capacity of production, as one is to four. And it is manifest, from the simple exhibition of the powers of the consuming countries, compared with those of the supplying country, that the former are inadequate to the latter. It is certainly true, that a portion of the mass of our raw produce, which we transmit to her, reverts to us in a fabricated form, and that this return augments with our increasing population. This is, however, a very inconsiderable addition to her actual ability to afford a market for the produce of our industry.

I believe that we are already beginning to experience the want of capacity in Europe to consume our surplus produce. Take the articles of cotton, tobacco, and bread-stuffs. For the latter we have scarcely any foreign demand. And is there not reason to believe, that we have reached, if we have not passed, the maximum of the foreign demand for the other two articles? Considerations connected with the cheapness of cotton, as a raw material, and the facility with which it can be fabricated, will probably make it to be more and more used as a substitute for other materials. But, after you allow to the demand for it the utmost extension of which it is susceptible, it is yet quite *limited*—limited by the number of persons who use it, by their wants and their ability to supply them. If we have not reached, therefore, the maximum of the foreign demand, (as I believe we have,) we must soon fully satisfy it. With respect to tobacco, that article affording an enjoyment not necessary, as food and clothes are, to human existence, the foreign demand for it is still more precarious, and I apprehend that we have already

passed its limits. It appears to me, then, that, if we consult our interest merely, we ought to encourage home manufactures. But there are other motives to recommend it, of not less importance.

The wants of man may be classed under three heads; food, raiment, and defence. They are felt alike in the state of barbarism and of civilization. He must be defended against the ferocious beasts of prey in the one condition, and against the ambition, violence, and injustice, incident to the other. If he seeks to obtain a supply of those wants without giving an equivalent, he is a beggar or a robber; if by promising an equivalent which he cannot give, he is fraudulent; and if by commerce, in which there is perfect freedom on his side, whilst he meets with nothing but restrictions on the other, he submits to an unjust and degrading inequality. What is true of individuals is equally so of nations. The country, then, which relies upon foreign nations for either of those great essentials, is not, in fact, independent. Nor is it any consolation for our dependence upon other nations, that they are also dependent upon us, even were it true. Every nation should anxiously endeavor to establish its absolute independence, and consequently be able to feed, and clothe, and defend itself. If it rely upon a foreign supply, that may be cut off by the caprice of the nation yielding it, by war with it, or even by war with other nations, it cannot be independent. But it is not true, that any other nations depend upon us in a degree any thing like equal to that of our dependence upon them for the great necessaries to which I have referred. Every other nation seeks to supply itself with them from its own resources; and, so strong is the desire which they feel to accomplish this purpose, that they exclude the cheaper foreign article, for the dearer home production. Witness the English policy in regard to corn. So selfish, in this respect, is the conduct of other powers, that, in some instances, they even prohibit the produce of the industry of their *own* colonies, when it comes into competition with the produce of the parent country. All other countries but our own, exclude by high duties, or absolute prohibitions, whatever they can respectively produce within themselves. The truth is, and it is in vain to disguise it, that we are a sort of independent colonies of England — politically free, commercially slaves. Gentlemen tell us of the advantages of a free exchange of the produce of the world. But they tell us of what has never existed, does not exist, and perhaps never will exist. They invoke us to give perfect freedom on our side, whilst, in the ports of every other nation, we are met with a code of odious restrictions, shutting out entirely a great part of our produce, and letting in only so much as they cannot possibly do without. I will hereafter examine their favorite maxim, of leaving things to themselves, more particularly. At present, I will only say that I too am a friend to free trade, but it must be a free trade of perfect reciprocity. If the governing consideration were cheapness;

if national independence were to weigh nothing; if honor nothing; why not subsidize foreign powers to defend us? why not hire Swiss or Hessian mercenaries to protect us? why not get our arms of all kinds, as we do in part, the blankets and clothing of our soldiers, from abroad? We should probably consult economy by these dangerous expedients.

But, say gentlemen, there are to the manufacturing system some inherent objections, which should induce us to avoid its introduction into this country; and we are warned by the example of England, by her pauperism, by the vices of her population, her wars, and so forth. It would be a strange order of Providence, if it were true, that he should create necessary and indispensable wants, and yet should render us unable to supply them without the degradation or contamination of our species.

Pauperism is, in general, the effect of an overflowing population. Manufactures may undoubtedly produce a redundant population; but so may commerce, and so may agriculture. In this respect they are alike; and from whatever cause the disproportion of a population to the subsisting faculty of a country may proceed, its effect of pauperism is the same. Many parts of Asia would exhibit, perhaps, as afflicting effects of an extreme prosecution of the agricultural system, as England can possibly furnish, respecting the manufacturing. It is not, however, fair to argue from these extreme cases, against either the one system or the other. There are abuses incident to every branch of industry, to every profession. It would not be thought very just or wise to arraign the honorable professions of law and physic, because the one produces the pettifogger, and the other the quack. Even in England it has been established, by the diligent search of Colquhoun, from the most authentic evidence, the judicial records of the country, that the instances of crime were much more numerous in the agricultural than in the manufacturing districts; thus proving that the cause of wretchedness and vice in that country was to be sought for, not in this or that system, so much as in the fact of the density of its population. France resembles this country more than England, in respect to the employments of her population; and we do not find that there is any thing in the condition of the manufacturing portion of it, which ought to dissuade us from the introduction of it into our own country. But even France has not that great security against the abuses of the manufacturing system, against the effects of too great a density of population, which we possess in our waste lands. While this resource exists, we have nothing to apprehend. Do capitalists give too low wages; are the laborers too crowded, and in danger of starving? the unsettled lands will draw off the redundancy, and leave the others better provided for. If an unsettled province, such as Texas, for example, could, by some convulsion of nature, be wafted alongside of, and attached to,

the island of Great Britain, the instantaneous effect would be, to draw off the redundant portion of the population, and to render more comfortable both the emigrants and those whom they would leave behind. I am aware, that while the public domain is an acknowledged security against the abuses of the manufacturing, or any other system, it constitutes, at the same time, an impediment, in the opinion of some, to the success of manufacturing industry, by its tendency to prevent the reduction of the wages of labor. Those who urge this objection have their eyes too much fixed on the ancient system of manufacturing, when manual labor was the principal instrument which it employed. During the last half century, since the inventions of Arkwright, and the long train of improvements which followed, the labor of machinery is principally used. I have understood, from sources of information which I believe to be accurate, that the combined force of all the machinery employed by Great Britain, in manufacturing, is equal to the labor of one hundred millions of able-bodied men. If we suppose the aggregate of the labor of all the individuals which she employs in that branch of industry to be equal to the united labor of two millions of able-bodied men, (and I should think it does not exceed it,) machine labor will stand to manual labor, in the proportion of one hundred to two. There cannot be a doubt that we have skill and enterprise enough to command the requisite amount of machine power.

There are, too, some checks to emigration from the settled parts of our country to the waste lands of the west. Distance is one, and it is every day becoming greater and greater. There exists, also, a natural repugnance (felt less, it is true, in the United States than elsewhere, but felt even here,) to abandoning the place of our nativity. Women and children, who could not migrate, and who would be comparatively idle if manufactures did not exist, may be profitably employed in them. This is a very great benefit. I witnessed the advantage resulting from the employment of this description of our population, in a visit which I lately made to the Waltham manufactory, near Boston. There, some hundreds of girls and boys were occupied in separate apartments. The greatest order, neatness, and apparent comfort, reigned throughout the whole establishment. The daughters of respectable farmers, in one instance, I remember, the daughter of a senator in the state legislature, were usefully employed. They would come down to the manufactory, remain perhaps some months, and return, with their earnings, to their families, to assist them throughout the year. But one instance had occurred, I was informed by the intelligent manager, of doubtful conduct on the part of any of the females, and, after she was dismissed, there was reason to believe that injustice had been done her. Suppose that establishment to be destroyed, what would become of all the persons who are there

engaged so beneficially to themselves, and so usefully to the state? Can it be doubted that, if the crowds of little mendicant boys and girls who infest this edifice, and assail us, every day, at its very thresholds, as we come in and go out, begging for a cent, were employed in some manufacturing establishment, it would be better for them and the city? Those who object to the manufacturing system should recollect, that constant occupation is the best security for innocence and virtue, and that idleness is the parent of vice and crime. They should contemplate the laboring poor with employment, and ask themselves what would be their condition without it. If there are instances of hard taskmasters among the manufacturers, so also are there in agriculture. The cause is to be sought for, not in the nature of this or that system, but in the nature of man. If there are particular species of unhealthy employment in manufactures, so there are in agriculture also. There has been an idle attempt to ridicule the manufacturing system, and we have heard the expression, 'spinning-jenny tenure.' It is one of the noblest inventions of human skill. It has diffused comforts among thousands who, without it, would never have enjoyed them; and millions yet unborn will bless the man by whom it was invented. Three important inventions have distinguished the last half century, each of which, if it had happened at long intervals of time from the other, would have been sufficient to constitute an epoch in the progress of the useful arts. The first was that of Arkwright; and our own country is entitled to the merit of the other two. The world is indebted to Whitney for the one, and to Fulton for the other. Nothing is secure against the shafts of ridicule. What would be thought of a man who should speak of a cotton-gin tenure, or a steamboat tenure?

In one respect there is a great difference in favor of manufactures, when compared with agriculture. It is the rapidity with which the whole manufacturing community avail themselves of an improvement. It is instantly communicated and put in operation. There is an avidity for improvement in the one system, an aversion to it in the other. The habits of generation after generation pass down the long track of time in perpetual succession without the slightest change in agriculture. The ploughman who fastens his plough to the tails of his cattle, will not own that there is any other mode equal to his. An agricultural people will be in the neighborhood of other communities, who have made the greatest progress in husbandry, without advancing in the slightest degree. Many parts of our country are one hundred years in advance of Sweden in the cultivation and improvement of the soil.

It is objected, that the effect of the encouragement of home manufactures, by the proposed tariff, will be, to diminish the revenue from the customs The amount of the revenue from that source will depend upon the amount of importations, and the

measure of these will be the value of the exports from this country. The quantity of the exportable produce will depend upon the foreign demand; and there can be no doubt that, under any distribution of the labor and capital of this country, from the greater allurements which agriculture presents than any other species of industry, there would be always a quantity of its produce sufficient to satisfy that demand. If there be a diminution in the ability of foreign nations to consume our raw produce, in the proportion of our diminished consumption of theirs, under the operation of this system, that will be compensated by the substitution of a home for a foreign market, in the same proportion. It is true, that we cannot remain in the relation of seller, only to foreign powers, for any length of time; but if, as I have no doubt, our agriculture will continue to supply, as far as it can profitably, to the extent of the limits of foreign demand, we shall receive not only in return many of the articles on which the tariff operates, for our own consumption, but they may also form the objects of trade with South America and other powers, and our comforts may be multiplied by the importation of other articles. Diminished consumption, in consequence of the augmentation of duties, does not necessarily imply diminished revenue. The increase of the duty may compensate the decrease in the consumption, and give you as large a revenue as you before possessed.

Can any one doubt the impolicy of government resting solely upon the precarious resource of such a revenue? It is constantly fluctuating. It tempts us, by its enormous amount, at one time, into extravagant expenditure; and we are then driven, by its sudden and unexpected depression, into the opposite extreme. We are seduced by its flattering promises into expenses which we might avoid; and we are afterwards constrained by its treachery, to avoid expenses which we ought to make. It is a system under which there is a sort of perpetual war, between the interest of the government and the interest of the people. Large importations fill the coffers of government, and empty the pockets of the people. Small importations imply prudence on the part of the people, and leave the treasury empty. In war, the revenue disappears; in peace it is unsteady. On such a system the government will not be able much longer exclusively to rely. We all anticipate that we shall have shortly to resort to some additional supply of revenue within ourselves. I was opposed to the total repeal of the internal revenue. I would have preserved certain parts of it at least, to be ready for emergences such as now exist. And I am, for one, ready to exclude foreign spirits altogether, and substitute for the revenue levied on them a tax upon the spirits made within the country. No other nation lets in so much of foreign spirits as we do. By the encouragement of home industry, you will lay a basis of internal taxation, when it gets strong, that will be steady and

uniform, yielding alike in peace and in war. We do not derive our ability from abroad, to pay taxes. That depends upon our wealth and our industry; and it is the same, whatever may be the form of levying the public contributions.

But it is urged, that you tax other interests of the state to sustain manufacturers. The business of manufacturing, if encouraged, will be open to all. It is not for the sake of the particular individuals who may happen to be engaged in it, that we propose to foster it; but it is for the general interest. We think that it is necessary to the comfort and well-being of society, that fabrication, as well as the business of production and distribution, should be supported and taken care of. Now, if it be even true, that the price of the home fabric will be somewhat higher, in the first instance, than the rival foreign articles, that consideration ought not to prevent our extending reasonable protection to the home fabric. Present temporary inconvenience may be well submitted to for the sake of future permanent benefit. If the experience of all other countries be not utterly fallacious; if the promises of the manufacturing system be not absolutely illusory; by the competition which will be elicited in consequence of your parental care, prices will be ultimately brought down to a level with that of the foreign commodity. Now, in a scheme of policy which is devised for a nation, we should not limit our views to its operation during a single year, or for even a short term of years. We should look at its operation for a considerable time, and in war as well as in peace. Can there be a doubt, thus contemplating it, that we shall be compensated by the certainty and steadiness of the supply in all seasons, and the ultimate reduction of the price for any temporary sacrifices we make? Take the example of salt, which the ingenious gentleman from Virginia (Mr. Archer) has adduced. He says, during the war, the price of that article rose to ten dollars per bushel, and he asks if you would lay a duty, permanent in its duration, of three dollars per bushel, to secure a supply in war. I answer, no, I would not lay so high a duty. That which is now proposed, for the encouragement of the domestic production, is only five cents per bushel. In forty years the duty would amount only to two dollars. If the recurrence of war shall be only after intervals of forty years' peace, (and we may expect it probably oftener,) and if, when it does come, the same price should again be given, there will be a clear saving of eight dollars, by promoting the domestic fabrication. All society is an affair of mutual concession. If we expect to derive the benefits which are incident to it, we must sustain our reasonable share of burdens. The great interests which it is intended to guard and cherish, must be supported by their reciprocal action and reaction. The harmony of its parts is disturbed, the discipline which is necessary to its order is incomplete, when one of the three great and essential branches

of its industry is abandoned and unprotected. If you want to find an example of order, of freedom from debt, of economy, of expenditure falling below rather than exceeding income, you will go to the well-regulated family of a farmer. You will go to the house of such a man as Isaac Shelby; you will not find him haunting taverns, engaged in broils, prosecuting angry lawsuits; you will behold every member of his family clad with the produce of their own hands, and usefully employed; the spinning-wheel and the loom in motion by day-break. With what pleasure will his wife carry you into her neat dairy, lead you into her store-house, and point you to the table-cloths, the sheets, the counterpanes which lie on this shelf for one daughter, or on that for another, all prepared in advance by her provident care for the day of their respective marriages. If you want to see an opposite example, go to the house of a man who manufactures nothing at home, whose family resorts to the store for every thing they consume. You will find him perhaps in the tavern, or at the shop at the cross-roads. He is engaged, with the rum-grog on the table, taking depositions to make out some case of usury or fraud. Or perhaps he is furnishing to his lawyer the materials to prepare a long bill of injunction in some intricate case. The sheriff is hovering about his farm to serve some new writ. On court-days — he never misses attending them — you will find him eagerly collecting his witnesses to defend himself against the merchant and doctor's claims. Go to his house, and, after the short and giddy period that his wife and daughters have flirted about the country in their calico and muslin frocks, what a scene of discomfort and distress is presented to you there! What the individual family of Isaac Shelby is, I wish to see the nation in the aggregate become. But I fear we shall shortly have to contemplate its resemblance in the opposite picture. If statesmen would carefully observe the conduct of private individuals in the management of their own affairs, they would have much surer guides in promoting the interests of the state, than the visionary speculations of theoretical writers.

The manufacturing system is not only injurious to agriculture, but, say its opponents, it is injurious also to foreign commerce. We ought not to conceal from ourselves our present actual position in relation to other powers. During the protracted war which has so long convulsed all Europe, and which will probably be succeeded by a long peace, we transacted the commercial business of other nations, and largely shared with England the carrying trade of the world. Now, every other nation is anxiously endeavoring to transact its own business, to rebuild its marine, and to foster its navigation. The consequence of the former state of things was, that our mercantile marine, and our commercial employment were enormously disproportionate to the exchangeable domestic produce of our country. And the result of the latter will be, that, as

exchanges between this country and other nations will hereafter consist principally, on our part, of our domestic produce, that marine and that employment will be brought down to what is necessary to effect those exchanges. I regret exceedingly this reduction. I wish the mercantile class could enjoy the same extensive commerce that they formerly did. But, if they cannot, it would be a folly to repine at what is irrecoverably lost, and we should seek rather to adapt ourselves to the new circumstances in which we find ourselves. If, as I think, we have reached the maximum of our foreign demand for our three great staples, cotton, tobacco, and flour, no man will contend that we should go on to produce more and more, to be sent to the glutted foreign market, and consumed by devouring expenses, merely to give employment to our tonnage and to our foreign commerce. It would be extremely unwise to accommodate our industry to produce, not what is wanted abroad, but cargoes for our unemployed ships. I would give our foreign trade every legitimate encouragement, and extend it whenever it can be extended profitably. Hitherto it has been stimulated too highly, by the condition of the world, and our own policy acting on that condition. And we are reluctant to believe that we must submit to its necessary abridgment. The habits of trade, the tempting instances of enormous fortunes which have been made by the successful prosecution of it, are such, that we turn with regret from its pursuit; we still cherish a lingering hope; we persuade ourselves that something will occur, how and what it may be, we know not, to revive its former activity; and we would push into every untried channel, grope through the Dardanelles into the Black sea, to restore its former profits. I repeat it, let us proclaim to the people of the United States the incontestable truth, that our foreign trade must be circumscribed by the altered state of the world; and, leaving it in the possession of all the gains which it can now possibly make, let us present motives to the capital and labor of our country, to employ themselves in fabrication at home. There is no danger that, by a withdrawal of that portion which is unprofitably employed on other objects, and an application of it to fabrication, our agriculture would be too much cramped. The produce of it will always come up to the foreign demand. Such are the superior allurements belonging to the cultivation of the soil to all other branches of industry, that it will always be preferred when it can profitably be followed. The foreign demand will, in any conceivable state of things, limit the amount of the exportable produce of agriculture. The amount of our exportations will form the measure of our importations, and, whatever these may be, they will constitute the basis of the revenue derivable from customs.

The manufacturing system is favorable to the maintenance of peace. Foreign commerce is the great source of foreign wars.

The eagerness with which we contend for every branch of it, the temptations which it offers, operating alike upon us and our foreign competitors, produce constant collisions. No country on earth, by the extent of its superfices, the richness of its soil, the variety of its climate, contains within its own limits more abundant facilities for supplying all our rational wants than ours does. It is not necessary or desirable, however, to cut off all intercourse with foreign powers. But, after securing a supply, within ourselves, of all the great essentials of life, there will be ample scope still left for preserving such an intercourse. If we had no intercourse with foreign states, if we adopted the policy of China, we should have no external wars. And in proportion as we diminish our dependence upon them, shall we lessen the danger of the recurrence of war. Our late war would not have existed if the counsels of the manufacturers in England had been listened to. They finally did prevail, in their steady and persevering effort to produce a repeal of the orders in council; but it was too late to prevent the war. Those who attribute to the manufacturing system the burdens and misfortunes of that country, commit a great error. These were probably a joint result of the operation of the whole of her systems, and the larger share of it was to be ascribed to her foreign commerce, and to the ambition of her rulers, than to any other cause. The war of our revolution, in which that ambition displayed its monstrous arrogance and pretensions, laid the broad foundation of that enormous debt under which she now groans.

The tendency of reasonable encouragement to our home industry is favorable to the preservation and strength of our confederacy. Now our connection is merely political. For the sale of the surplus of the produce of our agricultural labor, all eyes are constantly turned upon the markets of Liverpool. There is scarcely any of that beneficial intercourse, the best basis of political connection, which consists of the exchange of the produce of our labor. On our maritime frontier there has been too much stimulus, an unnatural activity; in the great interior of the country, there exists a perfect paralysis. Encourage fabrication at home, and there will instantly arise animation and a healthful circulation throughout all the parts of the republic. The cheapness, fertility, and quantity of our waste lands, offer such powerful inducements to cultivation, that our countrymen are constantly engaging in it. I would not check this disposition, by hard terms in the sale of it. Let it be easily accessible to all who wish to acquire it. But I would countervail this predilection, by presenting to capital and labor motives for employment in other branches of industry. Nothing is more uncertain than the pursuit of agriculture, when we mainly rely upon foreign markets for the sale of its surplus produce. In the first place, it is impossible to determine, *a priori*, the amount of this surplus; and, in the second, it is equally impos-

sible to anticipate the extent of the foreign demand. Both the one and the other depend upon the seasons. From the fluctuations incident to these, and from other causes, it may happen that the supplying country will, for a long series of years, have employed a larger share of its capital and labor than is wise, in production, to supply the wants of the consuming countries, without becoming sensible of its defect of policy. The failure of a crop, or the failure of a market, does not discourage the cultivator. He renews his labors another year, and he renews his hopes. It is otherwise with manufacturing industry. The precise quantum of its produce, at least, can with some accuracy be previously estimated. And the wants of foreign countries can be with some probability anticipated.

I am sensible, Mr. Chairman, if I have even had a success, which I dare not presume, in the endeavor I have been making to show that sound policy requires a diversion of so much of the capital and labor of this country from other employments as may be necessary, by a different application of them, to secure, within ourselves, a steady and adequate supply of the great necessaries of life, I shall have only established one half of what is incumbent upon me to prove. It will still be required by the other side, that a second proposition be supported, and that is, that government ought to present motives for such a diversion and new application of labor and capital, by that species of protection which the tariff holds out. Gentlemen say, we agree with you; you are right in your first proposition; but, 'let things alone,' and they will come right in the end. Now, I agree with them, that things would ultimately get right; but not until after a long period of disorder and distress, terminating in the impoverishment, and perhaps ruin, of the country. Dissolve government, reduce it to its primitive elements, and, without any general effort to reconstruct it, there would arise, out of the anarchy which would ensue, partial combinations for the purpose of individual protection, which would finally lead to a social form, competent to the conservation of peace within, and the repulsion of force from without. Yet no one would say, in such a state of anarchy, let things alone! If gentlemen, by their favorite maxim, mean only that, within the bosom of the state, things are to be left alone, and each individual, and each branch of industry, allowed to pursue their respective interests, without giving a preference to either, I subscribe to it. But if they give it a more comprehensive import; if they require that things be left alone, in respect not only to interior action, but to exterior action also; not only as regards the operation of our own government upon the mass of the interests of the state, but as it relates to the operation of foreign governments upon that mass, I dissent from it.

This maxim, in this enlarged sense, is indeed every where

proclaimed; but nowhere practiced. It is truth in the books of European political economists. It is error in the practical code of every European state. It is not applied where it is most applicable; it is attempted to be introduced here, where it is least applicable; and even here its friends propose to limit it to the single branch of manufacturing industry, whilst every other interest is encouraged and protected according to the policy of Europe. The maxim would best suit Europe, where each interest is adjusted and arranged to every other, by causes operating during many centuries. Every thing there has taken and preserved its ancient position. The house that was built centuries ago, is occupied by the descendants of its original constructor. If one could rise up, after the lapse of ages, and enter a European shop, he would see the same hammer at work, on the same anvil or last, and almost by the same hand. There every thing has found its place and its level, and every thing, one would think, might there be safely left alone. But the policy of the European states is otherwise. Here every thing is new and unfixed. Neither the state, nor the individuals who compose it, have settled down in their firm and permanent positions. There is a constant tendency, in consequence of the extent of our public domain, towards production for foreign markets. The maxim, in the comprehensive sense in which I am considering it, requires, to entitle it to observation, two conditions, neither of which exists. First, that there should be perpetual peace, and secondly, that the maxim should be every where respected. When war breaks out, that free and general circulation of the produce of industry among the nations which it recommends, is interrupted, and the nation that depends upon a foreign supply of its necessaries, must be subjected to the greatest inconvenience. If it be not every where observed, there will be, between the nation that does not, and the nation that does, conform to it, an inequality alike condemned by honor and by interest. If there be no reciprocity; if, on the one side, there is perfect freedom of trade, and on the other a code of odious restrictions; will gentlemen still contend that we are to submit to such an unprofitable and degrading intercourse? Will they require that we shall act upon the social system, whilst every other power acts upon the selfish? Will they demand of us to throw widely open our ports to every nation, whilst all other nations entirely or partly exclude theirs against our productions? It is, indeed, possible, that some pecuniary advantage might be enjoyed by our country in prosecuting the remnant of the trade which the contracted, policy of other powers leaves to us. But what security is there for our continuing to enjoy even that? And is national honor, is national independence, to count as nothing? I will not enter into a detail of the restrictions with which we are every where presented in foreign countries. I will content myself with asserting that they

take nothing from us which they can produce themselves, upon even worse terms than we could supply them. Take, again, as an example, the English corn-laws. America presents the image of a fine, generous-hearted young fellow, who had just come to the possession of a rich estate — an estate, which, however, requires careful management. He makes nothing; he buys every thing. He is surrounded by a parcel of Jews, each holding out his hand with a packet of buttons or pins, or some other commodity, for sale. If he asks those Jews to buy any thing which his estate produces, they tell him no; it is not for our interest; it is not for yours. Take this new book, says one of them, on political economy, and you will there perceive it is for your interest to buy from us, and to let things alone in your own country. The gentleman from Virginia, to whom I have already referred, has surrendered the whole argument, in the example of the East India trade. He thinks that because India takes nothing but specie from us; because there is not a reciprocal exchange between us and India, of our respective productions, that the trade ought to be discontinued. Now I do not agree with him, that it ought to be abandoned, though I would put it under considerable restrictions, when it comes in competition with the fabrics of our own country. If the want of entire reciprocity be a sufficient ground for the total abandonment of a particular branch of trade, the same principle requires that, where there are some restrictions on the one side, they should be countervailed by equal restrictions on the other.

But this maxim, according to which gentlemen would have us abandon the home industry of the country, to the influence of the restrictive systems of other countries, without an effort to protect and preserve it, is not itself observed by the same gentlemen, in regard to the great interests of the nation. We protect our fisheries by bounties and drawbacks. We protect our tonnage, by excluding or restricting foreign tonnage, exactly as our tonnage is excluded or restricted by foreign states. We passed, a year or two ago, the bill to prohibit British navigation from the West India colonies of that power to the United States, because ours is shut out from them. The session prior to the passage of that law, the gentleman from South Carolina and I, almost alone, urged the house to pass it. But the subject was postponed until the next session, when it was passed by nearly a unanimous vote, the gentleman from South Carolina, and the two gentlemen from Virginia (Messrs. Barbour and Tyler) voting with the majority. We have now upon our table other bills connected with that object, and proposing restriction upon the French tonnage to countervail theirs upon ours. I shall, with pleasure, vote for these measures. We protect our foreign trade, by consuls, by foreign ministers, by embargoes, by non-intercourse, by a navy, by fortifications, by squadrons constantly acting abroad, by war, and by a variety of commercial regulations

in our statute-book. The whole system of the general government, from its first formation to the present time, consists, almost exclusively, in one unremitting endeavor to nourish, and protect, and defend the foreign trade. Why have not all these great interests been left to the operation of the gentlemen's favorite maxim? Sir, it is perfectly right that we should have afforded this protection. And it is perfectly right, in my humble opinion, that we should extend the principle to the home industry. I am a friend to foreign trade, but I protest against its being the monopolist of all the parental favor and care of this government.

But, sir, friendly as I am to the existence of domestic manufactures, I would not give to them unreasonable encouragement, by protecting duties. Their growth ought to be gradual, but sure. I believe all the circumstances of the present period highly favorable to their success. But they are the youngest and the weakest interest of the state. Agriculture wants but little or no protection against the regulations of foreign powers. The advantages of our position, and the cheapness, and abundance, and fertility of our land, afford to that greatest interest of the state almost all the protection it wants. As it should be, it is strong and flourishing; or, if it be not, at this moment, prosperous, it is not because its produce is not ample, but because, depending, as we do altogether, upon a foreign market for the sale of the surplus of that produce, the foreign market is glutted. Our foreign trade, having almost exclusively engrossed the protecting care of government, wants no further legislative aid. And, whatever depression it may now experience, it is attributable to causes beyond the control of this government. The abundance of capital, indicated by the avidity with which loans are sought, at the reduced rate of five per centum; the reduction in the wages of labor, and the decline in the price of property of every kind, as well as that of agricultural produce, all concur favorably for domestic manufactures. Now, as when we arranged the existing tariff, is the auspicious moment for government to step in and cheer and countenance them. We did too little then, and I endeavored to warn this house of the effects of inadequate protection. We were called upon, at that time, by the previous pledges we had given, by the inundation of foreign fabrics, which was to be anticipated from their free admission after the termination of the war, and by the lasting interests of this country, to give them efficient support. We did not do it; but let us not now repeat the error. Our great mistake has been in the irregularity of the action of the measures of this government upon manufacturing industry. At one period it is stimulated too high, and then, by an opposite course of policy, it is precipitated into a condition of depression too low. First there came the embargo; then non-intercourse, and other restrictive measures followed; and finally, that greatest of all stimuli to domestic fabrication, war.

During all that long period, we were adding to the positive effect of the measures of government, all the moral encouragement which results from popular resolves, legislative resolves, and other manifestations of the public will and the public wish to foster our home manufactures, and to render our confederacy independent of foreign powers. The peace ensued, and the country was flooded with the fabrics of other countries; and we, forgetting all our promises, coolly and philosophically talk of leaving things to themselves; making up our deficiency of practical good sense, by the stores of learning which we collect from theoretical writers. I, too, sometimes amuse myself with the visions of these writers, (as I do with those of metaphysicians and novelists,) and, if I do not forget, one of the best among them enjoins it upon a country to protect its industry against the injurious influence of the prohibitions and restrictions of foreign countries, which operate upon it.

Monuments of the melancholy effects upon our manufactures, and of the fluctuating policy of the councils of the union in regard to them, abound in all parts of the country. Villages, and parts of villages, which sprang up but yesterday in the western country, under the excitement to which I have referred, have dwindled into decay, and are abandoned. In New England, in passing along the highway, one frequently sees large and spacious buildings, with the glass broken out of the windows, the shutters hanging in ruinous disorder, without any appearance of activity, and enveloped in solitary gloom. Upon inquiring what they are, you are almost always informed that they were some cotton or other factory, which their proprietors could no longer keep in motion against the overwhelming pressure of foreign competition. Gentlemen ask for *facts* to show the expediency and propriety of extending protection to our manufactures. Do they want stronger evidence than the condition of things I have pointed out? They ask, why the manufacturing industry is not resumed under the encouraging auspices of the present time? Sir, the answer is obvious; there is a general dismay; there is a want of heart; there is the greatest moral discouragement experienced throughout the nation. A man who engages in the manufacturing business is thought by his friends to be deranged. Who will go to the ruins of Carthage or Balbec to rebuild a city there? Let government commence a systematic but moderate support of this important branch of our industry. Let it announce its fixed purpose, that the protection of manufactures against the influence of the measures of foreign governments, will enter into the scope of our national policy. Let us substitute, for the irregular action of our measures, one that shall be steady and uniform; and hope, and animation, and activity, will again revive. The gentleman from South Carolina (Mr. Lowndes) offered a resolution, which the house rejected, having for its object to ascertain the profits now

made upon capital employed in manufacturing. It is not, I repeat it, the individuals, but the interests we wish to have protected. From the infinite variety of circumstances under which different manufacturing establishments are situated, it is impossible that any information, such as the gentleman desires, could be obtained, that ought to guide the judgment of this house. It may happen that, of two establishments engaged in the same species of fabrication, one will be prospering and the other laboring. Take the example of the Waltham manufactory near Boston, and that of Brunswick in Maine. The former has the advantage of a fine water situation, a manager of excellent information, enthusiastically devoted to its success, a machinist of most inventive genius, who is constantly making some new improvement, and who has carried the water loom to a degree of perfection which it has not attained in England — to such perfection as to reduce the cost of weaving a yard of cloth adapted to shirting to less than a cent — while it is abundantly supplied with capital by several rich capitalists in Boston. These gentlemen have the most extensive correspondence with all parts of the United States. Owing to this extraordinary combination of favorable circumstances, the Waltham establishment is doing pretty well; whilst that of Brunswick, not possessing all of them, but perhaps as many as would enable it, under adequate protection, to flourish, is laboring arduously. Will gentlemen infer, from the success of a few institutions having peculiar advantages, which form exceptions to the languishing condition of manufacturing industry, that there exists no necessity for protection? In the most discouraging state of trade and navigation, there are, no doubt, always some individuals who are successful in prosecuting them. Would it be fair to argue, from these instances, against any measure brought forward to revive their activity?

The gentleman from Massachusetts (Mr. Whitman) has manifested peculiar hostility to the tariff, and has allowed himself to denominate it a mad, quixotic, ruinous scheme. The gentleman is dissatisfied with the quarter — the west — from which it emanates. To give higher tone and more effect to the gentleman's declamation, which is vague and indefinite, he has even assumed a new place in this house. Sir, I would advise the gentleman to return to his ancient position, moral and physical. It was respectable and useful. The honorable gentleman professes to be a friend to manufacturers! And yet he has found an insurmountable constitutional impediment to their encouragement, of which, as no other gentleman has relied upon it, I shall leave him in the undisturbed possession. The honorable gentleman a friend to manufacturers! And yet he has delivered a speech, marked with peculiar emphasis, against their protection. The honorable gentleman a friend to manufacturers! And yet he requires, if this constitutional difficulty could be removed, such an arrangement of the tariff as shall please

him, although every one else should be dissatisfied. The intimation is not new of the presumptuousness of western politicians, in endeavoring to give to the policy of this country such a direction as will assert its honor and sustain its interests. It was first made whilst the measures preparatory to the late war were under consideration, and it now probably emanates from the same quarter. The predilection of the school of the Essex junto for foreign trade and British fabrics — I am far from insinuating that other gentlemen who are opposed to the tariff are actuated by any such spirit — is unconquerable. We disregarded the intimation when it was first made; we shall be uninfluenced by it now. If, indeed, there were the least color for the assertion, that the foreign trade is to be crushed by the tariff, is it not strange, that the whole of the representation from all our great commercial metropolises should unite to destroy it? The member from Boston, — to whose rational and disinterested course I am happy, on this, as on many other occasions, to be able to testify, — the representatives from the city of New York, from Philadelphia, from Baltimore, all entered into this confederacy, to destroy it, by supporting this mad and ruinous scheme. Some gentlemen assert that it is too comprehensive. But its chief recommendation to me is, that it leaves no important interest unprovided for.

The same gentlemen, or others, if it had been more limited, would have objected to its partial operation. The general measure of the protection which it communicates, is pronounced to be immoderate and enormous. Yet no one ventures to enter into a specification of the particular articles of which it is composed, to show that it deserves thus to be characterized. The article of molasses has, indeed, been selected, and held up as an instance of the alleged extravagance. The existing tariff imposes a duty of five cents, the proposed tariff ten cents per gallon. We tax foreign spirits very high, and yet we let in, with a very low duty, foreign molasses, which ought to be considered as rum in disguise, filling the space of so much domestic spirits. If (which I do not believe will immediately be the case, to any considerable extent) the manufacture of spirits from molasses, should somewhat decline under the new tariff, the manufacture of spirits from the raw material, produced at home, will be extended in the same ratio. Besides the incidental advantage of increasing our security against the effect of seasons of scarcity, by increasing the distillation of spirits from grain, there is scarcely any item in the tariff which combines so many interests in supporting the proposed rate of duty. The grain-growing country, the fruit country, and the culture of cane, would be all benefited by the duty. Its operation is said, however, to be injurious to a certain quarter of the union. It is not to be denied, that each particular section of the country will feel some one or more articles of the tariff to bear hard upon

it, during a short period; but the compensation is to be found in the more favorable operation of others. Now I am fully persuaded that, in the first instance, no part of the union would share more largely than New England, in the aggregate of the benefits resulting from the tariff. But the habits of economy of her people, their industry, their skill, their noble enterprise, the stimulating effects of their more rigorous climate, all tend to insure to her the first and the richest fruits of the tariff. The middle and the western states will come in afterwards for their portion, and all will participate in the advantage of internal exchanges and circulation. No quarter of the union will urge, with a worse grace than New England, objections to a measure, having for its object the advancement of the interests of the whole; for no quarter of the union participates more extensively in the benefits flowing from the general government. Her tonnage, her fisheries, her foreign trade, have been constantly objects of federal care. There is expended the greatest portion of the public revenue. The building of the public ships; their equipments; the expenses incident to their remaining in port, chiefly take place there. That great drain on the revenue, the revolutionary pension law, inclines principally towards New England. I do not, however, complain of these advantages which she enjoys. She is probably fairly entitled to them. But gentlemen from that quarter may, at least, be justly reminded of them, when they complain of the onerous effect of one or two items of the tariff.

Mr. Chairman, I frankly own that I feel great solicitude for the success of this bill. The entire independence of my country on all foreign states, as it respects a supply of our essential wants, has ever been with me a favorite object. The war of our revolution effected our political emancipation. The last war contributed greatly towards accomplishing our commercial freedom. But our complete independence will only be consummated after the policy of this bill shall be recognised and adopted. We have, indeed, great difficulties to contend with — old habits, colonial usages, the obduracy of the colonial spirit, the enormous profits of a foreign trade, prosecuted under favorable circumstances, which no longer continue. I will not despair; the cause, I verily believe, is the cause of the country. It may be postponed; it may be frustrated for the moment, but it must finally prevail. Let us endeavor to acquire for the present congress, the merit of having laid this solid foundation of the national prosperity. If, as I think, fatally for the public interest, the bill shall be defeated, what will be the character of the account which we shall have to render to our constituents upon our return among them? We shall be asked, what have you done to remedy the disorders of the public currency? Why, Mr. Secretary of the treasury made us a long report on that matter, containing much valuable information, and some

very good reasoning, but, upon the whole, we found that subject rather above our comprehension, and we concluded that it was wisest to let it regulate itself. What have you done to supply the deficit in the treasury? We thought that, although you are all endeavoring to get out of the banks, it was a very good time for us to go into them, and we have authorized a loan. You have done something then, certainly, on the subject of retrenchment. Here, at home, we are practicing the greatest economy, and our daughters, no longer able to wear calico gowns, are obliged to put on home-spun. Why, we have saved, by the indefatigable exertions of a member from Tennessee (general Cocke), fifty thousand dollars, which were wanted for the Yellow Stone expedition. No, not quite so much; for thirty thousand dollars of that sum were still wanted, although we stopped the expedition at the Council Bluffs. And we have saved another sum, which we hope will give you great satisfaction. After nearly two days' debate, and a division between the two houses, we struck off two hundred dollars from the salary of the clerk of the attorney general. What have you done to protect home industry from the effects of the contracted policy of foreign powers? We thought it best, after much deliberation, to leave things alone at home and to continue our encouragement to foreign industry. Well, surely you have passed some law to reanimate and revive the hopes of the numerous bankrupts that have been made by the extraordinary circumstances of the world, and the ruinous tendency of our policy? No; the senate could not agree on that subject, and the bankrupt bill failed? Can we plead, sir, ignorance of the general distress, and of the ardent wishes of the community for that protection of its industry which this bill proposes? No, sir, almost daily, throughout the session, have we been receiving petitions, with which our table is now loaded, humbly imploring us to extend this protection. Unanimous resolutions from important state legislatures have called upon us to give it, and the people of whole states in mass — almost in mass, of New York, New Jersey, Pennsylvania, and Ohio — have transmitted to us their earnest and humble petitions to encourage the home industry. Let us not turn a deaf ear to them. Let us not disappoint their just expectations. Let us manifest, by the passage of this bill, that congress does not deserve the reproaches which have been cast on it, of insensibility to the wants and sufferings of the people.

MISSION TO SOUTH AMERICA.

HOUSE OF REPRESENTATIVES, MAY 10, 1820.

[At this period of the session of the sixteenth congress, only five days before its close, after which he temporarily retired, in November following, by resigning as speaker, Mr. Clay had the gratification of witnessing the triumphant result of his oft-repeated efforts in the cause of South American independence. The resolution on the subject which he had offered on the third of April, was supported on this occasion by the following speech, and adopted by the house by a vote of eighty to seventy-five. It was understood that the measure was carried against the wishes and influence of the administration.

The wisdom of the policy proposed and advocated by Mr. Clay, from 1818, or even an earlier period, until finally adopted by the congress of the United States, namely, in recognising the independence of the infant republics of South America, was proved by the course of the British government, in being the first of the great European powers to follow the example. In June, 1824, the cabinet of George the Fourth determined on the recognition of Mexico, Colombia, and Buenos Ayres, as independent states; and in 1826, that great statesman, Mr Canning, in a speech in the house of commons, alluding to the occupation of Spain by a French army, about that time, used the following memorable words: 'I admit that the entry of a French army into Spain was a disparagement to Great Britain. Do you think, that for the disparagement to England we have not been compensated? I looked, sir, at Spain by another name than Spain. I looked upon that power as '*Spain* and the *Indies*.' *I looked at the Indies, and there I have called a new world into existence*, and thus redressed the balance of power.' A comparison of dates will show how much the American statesman was in advance of the British minister, in 'calling this new world into existence.']

The house being in committee of the whole, on the state of the union, and a motion being made to that effect, the committee resolved to proceed to the consideration of the following resolutions:

Resolved, That it is expedient to provide by law a suitable outfit and salary for such minister or ministers as the president, by and with the advice and consent of the senate, may send to any of the governments of South America, which have established, and are maintaining, their independence on Spain:

Resolved, That provision ought to be made for requesting the president of the United States to cause to be presented to the general, the most worthy and distinguished, in his opinion, in the service of any of the independent governments of South America, the sword which was given by the viceroy of Lima to captain Biddle of the Ontario, during her late cruise in the Pacific, and

which is now in the office of the department of state, with the expression of the wish of the congress of the United States, that it may be employed in the support and preservation of the liberties and independence of his country:

When Mr. Clay arose and said: It is my intention, Mr. Chairman, to withdraw the latter resolution. Since I offered it, this house (by the passage of the bill to prevent, under suitable penalties, in future, the acceptance of presents, forbidden by the constitution, to prohibit the carrying of foreigners in the public vessels, and to limit to the case of our own citizens, and to regulate, in that case, the transportation of money in them,) has, perhaps, sufficiently animadverted on the violation of the constitution, which produced that resolution. I confess, that when I heard of captain Biddle receiving from the deputy of a king the sword in question, I felt greatly mortified. I could not help contrasting his conduct with that of the surgeon on board an American man-of-war, in the bay of Naples, (I regret that I do not recollect his name, as I should like to record, with the testimony which I with pleasure bear to his high-minded conduct,) who, having performed an operation on one of the suite of the emperor of Austria, and being offered fifteen hundred pistoles or dollars for his skilful service, returned the purse, and said, that what he had done was in the cause of humanity, and that the constitution of his country forbade his acceptance of the proffered boon. There was not an American heart that did not swell with pride on hearing of his noble disinterestedness. It did appear to me, also, that the *time* of captain Biddle's interposition was unfortunate to produce an agreement between the viceroy of Lima and Chili, to exchange their respective prisoners, however desirable the accomplishment of such a humane object might be. The viceroy had constantly refused to consent to any such exchange. And it is an incontestable fact, that the barbarities which have characterized the civil war in Spanish America have uniformly originated with the royalists. After the memorable battle of Maipu, decisive of the independence of Chili, and fatal to the arms of the viceroy, this interposition, if I am not mistaken, took place. The transportation of money, upon freight, from the port of Callao to that of Rio Janeiro, for royalists, appeared to me also highly improper. If we wish to preserve, unsullied, the illustrious character, which our navy justly sustains, we should repress the very first instances of irregularity. But I am willing to believe that captain Biddle's conduct has been inadvertent. He is a gallant officer, and belongs to a respectable and patriotic family. His errors, I am persuaded, will not be repeated by him or imitated by others. And I trust that there is no man more unwilling than I am, unnecessarily to press reprehension. It is thought, moreover, by some, that the president might feel an embarrassment in executing the duty required of him by the resolution, which it was far from my purpose to cause him. I withdraw it.

There is no connection intended, or in fact, between that resolution and the one I now propose briefly to discuss. The proposition, to recognise the independent governments of South America, offers a subject of as great importance as any which could claim the deliberate consideration of this house.

Mr. Clay then went on to say, that it appeared to him the object of this government, heretofore, had been, so to manage its affairs, in regard to South America, as to produce an effect on its existing negotiations with the parent country. The house were now apprized, by the message from the president, that this policy had totally failed; it had failed, because our country would not dishonor itself by surrendering one of the most important rights incidental to sovereignty. Although we had observed a course toward the patriots, as Mr. Gallatin said, in his communication read yesterday, greatly exceeding in rigor the course pursued towards them either by France or England; although, also, as was remarked by the secretary of state, we had observed a neutrality so strict that blood had been spilt in enforcing it; still, Spanish honor was not satisfied, and fresh sacrifices were demanded of us. If they were resisted in form, they were substantially yielded by our course as to South America. We will not stipulate with Spain not to recognise the independence of the south; but we nevertheless grant her all she demands.

Mr. Clay said, it had been his intention to have gone into a general view of the course of policy which has characterized the general government; but on account of the lateness of the session, and the desire for an early adjournment, he should waive, for that purpose, and, in the observations he had to make, confine himself pretty much to events subsequent to the period at which he had submitted to the house a proposition having nearly the same object as this.

After the return of our commissioners from South America; after they had all agreed in attesting the fact of independent sovereignty being exercised by the government of Buenos Ayres; the whole nation looked forward to the recognition of the independence of that country, as the policy which the government ought to pursue. He appealed to every member to say, whether there was not a general opinion, in case the report of that mission should turn out as it did, that the recognition of the independence of that government would follow, as a matter of course. The surprise at a different course being pursued by the executive at the last session, was proportionably great. On this subject, so strong was the message of the president at the commencement of the present session, that some of the presses took it for granted, that the recognition would follow of course, and a paper in this neighborhood has said that there was, in regard to that question, a race of popularity between the president of the United States and the humble

individual who now addressed the house. Yet, faithless Ferdinand refuses to ratify his own treaty, on the pretext of violations of our neutrality; but, in fact, because we will not basely surrender an important attribute of sovereignty. Two years ago, he said, would, in his opinion, have been the proper time for recognising the independence of the south. Then the struggle was somewhat doubtful, and a kind office on the part of this government would have had a salutary effect. Since that period, what had occurred? Any thing to prevent a recognition of their independence, or to make it less expedient? No; every occurrence tended to prove the capacity of that country to maintain its independence. He then successively adverted to the battles of Maipu, and Bojaca, their great brilliancy, and their important consequences. Adverting to the union of Venezuela and New Grenada in one republic, he said one of their first acts was, to appoint one of their most distinguished citizens, the vice president Zea, a minister to this country. There was a time, he said, when impressions are made on individuals and nations, by kindness towards them, which lasts for ever, when they are surrounded with enemies, and embarrassments present themselves. Ages and ages may pass away, said he, before we forget the help we received in our day of peril, from the hands of France. Her injustice, the tyranny of her despot, may alienate us for a time; but, the moment it ceases, we relapse into a good feeling towards her. Do you mean to wait, said he, until these republics are recognised by the whole world, and then step in and extend your hand to them, when it can no longer be withheld? If we are to believe general Vives, we have gone about among foreign powers, and consulted with lord Castlereagh and count Nesselrode, to seek some aid in recognising the independence of these powers. What! after the president has told us that the recognition of the independence of nations is an incontestable right of sovereignty, shall we lag behind till the European powers think proper to advance? The president has assigned, as a reason for abstaining from the recognition, that the congress of Aix-la-Chapelle might take offence at it. So far from such an usurped interference being a reason for stopping, he would have exerted the right the sooner for it. But, the congress of Aix-la-Chapelle had refused to interfere, and on that point the president was mistaken. Spain, it was true, had gone about begging the nations of Europe not to interfere in behalf of the South Americans; but the wishes of the whole unbiassed world must be in their favor. And while we had gone on, passing neutrality bill after neutrality bill, and bills to punish piracy — with respect to unquestioned piracy, no one was more in favor of punishing it than he; but he had no idea of imputing piracy to men fighting under the flag of a people at war for independence — whilst we pursued this course, even in advance of the legitimates of Europe, what, he asked, had been

the course of England herself on this head? Here he quoted a few passages from the work of Abbé de Pradt, recently translated by one of our citizens, which, he said, though the author was not very popular among crowned heads, no man could read without being enlightened and instructed. These passages dwelt on the importance of the commerce of South America, when freed from its present restraints, and so forth. What would I give, exclaimed he, could we appreciate the advantages which may be realized by pursuing the course which I propose! It is in our power to create a system of which we shall be the centre, and in which all South America will act with us. In respect to commerce, we shall be most benefited; this country would become the place of deposit of the commerce of the world. Our citizens engaged in foreign trade at present were disheartened by the condition of that trade; they must take new channels for it, and none so advantageous could be found, as those which the trade with South America would afford. Mr. Clay took a prospective view of the growth of wealth, and increase of population of this country and South America. That country had now a population of upwards of eighteen millions. The same activity in the principle of population would exist in that country as here. Twenty-five years hence it might be estimated at thirty-six millions; fifty years hence, at seventy-two millions. We now have a population of ten millions. From the character of our population, we must always take the lead in the prosecution of commerce and manufactures. Imagine the vast power of the two countries, and the value of the intercourse between them, when we shall have a population of forty millions, and they of seventy millions! In relation to South America, the people of the United States will occupy the same position as the people of New England do to the rest of the United States. Our enterprise, industry, and habits of economy, will give us the advantage in any competition which South America may sustain with us, and so forth.

But, however important our early recognition of the independence of the south might be to us, as respects our commercial and manufacturing interests, was there not another view of the subject, infinitely more gratifying? We should become the centre of a system which would constitute the rallying point of human freedom against all the despotism of the old world. Did any man doubt the feelings of the south towards us? In spite of our coldness towards them, of the rigor of our laws, and the conduct of our officers, their hearts still turned towards us, as to their brethren; and he had no earthly doubt, if our government would take the lead and recognise them, they would become yet more anxious to imitate our institutions, and to secure to themselves and to their posterity the same freedom which we enjoy.

On a subject of this sort, he asked, was it possible we could be

content to remain, as we now were, looking anxiously to Europe, watching the eyes of lord Castlereagh, and getting scraps of letters doubtfully indicative of his wishes; and sending to the czar of Russia and getting another scrap from count Nesselrode? Why not proceed to act on our own responsibility, and recognise these governments as independent, instead of taking the lead of the holy alliance in a course which jeopardizes the happiness of unborn millions. He deprecated this deference for foreign powers. If lord Castlereagh says we may recognise, we do; if not, we do not. A single expression of the British minister to the present secretary of state, then our minister abroad, he was ashamed to say, had moulded the policy of our government towards South America. Our institutions now make us free; but how long shall we continue so, if we mould our opinions on those of Europe? Let us break these commercial and political fetters; let us no longer watch the nod of any European politician; let us become real and true Americans, and place ourselves at the head of the American system.

Gentlemen all said, they were all anxious to see the independence of the South established. If sympathy for them was enough, the patriots would have reason to be satisfied with the abundant expressions of it. But something more was wanting. Some gentlemen had intimated, that the people of the south were unfit for freedom. Will gentlemen contend, said Mr. Clay, because those people are not like us in all particulars, they are therefore unfit for freedom? In some particulars, he ventured to say, that the people of South America were in advance of us. On the point which had been so much discussed on this floor, during the present session, they were greatly in advance of us. Grenada, Venezuela, and Buenos Ayres, had all emancipated their slaves. He did not say that we ought to do so, or that they ought to have done so, under different circumstances; but he rejoiced that the circumstances were such as to permit them to do it.

Two questions only, he argued, were necessarily preliminary to the recognition of the independence of the people of the south; first, as to the fact of their independence; and, secondly, as to the capacity for self-government. On the first point, not a doubt existed. On the second, there was every evidence in their favor. They had fostered schools with great care, there were more newspapers in the single town of Buenos Ayres (at the time he was speaking) than in the whole kingdom of Spain. He never saw a question discussed with more ability than that in a newspaper of Buenos Ayres, whether a federative or consolidated form of government was best.

But, though every argument in favor of the recognition should be admitted to be just, it would be said, that another revolution had occurred in Spain, and we ought, therefore, to delay. On the

contrary, said he, every consideration recommended us to act now. If Spain succeeded in establishing her freedom, the colonies must also be free. The first desire of a government itself free, must be to give liberty to its dependencies. On the other hand, if Spain should not succeed in gaining her freedom, no man can doubt that Spain, in her reduced state, would no longer have power to carry on the contest. So many millions of men could not be subjugated by the enervated arm and exhausted means of aged Spain. In ten years of war, the most unimportant province of South America had not been subdued by all the wealth and the resources of Spain. The certainty of the successful resistance of the attempts of Spain to reduce them, would be found in the great extent of the provinces of South America — of larger extent than all the empire of Russia. The relation of the colonies and mother country could not exist, from the nature of things, under whatever aspect the government of Spain might assume. The condition of Spain was no reason for neglecting now to do what we ought to have done long ago. Every thing, on the contrary, tended to prove that this, this was the accepted time.

With regard to the form of his proposition, all he wanted was, to obtain an expression of the opinion of the house on this subject; and whether a minister should be authorized to one or the other of these governments, or whether he should be of one grade or of another, he cared not. This republic, with the exception of the people of South America, constituted the sole depository of political and religious freedom; and can it be possible, said he, that we can remain passive spectators of the struggle of those people to break the same chains which once bound us? The opinions of the friends of freedom in Europe is, that our policy has been cold, heartless, and indifferent, towards the greatest cause which could possibly engage our affections and enlist our feelings in its behalf.

Mr. Clay concluded by saying that, whatever might be the decision of this house on this question, proposing shortly to go into retirement from public life, he should there have the consolation of knowing that he had used *his* best exertions in favor of a people inhabiting a territory calculated to contain as many souls as the whole of christendom besides, whose happiness was at stake, and which it was in the power of this government to do so much towards securing.

ON THE GREEK REVOLUTION.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 20, 1824.

[The house being in committee of the whole, on the resolution offered by Mr. Webster, of Massachusetts, in the words following:

Resolved, That provision ought to be made by law, for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the president shall deem it expedient to make such appointment:

Mr. Clay addressed the committee in the following speech in support of the resolution, in which it will be seen he was true to the principles which he had so often vindicated when the independence of South America was under consideration. Notwithstanding the combined efforts of Mr. Clay and Mr Webster, the resolution was not sustained by a majority of the house, although there is no doubt that the measure proposed was in accordance with public opinion, in the sympathies then felt for the cause of the Greeks.]

In rising, let me state distinctly the substance of the original proposition of the gentleman from Massachusetts (Mr. Webster), with that of the amendment of the gentleman from South Carolina (Mr. Poinsett). The resolution proposes a provision of the means to defray the expense of deputing a commissioner or agent to Greece, *whenever* the president, who knows, or ought to know, the disposition of all the European powers, Turkish or Christian, shall deem it proper. The amendment goes to withhold any appropriation to that object, but to make a public declaration of our sympathy with the Greeks, and of our good wishes for the success of their cause. And how has this simple, unpretending, unambitious, this harmless proposition, been treated in debate? It has been argued as if it offered aid to the Greeks; as if it proposed the recognition of the independence of their government; as a measure of unjustifiable interference in the internal affairs of a foreign state, and, finally, as war. And they who thus argue the question, whilst they absolutely surrender themselves to the illusions of their own fervid imaginations, and depict, in glowing terms, the monstrous and alarming consequences which are to spring out of a proposition so simple, impute to us, who are its humble advocates, quixotism, quixotism! Whilst they are taking the most extravagant and boundless range, and arguing any thing and every thing but the question before the committee, they accuse us of enthusiasm, of giving the reins to excited feeling, of being

transported by our imaginations. No, sir, the resolution is no proposition for aid, nor for recognition, nor for interference, nor for war.

I know that there are some who object to the resolution on account of the source from which it has sprung—who except to its mover, as if its value or importance were to be estimated by personal considerations. I have long had the pleasure of knowing the honorable gentleman from Massachusetts, and sometimes that of acting with him; and I have much satisfaction in expressing my high admiration of his great talents. But I would appeal to my republican friends, those faithful sentinels of civil liberty with whom I have ever acted, shall we reject a proposition, consonant to our principles, favoring the good and great cause, on account of the political character of its mover? Shall we not rather look to the intrinsic merits of the measure, and seek every fit occasion to strengthen and perpetuate liberal principles and noble sentiments? If it were possible for republicans to cease to be the champions of human freedom, and if federalists become its only supporters, I would cease to be a republican; I would become a federalist. The preservation of the public confidence can only be secured, or merited, by a faithful adherence to the principles by which it has been acquired.

Mr. Chairman, is it not extraordinary that for these two successive years the president of the United States should have been freely indulged, not only without censure, but with universal applause, to express the feelings which both the resolution and the amendment proclaim, and yet, if this house venture to unite with him, the most awful consequences are to ensue? From Maine to Georgia, from the Atlantic ocean to the Gulf of Mexico, the sentiment of approbation has blazed with the rapidity of electricity. Every where the interest in the Grecian cause is felt with the deepest intensity, expressed in every form, and increases with every new day and passing hour. And are the representatives of the people alone to be insulated from the common moral atmosphere of the whole land? Shall we shut ourselves up in apathy, and separate ourselves from our country, from our constituents, from our chief magistrate, from our principles?

The measure has been most unreasonably magnified. Gentlemen speak of the watchful jealousy of the Turk, and seem to think the slightest movement of this body will be matter of serious speculation at Constantinople. I believe that neither the sublime porte, nor the European allies, attach any such exaggerated importance to the acts and deliberations of this body. The Turk will, in all probability, never hear of the names of the gentlemen who either espouse or oppose the resolution. It certainly is not without a value; but that value is altogether moral; it throws our little tribute into the vast stream of public opinion, which sooner or later must

regulate the physical action upon the great interests of the civilized world. But, rely upon it, the Ottoman is not about to declare war against us because this unoffending proposition has been offered by my honorable friend from Massachusetts, whose name, however distinguished and eminent he may be in our own country, has probably never reached the ears of the sublime porte. The allied powers are not going to be thrown into a state of consternation, because we appropriate some two or three thousand dollars to send an agent to Greece.

The question has been argued as if the Greeks would be exposed to still more shocking enormities by its passage; as if the Turkish cimeter would be rendered still keener, and dyed deeper and yet deeper in christian blood. Sir, if such is to be the effect of the declaration of our sympathy, the evil has been already produced. That declaration has been already publicly and solemnly made by the chief magistrate of the United States, in two distinct messages. It is this document which commands at home and abroad the most fixed and universal attention; which is translated into all the foreign journals; read by sovereigns and their ministers; and, possibly, in the divan itself. But our resolutions are domestic, for home consumption, and rarely, if ever, meet imperial or royal eyes. The president, in his messages, after a most touching representation of the feelings excited by the Greek insurrection, tells you that the dominion of the Turk is gone for ever; and that the most sanguine hope is entertained that Greece will achieve her independence. Well, sir, if this be the fact, if the allied powers themselves may, possibly, before we again assemble in this hall, acknowledge that independence, is it not fit and becoming in this house to make provision that our president shall be among the foremost, or at least not among the last, in that acknowledgment? So far from this resolution being likely to whet the vengeance of the Turk against his Grecian victims, I believe its tendency will be directly the reverse. Sir, with all his unlimited power, and in all the elevation of his despotic throne, he is at last but man, made as we are, of flesh, of muscle, of bone and sinew. He is susceptible of pain, and can feel, and has felt the uncalculating valor of American freemen in some of his dominions. And when he is made to understand that the executive of this government is sustained by the representatives of the people; that our entire political fabric, base, column, and entablature, rulers and people, with heart, soul, mind, and strength, are all on the side of the gallant people whom he would crush, he will be more likely to restrain than to increase his atrocities upon suffering and bleeding Greece.

The gentleman from New Hampshire (Mr. Bartlett) has made, on this occasion, a very ingenious, sensible, and ironical speech — an admirable *debut* for a new member, and such as I hope we shall often have repeated on this floor. But, permit me to advise my

young friend to remember the maxim, 'that sufficient unto the day is the evil thereof;' and when the resolution* on another subject, which I had the honor to submit, shall come up to be discussed, I hope he will not content himself with saying, as he has now done, that it is a very extraordinary one; but that he will then favor the house with an argumentative speech, proving that it is our duty quietly to see laid prostrate every fortress of human hope, and to behold, with indifference, the last outwork of liberty taken and destroyed.

It has been said, that the proposed measure will be a departure from our uniform policy with respect to foreign nations; that it will provoke the wrath of the holy alliance; and that it will, in effect, be a repetition of their own offence, by an unjustifiable interposition in the domestic concerns of other powers. No, sir, not even if it authorized, which it does not, an immediate recognition of Grecian independence. What has been the settled and steady policy and practice of this government, from the days of Washington to the present moment? In the case of France, the father of his country and his successors received Genet, Fouchet, and all the French ministers who followed them, whether sent from king, convention, anarchy, emperor, or king again. The rule we have ever followed has been this; to look at the state of the fact, and to recognise that government, be it what it might, which was in actual possession of sovereign power. When one government is overthrown, and another is established on its ruins, without embarrassing ourselves with any of the principles involved in the contest, we have ever acknowledged the new and actual government as soon as it had undisputed existence. Our simple inquiry has been, is there a government *de facto?* We have had a recent and memorable example. When the allied ministers retired from Madrid, and refused to accompany Ferdinand to Cadiz, ours remained, and we sent out a new minister, who sought at that port to present himself to the constitutional king. Why? Because it was the government of Spain, in fact. Did the allies declare war against us for the exercise of this incontestable attribute of sovereignty? Did they even transmit any diplomatic note, complaining of our conduct? The line of our European policy has been so plainly described, that it is impossible to mistake it. We are to abstain from all interference in their disputes, to take no part in their contests, to make no entangling alliances with any of them; but to assert and exercise our indisputable right of opening and maintaining diplomatic intercourse with any actual sovereignty.

There is reason to apprehend, that a tremendous storm is ready to burst upon our happy country; one which may call into action

* The resolution, offered by Mr. Clay, declaring that the United States would not see with indifference any interference of the holy alliance in behalf of Spain against the new American republics.

all our vigor, courage, and resources. Is it wise or prudent, in preparing to breast the storm, if it must come, to talk to this nation of its incompetency to repel European aggression; to lower its spirit, to weaken its moral energy, and to qualify it for easy conquest and base submission? If there be any reality in the dangers which are supposed to encompass us, should we not animate the people, and adjure them to believe, as I do, that our resources are ample; and that we can bring into the field a million of freemen, ready to exhaust their last drop of blood, and to spend the last cent in the defence of the country, its liberty, and its institutions? Sir, are these, if united, to be conquered by all Europe combined? All the perils to which we can possibly be exposed, are much less in reality, than the imagination is disposed to paint them. And they are best averted by an habitual contemplation of them, by reducing them to their true dimensions. If combined Europe is to precipitate itself upon us, we cannot too soon begin to invigorate our strength, to teach our heads to think, our hearts to conceive, and our arms to execute, the high and noble deeds which belong to the character and glory of our country. The experience of the world instructs us, that conquests are already achieved, which are boldly and firmly resolved on; and that men only become slaves who have ceased to resolve to be free. If we wish to cover ourselves with the best of all armor, let us not discourage our people, let us stimulate their ardor, let us sustain their resolution, let us proclaim to them that we feel as they feel, and that, with them, we are determined to live or die like freemen.

Surely, sir, we need no long or learned lectures about the nature of government, and the influence of property or ranks on society. We may content ourselves with studying the true character of our own people; and with knowing that the interests are confided to us of a nation capable of doing and suffering all things for its liberty. Such a nation, if its rulers be faithful, must be invincible. I well remember an observation made to me by the most illustrious female* of the age, if not of her sex. All history showed, she said, that a nation was never conquered. No, sir, no united nation, that resolves to be free, can be conquered. And has it come to this? Are we so humbled, so low, so debased, that we dare not express our sympathy for suffering Greece; that we dare not articulate our detestation of the brutal excesses of which she has been the bleeding victim, lest we might offend some one or more of their imperial and royal majesties? If gentlemen are afraid to act rashly on such a subject, suppose, Mr. Chairman, that we unite in an humble petition, addressed to their majesties, beseeching them, that of their gracious condescension, they would allow us to express our feelings and our sympathies. How shall it run? 'We, the

* Madame de Staël.

representatives of the *free* people of the United States of America, humbly approach the thrones of your imperial and royal majesties, and supplicate that, of your imperial and royal clemency—' I cannot go through the disgusting recital; my lips have not yet learned to pronounce the sycophantic language of a degraded slave! Are we so mean, so base, so despicable, that we may not attempt to express our horror, utter our indignation, at the most brutal and atrocious war that ever stained earth or shocked high heaven? at the ferocious deeds of a savage and infuriated soldiery, stimulated and urged on by the clergy of a fanatical and inimical religion, and rioting in all the excesses of blood and butchery, at the mere details of which the heart sickens and recoils?

If the great body of christendom can look on calmly and coolly, whilst all this is perpetrated on a christian people, in its own immediate vicinity, in its very presence, let us at least evince, that one of its remote extremities is susceptible of sensibility to christian wrongs, and capable of sympathy for christian sufferings; that in this remote quarter of the world, there are hearts not yet closed against compassion for human woes, that can pour out their indignant feelings at the oppression of a people endeared to us by every ancient recollection, and every modern tie. Sir, attempts have been made to alarm the committee, by the dangers to our commerce in the Mediterranean; and a wretched invoice of figs and opium has been spread before us to repress our sensibilities and to eradicate our humanity. Ah! sir, 'what shall it profit a man if he gain the whole world and lose his own soul,' or what shall it avail a nation to save the whole of a miserable trade, and lose its liberties?

On the subject of the other independent American states, hitherto it has not been necessary to depart from the rule of our foreign relations, observed in regard to Europe. Whether it will become us to do so or not, will be considered when we take up another resolution, lying on the table. But we may not only adopt this measure; we may go further; we may recognise the government in the Morea, if actually independent, and it will be neither war, nor cause of war, nor any violation of our neutrality. Besides, sir, what is Greece to the allies? A part of the dominions of any of them? By no means. Suppose the people in one of the Philippine isles, or any other spot still more insulated and remote, in Asia or Africa, were to resist their former rulers, and set up and establish a new government, are we not to recognise them, in dread of the holy allies? If they are going to interfere, from the danger of the contagion of the example, here is the spot, our own favored land, where they must strike. *This* government, you, Mr. Chairman, and the body over which you preside, are the living and cutting reproach to allied despotism. If we are to offend them, it is not by passing this resolution. We are daily and hourly giving

them cause of war. It is *here*, and in our free institutions, that they will assail us. They will attack us because you sit beneath that canopy, and we are freely debating and deliberating upon the great interests of freemen, and dispensing the blessings of free government. They will strike, because we pass one of those bills on your table. The passage of the least of them, by our free authority, is more galling to despotic powers, than would be the adoption of this so much dreaded resolution. Pass it, and what do you do? You exercise an indisputable attribute of sovereignty, for which you are responsible to none of them. You do the same when you perform any other legislative function; no less. If the allies object to this measure, let them forbid us to take a vote in this house; let them strip us of every attribute of independent government; let them disperse us.

Will gentlemen attempt to maintain that, on the principles of the law of nations, those allies would have *cause* of war? If there be any principle which has been settled for ages, any which is founded in the very nature of things, it is that every independent state has the clear right to judge of the *fact* of the existence of other sovereign powers. I admit that there may be a state of inchoate initiative sovereignty, in which a new government, just struggling into being, cannot be said yet perfectly to exist. But the premature recognition of such new government can give offence justly to no other than its ancient sovereign. The right of recognition comprehends the right to be informed; and the means of information must, of necessity, depend upon the sound discretion of the party seeking it. You may send out a commission of inquiry, and charge it with a provident attention to your own people and your own interests. Such will be the character of the proposed agency. It will not necessarily follow, that any public functionary will be appointed by the president. You merely grant the means by which the executive may act when *he* thinks proper. What does he tell you in his message? That Greece is contending for her independence; that all sympathize with her; and that no power has declared against her. Pass this resolution, and what is the reply which it conveys to him? 'You have sent us grateful intelligence; we feel warmly for Greece, and we grant you money, that, when you shall think it proper, when the interests of this nation shall not be jeoparded, you may depute a commissioner or public agent to Greece.' The whole responsibility is then left where the constitution puts it. A member in his place may make a speech or proposition, the house may even pass a vote, in respect to our foreign affairs, which the president, with the whole field lying full before him, would not deem it expedient to effectuate.

But, sir, it is not for Greece alone that I desire to see this measure adopted. It will give to her but little support, and that purely of a moral kind. It is principally for America, for the credit and

character of our common country, for our own unsullied name, that I hope to see it pass. Mr. Chairman, what appearance on the page of history would a record like this exhibit? 'In the month of January, in the year of our Lord and Saviour, 1824, while all European christendom beheld, with cold and unfeeling indifference, the unexampled wrongs and inexpressible misery of christian Greece, a proposition was made in the congress of the United States, almost the sole, the last, the greatest depository of human hope and human freedom, the representatives of a gallant nation, containing a million of freemen ready to fly to arms, while the people of that nation were spontaneously expressing its deep-toned feeling, and the whole continent, by one simultaneous emotion, was rising, and solemnly and anxiously supplicating and invoking high heaven to spare and succor Greece, and to invigorate her arms in her glorious cause, whilst temples and senate houses were alike resounding with one burst of generous and holy sympathy; in the year of our Lord and Saviour, that Saviour of Greece and of us; a proposition was offered in the American congress to send a messenger to Greece, to inquire into her state and condition, with a kind expression of our good wishes and our sympathies — and it was rejected!' Go home, if you can; go home, if you dare, to your constituents, and tell them that you voted it down; meet, if you can, the appalling countenances of those who sent you here, and tell them that you shrank from the declaration of your own sentiments; that you cannot tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, drove you from your purpose; that the spectres of cimiters, and crowns, and crescents, gleamed before you and alarmed you; and that you suppressed all the noble feelings prompted by religion, by liberty, by national independence, and by humanity. I cannot bring myself to believe, that such will be the feeling of a majority of the committee. But, for myself, though every friend of the cause should desert it, and I be left to stand alone with the gentleman from Massachusetts, I will give to his resolution the poor sanction of my unqualified approbation.

ON AMERICAN INDUSTRY.

IN THE HOUSE OF REPRESENTATIVES, MARCH 30 AND 31, 1824.

[THE tariff of 1824, as it passed both houses of congress and became a law, was avowedly adopted as a measure to protect American industry. The bill was reported by the committee on manufactures, of which Mr Tod of Pennsylvania was chairman. While under discussion in committee of the whole, Mr. Clay (speaker) made the following elaborate argument in support of an AMERICAN SYSTEM for the protection of American industry. On this occasion he met and replied to the ablest opponents of the system, which at that time included Mr. Webster. The latter subsequently changed his opinion and became a supporter of protection.]

THE gentleman from Virginia (Mr. Barbour) has embraced the occasion produced by the proposition of the gentleman from Tennessee to strike out the minimum price in the bill on cotton fabrics, to express his sentiments at large on the policy of the pending measure; and it is scarcely necessary for me to say that he has evinced his usual good temper, ability, and decorum. The parts of the bill are so intermingled and interwoven together, that there can be no doubt of the fitness of this occasion to exhibit its merits or its defects. It is my intention; with the permission of the committee, to avail myself also of this opportunity, to present to its consideration those general views, as they appear to me, of the true policy of this country, which imperiously demand the passage of this bill. I am deeply sensible, Mr. Chairman, of the high responsibility of my present situation. But that responsibility inspires me with no other apprehension than that I shall be unable to fulfil my duty; with no other solicitude than that I may, at least, in some small degree, contribute to recall my country from the pursuit of a fatal policy, which appears to me inevitably to lead to its impoverishment and ruin. I do feel most awfully this responsibility. And, if it were allowable for us, at the present day, to imitate ancient examples, I would invoke the aid of the Most High. I would anxiously and fervently implore His divine assistance; that He would be graciously pleased to shower on my country His richest blessings; and that He would sustain, on this interesting occasion, the humble individual who stands before Him, and lend him the power, moral and physical, to perform the solemn duties which now belong to his public station.

Two classes of politicians divide the people of the United States. According to the system of one, the produce of foreign industry should be subjected to no other impost than such as may be necessary to provide a public revenue; and the produce of American industry should be left to sustain itself, if it can, with no other than that incidental protection, in its competition, at home as well as abroad, with rival foreign articles. According to the system of the other class, whilst they agree that the imposts should be mainly, and may under any modification be safely, relied on as a fit and convenient source of public revenue, they would so adjust and arrange the duties on foreign fabrics as to afford a gradual but adequate protection to American industry, and lessen our dependence on foreign nations, by securing a certain and ultimately a cheaper and better supply of our own wants from our own abundant resources. Both classes are equally sincere in their respective opinions, equally honest, equally patriotic, and desirous of advancing the prosperity of the country. In the discussion and consideration of these opposite opinions, for the purpose of ascertaining which has the support of truth and reason, we should, therefore, exercise every indulgence, and the greatest spirit of mutual moderation and forbearance. And, in our deliberations on this great question, we should look fearlessly and truly at the actual condition of the country, retrace the causes which have brought us into it, and snatch, if possible, a view of the future. We should, above all, consult experience — the experience of other nations, as well as our own — as our truest and most unerring guide.

In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthrashed crops of grain, perishing in our barns and barn-yards for the want of a market; by the alarming diminution of the circulating medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by a universal complaint of the want of employment, and a consequent reduction of the wages of labor; by the ravenous pursuit after public situations, not for the sake of their honors and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of paper money; by the intervention of legislation in the delicate relation between debtor and creditor; and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation, which has, on an average, sunk not less than about fifty per centum within a few years. This distress pervades every part of the union, every

class of society; all feel it, though it may be felt, at different places, in different degrees. It is like the atmosphere which surrounds us — all must inhale it, and none can escape it. In some places it has burst upon our people, without a single mitigating circumstance to temper its severity. In others, more fortunate, slight alleviations have been experienced in the expenditure of the public revenue, and in other favoring causes. A few years ago, the planting interest consoled itself with its happy exemptions, but it has now reached this interest also, which experiences, though with less severity, the general suffering. It is most painful to me to attempt to sketch or to dwell on the gloom of this picture. But I have exaggerated nothing. Perfect fidelity to the original would have authorized me to have thrown on deeper and darker hues. And it is the duty of the statesman, no less than that of the physician, to survey, with a penetrating, steady, and undismayed eye, the actual condition of the subject on which he would operate; to probe to the bottom the diseases of the body politic, if he would apply efficacious remedies. We have not, thank God, suffered in any great degree for food. But distress, resulting from the absence of a supply of the mere physical wants of our nature, is not the only nor perhaps the keenest distress, to which we may be exposed. Moral and pecuniary suffering is, if possible, more poignant. It plunges its victim into hopeless despair. It poisons, it paralyses, the spring and source of all useful exertion. Its unsparing action is collateral as well as direct. It falls with inexorable force at the same time upon the wretched family of embarrassment and insolvency, and upon its head. They are a faithful mirror, reflecting back upon him, at once, his own frightful image, and that, no less appalling, of the dearest objects of his affection. What is the CAUSE of this wide-spreading distress, of this deep depression, which we behold stamped on the public countenance? We are the same people. We have the same country. We cannot arraign the bounty of Providence. The showers still fall in the same grateful abundance. The sun still casts his genial and vivifying influence upon the land; and the land, fertile and diversified in its soils as ever, yields to the industrious cultivator, in boundless profusion, its accustomed fruits, its richest treasures. Our vigor is unimpaired. Our industry has not relaxed. If ever the accusation of wasteful extravagance could be made against our people, it cannot now be justly preferred. They, on the contrary, for the few last years, at least, have been practicing the most rigid economy. The causes, then, of our present affliction, whatever they may be, are human causes, and human causes not chargeable upon the people, in their private and individual relations.

What, again I would ask, is the CAUSE of the unhappy condition of our country, which I have faintly depicted? It is to be found in the fact that, during almost the whole existence of this govern-

ment, we have shaped our industry, our navigation, and our commerce, in reference to an extraordinary war in Europe, and to foreign markets, which no longer exist; in the fact, that we have depended too much upon foreign sources of supply, and excited too little the native; in the fact that, whilst we have cultivated, with assiduous care, our foreign resources, we have suffered those at home to wither, in a state of neglect and abandonment. The consequence of the termination of the war of Europe has been, the resumption of European commerce, European navigation, and the extension of European agriculture and European industry, in all its branches. Europe, therefore, has no longer occasion, to any thing like the same extent as that she had during her wars, for American commerce, American navigation, the produce of American industry. Europe, in commotion, and convulsed throughout all her members, is to America no longer the same Europe as she is now, tranquil, and watching with the most vigilant attention all her own peculiar interests, without regard to the operation of her policy upon us. The effect of this altered state of Europe upon us has been, to circumscribe the employment of our marine, and greatly to reduce the value of the produce of our territorial labor. The further effect of this twofold reduction has been, to decrease the value of all property, whether on the land or on the ocean, and which I suppose to be about fifty per centum. And the still further effect has been, to diminish the amount of our circulating medium, in a proportion not less, by its transmission abroad, or its withdrawal by the banking institutions, from a necessity which they could not control. The quantity of money, in whatever form it may be, which a nation wants, is in proportion to the total mass of its wealth, and to the activity of that wealth. A nation that has but little wealth, has but a limited want of money. In stating the fact, therefore, that the total wealth of the country has diminished, within a few years, in a ratio of about fifty per centum, we shall, at once, fully comprehend the inevitable reduction which must have ensued, in the total quantity of the circulating medium of the country. A nation is most prosperous when there is a gradual and untempting addition to the aggregate of its circulating medium. It is in a condition the most adverse, when there is a rapid diminution in the quantity of the circulating medium, and a consequent depression in the value of property. In the former case, the wealth of individuals insensibly increases, and income keeps ahead of expenditure. But in the latter instance, debts have been contracted, engagements made, and habits of expense established, in reference to the existing state of wealth and of its representative. When these come to be greatly reduced, individuals find their debts still existing, their engagements unexecuted, and their habits inveterate. They see themselves in the possession of the same property, on which, in good faith, they had bound themselves. But that prop-

erty, without their fault, possesses no longer the same value; and hence discontent, impoverishment, and ruin, arise. Let us suppose, Mr. Chairman, that Europe was again the theatre of such a general war as recently raged throughout all her dominions — such a state of the war as existed in her greatest exertions and in our greatest prosperity; instantly there would arise a greedy demand for the surplus produce of our industry, for our commerce, for our navigation. The languor which now prevails in our cities, and in our sea-ports, would give way to an animated activity. Our roads and rivers would be crowded with the produce of the interior. Every where we should witness excited industry. The precious metals would reflow from abroad upon us. Banks, which have maintained their credit, would revive their business; and new banks would be established to take the place of those which have sunk beneath the general pressure. For it is a mistake to suppose that they have produced our present adversity; they may have somewhat aggravated it, but they were the effect and the evidence of our prosperity. Prices would again get up; the former value of property would be restored. And those embarrassed persons who have not been already overwhelmed by the times, would suddenly find, in the augmented value of their property, and the renewal of their business, ample means to extricate themselves from all their difficulties. The greatest want of civilized society is, a market for the sale and exchange of the surplus of the produce of the labor of its members. This market may exist at home or abroad, or both; but it must exist somewhere, if society prospers; and, wherever it does exist, it should be competent to the absorption of the entire surplus of production. It is most desirable that there should be both a home and a foreign market. But, with respect to their relative superiority, I cannot entertain a doubt. The home market is first in order, and paramount in importance. The object of the bill under consideration, is, to create this home market, and to lay the foundations of a genuine American policy. It is opposed; and it is incumbent upon the partizans of the foreign policy (terms which I shall use without any invidious intent), to demonstrate that the foreign market is an adequate vent for the surplus produce of our labor. But is it so? First, foreign nations cannot, if they would, take our surplus produce. If the source of supply, no matter of what, increases in a greater ratio than the demand for that supply, a glut of the market is inevitable, even if we suppose both to remain perfectly unobstructed. The duplication of our population takes place in terms of about twenty-five years. The term will be more and more extended as our numbers multiply. But it will be a sufficient approximation to assume this ratio for the present. We increase, therefore, in population, at the rate of about four per centum per annum. Supposing the increase of our production to be in the same ratio, we should, every succeeding

year, have of surplus produce, four per centum more than that of the preceding year, without taking into the account the differences of seasons which neutralize each other. If, therefore, we are to rely upon the foreign market exclusively, foreign consumption ought to be shown to be increasing in the same ratio of four per centum per annum, if it be an adequate vent for our surplus produce. But, as I have supposed the measure of our increasing production to be furnished by that of our increasing population, so the measure of their power of consumption must be determined by that of the increase of their population. Now, the total foreign population, who consume our surplus produce, upon an average, do not double their aggregate number in a shorter term than that of about one hundred years. Our powers of production increase then, in a ratio four times greater than their powers of consumption. And hence their utter inability to receive from us our surplus produce.

But, secondly, if they could, they will not. The policy of all Europe is adverse to the reception of our agricultural produce, so far as it comes into collision with its own; and under that limitation we are absolutely forbid to enter their ports, except under circumstances which deprive them of all value as a steady market. The policy of all Europe rejects those great staples of our country, which consist of objects of human subsistence. The policy of all Europe refuses to receive from us any thing but those raw materials of smaller value, essential to their manufactures, to which they can give a higher value, with the exception of tobacco and rice, which they cannot produce. Even Great Britain, to which we are its best customer, and from which we receive nearly one half in value of our whole imports, will not take from us articles of subsistence produced in our country cheaper than can be produced in Great Britain. In adopting this exclusive policy, the states of Europe do not inquire what is best for us, but what suits themselves respectively; they do not take jurisdiction of the question of our interests, but limit the object of their legislation to that of the conservation of their own peculiar interests, leaving us free to prosecute ours as we please. They do not guide themselves by that romantic philanthropy, which we see displayed here, and which invokes us to continue to purchase the produce of foreign industry, without regard to the state or prosperity of our own, that foreigners may be pleased to purchase the few remaining articles of ours, which their restricted policy has not yet absolutely excluded from their consumption. What sort of a figure would a member of the British parliament have made, what sort of a reception would his opposition have obtained, if he had remonstrated against the passage of the corn-law, by which British consumption is limited to the bread-stuffs of British production, to the entire exclusion of American, and stated, that America could not and

would not buy British manufactures, if Britain did not buy American flour?

Both the inability and the policy of foreign powers, then, forbid us to rely upon the foreign market, as being an adequate vent for the surplus produce of American labor. Now let us see if this general reasoning is not fortified and confirmed by the actual experience of this country. If the foreign market may be safely relied upon, as furnishing an adequate demand for our surplus produce, then the official documents will show a progressive increase, from year to year, in the exports of our native produce, in a proportion equal to that which I have suggested. If, on the contrary, we shall find from them that, for a long term of past years, some of our most valuable staples have retrograded, some remained stationary, and others advanced but little, if any, in amount, with the exception of cotton, the deductions of reason and the lessons of experience will alike command us to withdraw our confidence in the competency of the foreign market. The total amount of all our exports of domestic produce for the year, beginning in 1795, and ending on the thirtieth September, 1796, was forty millions seven hundred and sixty-four thousand and ninety-seven. Estimating the increase according to the ratio of the increase of our population, that is, at four per centum per annum, the amount of the exports of the same produce, in the year ending on the thirtieth of September last, ought to have been eighty-five millions four hundred and twenty thousand eight hundred and sixty-one. It was in fact, only forty-seven millions one hundred and fifty-five thousand four hundred and eight. Taking the average of five years, from 1803 to 1807, inclusive, the amount of native produce exported, was forty-three millions two hundred and two thousand seven hundred and fifty-one for each of those years. Estimating what it ought to have been, during the last year, applying the principle suggested to that amount, there should have been exported seventy-seven millions seven hundred and sixty-six thousand seven hundred and fifty-one, instead of forty-seven millions one hundred and fifty-five thousand four hundred and eight. If these comparative amounts of the aggregate actual exports, and what they ought to have been, be discouraging, we shall find, on descending into particulars, still less cause of satisfaction. The export of tobacco in 1791, was one hundred and twelve thousand four hundred and twenty-eight hogsheads. That was the year of the largest exportation of that article; but it is the only instance in which I have selected the maximum of exportation. The amount of what we ought to have exported last year, estimated according to the scale of increase which I have used, is two hundred and sixty-six thousand three hundred and thirty-two hogsheads. The actual export was ninety-nine thousand and nine hogsheads. We exported, in 1803, the quantity of one million three hundred and

eleven thousand eight hundred and fifty-three barrels of flour; and ought to have exported last year, two millions three hundred and sixty-one thousand three hundred and thirty-three barrels. We, in fact, exported only seven hundred and fifty-six thousand seven hundred and two barrels. Of that quantity, we sent to South America one hundred and fifty thousand barrels, according to a statement furnished me by the diligence of a friend near me, (Mr. Poinsett,) to whose valuable mass of accurate information, in regard to that interesting quarter of the world, I have had occasion frequently to apply. But that demand is temporary, growing out of the existing state of war. Whenever peace is restored to it, and I now hope, that the day is not distant when its independence will be generally acknowledged, there cannot be a doubt that it will supply its own consumption. In all parts of it, the soil, either from climate or from elevation, is well adapted to the culture of wheat; and no where can better wheat be produced, than in some portions of Mexico and Chili. Still the market of South America, is one which, on other accounts, deserves the greatest consideration. And I congratulate you, the committee, and the country, on the recent adoption of a more auspicious policy towards it.

We exported, in 1803, Indian corn to the amount of two millions seventy-four thousand six hundred and eight bushels. The quantity should have been, in 1823, three millions seven hundred and thirty-four thousand two hundred and eighty-eight bushels. The actual quantity exported, was seven hundred and forty-nine thousand and thirty-four bushels, or about one fifth of what it should have been, and a little more than one third of what it was more than twenty years ago. We ought not, then, to be surprised at the extreme depression of the price of that article, of which I have heard my honorable friend (Mr. Bassett) complain, nor of the distress of the corn-growing districts adjacent to the Chesapeake Bay. We exported seventy-seven thousand nine hundred and thirty-four barrels of beef in 1803, and last year but sixty-one thousand four hundred and eighteen, instead of one hundred and forty thousand two hundred and seventy-four barrels. In the same year (1803) we exported ninety-six thousand six hundred and two barrels of pork, and last year fifty-five thousand five hundred and twenty-nine, instead of one hundred and seventy-three thousand eight hundred and eighty-two barrels. Rice has not advanced, by any means, in the proportion which it ought to have done. All the small articles, such as cheese, butter, candles, and so forth, too minute to detail, but important in their aggregate, have also materially diminished. Cotton alone has advanced. But, whilst the quantity of it is augmented, its actual value is considerably diminished. The total quantity last year, exceeded that of the preceding year, by nearly thirty millions of pounds. And yet the total value of the year of smaller exportation, exceeded

that of the last year by upwards of three and a half millions of dollars. If this article, the capacity of our country to produce which was scarcely known in 1790, were subtracted from the mass of our exports, the value of the residue would only be a little upwards of twenty-seven millions during the last year. The distribution of the articles of our exports throughout the United States, cannot fail to fix the attention of the committee. Of the forty-seven millions one hundred and fifty-five thousand four hundred and eight, to which they amounted last year, three articles alone, (cotton, rice, and tobacco,) composed together twenty-eight millions five hundred and forty-nine thousand one hundred and seventy-seven. Now these articles are chiefly produced to the south. And if we estimate that portion of our population who are actually engaged in their culture, it would probably not exceed two millions. Thus, then, less than one fifth of the whole population of the United States produced upwards of one half, nearly two thirds, of the entire value of the exports of the last year.

Is this foreign market, so incompetent at present, and which, limited as its demands are, operates so unequally upon the productive labor of our country, likely to improve in future? If I am correct in the views which I have presented to the committee, it must become worse and worse. What can improve it? Europe will not abandon her own agriculture to foster ours. We may even anticipate that she will more and more enter into competition with us in the supply of the West India market. That of South America, for articles of subsistence, will probably soon vanish. The *value* of our exports, for the future, may remain at about what it was last year. But, if we do not create some new market; if we persevere in the existing pursuits of agriculture, the inevitable consequence must be, to augment greatly the quantity of our produce, and to lessen its value in the foreign market. Can there be a doubt on this point? Take the article of cotton, for example, which is almost the only article that now remunerates labor and capital. A certain description of labor is powerfully attracted towards the cotton-growing country. The cultivation will be greatly extended, the aggregate amount annually produced, will be vastly augmented. The price will fall. The more unfavorable soils will then be gradually abandoned. And I have no doubt that, in a few years, it will cease to be profitably produced, any where north of the thirty-fourth degree of latitude. But, in the mean time, large numbers of the cotton-growers will suffer the greatest distress. And whilst this distress is brought upon our own country, foreign industry will be stimulated by the very cause which occasions our distress. For, by surcharging the markets abroad, the price of the raw material being reduced, the manufacturer will be able to supply cotton fabrics cheaper; and the consumption, in his own country, and in foreign nations, other than ours, (where the *value* of the import must be

limited to the value of the export, which I have supposed to remain the same,) being proportionally extended, there will be, consequently, an increased demand for the produce of *his* industry.

Our agricultural is our greatest interest. It ought ever to be predominant. All others should bend to it. And, in considering what is for its advantage, we should contemplate it in all its varieties, of planting, farming, and grazing. Can we do nothing to invigorate it; nothing to correct the errors of the past, and to brighten the still more unpromising prospects which lie before us? We have seen, I think, the causes of the distresses of the country. We have seen, that an exclusive dependence upon the foreign market must lead to still severer distress, to impoverishment, to ruin. We must then change somewhat our course. We must give a new direction to some portion of our industry. We must speedily adopt a genuine American policy. Still cherishing the foreign market, let us create also a home market, to give further scope to the consumption of the produce of American industry. Let us counteract the policy of foreigners, and withdraw the support which we now give to their industry, and stimulate that of our own country. It should be a prominent object with wise legislators, to multiply the vocations and extend the business of society, as far as it can be done, by the protection of our interests at home, against the injurious effects of foreign legislation. Suppose we were a nation of fishermen, or of skippers, to the exclusion of every other occupation, and the legislature had the power to introduce the pursuits of agriculture and manufactures, would not our happiness be promoted by an exertion of its authority? All the existing employments of society — the learned professions — commerce — agriculture — are now overflowing. We stand in each other's way. Hence the want of employment. Hence the eager pursuit after public stations, which I have before glanced at. I have been again and again shocked, during this session, by instances of solicitation for places, before the vacancies existed. The pulse of incumbents, who happen to be taken ill, is not marked with more anxiety by the attending physicians, than by those who desire to succeed them, though with very opposite feelings. Our old friend, the faithful sentinel, who has stood so long at our door, and the gallantry of whose patriotism deserves to be noticed, because it was displayed when that virtue was most rare and most wanted, on a memorable occasion in this unfortunate city, became indisposed some weeks ago. The first intelligence which I had of his dangerous illness, was by an application for his unvacated place. I hastened to assure myself of the extent of his danger, and was happy to find that the eagerness of succession outstripped the progress of disease. By creating a new and extensive business, then, we should not only give employment to those who want it, and augment the sum of national wealth, by all that this new business would create, but we

should meliorate the condition of those who are now engaged in existing employments. In Europe, particularly in Great Britain, their large standing armies, large navies, large even on their peace arrangement, their established church, afford to their population employments, which, in that respect, the happier constitution of our government does not tolerate but in a very limited degree. The peace establishments of our army and our navy, are extremely small, and I hope ever will be. We have no established church, and I trust never shall have. In proportion as the enterprise of our citizens in public employments is circumscribed, should we excite and invigorate it in private pursuits.

The creation of a home market is not only necessary to procure for our agriculture a just reward of its labors, but it is indispensable to obtain a supply of our necessary wants. If we cannot sell, we cannot buy. That portion of our population, (and we have seen that it is not less than four fifths,) which makes comparatively nothing that foreigners will buy, has nothing to make purchases with from foreigners. It is in vain that we are told of the amount of our exports supplied by the planting interest. They may enable the planting interest to supply all its wants: but they bring no ability to the interests not planting; unless, which cannot be pretended, the planting interest was an adequate vent for the surplus produce of the labor of all other interests. It is in vain to tantalize us with the greater cheapness of foreign fabrics. There must be an ability to purchase, if an article be obtained, whatever may be the price, high or low, at which it is sold. And a cheap article is as much beyond the grasp of him who has no means to buy, as a high one. Even if it were true that the American manufacturer would supply consumption at dearer rates, it is better to have his fabrics than the unattainable foreign fabrics; because it is better to be ill supplied than not supplied at all. A coarse coat, which will communicate warmth and cover nakedness, is better than no coat. The superiority of the home market results, first, from its steadiness and comparative certainty at all times; secondly, from the creation of reciprocal interest; thirdly, from its greater security; and, lastly, from an ultimate and not distant augmentation of consumption, (and consequently of comfort,) from increased quantity and reduced prices. But this home market, highly desirable as it is, can only be created and cherished by the PROTECTION of our own legislation against the inevitable prostration of our industry, which must ensue from the action of FOREIGN policy and legislation. The effect and the value of this domestic care of our own interests will be obvious from a few facts and considerations. Let us suppose that half a million of persons are now employed abroad in fabricating, for our consumption, those articles, of which, by the operation of this bill, a supply is intended to be provided within ourselves. That half a million of persons are, in effect, subsisted by us; but their actual

means of subsistence are drawn from foreign agriculture. If we could transport them to this country, and incorporate them in the mass of our own population, there would instantly arise a demand for an amount of provisions equal to that which would be requisite for their subsistence throughout the whole year. That demand, in the article of flour alone, would not be less than the quantity of about nine hundred thousand barrels, besides a proportionate quantity of beef, and pork, and other articles of subsistence. But nine hundred thousand barrels of flour exceeded the entire quantity exported last year, by nearly one hundred and fifty thousand barrels. What activity would not this give, what cheerfulness would it not communicate, to our now dispirited farming interest! But if, instead of these five hundred thousand artisans emigrating from abroad, we give by this bill employment to an equal number of our own citizens, now engaged in unprofitable agriculture, or idle, from the want of business, the beneficial effect upon the productions of our farming labor would be nearly doubled. The quantity would be diminished by a subtraction of the produce from the labor of all those who should be diverted from its pursuits to manufacturing industry, and the value of the residue would be enhanced, both by that diminution and the creation of the home market, to the extent supposed. And the honorable gentleman from Virginia may repress any apprehensions which he entertains, that the plough will be abandoned, and our fields remain unsown. For, under all the modifications of social industry, if you will secure to it a just reward, the greater attractions of agriculture will give to it that proud superiority which it has always maintained. If we suppose no actual abandonment of farming, but, what is most likely, a gradual and imperceptible employment of population in the business of manufacturing, instead of being compelled to resort to agriculture, the salutary effect would be nearly the same. Is any part of our common country likely to be injured by a transfer of the theatre of fabrication, for our own consumption, from Europe to America? All that those parts, if any there be, which will not, nor cannot engage in manufactures, should require, is, that their consumption should be well supplied; and if the objects of that consumption are produced in other parts of the union, that can manufacture, far from having on that account any just cause of complaint, their patriotism will and ought to inculcate a cheerful acquiescence in what essentially contributes, *and* is indispensably *necessary*, to the prosperity of the common family.

The great desideratum in political economy is the same as in private pursuits; that is, what is the best application of the aggregate industry of a nation, that can be made honestly to produce the largest sum of national wealth? Labor is the source of all wealth; but it is not natural labor only. And the fundamental error of the gentleman from Virginia, and of the school to which he belongs,

in deducing, from our sparse population, our unfitness for the introduction of the arts, consists in their not sufficiently weighing the importance of the power of machinery. In former times, when but little comparative use was made of machinery, manual labor, and the price of wages, were circumstances of the greatest consideration. But it is far otherwise in these latter times. Such are the improvements and the perfection of machinery, that, in analysing the compound value of many fabrics, the element of natural labor is so inconsiderable as almost to escape detection. This truth is demonstrated by many facts. Formerly, Asia, in consequence of the density of her population, and the consequent lowness of wages, laid Europe under tribute for many of her fabrics. Now Europe reacts upon Asia, and Great Britain, in particular, throws back upon her countless millions of people, the rich treasures produced by artificial labor, to a vast amount, infinitely cheaper than they can be manufactured by the natural exertions of that portion of the globe. But Britain is herself the most striking illustration of the immense power of machinery. Upon what other principle can you account for the enormous wealth which she has accumulated, and which she annually produces? A statistical writer of that country, several years ago, estimated the total amount of the artificial or machine labor of the nation, to be equal to that of one hundred millions of able-bodied laborers. Subsequent estimates of her artificial labor, at the present day, carry it to the enormous height of two hundred millions. But the population of the three kingdoms is twenty-one millions five hundred thousand. Supposing that, to furnish able-bodied labor to the amount of four millions, the natural labor will be but two per centum of the artificial labor. In the production of wealth she operates, therefore, by a power (including the whole population) of two hundred and twenty-one millions five hundred thousand; or, in other words, by a power eleven times greater than the total of her natural power. If we suppose the machine labor of the United States to be equal to that of ten millions of able-bodied men, the United States will operate, in the creation of wealth, by a power (including all their population) of twenty millions. In the creation of wealth, therefore, the power of Great Britain, compared to that of the United States, is as eleven to one. That these views are not imaginary, will be, I think, evinced, by contrasting the wealth, the revenue, the power, of the two countries. Upon what other hypothesis can we explain those almost incredible exertions which Britain made during the late wars of Europe? Look at her immense subsidies! Behold her standing, unaided and alone, and breasting the storm of Napoleon's colossal power, when all continental Europe owned and yielded to its irresistible sway; and finally, contemplate her vigorous prosecution of the war, with and without allies, to its splendid termination, on the ever-memorable field of Waterloo!

The British works which the gentleman from Virginia has quoted, portray a state of the most wonderful prosperity, in regard to wealth and resources, that ever was before contemplated. Let us look a little into the semi-official pamphlet, written with great force, clearness, and ability, and the valuable work of Lowe, to both of which that gentleman has referred. The revenue of the united kingdom amounted, during the latter years of the war, to seventy millions of pounds sterling; and one year it rose to the astonishing height of ninety millions sterling, equal to four hundred millions of dollars. This was actual revenue, made up of real contributions, from the purses of the people. After the close of the war, ministers slowly and reluctantly reduced the military and naval establishments, and accommodated them to a state of peace. The pride of power, every where the same, always unwillingly surrenders any of those circumstances, which display its pomp and exhibit its greatness. Contemporaneous with this reduction, Britain was enabled to lighten some of the heaviest burdens of taxation, and particularly that most onerous of all, the *income tax*. In this lowered state, the revenue of peace, gradually rising from the momentary depression incident to a transition from war, attained, in 1822, the vast amount of fifty-five millions sterling, upwards of two hundred and forty millions of dollars, and more than eleven times that of the United States for the same year; thus indicating the difference, which I have suggested, in the respective productive powers of the two countries. The excise alone (collected under twenty-five different heads) amounted to twenty-eight millions, more than one half of the total revenue of the kingdom. This great revenue allows Great Britain to constitute an efficient sinking fund of five millions sterling, being an excess of actual income beyond expenditure, and amounting to more than the entire revenue of the United States.

If we look at the commerce of England, we shall perceive that its prosperous condition no less denotes the immensity of her riches. The average of three years' exports, ending in 1789, was between thirteen and fourteen millions. The average for the same term, ending in 1822, was forty millions sterling. The average of the imports for three years, ending in 1789, was seventeen millions. The average for the same term, ending in 1822, was thirty-six millions, showing a favorable balance of four millions. Thus, in a period not longer than that which has elapsed since the establishment of our constitution, have the exports of that kingdom been trippled; and this has mainly been the effect of the power of machinery. The total amount of the commerce of Great Britain is greater since the peace, by one fourth, than it was during the war. The average of her tonnage, during the most flourishing period of the war, was two millions four hundred thousand tons. Its average, during the three years, 1819, 1820, and 1821, was two

millions six hundred thousand; exhibiting an increase of two hundred thousand tons. If we glance at some of the more prominent articles of her manufactures, we shall be assisted in comprehending the true nature of the sources of her riches. The amount of cotton fabrics exported, in the most prosperous year of the war, was eighteen millions sterling. In the year 1820, it was sixteen millions six hundred thousand; in 1821, twenty millions five hundred thousand; in 1822, twenty-one millions six hundred and thirty-nine thousand pounds sterling; presenting the astonishing increase in two years of upwards of five millions. The total amount of imports in Great Britain, from all foreign parts, of the article of cotton wool, is five millions sterling. After supplying most abundantly the consumption of cotton fabrics within the country, (and a people better fed and clad and housed, are not to be found under the sun than the British nation,) by means of her industry, she gives to this cotton wool a new value, which enables her to sell to foreign nations to the amount of twenty-one millions six hundred and thirty-nine thousand pounds, making a clear profit of upwards of sixteen millions five hundred thousand pounds sterling! In 1821, the value of the export of woollen manufactures was four millions three hundred thousand pounds. In 1822, it was five millions five hundred thousand pounds. The success of her restrictive policy is strikingly illustrated in the article of silk. In the manufacture of that article she labors under great disadvantages, besides that of not producing the raw material. She has subdued them all, and the increase of the manufacture has been most rapid. Although she is still unable to maintain, in foreign countries, a successful competition with the silks of France, of India, and of Italy, and therefore exports but little, she gives to the two millions of the raw material which she imports, in various forms, a value of ten millions, which chiefly enter into British consumption. Let us suppose that she was dependent upon foreign nations for these ten millions, what an injurious effect would it not have upon her commercial relations with them? The average of the exports of British manufactures, during the peace, exceeds the average of the most productive years of the war. The amount of her wealth annually produced, is three hundred and fifty millions sterling; bearing a large proportion to all of her preëxisting wealth. The agricultural portion of it is said, by the gentleman from Virginia, to be greater than that created by any other branch of her industry. But that flows mainly from a policy similar to that proposed by this bill. One third only of her population is engaged in agriculture; the other two thirds furnishing a market for the produce of that third. Withdraw this market, and what becomes of her agriculture? The power and the wealth of Great Britain cannot be more strikingly illustrated than by a comparison of her population and revenue with those of other countries and with our

own. [Here Mr. Clay exhibited the following table, made out from authentic materials.]

	Population.	Taxes & public burdens.	Taxation. per capita.
Russia in Europe,	37,000,000	£18,000,000	£0 9 9
France, including Corsica,	30,700,000	37,000,000	1 4 0
Great Britain, exclusive of Ireland, (the taxes computed according to the value of money on the European continent,)	14,500,000	40,000,000	2 15 0
Great Britain and Ireland collectively,	21,500,000	44,000,000	2 0 0
England alone,	11,600 000	36,000,000	3 2 0
Spain,	11,000,000	6,000,000	0 11 0
Ireland,	7,000,000	4,000,000	0 11 0
The United States of America,	10,000,000	4,500,000	0 9 0

From this exhibit we must remark, that the wealth of Great Britain, and consequently her power, is greater than that of any of the other nations with which it is compared. The amount of the contributions which she draws from the pockets of her subjects, is not referred to for imitation, but as indicative of their wealth. The burden of taxation is always relative to the ability of the subjects of it. A poor nation can pay but little. And the heavier taxes of British subjects, for example, in consequence of their greater wealth, may be more easily borne than the much lighter taxes of Spanish subjects, in consequence of their extreme poverty. The object of wise governments should be, by sound legislation, so to protect the industry of their own citizens against the policy of foreign powers, as to give to it the most expansive force in the production of wealth. Great Britain has ever acted, and still acts, on this policy. She has pushed her protection of British interest, further than any other nation has fostered its industry. The result is, greater wealth among her subjects, and consequently greater ability to pay their public burdens. If their taxation is estimated by their *natural* labor alone, nominally it is greater than the taxation of the subjects of any other power. But, if on a scale of their national and artificial labor, compounded, it is less than the taxation of any other people. Estimating it on that scale, and assuming the aggregate of the natural and artificial labor of the united kingdom to be what I have already stated, two hundred and twenty-one millions five hundred thousand, the actual taxes paid by a British subject, are only about three and seven-pence sterling. Estimating our own taxes, on a similar scale — that is, supposing both descriptions of labor to be equal to that of twenty millions of able-bodied persons — the amount of tax paid by each soul in the United States is four shillings and six-pence sterling.

The committee will observe, from that table, that the measure of the wealth of a nation is indicated by the measure of its protection of its industry; and that the measure of the poverty of a nation is marked by that of the degree in which it neglects and

abandons the care of its own industry, leaving it exposed to the action of foreign powers. Great Britain protects most her industry, and the wealth of Great Britain, is consequently the greatest. France is next in the degree of protection, and France is next in the order of wealth. Spain most neglects the duty of protecting the industry of her subjects, and Spain is one of the poorest of European nations. Unfortunate Ireland, disinherited or rendered in her industry subservient to England, is exactly in the same state of poverty with Spain, measured by the rule of taxation. And the United States are still poorer than either.

The views of British prosperity, which I have endeavored to present, show that her protecting policy is adapted alike to a state of war and of peace. Self-poised, resting upon her own internal resources, possessing a home market, carefully cherished and guarded, she is ever prepared for any emergency. We have seen her coming out of a war of incalculable exertion, and of great duration, with her power unbroken, her means undiminished. We have seen, that almost every revolving year of peace has brought along with it an increase of her manufactures, of her commerce, and, consequently, of her navigation. We have seen, that, constructing her prosperity upon the solid foundation of her own protecting policy, it is unaffected by the vicissitudes of other states. What is our own condition? Depending upon the state of foreign powers, confiding exclusively in a foreign, to the culpable neglect of a domestic policy, our interests are affected by all their movements. Their wars, their misfortunes, are the only source of our prosperity. In their peace, and our peace, we behold our condition the reverse of that of Great Britain, and all our interests stationary or declining. Peace brings to us none of the blessings of peace. Our system is anomalous; alike unfitted to general tranquillity, and to a state of war or peace, on the part of our own country. It can succeed only in the rare occurrence of a general state of war throughout Europe. I am no eulogist of England. I am far from recommending her systems of taxation. I have adverted to them only as manifesting her extraordinary ability. The political and foreign interests of that nation may have been, as I believe them to have been, often badly managed. Had she abstained from the wars into which she has been plunged by her ambition, or the mistaken policy of her ministers, the prosperity of England would, unquestionably, have been much greater. But it may happen that the public liberty, and the foreign relations of a nation, have been badly provided for, and yet that its political economy has been wisely managed. The alacrity or sullenness with which a people pay taxes, depends upon their wealth or poverty. If the system of their rulers leads to their impoverishment, they can contribute but little to the necessities of the state; if to their wealth, they cheerfully and promptly pay the burdens imposed on them. Enormous

as British taxation appears to be, in comparison with that of other na ions, but really lighter, as it in fact is, when we consider its great wealth, and its powers of production, that vast amount is collected with the most astonishing regularity. [Here Mr. Clay read certain passages from Holt, showing that, in 1822, there was not a solitary prosecution arising out of the collection of the assessed taxes, which are there considered among the most burdensome, and that the prosecution for violations of the excise laws, in all its numerous branches, were sensibly and progressively decreasing.]

Having called the attention of the committee to the present adverse state of our country, and endeavored to point out the causes which have led to it; having shown that similar causes, wherever they exist in other countries, lead to the same adversity in their condition; and having shown that, wherever we find opposite causes prevailing, a high and animating state of national prosperity exists, the committee will agree with me in thinking that it is the solemn duty of government to apply a remedy to the evils which afflict our country, if it can apply one. Is there no remedy within the reach of the government? Are we doomed to behold our industry languish and decay, yet more and more? But there is a remedy, and that remedy consists in modifying our foreign policy, and in adopting a genuine AMERICAN SYSTEM. We must naturalize the arts in our country; and we must naturalize them by the only means which the wisdom of nations has yet discovered to be effectual; by adequate protection against the otherwise overwhelming influence of foreigners. This is only to be accomplished by the establishment of a tariff, to the consideration of which I am now brought.

And what is this tariff? It seems to have been regarded as a sort of monster, huge and deformed — a wild beast, endowed with tremendous powers of destruction, about to be let loose among our people, if not to devour them, at least to consume their substance. But let us calm our passions, and deliberately survey this alarming, this terrific being. The sole object of the tariff is to tax the produce of foreign industry, with the view of promoting American industry. The tax is exclusively levelled at foreign industry. That is the avowed and the direct purpose of the tariff. If it subjects any part of American industry to burdens, that is an effect not intended, but is altogether incidental, and perfectly voluntary.

It has been treated as an imposition of burdens upon one part of the community by design, for the benefit of another; as if, in fact, money were taken from the pockets of one portion of the people and put into the pockets of another. But is that a fair representation of it? No man pays the duty assessed on the foreign article by compulsion, but voluntarily; and this voluntary duty, if paid, goes into the common exchequer, for the common

benefit of all. Consumption has four objects of choice. First, it may abstain from the use of the foreign article, and thus avoid the payment of the tax. Second, it may employ the rival American fabric. Third, it may engage in the business of manufacturing, which this bill is designed to foster. Fourth, or it may supply itself from the household manufactures. But it is said, by the honorable gentleman from Virginia, that the south, owing to the character of a certain portion of its population, cannot engage in the business of manufacturing. Now, I do not agree in that opinion, to the extent in which it is asserted. The circumstance alluded to may disqualify the south from engaging in every branch of manufacture, as largely as other quarters of the union, but to some branches of it, that part of our population is well adapted. It indisputably affords great facility in the household or domestic line. But, if the gentleman's premises were true, could his conclusion be admitted? According to him, a certain part of our population, happily much the smallest, is peculiarly situated. The circumstance of its degradation unfits it for the manufacturing arts. The well-being of the other, and the larger part of our population, requires the introduction of those arts. What is to be done in this conflict? The gentleman would have us abstain from adopting a policy called for by the interest of the greater and freer part of our population. But is that reasonable? Can it be expected that the interests of the greater part should be made to bend to the condition of the servile part of our population? That, in effect, would be to make us the slaves of slaves. I went, with great pleasure, along with my southern friends, and I am ready again to unite with them in protesting against the exercise of any legislative power, on the part of congress, over that delicate subject, because it was my solemn conviction, that congress was interdicted, or at least not authorized, by the constitution, to exercise any such legislative power. And I am sure that the patriotism of the south may be exclusively relied upon to reject a policy which should be dictated by considerations altogether connected with that degraded class, to the prejudice of the residue of our population. But does not a perseverance in the foreign policy, as it now exists in fact, make all parts of the union, not planting, tributary to the planting parts? What is the argument? It is, that we must continue freely to receive the produce of foreign industry, without regard to the protection of American industry, that a market may be retained for the sale abroad of the produce of the planting portion of the country; and that, if we lessen in all parts of America — those which are not planting as well as the planting sections — the consumption of foreign manufactures, we diminish to that extent the foreign market for the planting produce. The existing state of things, indeed, presents a sort of tacit compact between the cotton-grower and the British manufacturer, the stipulations of which are,

on the part of the cotton-grower, that the whole of the United States, the other portions as well as the cotton-growing, shall remain open and unrestricted in the consumption of British manufactures; and, on the part of the British manufacturer, that, in consideration thereof, he will continue to purchase the cotton of the south. Thus, then, we perceive that the proposed measure, instead of sacrificing the south to the other parts of the union, seeks only to preserve them from being absolutely sacrificed under the operation of the tacit compact which I have described. Supposing the south to be actually incompetent, or disinclined, to embark at all in the business of manufacturing, is not its interest, nevertheless, likely to be promoted by creating a new and an American source of supply for its consumption? Now foreign powers, and Great Britain, principally, have the monopoly of the supply of southern consumption. If this bill should pass, an American competitor, in the supply of the south, would be raised up, and ultimately, I cannot doubt, that it will be supplied more cheaply and better. I have before had occasion to state, and will now again mention, the beneficial effects of American competition with Europe, in furnishing a supply of the article of cotton bagging. After the late war, the influx of the Scottish manufacture prostrated the American establishments. The consequence was, that the Scotch possessed the monopoly of the supply; and the price of it rose, and attained, the year before the last, a height which amounted to more than an equivalent for ten years protection to the American manufacture. This circumstance tempted American industry again to engage in the business, and several valuable manufactories have been established in Kentucky. They have reduced the price of the fabric very considerably; but, without the protection of government, they may again be prostrated, and then, the Scottish manufacturer engrossing the supply of our consumption, the price will probably again rise. It has been tauntingly asked, if Kentucky cannot maintain herself in a competition with the two Scottish towns of Inverness and Dundee? But is that a fair statement of the case? Those two towns are cherished and sustained by the whole protecting policy of the British empire, whilst Kentucky cannot, and the general government will not, extend alike protection to the few Kentucky villages in which the article is made.

If the cotton-growing consumption could be constitutionally exempted from the operation of this bill, it might be fair to exempt it, upon the condition that foreign manufactures, the proceeds of the sale of cotton abroad, should not enter at all into the consumption of the other parts of the United States. But such an arrangement as that, if it could be made, would probably be objected to by the cotton-growing country itself.

Second. The second objection to the proposed bill is, that it

will diminish the amount of our exports. It can have no effect upon our exports, except those which are sent to Europe. Except tobacco and rice, we send there nothing but the raw materials. The argument is, that Europe will not buy of us, if we do not buy of her. The first objection to it is, that it calls upon us to look to the question, and to take care of European ability in legislating for American interests. Now if, in legislating for their interests, they would consider and provide for our ability, the principle of reciprocity would enjoin us so to regulate our intercourse with them, as to leave their ability unimpaired. But I have shown that, in the adoption of their own policy, their inquiry is strictly limited to a consideration of their peculiar interests, without any regard to that of ours. The next remark I would make, is, that the bill only operates upon *certain* articles of European industry, which it is supposed our interest requires us to manufacture within ourselves; and although its effect will be to diminish the amount of our imports of *those* articles, it leaves them free to supply us with any other produce of their industry. And since the circle of human comforts, refinements, and luxuries, is of great extent, Europe will still find herself able to purchase from us what she has hitherto done, and to discharge the debt in some of those objects. If there be any diminution in our exports to Europe, it will probably be in the article of cotton to Great Britain. I have stated that Britain buys cotton wool to the amount of about five millions sterling, and sells to foreign states to the amount of upwards of twenty-one millions and a half. Of this sum, we take a little upwards of a million and a half. The residue, of about twenty millions, she must sell to other foreign powers than to the United States. Now their market will continue open to her, as much after the passage of this bill, as before. She will therefore require from us the raw material to supply their consumption. But, it is said, she may refuse to purchase it of us, and seek a supply elsewhere. There can be but little doubt that she now resorts to us, because we can supply her more cheaply and better than any other country. And it would be unreasonable to suppose that she would cease, from any pique towards us, to pursue her own interest. Suppose she was to decline purchasing from us. The consequence would be, that she would lose the market for the twenty millions sterling, which she now sells other foreign powers, or enter it under a disadvantageous competition with us, or with other nations, who should obtain their supplies of the raw material from us. If there should be any diminution, therefore, in the exportation of cotton, it would only be in the proportion of about one and a half to twenty; that is, a little upwards of five per centum; the loss of a market for which, abroad, would be fully compensated by the market for the article created at home. Lastly, I would observe, that the new application of our industry, produc-

ing new objects of exportation, and they possessing much greater value than in the raw state, we should be, in the end, amply indemnified by their exportation. Already the item in our foreign exports of manufactures is considerable; and we know that our cotton fabrics have been recently exported in a large amount to South America, where they maintain a successful competition with those of any other country.

Third. The third objection to the tariff is, that it will diminish our navigation. This great interest deserves every encouragement, consistent with the paramount interest of agriculture. In the order of nature it is secondary to both agriculture and manufactures. Its business is the transportation of the productions of those two superior branches of industry. It cannot therefore be expected, that they shall be moulded or sacrificed to suit its purposes; but, on the contrary, navigation must accommodate itself to the actual state of agriculture and manufactures. If, as I believe, we have nearly reached the maximum in value of our exports of raw produce to Europe, the effect hereafter will be, as it respects that branch of our trade, if we persevere in the foreign system, to retain our navigation at the point which it has now reached. By reducing, indeed, as will probably take place, the price of our raw materials, a further quantity of them could be exported, and, of course, additional employment might, in that way, be given to our tonnage; but that would be at the expense of the agricultural interest. If I am right in supposing that no effect will be produced by this measure upon any other branch of our export trade, but that to Europe; that, with regard to that, there will be no sensible diminution of our exports; and that the new direction given to a portion of our industry will produce other objects of exportation; the probability is, that our foreign tonnage will be even increased under the operation of this bill. But, if I am mistaken in these views, and it should experience any reduction, the increase in our coasting tonnage, resulting from the greater activity of domestic exchanges, will more than compensate the injury. Although our navigation partakes in the general distress of the country, it is less depressed than any other of our great interests. The foreign tonnage has been gradually, though slowly, increasing, since 1818. And our coasting tonnage, since 1816, has increased upwards of one hundred thousand tons.

Fourth. It is next contended that the effect of the measure will be to diminish our foreign commerce. The objection assumes, what I have endeavored to controvert, that there will be a reduction in the value of our exports. Commerce is an exchange of commodities. Whatever will tend to augment the wealth of a nation must increase its capacity to make these exchanges. By new productions, or creating new values in the fabricated forms which shall be given to old objects of our industry, we shall give to commerce a fresh

spring, a new aliment. The foreign commerce of the country, from causes, some of which I have endeavored to point out, has been extended as far as it can be. And I think there can be but little doubt that the balance of trade is, and for some time past has been, against us. I was surprised to hear the learned gentleman from Massachusetts (Mr. Webster) rejecting, as a detected and exploded fallacy, the idea of a balance of trade. I have not time nor inclination now to discuss that topic. But I will observe, that all nations act upon the supposition of the reality of its existence, and seek to avoid a trade, the balance of which is unfavorable, and to foster that which presents a favorable balance. However the account be made up, whatever may be the items of a trade, commodities, fishing industry, marine labor, the carrying trade, all of which I admit should be comprehended, there can be no doubt, I think, that the totality of the exchanges of all descriptions made by one nation with another, or against the totality of the exchanges of all other nations together, may be such as to present the state of an unfavorable balance with the one or with all. It is true that, in the long run, the measures of these exchanges, that is, the totality in value of what is given and of what is received, must be equal to each other. But great distress may be felt long before the counterpoise can be effected. In the mean time, there will be an export of the precious metals, to the deep injury of internal trade, an unfavorable state of exchange, an export of public securities, a resort to credit, debt, mortgages. Most of, if not all, these circumstances, are believed now to be indicated by our country, in its foreign commercial relations. What have we received, for example, for the public stocks sent to England? Goods. But those stocks are our bond, which must be paid. Although the solidity of the credit of the English public securities is not surpassed by that of our own, strong as it justly is, when have we seen English stocks sold in our market, and regularly quoted in the prices current, as American stocks are in England? An unfavorable balance with one nation, *may* be made up by a favorable balance with other nations; but the fact of the existence of that unfavorable balance is strong presumptive evidence against the trade. Commerce will regulate itself! Yes, and the extravagance of a spendthrift heir, who squanders the rich patrimony which has descended to him, will regulate itself ultimately. But it will be a regulation which will exhibit him in the end safely confined within the walls of a jail. Commerce will regulate itself! But is it not the duty of wise governments to watch its course, and, beforehand, to provide against even distant evils, by prudent legislation stimulating the industry of their own people, and checking the policy of foreign powers as it operates on them? The supply, then, of the subjects of foreign commerce, no less than the supply of consumption at home, requires of us to give a portion of our labor such a direction as will

enable us to produce them. That is the object of the measure under consideration, and I cannot doubt that, if adopted, it will accomplish its object.

Fifth. The fifth objection to the tariff is, that it will diminish the public revenue, disable us from paying the public debt, and finally compel a resort to a system of excise and internal taxation. This objection is founded upon the supposition that the reduction in the importation of the subjects, on which the increased duties are to operate, will be such as to produce the alleged effect. All this is matter of mere conjecture, and can only be determined by experiment. I have very little doubt, with my colleague, (Mr. Trimble,) that the revenue will be increased considerably, for some years at least, under the operation of this bill. The diminution in the quantity imported will be compensated by the augmentation of the duty. In reference to the article of molasses, for example, if the import of it should be reduced fifty per centum, the amount of duty collected would be the same as it now is. But it will not, in all probability, be reduced by any thing like that proportion. And then there are some other articles which will continue to be introduced in as large quantities as ever, notwithstanding the increase of duty, the object in reference to them being revenue, and not the encouragement of domestic manufactures. Another cause will render the revenue of this year, in particular, much more productive than it otherwise would have been; and that is, that large quantities of goods have been introduced into the country, in anticipation of the adoption of this measure. The eagle does not dart a keener gaze upon his intended prey, than that with which the British manufacturer and merchant watches the foreign market, and the course even of our elections as well as our legislation. The passage of this bill has been expected; and all our information is that the importations, during this spring, have been immense. But, further, the measure of our importations is that of our exportations. If I am right in supposing that, in future, the amount of these, in the old or new forms of the produce of our labor, will not be diminished, but probably increased, then the amount of our importations, and consequently of our revenue, will not be reduced, but may be extended. If these ideas be correct, there will be no inability on the part of government to extinguish the public debt. The payment of that debt, and the consequent liberation of the public resources from the charge of it, is extremely desirable. No one is more anxious than I am to see that important object accomplished. But I entirely concur with the gentleman from Virginia, (Mr. Barbour,) in thinking that no material sacrifice of any of the great interests of the nation ought to be made to effectuate it. Such is the elastic and accumulating nature of our public resources, from the silent augmentation of our population, that if, in any given state of the public revenue, we throw ourselves upon a couch and go to

sleep, we may, after a short time, awake with an ability abundantly increased to redeem any reasonable amount of public debt with which we may happen to be burdened. The public debt of the United States, though nominally larger now than it was in the year 1791, bears really no sort of discouraging comparison to its amount at that time, whatever standard we may choose to adopt to institute the comparison. It was in 1791 about seventy-five millions of dollars. It is now about ninety. Then we had a population of about four millions. Now we have upwards of ten millions. Then we had a revenue short of five millions of dollars. Now our revenue exceeds twenty. If we select population as the standard, our present population is one hundred and fifty per centum greater than it was in 1791; if revenue, that is four times more now than at the former period; whilst the public debt has increased only in a ratio of twenty per centum. A public debt of three hundred millions of dollars, at the present day, considering our actual ability, compounded both of the increase of population and of revenue, would not be more onerous now than the debt of seventy-five millions of dollars was, at the epoch of 1791, in reference to the same circumstances. If I am right in supposing that, under the operation of the proposed measure, there will not be any diminution, but a probable increase of the public revenue, there will be no difficulty in defraying the current expenses of government, and paying the principal as well as the interest of the public debt, as it becomes due. Let us, for a moment, however, indulge the improbable supposition of the opponents of the tariff, that there will be a reduction of the revenue to the extent of the most extravagant calculation which has been made, that is to say, to the extent of five millions. That sum deducted, we shall still have remaining a revenue of about fifteen millions. The treasury estimates of the current service of the years 1822, 1823, and 1824, exceeds, each year, nine millions. The lapse of revolutionary pensions, and judicious retrenchments which might be made, without detriment to any of the essential establishments of the country, would probably reduce them below nine millions. Let us assume that sum, to which add about five millions and a half for the interest of the public debt, and the wants of government would require a revenue of fourteen and a half millions, leaving a surplus of revenue of half a million beyond the public expenditure. Thus, by a postponement of the payment of the principal of the public debt, in which the public creditors would gladly acquiesce, and confiding, for the means of redeeming it, in the necessary increase of our revenue from the natural augmentation of our population and consumption, we may safely adopt the proposed measure, even if it should be attended (which is confidently denied) with the supposed diminution of revenue. We shall not, then, have occasion to vary the existing system of taxation; we shall be under no necessity to resort either to direct taxes or to an

excise. But, suppose the alternative were really forced upon us of continuing the foreign system, with its inevitable impoverishment of the country, but with the advantage of the present mode of collecting the taxes, or of adopting the American system, with its increase of the national wealth, but with the disadvantage of an excise, could any one hesitate between them? Customs and an excise agree in the essential particulars, that they are both taxes upon consumption, and both are voluntary. They differ only in the mode of collection. The office for the collection of one is located on the frontier, and that for the other within the interior. I believe it was Mr. Jefferson, who, in reply to the boast of a citizen of New York of the amount of the public revenue paid by that city, asked who would pay it, if the collector's office were removed to Paulus Hook, on the New Jersey shore? National wealth is the source of all taxation. And, my word for it, the people are too intelligent to be deceived by mere names, and not to give a decided preference to that system which is based upon their wealth and prosperity, rather than to that which is founded upon their impoverishment and ruin.

Sixth. But, according to the opponents of the domestic policy, the proposed system will force capital and labor into new and reluctant employments; we are not prepared, in consequence of the high price of wages, for the successful establishment of manufactures, and we must fail in the experiment. We have seen, that the existing occupations of our society, those of agriculture, commerce, navigation, and the learned professions, are overflowing with competitors, and that the want of employment is severely felt. Now what does this bill propose? To open a new and extensive field of business, in which all that choose may enter. There is no compulsion upon any one to engage in it. An option only is given to industry, to continue in the present unprofitable pursuits, or to embark in a new and promising one. The effect will be, to lessen the competition in the old branches of business, and to multiply our resources for increasing our comforts, and augmenting the national wealth. The alleged fact of the high price of wages is not admitted. The truth is, that no class of society suffers more, in the present stagnation of business, than the laboring class. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able-bodied men vary from five to eight dollars per month, and such has been the want of employment, in some parts of the union, that instances have not been unfrequent, of men working merely for the means of present subsistence. If the wages for labor here and in England are compared, they will be found not to be essentially different. I agree with the honorable gentleman from Virginia, that high wages are a proof of national prosperity; we differ only in the means by which that desirable end shall be attained. But,

if the fact were true, that the wages of labor are high, I deny the correctness of the argument founded upon it. The argument assumes, that natural labor is the principal element in the business of manufacture. That was the ancient theory. But the valuable inventions and vast improvements in machinery, which have been made within a few past years, have produced a new era in the arts. The effect of this change, in the powers of production, may be estimated, from what I have already stated in relation to England, and to the triumphs of European artificial labor over the natural labor of Asia. In considering the fitness of a nation for the establishment of manufactures, we must no longer limit our views to the state of its population, and the price of wages. All circumstances must be regarded, of which that is, perhaps, the least important. Capital, ingenuity in the construction and adroitness in the use of machinery, and the possession of the raw materials, are those which deserve the greatest consideration. All these circumstances (except that of capital, of which there is no deficiency,) exist in our country in an eminent degree, and more than counterbalance the disadvantage, if it really existed, of the lower wages of labor in Great Britain. The dependence upon foreign nations for the raw material of any great manufacture, has been ever considered as a discouraging fact. The state of our population is peculiarly favorable to the most extensive introduction of machinery. We have no prejudices to combat, no persons to drive out of employment. The pamphlet, to which we have had occasion so often to refer, in enumerating the causes which have brought in England their manufactures to such a state of perfection, and which now enable them, in the opinion of the writer, to defy all competition, does not specify, as one of them, low wages. It assigns three: first, capital; secondly, extent and costliness of machinery; and, thirdly, steady and persevering industry. Notwithstanding the concurrence of so many favorable causes, in our country, for the introduction of the arts, we are earnestly dissuaded from making the experiment, and our ultimate failure is confidently predicted. Why should we fail? Nations, like men, fail in nothing which they boldly attempt, when sustained by virtuous purpose and firm resolution. I am not willing to admit this depreciation of American skill and enterprise. I am not willing to strike before an effort is made. All our past history exhorts us to proceed, and inspires us with animating hopes of success. Past predictions of our incapacity have failed, and present predictions will not be realized. At the commencement of this government, we were told that the attempt would be idle to construct a marine adequate to the commerce of the country, or even to the business of its coasting trade. The founders of our government did not listen to these discouraging counsels; and, behold the fruits of their just comprehension of our resources. Our

restrictive policy was denounced, and it was foretold that it would utterly disappoint all our expectations. But our restrictive policy has been eminently successful; and the share which our navigation now enjoys in the trade with France, and with the British West India islands, attests its victory. What were not the disheartening predictions of the opponents of the late war? Defeat, discomfiture, and disgrace, were to be the certain, but not the worst effect of it. Here, again, did prophecy prove false; and the energies of our country, and the valor and the patriotism of our people, carried us gloriously through the war. We are now, and ever will be, essentially an agricultural people. Without a material change in the fixed habits of the country, the friends of this measure desire to draw to it, as a powerful auxiliary to its industry, the manufacturing arts. The difference between a nation with and without the arts may be conceived, by the difference between a keel-boat and a steam-boat, combating the rapid torrent of the Mississippi. How slow does the former ascend, hugging the sinuosities of the shore, pushed on by her hardy and exposed crew, now throwing themselves in vigorous concert on their oars, and then seizing the pendant boughs of overhanging trees: she seems hardly to move; and her scanty cargo is scarcely worth the transportation! With what ease is she not passed by the steamboat, laden with the riches of all quarters of the world, with a crew of gay, cheerful, and protected passengers, now dashing into the midst of the current, or gliding through the eddies near the shore! Nature herself seems to survey, with astonishment, the passing wonder, and, in silent submission, reluctantly to own the magnificent triumphs, in her own vast dominion, of Fulton's immortal genius.

Seventh. But it is said that, wherever there is a concurrence of favorable circumstances, manufactures will arise of themselves, without protection; and that we should not disturb the natural progress of industry, but leave things to themselves. If all nations would modify their policy on this axiom, perhaps it would be better for the common good of the whole. Even then, in consequence of natural advantages and a greater advance in civilization and in the arts, some nations would enjoy a state of much higher prosperity than others. But there is no universal legislation. The globe is divided into different communities, each seeking to appropriate to itself all the advantages it can, without reference to the prosperity of others. Whether this is right or not, it has always been, and ever will be the case. Perhaps the care of the interests of one people is sufficient for all the wisdom of one legislature; and that it is among nations as among individuals, that the happiness of the whole is best secured by each attending to its own peculiar interests. The proposition to be maintained by our adversaries is, that manufactures, without protection, will in due time

spring up in our country, and sustain themselves, in a competition with foreign fabrics, however advanced the arts, and whatever the degree of protection may be in foreign countries. Now I contend, that this proposition is refuted by all experience, ancient and modern, and in every country. If I am asked, why unprotected industry should not succeed in a struggle with protected industry, I answer, the FACT has ever been so, and that is sufficient; I reply, that UNIFORM EXPERIENCE evinces that it cannot succeed in such an unequal contest, and that is sufficient. If we speculate on the causes of this universal truth, we may differ about them. Still the indisputable fact remains. And we should be as unwise in not availing ourselves of the guide which it furnishes, as a man would be, who should refuse to bask in the rays of the sun, because he could not agree with judge Woodward as to the nature of the substance of that planet, to which we are indebted for heat and light. If I were to attempt to particularize the causes which prevent the success of the manufacturing arts, without protection, I should say that they are, first, the obduracy of fixed habits. No nation, no individual, will easily change an established course of business, even if it be unprofitable; and least of all is an agricultural people prone to innovation. With what reluctance do they not adopt improvements in the instruments of husbandry, or in modes of cultivation! If the farmer makes a good crop, and sells it badly; or makes a short crop; buoyed up by hope he perseveres, and trusts that a favorable change of the market, or of the seasons, will enable him, in the succeeding year, to repair the misfortunes of the past. Secondly, the uncertainty, fluctuation, and unsteadiness of the home market, when liable to an unrestricted influx of fabrics from all foreign nations; and, thirdly, the superior advance of skill, and amount of capital, which foreign nations have obtained, by the protection of their own industry. From the latter, or from other causes, the unprotected manufactures of a country are exposed to the danger of being crushed in their infancy, either by the design or from the necessities of foreign manufacturers. Gentlemen are incredulous as to the attempts of foreign merchants and manufacturers to accomplish the destruction of ours. Why should they not make such attempts? If the Scottish manufacturer, by surcharging our market, in one year, with the article of cotton bagging, for example, should so reduce the price as to discourage and put down the home manufacture, he would secure to himself the monopoly of the supply. And now, having the exclusive possession of the market, perhaps for a long term of years, he might be more than indemnified for his first loss, in the subsequent rise in the price of the article. What have we not seen under our own eyes! The competition for the transportation of the mail, between this place and Baltimore, so excited, that to obtain it an individual offered, at great loss, to carry it a whole

year for one dollar! His calculation no doubt was, that, by driving his competitor off the road, and securing to himself the carriage of the mail, he would be afterwards able to repair his original loss by new contracts with the department. But the necessities of foreign manufacturers, without imputing to them any sinister design, may oblige them to throw into our markets the fabrics which have accumulated on their hands, in consequence of obstruction in the ordinary vents, or from over-calculation; and the forced sales, at losing prices, may prostrate our establishments. From this view of the subject, it follows, that, if we would place the industry of our country upon a solid and unshakable foundation, we must adopt the protecting policy, which has every where succeeded, and reject that which would abandon it, which has every where failed.

Eighth. But if the policy of protection be wise, the gentleman from Virginia (Mr. Barbour) has made some ingenious calculations, to prove that the measure of protection, already extended, has been sufficiently great. With some few exceptions, the existing duties, of which he has made an estimate, were laid with the object of revenue, and without reference to that of encouragement to our domestic industry; and although it is admitted that the incidental effect of duties, so laid, is to promote our manufactures, yet, if it falls short of competent protection, the duties might as well not have been imposed, with reference to that purpose. A moderate addition may accomplish this desirable end; and the proposed tariff is believed to have this character.

Ninth. The prohibitory policy, it is confidently asserted, is condemned by the wisdom of Europe, and by her most enlightened statesmen. Is this the fact? We call upon gentlemen to show in what instance a nation that has enjoyed its benefits has surrendered it. [Here Mr. Barbour rose (Mr. Clay giving way) and said, that England had departed from it in the China trade, in allowing us to trade with her East India possessions, and in tolerating our navigation to her West India colonies.] With respect to the trade to China, the whole amount of what England has done, is, to modify the monopoly of the East India company, in behalf of one and a small part of her subjects, to increase the commerce of another and the greater portion of them. The abolition of the restriction, therefore, operates altogether among the subjects of England; and does not touch at all the interests of foreign powers. The toleration of our commerce to British India, is for the sake of the specie, with which we mainly carry on that commerce, and which, having performed its circuit, returns to Great Britain in exchange for British manufactures. The relaxation from the colonial policy, in the instance of our trade and navigation with the West Indies, is a most unfortunate example for the honorable gentleman; for in it is an illustrious proof of the success of our restrictive policy, when resolutely adhered to. Great Britain had

prescribed the terms on which we were to be graciously allowed to carry on that trade. The effect of her regulations was, to exclude our navigation altogether, and a complete monopoly, on the part of the British navigation, was secured. We forbade it, unless our vessels should be allowed a perfect reciprocity. Great Britain stood out a long time, but finally yielded, and our navigation now fairly shares with hers in the trade. Have gentlemen no other to exhibit than these trivial relaxations from the prohibitory policy, which do not amount to a drop in the bucket, to prove its abandonment by Great Britain? Let them show us that her laws are repealed which prohibit the introduction of our flour and provisions; of French silks, laces, porcelain, manufactures of bronze, mirrors, woollens; and of the manufactures of all other nations; and then, we may be ready to allow that Great Britain has really abolished her prohibitory policy. We find there, on the contrary, that system of policy in full and rigorous operation, and a most curiously interwoven system it is, as she enforces it. She begins by protecting all parts of her immense dominions against foreign nations. She then protects the parent country against the colonies; and, finally, one part of the parent country against another. The sagacity of Scotch industry has carried the process of distillation to a perfection, which would place the art in England on a footing of disadvantageous competition, and English distillation has been protected accordingly. But suppose it were even true that Great Britain had abolished all restrictions upon trade, and allowed the freest introduction of the produce of foreign labor, would that prove it unwise for us to adopt the protecting system? The object of protection is the establishment and perfection of the arts. In England it has accomplished its purpose, fulfilled its end. If she has not carried every branch of manufacture to the same high state of perfection that any other nation has, she has succeeded in so many, that she may safely challenge the most unshackled competition in exchanges. It is upon this very ground that many of her writers recommend an abandonment of the prohibitory system. It is to give greater scope to British industry and enterprise. It is upon the same selfish principle. The object of the most perfect freedom of trade, with such a nation as Britain, and of the most rigorous system of prohibition, with a nation whose arts are in their infancy, may both be precisely the same. In both cases, it is to give greater expansion to native industry. They only differ in the theatres of their operation. The abolition of the restrictive system by Britain, if by it she could prevail upon other nations to imitate her example, would have the effect of extending the consumption of British produce in other countries, where her writers boldly affirm it could maintain a fearless competition with the produce of native labor. The adoption of the restrictive system, on the part of the United States, by excluding the produce of foreign

labor, would extend the consumption of American produce, unable, in the infancy and unprotected state of the arts, to sustain a competition with foreign fabrics. Let our arts breathe under the shade of protection; let them be perfected, as they are in England, and we shall then be ready, as England now is said to be, to put aside protection, and to enter upon the freest exchanges. To what other cause, than to their whole prohibitory policy, can you ascribe British prosperity? It will not do to assign it to that of her antiquity; for France is no less ancient; though much less rich and powerful, in proportion to the population and natural advantages of France. Hallam, a sensible and highly approved writer on the middle ages, assigns the revival of the prosperity of the north of Europe to the success of the woollen manufactories of Flanders, and the commerce of which their fabrics became the subject; and the commencement of that of England to the establishment of similar manufactures there under the Edwards, and to the prohibitions which began about the same time. As to the poor-rates, the theme of so much reproach without England, and of so much regret within it, among her speculative writers, the system was a strong proof, no less of her unbounded wealth than of her pauperism. What other nation can dispense, in the form of regulated charity, the enormous sum, I believe, of ten or twelve millions sterling? [Mr. Barbour stated it was reduced to six; to which Mr. Clay replied, that he entertained no doubt, but that the benign operation of British protection of home industry, had greatly reduced it within the last few years, by the full employment of her subjects, of which her flourishing trade bore evidence.] The number of British paupers was the result of pressing the principle of population to its utmost limits, by her protecting policy, in the creation of wealth, and in placing the rest of the world under tribute to her industry. Doubtless the condition of England would be better, without paupers, if in other respects it remained the same. But in her actual circumstances, the poor system has the salutary effect of an equalizing corrective of the tendency to the concentration of riches, produced by the genius of her political institutions and by her prohibitory system.

But is it true, that England is convinced of the impolicy of the prohibitory system, and desirous to abandon it? What proof have we to that effect? We are asked to reject the evidence deducible from the settled and steady practice of England, and to take lessons in a school of philosophical writers, whose visionary theories are no where adopted; or, if adopted, bring with them inevitable distress, impoverishment, and ruin. Let us hear the testimony of an illustrious personage, entitled to the greatest attention, because he speaks after the full experiment of the unrestrictive system made in his own empire. I hope I shall give no offence in quoting from a publication issued from 'the mint of Philadelphia;' from a work

of Mr. Carey, of whom I seize, with great pleasure, the occasion to say, that he merits the public gratitude, for the disinterested diligence with which he has collected a large mass of highly useful facts, and for the clear and convincing reasoning with which he generally illustrates them. The emperor of Russia, in March, 1822, after about two years trial of the free system, says, through count Nesselrode:

'To produce happy effects, the principles of commercial freedom must be generally adopted. The state which adopts, whilst others reject them, must condemn its own industry and commerce, to pay a ruinous tribute to those of other nations.'

'From a circulation exempt from restraint, and the facility afforded by reciprocal exchanges, almost all the governments at first resolved to seek the means of repairing the evil which Europe had been doomed to suffer; but experience, and more correct calculations, because they were made from certain data, and upon the results already known of the peace that had just taken place, forced them soon to adhere to the prohibitory system.

'England preserved hers. Austria remained faithful to the rule she had laid down, to guard herself against the rivalship of foreign industry. France, with the same views, adopted the most rigorous measures of precaution. And Prussia published a new tariff in October last, which proves that she found it impossible not to follow the example of the rest of Europe.'

'In proportion as the prohibitory system is extended and rendered perfect in other countries, that state which pursues the contrary system, makes, from day to day, sacrifices more extensive and more considerable. * * * It offers a continual encouragement to the manufactures of other countries, and its own manufactures perish in the struggle which they are, as yet, unable to maintain.

'It is with the most lively feelings of regret we acknowledge it is our own proper experience which enables us to trace this picture. The evils which it details have been realized in Russia and Poland, since the conclusion of the act of the seventh and nineteenth of December, 1818. *Agriculture without a market, industry without protection, languish and decline. Specie is exported, and the most solid commercial houses are shaken.* The public prosperity would soon feel the wound inflicted on private fortunes, if new regulations did not promptly change the actual state of affairs.

'Events have proved, that our *agriculture* and our *commerce*, as well as our *manufacturing industry*, are not only paralysed, but *brought to the brink of ruin.*'

The example of Spain has been properly referred to, as affording a striking proof of the calamities which attend a state that abandons the care of its own internal industry. Her pros-

perity was the greatest when the arts, brought there by the Moors, flourished most in that kingdom. Then she received from England her wool, and returned it in the manufactured state; and then England was least prosperous. The two nations have reversed conditions. Spain, after the discovery of America, yielding to an inordinate passion for the gold of the Indies, sought in their mines that wealth which might have been better created at home. Can the remarkable difference in the state of the prosperity of the two countries be otherwise explained, than by the opposite systems which they pursued? England, by a sedulous attention to her home industry, supplied the means of an advantageous commerce with her colonies. Spain, by an utter neglect of her domestic resources, confided altogether in those which she derived from her colonies, and presents an instance of the greatest adversity. Her colonies were infinitely more valuable than those of England; and, if she had adopted a similar policy, is it unreasonable to suppose that, in wealth and power, she would have surpassed that of England? I think the honorable gentleman from Virginia does great injustice to the catholic religion, in specifying that as one of the leading causes of the decline of Spain. It is a religion entitled to great respect; and there is nothing in its character incompatible with the highest degree of national prosperity. Is not France, the most polished, in many other respects the most distinguished state, of christendom, catholic? Is not Flanders, the most populous part of Europe, also catholic? Are the catholic parts of Switzerland and of Germany less prosperous than those which are protestant?

Tenth. The next objection of the honorable gentleman from Virginia, which I shall briefly notice, is, that the manufacturing system is adverse to the genius of our government, in its tendency to the accumulation of large capitals in a few hands; in the corruption of the public morals, which is alleged to be incident to it; and in the consequent danger to the public liberty. The first part of the objection would apply to every lucrative business, to commerce, to planting, and to the learned professions. Would the gentleman introduce the system of Lycurgus? If his principle be correct, it should be extended to any and every vocation which had a similar tendency. The enormous fortunes in our country — the nabobs of the land — have been chiefly made by the profitable pursuit of that foreign commerce, in more propitious times, which the honorable gentleman would so carefully cherish. Immense estates have also been made in the south. The dependents are, perhaps, not more numerous upon that wealth which is accumulated in manufactures, than they are upon that which is acquired by commerce and by agriculture. We may safely confide in the laws of distributions, and in the absence of the rule of primogeniture, for the dissipation, perhaps too rapid, of large fortunes. What

has become of those which were held two or three generations back in Virginia? Many of the descendants of the ancient aristocracy, as it was called, of that state, are now in the most indigent condition. The best security against the demoralization of society, is the constant and profitable employment of its members. The greatest danger to public liberty is from idleness and vice. If manufactures form cities, so does commerce. And the disorders and violence which proceed from the contagion of the passions, are as frequent in one description of those communities as in the other. There is no doubt but that the yeomanry of a country is the safest depository of public liberty. In all time to come, and under any probable direction of the labor of our population, the agricultural class must be much the most numerous and powerful, and will ever retain, as it ought to retain, a preponderating influence in our councils. The extent and the fertility of our lands constitute an adequate security against an excess in manufactures, and also against oppression, on the part of capitalists, towards the laboring portions of the community.

Eleventh. The last objection, with a notice of which I shall trouble the committee, is, that the constitution does not authorize the passage of the bill. The gentleman from Virginia does not assert, indeed, that it is inconsistent with the express provisions of that instrument, but he thinks it incompatible with the spirit of the constitution. If we attempt to provide for the internal improvement of the country, the constitution, according to some gentlemen, stands in our way. If we attempt to protect American industry against foreign policy and the rivalry of foreign industry, the constitution presents an insuperable obstacle. This constitution must be a most singular instrument! It seems to be made for any other people than our own. Its action is altogether foreign. Congress has power to lay duties and imposts, under no other limitation whatever than that of their being uniform throughout the United States. But they can only be imposed, according to the honorable gentleman, for the sole purpose of revenue. This is a restriction which we do not find in the constitution. No doubt revenue was a principal object with the framers of the constitution in investing congress with the power. But, in executing it, may not the duties and imposts be so laid as to secure domestic interests? Or is congress denied all discretion as to the amount or the distribution of the duties and imposts?

The gentleman from Virginia has, however, entirely mistaken the clause of the constitution on which we rely. It is that which gives to congress the power to regulate commerce with foreign nations. The grant is plenary, without any limitation whatever, and includes the whole power of regulation, of which the subject to be regulated is susceptible. It is as full and complete a grant of the power, as that is to declare war. What is a regulation of

commerce? It implies the admission or exclusion of the object of it, and the terms. Under this power some articles, by the existing laws, are admitted freely; others are subjected to duties so high as to amount to their prohibition, and various rates of duties are applied to others. Under this power, laws of total non-intercourse with some nations, embargoes, producing an entire cessation of commerce with all foreign countries, have been, from time to time, passed. These laws, I have no doubt, met with the entire approbation of the gentleman from Virginia. [Mr. Barbour said that he was not in congress.] Wherever the gentleman was, whether on his farm or in the pursuit of that profession of which he is an ornament, I have no doubt that he gave his zealous support to the laws referred to.

The principle of the system under consideration, has the sanction of some of the best and wisest men, in all ages, in foreign countries as well as in our own — of the Edwards, of Henry the Great, of Elizabeth, of the Colberts, abroad; of our Franklin, Jefferson, Madison, Hamilton, at home. But it comes recommended to us by a higher authority than any of these, illustrious as they unquestionably are — by the master-spirit of the age — that extraordinary man, who has thrown the Alexanders and the Cæsars infinitely further behind him than they stood in advance of the most eminent of their predecessors — that singular man, who, whether he was seated on his imperial throne, deciding the fate of nations and allotting kingdoms to the members of his family, with the same composure, if not with the same affection, as that with which a Virginia father divides his plantations among his children, or on the miserable rock of St. Helena, to which he was condemned by the cruelty and the injustice of his unworthy victors, is equally an object of the most intense admiration. He appears to have comprehended, with the rapidity of intuition, the true interests of a state, and to have been able, by the turn of a single expression, to develope the secret springs of the policy of cabinets. We find that Las Cases reports him to have said:

'He opposed the principles of economists, which he said were correct in theory though erroneous in their application. The political constitution of different states, continued he, must render these principles defective; local circumstances continually call for deviations from their uniformity. Duties, he said, which were so severely condemned by political economists, should not, it is true, be an object to the treasury; they should be the guaranty and protection of a nation, and should correspond with the nature and the objects of its trade. Holland, which is destitute of productions and manufactures, and which was a trade only of transit and commission, should be free of all fetters and barriers. France, on the contrary, which is rich in every sort of production and manufactures, should incessantly guard against the importations of a

rival, who might still continue superior to her, and also against the cupidity, egotism, and indifference, of mere brokers.

'I have not fallen into the error of modern systematizers,' said the emperor, 'who imagine that all the wisdom of nations is centred in themselves. Experience is the true wisdom of nations. And what does all the reasoning of economists amount to? They incessantly extol the prosperity of England, and hold her up as our model; but the custom-house system is more burdensome and arbitrary in England than in any other country. They also condemn prohibitions; yet it was England set the example of prohibitions; and they are in fact necessary with regard to certain objects. Duties cannot adequately supply the place of prohibitions; there will always be found means to defeat the object of the legislator. In France we are still very far behind on these delicate points, which are still unperceived or ill understood by the mass of society. Yet, what advancement have we not made; what correctness of ideas has been introduced by my gradual classification of agriculture, industry, and trade; objects so distinct in themselves, and which present so great and positive a graduation!

'First. *Agriculture;* the soul, the first basis, of the empire.

'Second. *Industry;* the comfort and happiness of the population.

'Third. *Foreign trade;* the superabundance, the proper application, of the surplus of agriculture and industry.

'Agriculture was continually improving during the whole course of the revolution. Foreigners thought it ruined in France. In 1814, however, the English were compelled to admit that we had little or nothing to learn from them.

'Industry or manufactures, and internal trade, made immense progress during my reign. The application of chemistry to the manufactures, caused them to advance with giant strides. I gave an impulse, the effects of which, extended throughout Europe.

'Foreign trade, which, in its results, is infinitely inferior to agriculture, was an object of subordinate importance in my mind. Foreign trade is made for agriculture and home industry, and not the two latter for the former. The interests of these three fundamental cases are diverging and frequently conflicting. I always promoted them in their natural gradation, but I could not and ought not to have ranked them all on an equality. Time will unfold what I have done, the national resources which I created, and the emancipation from the English which I brought about. We have now the secret of the commercial treaty of 1783. France still exclaims against its author; but the English demanded it on pain of resuming the war. They wished to do the same after the treaty of Amiens, but I was then all-powerful; I was a hundred cubits high. I replied, that if they were in possession of the heights of Montmartre I would still refuse to sign the treaty. These words were echoed through Europe.

'The English will now impose some such treaty on France, at least, if popular clamor and the opposition of the mass of the nation, do not force them to draw back. This thraldom would be an additional disgrace in the eyes of that nation, which is now beginning to acquire a just perception of her own interests.

'When I came to the head of the government, the American ships, which were permitted to enter our ports on the score of their neutrality, brought us raw materials, and had the impudence to sail from France without freight, for the purpose of taking in cargoes of English goods in London. They, moreover, had the insolence to make their payments, when they had any to make, by giving bills on persons in London. Hence the vast profits reaped by the English manufacturers and brokers, entirely to our prejudice. I made a law that no American should import goods to any amount, without immediately exporting their exact equivalent. A loud outcry was raised against this: it was said that I had ruined trade. But what was the consequence? Notwithstanding the closing of my ports, and in spite of the English, who ruled the seas, the Americans returned and submitted to my regulations. What might I not have done under more favorable circumstances?

'Thus I naturalized in France the manufacture of cotton, which includes,

'First, *spun cotton.* We did not previously spin it ourselves; the English supplied us with it, as a sort of favor.

'Secondly, *the web.* We did not yet make it; it came to us from abroad.

'Thirdly, *the printing.* This was the only part of the manufacture that we performed ourselves. I wished to naturalize the two first branches; and I proposed to the council of state, that their importation should be prohibited. This excited great alarm. I sent for Oberkamp, and I conversed with him a long time. I learned from him, that this prohibition would doubtless produce a shock, but that, after a year or two of perseverance, it would prove a triumph, whence we should derive immense advantages. Then I issued my decree in spite of all; this was a true piece of statesmanship.

'I at first confined myself merely to prohibiting the web; then I extended the prohibition to spun cotton; and we now possess, within ourselves, the three branches of the cotton manufacture, to the great benefit of our population, and the injury and regret of the English; which proves that, in civil government, as well as in war, decision of character is often indispensable to success.'

I will trouble the committee with only one other quotation, which I shall make from Lowe; and from hearing which, the committee must share with me in the mortification which I felt on perusing it. That author says, 'it is now above forty years since the United States of America were definitely separated from us,

and since, their situation has afforded a proof that the benefit of mercantile intercourse may be retained, in all its extent, without the care of governing, or the expense of defending, these once regretted provinces.' Is there not too much truth in this observation? By adhering to the foreign policy, which I have been discussing, do we not remain essentially British, in every thing but the form of our government? Are not our interests, our industry, our commerce, so modified as to swell British pride, and to increase British power?

Mr. Chairman, our confederacy comprehends, within its vast limits, great diversity of interests; agricultural, planting, farming, commercial, navigating, fishing, manufacturing. No one of these interests is felt in the same degree, and cherished with the same solicitude, throughout all parts of the union. Some of them are peculiar to particular sections of our common country. But all these great interests are confided to the protection of one government — to the fate of one ship; and a most gallant ship it is, with a noble crew. If we prosper, and are happy, protection must be extended to all; it is due to all. It is the great principle on which obedience is demanded from all. If our essential interests cannot find protection from our own government against the policy of foreign powers, where are they to get it? We did not unite for sacrifice, but for preservation. The inquiry should be, in reference to the great interests of every section of the union, (I speak not of minute subdivisions,) what would be done for those interests if that section stood alone and separated from the residue of the republic? If the promotion of those interests would not injuriously affect any other section, then every thing should be done for them, which would be done if it formed a distinct government. If they come into absolute collision with the interests of another section, a reconciliation, if possible, should be attempted, by mutual concession, so as to avoid a sacrifice of the prosperity of either to that of the other. In such a case, all should not be done for one which would be done, if it were separated and independent, but something; and, in devising the measure, the good of each part and of the whole, should be carefully consulted. This is the only mode by which we can preserve, in full vigor, the harmony of the whole union. The south entertains one opinion, and imagines that a modification of the existing policy of the country, for the protection of American industry, involves the ruin of the south. The north, the east, the west, hold the opposite opinion, and feel and contemplate, in a longer adherence to the foreign policy, as it now exists, their utter destruction. Is it true, that the interests of these great sections of our country are irreconcilable with each other? Are we reduced to the sad and afflicting dilemma of determining which shall fall a victim to the prosperity of the other? Happily, I think, there is no such distressing alternative. If the north, the west,

and the east, formed an independent state, unassociated with the south, can there be a doubt that the restrictive system would be carried to the point of prohibition of every foreign fabric of which they produce the raw material, and which they could manufacture? Such would be their policy, if they stood alone; but they are fortunately connected with the south, which believes its interests to require a free admission of foreign manufactures. Here then is a case for mutual concession, for fair compromise. The bill under consideration presents this compromise. It is a medium between the absolute exclusion and the unrestricted admission of the produce of foreign industry. It sacrifices the interest of neither section to that of the other; neither, it is true, gets all that it wants, nor is subject to all that it fears. But it has been said that the south obtains nothing in this compromise. Does it lose any thing? is the first question. I have endeavored to prove that it does not, by showing that a mere transfer is effected in the source of the supply of its consumption from Europe to America; and that the loss, whatever it may be, of the sale of its great staple in Europe, is compensated by the new market created in America. But does the south really gain nothing in this compromise? The consumption of the other sections, though somewhat restricted, is still left open by this bill, to foreign fabrics purchased by southern staples. So far its operation is beneficial to the south, and prejudicial to the industry of the other sections, and that is the point of mutual concession. The south will also gain by the extended consumption of its great staple, produced by an increased capacity to consume it in consequence of the establishment of the home market. But the south cannot exert its industry and enterprise in the business of manufactures! Why not? The difficulties, if not exaggerated, are artificial, and may, therefore, be surmounted. But can the other sections embark in the planting occupations of the south? The obstructions which forbid them are natural, created by the immutable laws of God, and, therefore, unconquerable.

Other and animating considerations invite us to adopt the policy of this system. Its importance, in connection with the general defence in time of war, cannot fail to be duly estimated. Need I recall to our painful recollection the sufferings, for the want of an adequate supply of absolute necessaries, to which the defenders of their country's rights and our entire population, were subjected during the late war? Or to remind the committee of the great advantage of a steady and unfailing source of supply, unaffected alike in war and in peace? Its importance, in reference to the stability of our union, that paramount and greatest of all our interests, cannot fail warmly to recommend it, or at least to conciliate the forbearance of every patriot bosom. Now our people present the spectacle of a vast assemblage of jealous rivals, all

eagerly rushing to the sea-board, jostling each other in their way, to hurry off to glutted foreign markets the perishable produce of their labor. The tendency of that policy, in conformity to which this bill is prepared, is to transform these competitors into friends and mutual customers; and, by the reciprocal exchanges of their respective productions, to place the confederacy upon the most solid of all foundations, the basis of common interest. And is not government called upon, by every stimulating motive, to adapt its policy to the actual condition and extended growth of our great republic. At the commencement of our constitution, almost the whole population of the United States was confined between the Alleghany mountains and the Atlantic ocean. Since that epoch, the western part of New York, of Pennsylvania, of Virginia, all the western states and territories, have been principally peopled. Prior to that period we had scarcely any interior. An interior has sprung up, as it were by enchantment, and along with it new interests and new relations, requiring the parental protection of government. Our policy should be modified accordingly, so as to comprehend all, and sacrifice none. And are we not encouraged by the success of past experience, in respect to the only article which has been adequately protected? Already have the predictions of the friends of the American system, in even a shorter time than their most sanguine hopes could have anticipated, been completely realized in regard to that article; and consumption is now better and more cheaply supplied with coarse cottons, than it was under the prevalence of the foreign system.

Even if the benefits of the policy were limited to certain sections of our country, would it not be satisfactory to behold American industry, wherever situated, active, animated, and thrifty, rather than persevere in a course which renders us subservient to foreign industry? But these benefits are twofold, direct and collateral, and, in the one shape or the other, they will diffuse themselves throughout the union. All parts of the union will participate, more or less, in both. As to the direct benefit, it is probable that the north and the east will enjoy the largest share. But the west and the south will also participate in them. Philadelphia, Baltimore, and Richmond, will divide with the northern capitals the business of manufacturing. The latter city unites more advantages for its successful prosecution than any other place I know; Zanesville, in Ohio, only excepted. And where the direct benefit does not accrue, that will be enjoyed of supplying the raw material and provisions for the consumption of artisans. Is it not most desirable to put at rest and prevent the annual recurrence of this unpleasant subject, so well fitted, by the various interests to which it appeals, to excite irritation and to produce discontent? Can that be effected by its rejection? Behold the mass of petitions which lie on our table, earnestly and anxiously entreating the protecting interposition of congress against

the ruinous policy which we are pursuing. Will these petitioners, comprehending all orders of society, entire states and communities, public companies and private individuals, spontaneously assembling, cease in their humble prayers by your lending a deaf ear? Can you expect that these petitioners and others, in countless numbers, that will, if you delay the passage of this bill, supplicate your mercy, should contemplate their substance gradually withdrawn to foreign countries, their ruin slow, but certain and as inevitable as death itself, without one expiring effort? You think the measure injurious to you; we believe our preservation depends upon its adoption. Our convictions, mutually honest, are equally strong. What is to be done? I invoke that saving spirit of mutual concession under which our blessed constitution was formed, and under which alone it can be happily administered. I appeal to the south — to the high-minded, generous, and patriotic south — with which I have so often coöperated, in attempting to sustain the honor and to vindicate the rights of our country. Should it not offer, upon the altar of the public good, some sacrifice of its peculiar opinions? Of what does it complain? A possible temporary enhancement in the objects of consumption. Of what do we complain? A total incapacity, produced by the foreign policy, to purchase, at any price, necessary foreign objects of consumption. In such an alternative, inconvenient only to it, ruinous to us, can we expect too much from southern magnanimity? The just and confident expectation of the passage of this bill has flooded the country with recent importations of foreign fabrics. If it should not pass, they will complete the work of destruction of our domestic industry. If it should pass, they will prevent any considerable rise in the price of foreign commodities, until our own industry shall be able to supply competent substitutes.

To the friends of the tariff I would also anxiously appeal. Every arrangement of its provisions does not suit each of you; you desire some further alterations; you would make it perfect. You want what you will never get. Nothing human is perfect. And I have seen, with great surprise, a piece signed by a member of congress, published in the National Intelligencer, stating that this bill must be rejected, and a judicious tariff brought in as its substitute. A *judicious* tariff! No member of congress could have signed that piece; or, if he did, the public ought not to be deceived. If this bill do not pass, unquestionably no other can pass at this session, or probably during this congress. And who will go home and say that he rejected all the benefits of this bill, because molasses has been subjected to the enormous additional duty of five cents per gallon? I call, therefore, upon the friends of the American policy, to yield somewhat of their own peculiar wishes, and not to reject the practicable in the idle pursuit after the unattainable. Let us imitate the illustrious example of the framers of the constitution,

and, always remembering that whatever springs from man partakes of his imperfections, depend upon experience to suggest, in future, the necessary amendments.

We have had great difficulties to encounter. First, the splendid talents which are arrayed in this house against us. Second, we are opposed by the rich and powerful in the land. Third, the executive government, if any, affords us but a cold and equivocal, support. Fourth, the importing and navigating interest, I verily believe from misconception, are adverse to us. Fifth, the British factors and the British influence are inimical to our success. Sixth, long-established habits and prejudices oppose us. Seventh, the reviewers and literary speculators, foreign and domestic. And, lastly, the leading presses of the country, including the influence of that which is established in this city, and sustained by the public purse.

From some of these, or other causes, the bill may be postponed, thwarted, defeated. But the cause is the cause of the country, and it must and will prevail. It is founded in the interests and affections of the people. It is as native as the granite deeply imbosomed in our mountains. And, in conclusion, I would pray God, in his infinite mercy, to avert from our country the evils which are impending over it, and, by enlightening our councils, to conduct us into that path which leads to riches, to greatness, to glory.

REPLY TO JOHN RANDOLPH.

HOUSE OF REPRESENTATIVES, 1824.

[During the session of 1823–4, attempts were made to *run at* Mr. Clay, on account of his peculiar situation in being named for the presidency, while speaker of the house of representatives, and for his zealous support of the American system. In a debate on an improvement bill he encountered Mr. Randolph of Virginia, who had endeavored to provoke him to reply, and the following remarks were made by Mr. Clay on that occasion, in the course of the debate.]

Sir, I am growing old. I have had some little measure of experience in public life, and the result of that experience has brought me to this conclusion, that when business, of whatever nature, is to be transacted in a deliberative assembly, or in private life, courtesy, forbearance, and moderation, are best calculated to bring it to a successful conclusion. Sir, my age admonishes me to abstain from involving myself in personal difficulties; would to God that I could say, I am also restrained by higher motives. I certainly never sought any collision with the gentleman from Virginia. My situation at this time is peculiar, if it be nothing else, and might, I should think, dissuade, at least, a generous heart from any wish to draw me into circumstances of personal altercation. I have experienced this magnanimity from some quarters of the house. But I regret, that from others it appears to have no such consideration. The gentleman from Virginia was pleased to say, that in one point at least he coincided with me — in an humble estimate of my grammatical and philological acquirements. I know my deficiencies. I was born to no proud patrimonial estate; from my father I inherited only infancy, ignorance, and indigence. I feel my defects; but, so far as my situation in early life is concerned, I may, without presumption, say they are more my misfortune than my fault. But, however I regret my want of ability to furnish to the gentleman a better specimen of powers of verbal criticism, I will venture to say, it is not greater than the disappointment of this committee as to the strength of his argument.

ADDRESS TO LA FAYETTE.

HOUSE OF REPRESENTATIVES, DECEMBER 10, 1824.

[In the year 1824, general La Fayette visited the United States, as the *guest of the nation*, and was welcomed with the most gratifying testimonies of affection and respect by the whole American people, in behalf of whose rights and liberty he had so gallantly fought, and performed other important services during the revolutionary war. The general landed at New York in August 1824, (having embarked at the same place about forty years before, namely, in December, 1784, on his return to France.) After visiting various parts of the United States, he was received at the city of Washington with distinguished honors by the people and the public authorities, and on the tenth of December, 1824, he was introduced to the house of representatives by a committee appointed for that purpose. The general, being conducted to the sofa placed for his reception, the speaker (Mr. Clay) addressed him in the following words.]

GENERAL,

The house of representatives of the United States, impelled alike by its own feelings, and by those of the whole American people, could not have assigned to me a more gratifying duty than that of presenting to you cordial congratulations upon the occasion of your recent arrival in the United States, in compliance with the wishes of Congress, and to assure you of the very high satisfaction which your presence affords on this early theatre of your glory and renown. Although but few of the members who compose this body shared with you in the war of our revolution, all have, from impartial history, or from faithful tradition, a knowledge of the perils, the sufferings, and the sacrifices, which you voluntarily encountered, and the signal services, in America and in Europe, which you performed for an infant, a distant, and an alien people; and all feel and own the very great extent of the obligations under which you have placed our country. But the relations in which you have ever stood to the United States, interesting and important as they have been, do not constitute the only motive of the respect and admiration which the house of representatives entertain for you. Your consistency of character, your uniform devotion to regulated liberty, in all the vicissitudes of a long and arduous life, also commands its admiration. During all the recent convulsions of Europe, amidst, as after the dispersion of, every political storm, the

people of the United States have beheld you, true to your old principles, firm and erect, cheering and animating with your well-known voice, the votaries of liberty, its faithful and fearless champion, ready to shed the last drop of that blood which here you so freely and nobly spilt, in the same holy cause.

The vain wish has been sometimes indulged, that Providence would allow the patriot, after death, to return to his country, and to contemplate the intermediate changes which had taken place; to view the forests felled, the cities built, the mountains levelled, the canals cut, the highways constructed, the progress of the arts, the advancement of learning, and the increase of population. General, your present visit to the United States is a realization of the consoling object of that wish. You are in the midst of posterity. Every where, you must have been struck with the great changes, physical and moral, which have occurred since you left us. Even this very city, bearing a venerated name, alike endeared to you and to us, has since emerged from the forest which then covered its site. In one respect you behold us unaltered, and this is in the sentiment of continued devotion to liberty, and of ardent affection and profound gratitude to your departed friend, the father of his country, and to you, and to your illustrious associates in the field and in the cabinet, for the multiplied blessings which surround us, and for the very privilege of addressing you which I now exercise. This sentiment, now fondly cherished by more than ten millions of people, will be transmitted, with unabated vigor, down the tide of time, through the countless millions who are destined to inhabit this continent, to the latest posterity.

[After the above address, La Fayette rose, and in a tone influenced by powerful feeling, made an eloquent reply.]

ADDRESS TO HIS CONSTITUENTS.

ON THE PRESIDENTIAL ELECTION OF 1825. MARCH 26, 1825.

[In the year 1816, as the term of president Madison was about to expire the following year, a caucus of the democratic members of congress was held, in conformity to previous custom, to designate a candidate to succeed Mr. Madison, as president. It being the general impression and understanding that Mr. Monroe would be nominated, much surprise was felt when it was ascertained that he had received only a small majority in the caucus — the votes standing thus; for James Monroe sixty-five, for William H. Crawford fifty-four. In consequence of this circumstance it was evident that the popular will with regard to nominations might be defeated by caucus management, and a powerful opposition to nominations of president by members of congress grew up, previous to the election of a successor to Mr. Monroe. It was ascertained that Mr. Crawford, then secretary of the treasury, would be the caucus candidate in 1824, and the people began to look around for candidates to oppose him. John Quincy Adams, Andrew Jackson, Henry Clay, and John C. Calhoun, were each warmly advocated by their friends for the succession. Mr. Calhoun was withdrawn and supported for vice-president, to which office he was elected. Neither of the other four candidates being withdrawn, and Mr. Crawford having been nominated by a minority of only sixty-six members of congress, in caucus, it became evident that no election would be made by the people. The result was, that general Jackson received ninety-nine electoral votes, Mr. Adams eighty-four, Mr. Crawford forty-one, and Mr. Clay thirty-seven. The constitution requiring that the house of representatives should now choose the president, from the three highest names on the list, (Mr. Clay being excluded,) the greatest interest was felt by the friends of all the candidates, as to the course which would be pursued by Mr Clay and his friends in the house, of which he was then speaker. It was soon known, as he had previously declared, that he would vote for Mr. Adams, which he did, and that gentleman was elected president. A cry of 'bargain and corruption' was thereupon set up by the disappointed and zealous partisans of general Jackson, in which they were joined by some of the friends of Mr. Crawford. This charge having been agitated by members of congress at Washington, and reiterated in other quarters, was indignantly repelled by Mr. Clay, and in refutation he issued the following address to his constituents in Kentucky, composed of the people of the counties of Fayette, Woodford, and Clarke.]

The relations of your representative and of your neighbor, in which I have so long stood, and in which I have experienced so many strong proofs of your confidence, attachment, and friendship, having just been, the one terminated, and the other suspended, I avail myself of the occasion on taking, I hope a temporary, leave of you, to express my unfeigned gratitude for all your favors, and to assure you, that I shall cherish a fond and unceasing recollection of them. The extraordinary circumstances in which, during the late session of congress, I have been placed, and the unmerited

animadversions which I have brought upon myself, for an honest and faithful discharge of my public duty, form an additional motive for this appeal to your candor and justice. If, in the office which I have just left, I have abused your confidence and betrayed your interests, I cannot deserve your support in that on the duties of which I have now entered. On the contrary, should it appear that I have been assailed without just cause, and that misguided zeal and interested passions have singled me out as a victim, I cannot doubt that I shall continue to find, in the enlightened tribunal of the public, that cheering countenance and impartial judgment, without which a public servant cannot possibly discharge with advantage the trust confided to him.

It is known to you, that my name had been presented, by the respectable states of Ohio, Kentucky, Louisiana, and Missouri, for the office of president, to the consideration of the American public, and that it had attracted some attention in other quarters of the union. When, early in November last, I took my departure from the district to repair to this city, the issue of the presidential election before the people was unknown. Events, however, had then so far transpired as to render it highly probable that there would be no election by the people, and that I should be excluded from the house of representatives. It became, therefore, my duty to consider, and to make up an opinion on, the respective pretensions of the three gentlemen who might be returned, and at that early period I stated to Dr. Drake, one of the professors in the medical school of Transylvania university, and to John J. Crittenden, esquire, of Frankfort, my determination to support Mr. Adams in preference to general Jackson. I wrote to Charles Hammond, esquire, of Cincinnati, about the same time, and mentioned certain objections to the election of Mr. Crawford, (among which was that of his continued ill health,) that appeared to me almost insuperable. During my journey hither, and up to near christmas, it remained uncertain whether Mr. Crawford or myself would be returned to the house of representatives. Up to near christmas, all our information made it highly probable that the vote of Louisiana would be given to me, and that I should consequently be returned, to the exclusion of Mr. Crawford. And, while that probability was strong, I communicated to Mr. senator Johnston, from Louisiana, my resolution not to allow my name, in consequence of the small number of votes by which it would be carried into the house, if I were returned, to constitute an obstacle, for one moment, to an election in the house of representatives.

During the month of December, and the greater part of January, strong professions of high consideration, and of unbounded admiration of me, were made to my friends, in the greatest profusion, by some of the active friends of all the returned candidates. Every body professed to regret, after I was excluded from the

house, that I had not been returned to it. I seemed to be the favorite of every body. Describing my situation to a distant friend, I said to him, 'I am enjoying, whilst alive, the posthumous honors which are usually awarded to the venerated dead.' A person not acquainted with human nature would have been surprised, in listening to these praises, that the object of them had not been elected by general acclamation. None made more or warmer manifestations of these sentiments of esteem and admiration than some of the friends of general Jackson. None were so reserved as those of Mr. Adams; under an opinion, (as I have learned since the election,) which they early imbibed, that the western vote would be only influenced by its own sense of public duty; and that if its judgment pointed to any other than Mr. Adams, nothing which they could do would secure it to him. These professions and manifestations were taken by me for what they were worth. I knew that the sunbeams would quickly disappear, after my opinion should be ascertained, and that they would be succeeded by a storm; although I did not foresee exactly how it would burst upon my poor head. I found myself transformed from a candidate before the people, into an elector for the people. I deliberately examined the duties incident to this new attitude, and weighed all the facts before me, upon which my judgment was to be formed or reviewed. If the eagerness of any of the heated partisans of the respective candidates suggested a tardiness in the declaration of my intention, I believed that the new relation in which I was placed to the subject, imposed on me an obligation to pay some respect to delicacy and decorum.

Meanwhile, that very reserve supplied aliment to newspaper criticism. The critics could not comprehend how a man standing as I had stood towards the other gentlemen, should be restrained, by a sense of propriety, from instantly fighting under the banners of one of them, against the others. Letters were issued from the manufactory at Washington, to come back, after performing long journeys, for Washington consumption. These letters imputed to 'Mr. Clay and his friends a mysterious air, a portentous silence,' and so forth. From dark and distant hints the progress was easy to open and bitter denunciation. Anonymous letters, full of menace and abuse, were almost daily poured in on me. Personal threats were communicated to me, through friendly organs, and I was kindly apprized of all the glories of village effigies which awaited me. A systematic attack was simultaneously commenced upon me from Boston to Charleston, with an object, present and future, which it was impossible to mistake. No man but myself could know the nature, extent, and variety, of means which were employed to awe and influence me. I bore them, I trust, as *your* representative ought to have borne them, and as became me. Then followed the letter, afterwards adopted as his own, by Mr. Kremer, to the

Columbian Observer. With its character and contents you are well acquainted. When I saw that letter, alleged to be written by a member of the very house over which I was presiding, who was so far designated as to be described as belonging to a particular delegation by name, a member with whom I might be daily exchanging, at least on my part, friendly salutations, and who was possibly receiving from me constantly acts of courtesy and kindness, I felt that I could no longer remain silent. A crisis appeared to me to have arisen in my public life. I issued my card. I ought not to have put in it the last paragraph, because, although it does not necessarily imply the resort to a personal combat, it admits of that construction; nor will I conceal that such a possible issue was within my contemplation. I owe it to the community to say, that whatever heretofore I may have done, or, by inevitable circumstances, might be forced to do, no man in it holds in deeper abhorrence than I do, that pernicious practice. Condemned as it must be by the judgment and philosophy, to say nothing of the religion, of every thinking man, it is an affair of feeling about which we cannot, although we should, reason. Its true corrective will be found when all shall unite, as all ought to unite, in its unqualified proscription.

A few days after the publication of my card, 'another card,' under Mr. Kremer's name, was published in the Intelligencer. The night before, as I was voluntarily informed, Mr. Eaton, a senator from Tennessee, and the biographer of general Jackson, (who boarded in the end of this city opposite to that in which Mr. Kremer took up his abode, a distance of about two miles and a half,) was closeted for some time with him. Mr. Kremer is entitled to great credit for having overcome all the disadvantages, incident to his early life and want of education, and forced his way to the honorable station of a member of the house of representatives. Ardent in his attachment to the cause which he had espoused, general Jackson is his idol, and of his blind zeal others have availed themselves, and have made him their dupe and their instrument. I do not pretend to know the object of Mr. Eaton's visit to him. I state the fact, as it was communicated to me, and leave you to judge. Mr. Kremer's card is composed with some care and no little art, and he is made to avow in it, though somewhat equivocally, that he is the author of the letter to the Columbian Observer. To Mr. Crowninshield, a member from Massachusetts, formerly secretary of the navy, he declared that he was not the author of that letter. In his card he draws a clear line of separation between my friends and me, acquitting them, and undertaking to make good his charges in that letter, only so far as I was concerned. The purpose of this discrimination is obvious. At that time the election was undecided, and it was therefore as important to abstain from imputations against my friends, as it was politic to fix them upon me. If they

could be made to believe that I had been perfidious, in the transport of their indignation, they might have been carried to the support of general Jackson. I received the National Intelligencer, containing Mr. Kremer's card, at breakfast, (the usual time of its distribution,) on the morning of its publication. As soon as I read the card, I took my resolution. The terms of it clearly implied that it had not entered into his conception to have a personal affair with me; and I should have justly exposed myself to universal ridicule, if I had sought one with *him.* I determined to lay the matter before the house, and respectfully to invite an investigation of my conduct. I accordingly made a communication to the house on the same day, the motives for which I assigned. Mr. Kremer was in his place, and, when I sat down, rose and stated that he was prepared and willing to substantiate his charges against me. This was his voluntary declaration, unprompted by his aiders and abettors, who had no opportunity of previous consultation with him on that point. Here was an issue publicly and solemnly joined, in which the accused invoked an inquiry into serious charges against him, and the accuser professed an ability and a willingness to establish them. A debate ensued on the next day which occupied the greater part of it, during which Mr. Kremer declared to Mr. Brent, of Louisiana, a friend of mine, and to Mr. Little, of Maryland, a friend of general Jackson, as they have certified, 'that he never intended to charge Mr. Clay with corruption or dishonor, in his intended vote for Mr. Adams, as president, or that he had transferred, or could transfer, the votes or interests of his friends; that he (Mr. Kremer) was among the last men in the nation to make such a charge *against Mr. Clay;* and that his letter was never intended to convey the idea given to it.' Mr. Digges, a highly respectable inhabitant of this city, has certified to the same declarations of Mr. Kremer.

A message was also conveyed to me, during the discussion, through a member of the house, to ascertain if I would be satisfied with an explanation which was put on paper and shown me, and which it was stated Mr. Kremer was willing, in his place, to make. I replied that the matter was in the possession of the house. I was afterwards told, that Mr. Ingham, of Pennsylvania, got hold of that paper, put it in his pocket, and that he advised Mr. Kremer to take no step without the approbation of his friends. Mr. Cook, of Illinois, moved an adjournment of the house, on information which he received of the probability of Mr. Kremer's making a satisfactory atonement on the next day, for the injury which he had done me, which I have no doubt he would have made, if he had been left to the impulses of his native honesty. The house decided to refer my communication to a committee, and adjourned until the next day to appoint it by ballot. In the mean time Mr. Kremer had taken, I presume, or rather there had been forced upon

him, the advice of *his friends*, and I heard no more of the apology. A committee was appointed of seven gentlemen, of whom not one was my political friend, but who were among the most eminent members of the body. I received no summons or notification from the committee from its first organization to its final dissolution, but Mr. Kremer was called upon by it to bring forward his proofs. For one moment be pleased to stop here and contemplate his posture, his relation to the house and to me, and the high obligations under which he had voluntarily placed himself. He was a member of one of the most august assemblies upon earth, of which he was bound to defend the purity or expose the corruption by every consideration which ought to influence a patriot bosom. A most responsible and highly important constitutional duty was to be performed by that assembly. He had chosen, in an anonymous letter, to bring against its presiding officer charges, in respect to that duty, of the most flagitious character. These charges comprehend delegations from several highly respectable states. If true, that presiding officer merited not merely to be dragged from the chair, but to be expelled the house. He challenges an investigation into his conduct, and Mr. Kremer boldly accepts the challenge, and promises to sustain his accusation. The committee appointed by the house itself, with the common consent of both parties, calls upon Mr. Kremer to execute his pledge publicly given, in his proper place, and also previously given in the public prints. Here is the theatre of the alleged arrangements; this the vicinage in which the trial ought to take place. Every thing was here fresh in the recollection of the witnesses, if there were any. Here all the proofs were concentrated. Mr. Kremer was stimulated by every motive which could impel to action; by his consistency of character; by duty to his constituents, to his country; by that of redeeming his solemn pledge; by his anxious wish for the success of his favorite, whose interests could not fail to be advanced by supporting his atrocious charges. But Mr. Kremer had now the benefit of the advice of his friends. He had no proofs, for the plainest of all reasons, because there was no truth in his charges. They saw that to attempt to establish them and to fail, as he must fail in the attempt, might lead to an exposure of the conspiracy, of which he was the organ. They advised, therefore, that he should make a retreat, and their adroitness suggested, that in an objection to that jurisdiction of the house, which had been admitted, and in the popular topics of the freedom of the press, *his* duty to his constituents, and the inequality in the condition of the speaker of the house, and a member on the floor, plausible means might be found to deceive the ignorant and conceal his disgrace. A labored communication was accordingly prepared by them, in Mr. Kremer's name, and transmitted to the committee, founded upon these suggestions. Thus the valiant champion, who had boldly stepped

forward, and promised, as a representative of *the* people, to 'cry aloud and spare not,' forgot all his gratuitous gallantry and boasted patriotism, and sank at once into profound silence.

With these remarks, I will for the present leave him, and proceed to assign the reasons to you, to whom alone I admit myself to be officially responsible, for the vote which I gave on the presidential election. The first inquiry which it behooved me to make was, as to the influence which ought to be exerted on my judgment, by the relative state of the electoral votes which the three returned candidates brought into the house from the colleges. General Jackson obtained ninety-nine, Mr. Adams eighty-four, and Mr. Crawford forty-one. Ought the fact of a plurality being given to one of the candidates to have any, and what, weight? If the constitution had intended that it should have been decisive, the constitution would have made it decisive, and interdicted the exercise of any discretion, on the part of the house of representatives. The constitution has not so ordained, but, on the contrary, it has provided, that 'from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall *choose*, immediately, by ballot, a president.' Thus a discretion is necessarily invested in the house; for choice implies examination, comparison, judgment. The fact, therefore, that one of the three persons was the highest returned, not being, by the constitution of the country, conclusive upon the judgment of the house, it still remains to determine what is the true degree of weight belonging to it? It has been contended that it should operate, if not as an instruction, at least in the nature of one, and that in this form it should control the judgment of the house. But this is the same argument of conclusiveness which the constitution does not enjoin, thrown into a different but more imposing shape. Let me analyze it. There are certain states, the aggregate of whose electoral votes conferred upon the highest returned candidate, indicate their wish that he should be the president. Their votes amount in number to ninety-nine, out of two hundred and sixty-one electoral votes of the whole union. These ninety-nine do not, and cannot, of themselves, make the president. If the fact of particular states giving ninety-nine votes, can, according to any received notions of the doctrine of instruction, be regarded in that light, to whom are those instructions to be considered addressed? According to that doctrine, the people who appoint, have the right to direct, by their instruction, in certain cases, the course of the representative whom they appoint. The states, therefore, who gave those ninety-nine votes, may in some sense be understood thereby to have instructed *their* representatives in the house to vote for the person on whom they were bestowed, in the choice of a president. But most clearly the representatives coming from other states, which gave no part of those ninety-nine

votes, cannot be considered as having been under any obligation to surrender their judgments to those of the states which gave the ninety-nine votes. To contend that they are under such an obligation, would be to maintain that the people of one state have a right to instruct the representatives from another state. It would be to maintain a still more absurd proposition; that in a case where the representatives from a state did not hold themselves instructed and bound by the will of that state, as indicated in its electoral college, the representatives from another state were, nevertheless, instructed and bound by that alien will. Thus the entire vote of North Carolina, and a large majority of that of Maryland, in their respective electoral colleges, were given to one of the three returned candidates, for whom the delegation from neither of those states voted. And yet the argument combated requires that the delegation from Kentucky, who do not represent the people of North Carolina nor Maryland, should be instructed by, and give an effect to, the indicated will of the people of those two states, when their own delegation paid no attention to it. Doubtless, those delegations felt themselves authorized to look into the actual composition of, and all other circumstances connected with, the majorities which gave the electoral votes, in their respective states; and felt themselves justified, from a view of the whole ground, to act upon their responsibility, and according to their best judgments, disregarding the electoral votes in their states. And are representatives from a different state not only bound by the will of the people of a different commonwealth, but forbidden to examine into the manner by which the expression of that will was brought about—an examination which the immediate representatives themselves, feel it their duty to make?

Is the fact, then, of a plurality to have no weight? Far from it. Here are twenty-four communities united under a common government. The expression of the will of any one of them is entitled to the most respectful attention. It ought to be patiently heard and kindly regarded by the others; but it cannot be admitted to be conclusive upon them. The expression of the will of ninety-nine out of two hundred and sixty-one electors, is entitled to very great attention, but that will cannot be considered as entitled to control the will of the one hundred and sixty-two electors who have manifested a different will. To give it such controlling influence, would be a subversion of the fundamental maxim of the republic—that the majority should govern. The will of the ninety-nine can neither be allowed rightfully to control the remaining one hundred and sixty-two, nor any one of the one hundred and sixty-two electoral votes. It may be an argument, a persuasion, addressed to all and to each of them, but it is binding and obligatory upon none. It follows, then, that the fact of a plurality was only one among the various considerations which the house was

called upon to weigh, in making up its judgment. And the weight of the consideration ought to have been regulated by the extent of the plurality. As between general Jackson and Mr. Adams, the vote standing in the proportions of ninety-nine to eighty-four, it was entitled to less weight; as between the general and Mr. Crawford, it was entitled to more, the vote being as ninety-nine to forty-one. The concession may even be made that, upon the supposition of an equality of pretensions between competing candidates, the preponderance ought to be given to the fact of a plurality.

With these views of the relative state of the vote with which the three returned candidates entered the house, I proceeded to examine the other considerations which belonged to the question. For Mr. Crawford, who barely entered the house, with only four votes more than one candidate not returned, and upon whose case, therefore, the argument derived from the fact of plurality operated with strong, though not decisive force, I have ever felt much personal regard. But I was called upon to perform a solemn public duty, in which my private feelings, whether of affection or aversion, were not to be indulged, but the good of my country only consulted. It appeared to me that the precarious state of that gentleman's health, although I participated with his best friends in all their regrets and sympathies on account of it, was conclusive against him, to say nothing of other considerations of a public nature, which would have deserved examination if, happily, in that respect he had been differently circumstanced. He had been ill near eighteen months; and, although I am aware that his actual condition was a fact depending upon evidence, and that the evidence in regard to it, which had been presented to the public, was not perfectly harmonious, I judged for myself upon what I saw and heard. He may, and I ardently hope will, recover; but I did not think it became me to assist in committing the executive administration of this great republic, on the doubtful contingency of the restoration to health of a gentleman who had been so long and so seriously afflicted. Moreover, if, under all the circumstances of his situation, his election had been desirable, I did not think it practicable. I believed, and yet believe, that, if the votes of the western states, given to Mr. Adams, had been conferred on Mr. Crawford, the effect would have been to protract in the house the decision of the contest, to the great agitation and distraction of the country, and possibly to defeat an election altogether; the very worst result, I thought, that could happen. It appeared to me, then, that, sooner or later, we must arrive at the only practical issue of the contest before us, and that was between Mr. Adams and general Jackson, and I thought that the earlier we got there, the better for the country, and for the house.

In considering this only alternative, I was not unaware of your strong desire to have a western president; but I thought that I

knew enough of your patriotism and magnanimity, displayed on so many occasions, to believe that you could rise above the mere gratification of sectional pride, if the common good of the whole required you to make the sacrifice of local partiality. I solemnly believed it did, and this brings me to the most important consideration which belonged to the whole subject — that arising out of the respective fitness of the only two real competitors, as it appeared to my best judgment. In speaking of general Jackson, I am aware of the delicacy and respect which are justly due to that distinguished citizen. It is far from my purpose to attempt to disparage him. I could not do it if I were capable of making the attempt; but I shall nevertheless speak of him, as becomes me, with truth. I did not believe him so competent to discharge the various, intricate, and complex duties of the office of chief magistrate, as his competitor. He has displayed great skill and bravery, as a military commander, and his own renown will endure as long as the means exist of preserving a recollection of human transactions. But to be qualified to discharge the duties of president of the United States, the incumbent must have more than mere military attainments — he must be a STATESMAN. An individual may be a gallant and successful general, an eminent lawyer, an eloquent divine, a learned physician, or an accomplished artist; and doubtless the union of all these characters in the person of a chief magistrate would be desirable, but no one of them, nor all combined, will qualify him to be president, unless he superadds that indispensable requisite of being a statesman. Far from meaning to say that it is an objection to the elevation to the chief magistracy of any person, that he is a military commander, if he unites the other qualifications, I only intend to say that, whatever may be the success or splendor of his military achievements, if his qualifications be *only* military, that is an objection, and I think a decisive objection, to his election. If general Jackson has exhibited, either in the councils of the union, or in those of his own state, or in those of any other state or territory, the qualities of a statesman, the evidence of the fact has escaped my observation. It would be as painful as it is unnecessary, to recapitulate some of the incidents, which must be fresh in your recollection, of his public life. But I was greatly deceived in my judgment if they proved him to be endowed with that prudence, temper, and discretion, which are necessary for civil administration. It was in vain to remind me of the illustrious example of Washington. There was in that extraordinary person, united, a serenity of mind, a cool and collected wisdom, a cautious and deliberate judgment, a perfect command of the passions, and, throughout his whole life, a familiarity and acquaintance with business, and civil transactions, which rarely characterize any human being. No man was ever more deeply penetrated than he was, with profound respect for the safe

and necessary principle of the entire subordination of the military to the civil authority. I hope I do no injustice to general Jackson when I say, that I could not recognise, in his public conduct, those attainments, for both civil government and military command, which contemporaries and posterity have alike unanimously concurred in awarding as yet only to the father of his country. I was sensible of the gratitude which the people of this country justly feel towards general Jackson, for his brilliant military services. But the impulses of public gratitude should be controlled, as it appeared to me, by reason and discretion, and I was not prepared blindly to surrender myself to the hazardous indulgence of a feeling, however amiable and excellent that feeling may be, when properly directed. It did not seem to me to be wise or prudent, if, as I solemnly believe, general Jackson's competency for the office was highly questionable, that he should be placed in a situation where neither his fame nor the public interests would be advanced. General Jackson himself would be the last man to recommend or vote for any one for a place for which he thought him unfit. I felt myself sustained by his own reasoning, in his letter to Mr. Monroe, in which, speaking of the qualifications of our venerable Shelby for the department of war, he remarked: 'I am compelled to say to you, that the acquirements of this worthy man are not competent to the discharge of the multiplied duties of this department. I therefore hope he may not accept the appointment. I am fearful, if he does, he will not add much splendor to his present well-earned standing as a public character.' Such was my opinion of general Jackson, in reference to the presidency. His conviction of governor Shelby's unfitness, by the habits of his life, for the appointment of secretary of war, were not more honest nor stronger than mine were of his own want of experience, and the necessary civil qualifications to discharge the duties of a president of the United States. In his elevation to this office, too, I thought I perceived the establishment of a fearful precedent; and I am mistaken in all the warnings of instructive history, if I erred in my judgment. Undoubtedly there are other and many dangers to public liberty, besides that which proceeds from military idolatry; but I have yet to acquire the knowledge of it, if there be one more perilous, or more frequent.

Whether Mr. Adams would or would not have been my choice of a president, if I had been left freely to select from the whole mass of American citizens, was not the question submitted to my decision. I had no such liberty; but I was circumscribed, in the selection I had to make, to one of the three gentlemen whom the people themselves had thought proper to present to the house of representatives. Whatever objections might be supposed to exist against him, still greater appeared to me to apply to his competitor. Of Mr. Adams, it is but truth and justice to say, that he is highly

gifted, profoundly learned, and long and greatly experienced in public affairs, at home and abroad. Intimately conversant with the rise and progress of every negotiation with foreign powers, pending or concluded; personally acquainted with the capacity and attainments of most of the public men of this country, whom it might be proper to employ in the public service; extensively possessed of much of that valuable kind of information which is to be acquired neither from books nor tradition, but which is the fruit of largely participating in public affairs; discreet and sagacious; he would enter upon the duties of the office with great advantages. I saw in his election the establishment of no dangerous example. I saw in it, on the contrary, only conformity to the safe precedents which had been established in the instances of Mr. Jefferson, Mr. Madison, and Mr. Monroe, who had respectively filled the same office from which he was to be translated.

A collateral consideration of much weight, was derived from the wishes of the Ohio delegation. A majority of it, during the progress of the session, made up their opinions to support Mr. Adams, and they were communicated to me. They said, 'Ohio supported the candidate who was the choice of Kentucky. We failed in our common exertions to secure his election. Now, among those returned, we have a decided preference, and we think you ought to make some sacrifice to gratify us.' Was not much due to our neighbor and friend?

I considered, with the greatest respect, the resolution of the general assembly of Kentucky, requesting the delegation to vote for general Jackson. That resolution, it is true, placed us in a peculiar situation. Whilst every other delegation, from every other state in the union, was left by its legislature entirely free to examine the pretensions of all the candidates, and to form its unbiased judgment, the general assembly of Kentucky thought proper to interpose, and request the delegation to give its vote to one of the candidates, whom they were pleased to designate. I felt a sincere desire to comply with a request emanating from a source so respectable, if I could have done so consistently with those paramount duties which I owed to you and to the country. But, after full and anxious consideration, I found it incompatible with my best judgment of those duties, to conform to the request of the general assembly. The resolution asserts, that it was the wish of the people of Kentucky, that their delegation should vote for the general. It did not inform me by what means that body had arrived at a knowledge of the wish of the people. I knew that its members had repaired to Frankfort before I departed from home to come to Washington. I knew that their attention was fixed on important local concerns, well entitled, by their magnitude, exclusively to engross it. No election, no general expression of the popular sentiment, had occurred since that in November, when

electors were chosen, and at that the people, by an overwhelming majority, had decided against general Jackson. I could not see how such an expression *against* him, could be interpreted into that of a desire *for* his election. If, as is true, the candidate whom they preferred was not returned to the house, it is equally true that the *state* of the contest, as it presented itself here to me, had never been considered, discussed, and decided by the people of Kentucky, in their collective capacity. What would have been their decision on this *new* state of the question, I might have undertaken to conjecture, but the certainty of any conclusion of fact, as to their opinion, at which I could arrive, was by no means equal to that certainty of conviction of my duty to which I was carried by the exertion of my best and most deliberate reflections. The letters from home, which some of the delegation received, expressed the most opposite opinions, and there were not wanting instances of letters from some of the very members who had voted for that resolution, advising a different course. I received from a highly respectable portion of my constituents a paper, instructing me as follows:

'We, the undersigned voters in the congressional district, having viewed the instruction or request of the legislature of Kentucky, on the subject of choosing a president and vice-president of the United States, with regret, and the said request or instruction to our representative in congress from this district being without our knowledge or consent, we, for many reasons known to ourselves, connected with so momentous an occasion, hereby *instruct* our representative in congress to vote on this occasion agreeably to his own judgment, and the best lights he may have on the subject, with or without the consent of the legislature of Kentucky.'

This instruction came both unexpectedly and unsolicited by me, and it was accompanied by letters assuring me that it expressed the opinion of a majority of my constituents. I could not, *therefore*, regard the resolution as conclusive evidence of your wishes.

Viewed as a mere request, as it purported to be, the general assembly doubtless had the power to make it. But, then, with deference, I think it was worthy of serious consideration, whether the dignity of the general assembly ought not to have induced it to forbear addressing itself, not to another legislative body, but to a small part of it, and requesting the members who composed that part, in a case which the constitution had confided to them, to vote according to the wishes of the general assembly, whether those wishes did or did not conform to their sense of duty. I could not regard the resolution as an instruction; for, from the origin of our state, its legislature has never assumed or exercised the right to instruct the representatives in congress. I did not recognise the right, therefore, of the legislature, to instruct me. I recognised that right only when exerted by you. That the portion of the public servants who made up the general assembly, have no right to instruct that portion of them who constituted the Kentucky delega-

tion in the house of representatives, is a proposition too clear to be argued. The members of the general assembly would have been the first to behold as a presumptuous interposition, any instruction, if the Kentucky delegation could have committed the absurdity to issue, from this place, any instruction to them to vote in a particular manner on any of the interesting subjects which lately engaged their attention at Frankfort. And although nothing is further from my intention than to impute either absurdity or presumption to the general assembly, in the adoption of the resolution referred to, I must say, that the difference between an instruction emanating from them to the delegation, and from the delegation to them, is not in principle, but is to be found only in the degree of superior importance which belongs to the general assembly.

Entertaining these views of the election on which it was made my duty to vote, I felt myself bound, in the exercise of my best judgment, to prefer Mr. Adams; and I accordingly voted for him. I should have been highly gratified if it had not been my duty to vote on the occasion; but that was not my situation, and I did not choose to shrink from any responsibility which appertained to your representative. Shortly after the election, it was rumored that Mr. Kremer was preparing a publication, and the preparations for it which were making excited much expectation. Accordingly, on the twenty-sixth of February, the address, under his name, to the 'electors of the ninth congressional district of the state of Pennsylvania,' made its appearance in the Washington City Gazette. No member of the house, I am persuaded, believed that Mr. Kremer ever wrote one paragraph of that address, or of the plea, which was presented to the committee, to the jurisdiction of the house. Those who counselled him, and composed both papers, and their purposes, were just as well known as the author of any report from a committee to the house. The first observation which is called for by the address is the place of its publication. That place was in this city, remote from the centre of Pennsylvania, near which Mr. Kremer's district is situated, and in a paper having but a very limited, if any circulation in it. The time is also remarkable. The fact that the president intended to nominate me to the senate for the office which I now hold, in the course of a few days, was then well known, and the publication of the address was, no doubt, made less with an intention to communicate information to the electors of the ninth congressional district of Pennsylvania, than to affect the decision of the senate on the intended nomination. Of the character and contents of that address of Messrs. George Kremer & Co., made up, as it is, of assertion without proof, of inferences without premises, and of careless, jocose, and quizzing conversations of some of my friends, to which I was no party, and of which I had never heard, it is not my intention to say much. It carried its own refutation, and the parties concerned saw its abortive

nature the next day, in the indignant countenance of every unprejudiced and honorable member. In his card, Mr. Kremer had been made to say, that he held himself ready 'to prove, to the satisfaction of unprejudiced minds, enough to satisfy them of the accuracy of the statements which are contained in that letter, *to the extent that they concerned the course of conduct of H. Clay.*' The object for excluding my friends from this pledge has been noticed. But now the election was decided, and there no longer existed a motive for discrimination between them and me. Hence the only statements that are made, in the address, having the semblance of proof, relate rather to them than to me; and the design was, by establishing something like facts upon them, to make those facts react upon me.

Of the few topics of the address upon which I shall remark, the first is, the accusation brought forward against me, of violating instructions. If the accusation were true, who was the party offended, and to whom I was amenable? If I violated any instructions, they must have been yours, since you only had the right to give them, and to you alone was I responsible. Without allowing hardly time for you to hear of my vote, without waiting to know what your judgment was of my conduct, George Kremer & Co. chose to arraign me before the American public as the violater of instructions which I was bound to obey. If, instead of being, as you are, and I hope always will be, vigilant observers of the conduct of your public agents, jealous of your rights, and competent to protect and defend them, you had been ignorant and culpably confiding, the gratuitous interposition, as your advocate, of the honorable George Kremer, of the ninth congressional district in Pennsylvania, would have merited your most grateful acknowledgments. Even upon that supposition, his arraignment of me would have required for its support one small circumstance, which happens not to exist, and that is, the fact of your having actually instructed me to vote according to his pleasure.

The relations in which I stood to Mr. Adams constitute the next theme of the address, which I shall notice. I am described as having assumed 'a position of peculiar and decided hostility to the election of Mr. Adams,' and expressions towards him are attributed to me, which I never used. I am also made responsible for 'pamphlets and essays of great ability,' published by my friends in Kentucky in the course of the canvass. The injustice of the principle of holding me thus answerable, may be tested by applying it to the case of general Jackson, in reference to publications issued, for example, from the Columbia Observer. That I was not in favor of the election of Mr. Adams, when the contest was before the people, is most certain. Neither was I in favor of that of Mr. Crawford or general Jackson. That I ever did any thing against Mr. Adams, or either of the other gentlemen, inconsistent

with a fair and honorable competition, I utterly deny. My relations to Mr. Adams have been the subject of much misconception, if not misrepresentation. I have been stated to be under a public pledge to expose some nefarious conduct of that gentleman, during the negotiation at Ghent, which would prove him to be entirely unworthy of public confidence; and that, with the knowledge of his perfidy, I nevertheless voted for him. If these imputations are well founded, I should, indeed, be a fit object of public censure; but if, on the contrary, it shall be found that others, inimical both to him and to me, have substituted their own interested wishes for my public promises, I trust that the indignation, which they would excite, will be turned from me. My letter, addressed to the editors of the Intelligencer, under date of the fifteenth of November, 1822, is made the occasion for ascribing to me the promise and the pledge to make those treasonable disclosures on Mr. Adams. Let that letter speak for itself, and it will be seen how little justice there is for such an assertion. It adverts to the controversy which had arisen between Messrs. Adams and Russell, and then proceeds to state that, 'in the course of several publications, of which it has been the occasion, and particularly in the appendix to a pamphlet, which had been recently published by the honorable John Quincy Adams, I think there are some errors, no doubt unintentional, both as to matters of fact and matters of opinion, in regard to the transactions at Ghent, relating to the navigation of the Mississippi, and certain liberties claimed by the United States in the fisheries, *and to the part which I bore in those transactions.* These important interests are now well secured.' 'An account, therefore, of what occurred in the negotiation at Ghent, on those *two* subjects, is not, perhaps, necessary to the present or future security of any of the rights of the nation, and is *only* interesting as appertaining to its *past* history. With these impressions, and being extremely unwilling to present myself, at any time, before the public, I had *almost* resolved to remain silent, and thus expose myself to the inference of an acquiescence in the correctness of all the statements made by both my colleagues; but I have, on more reflection, thought it may be expected of me, and be considered as a duty on my part, to contribute all in my power towards a full and faithful understanding of the transactions referred to. Under this conviction, I will, at some future period, more propitious than the present to calm and dispassionate consideration, and when there can be no misinterpretation of motives, lay before the public a narrative of those transactions, as I understood them.'

From even a careless perusal of that letter, it is apparent, that the only two subjects of the negotiations at Ghent, to which it refers, were the navigation of the Mississippi, and certain fishing liberties; that the errors which I had supposed were committed, applied to both Mr. Russell and Mr. Adams, though more particu-

larly to the appendix of the latter; that they were unintentional; that they affected myself principally; that I deemed them of no public importance, as connected with the then, or future security of any of the rights of the nation, but only interesting to its past history; that I doubted the necessity of my offering to the public any account of those transactions; and that the narrative which I promised was to be presented at a season of more calm, and when there could be no misinterpretation of motives. Although Mr. Adams believes otherwise, I yet think there are some unintentional errors in the controversial papers between him and Mr. Russell But I have reserved to myself an exclusive right of judging when I shall execute the promise which I have made, and I shall be neither quickened nor retarded in its performance by the friendly anxieties of any of my opponents.

If injury accrue to any one by the delay in publishing the narrative, the public will not suffer by it. It is already known by the publication of the British and American projets, the protocols, and the correspondence between the respective plenipotentiaries, that the British government made at Ghent a demand of the navigation of the Mississippi, by an article in their projet nearly in the same words as those which were employed in the treaty of 1783; that a majority of the American commissioners was in favor of acceding to that demand, upon the condition that the British government would concede to us the same fishing liberties within their jurisdiction, as were secured to us by the same treaty of 1783; and that both demands were finally abandoned. The fact of these mutual propositions was communicated by me to the American public in a speech which I delivered in the house of representatives, on the twenty-ninth day of January, 1816. Mr. Hopkinson had arraigned the terms of the treaty of peace, and charged upon the war and the administration the loss of the fishing liberties, within the British jurisdiction, which we enjoyed prior to the war. In vindicating, in my reply to him, the course of the government, and the conditions of the peace, I stated:

'When the British commissioners demanded, in their projet, a renewal to Great Britain of the right to the navigation of the Mississippi, secured by the treaty of 1783, a bare majority of the American commissioners offered to renew it, upon the condition that the liberties in question were renewed to us. I was not one of that majority. I will not trouble the committee with my reasons for being opposed to the offer. A majority of my colleagues, actuated, I believe, by the best motives, made, however, the offer, and it was refused by the British commissioners.'

And what I thought of my colleagues of the majority, appears from the same extract. The spring after the termination of the negotiations at Ghent, I went to London, and entered upon a new and highly important negotiation with two of them, (Messrs. Adams and Gallatin,) which resulted, on the third day of July, 1815, in the commercial convention, which has been since made

the basis of most of our commercial arrangements with foreign powers. Now, if I had discovered at Ghent, as has been asserted, that either of them was false and faithless to his country, would I have voluntarily commenced with them another negotiation? Further: there never has been a period, during our whole acquaintance, that Mr. Adams and I have not exchanged, when we have met, friendly salutations, and the courtesies and hospitalities of social intercourse.

The address proceeds to characterize the support which I gave to Mr. Adams as unnatural. The authors of the address have not stated why it is unnatural, and we are therefore left to conjecture their meaning. Is it because Mr. Adams is from New England, and I am a citizen of the west? If it be unnatural in the western states to support a citizen of New England, it must be equally unnatural in the New England states to support a citizen of the west. And, on the same principle, the New England states ought to be restrained from concurring in the election of a citizen of the southern states, or the southern states from coöperating in the election of a citizen of New England. And, consequently, the support which the last three presidents have derived from New England, and that which the vice-president recently received, has been most unnaturally given. The tendency of such reasoning would be to denationalize us, and to contract every part of the union within the narrow, selfish limits of its own section. It would be still worse; it would lead to the destruction of the union itself. For if it be unnatural in one section to support a citizen in another, the union itself must be unnatural; all our ties, all our glories, all that is animating in the past, all that is bright and cheering in the future, must be unnatural. Happily, such is the admirable texture of our union, that the interests of all its parts are closely interwoven. If there are strong points of affinity between the south and the west, there are interests of not less, if not greater, strength and vigor, binding the west, and the north, and the east.

Before I close this address, it is my duty, which I proceed to perform with great regret, on account of the occasion which calls for it, to invite your attention to a letter, addressed by general Jackson to Mr. Swartwout, on the twenty-third day of February last. The names of both the general and myself had been before the American public for its highest office. We had both been unsuccessful. The unfortunate have usually some sympathy for each other. For myself, I claim no merit for the cheerful acquiescence which I have given in a result by which I was excluded from the house. I have believed that the decision by the constituted authorities, in favor of others, has been founded upon a conviction of the superiority of their pretensions. It has been my habit, when an election is once decided, to forget, as soon as possible, all the irritating circumstances which attended the pre-

ceding canvass. If one be successful, he should be content with his success. If he have lost it, railing will do no good. I never gave general Jackson nor his friends any reason to believe that I would, in any contingency, support him. He had, as I thought, no public claim, and, I will now add, no personal claims, if these ought to be ever considered, to my support. No one, therefore, ought to have been disappointed or chagrined that I did not vote for him, no more than I was neither surprised nor disappointed that he did not, on a more recent occasion, feel it to be his duty to vote for me. After commenting upon a particular phrase used in my letter to judge Brooke, a calm reconsideration of which will, I think, satisfy any person that it was not employed in an offensive sense, if indeed it have an offensive sense, the general, in his letter to Mr. Swartwout, proceeds to remark: 'No one beheld me seeking, through art or management, to entice any representative in congress from a conscientious responsibility of his own, or the wishes of his constituents. No midnight taper burnt by me; no secret conclaves were held, nor cabals entered into to persuade any one to a violation of pledges given, or of instructions received By me no plans were concerted to impair the pure principles of our republican institutions, nor to prostrate that fundamental maxim which maintains the supremacy of the people's will. On the contrary, having never in any manner, before the people or congress, interfered in the slightest degree with the question, my conscience stands void of offence, and will go quietly with me, regardless of the insinuations of those who, through management, may seek an influence not sanctioned by integrity and merit.' I am not aware that this defence of himself was rendered necessary by any charges brought forward against the general. Certainly I never made any such charges against him. I will not suppose that, in the passage cited, he intended to impute to me the misconduct which he describes, and yet, taking the whole context of his letter together, and coupling it with Mr. Kremer's address, it cannot be disguised that others may suppose he intended to refer to me. I am quite sure that, if he did, he could not have formed those unfavorable opinions of me upon any personal observation of my conduct made by himself; for a supposition that they were founded upon his own knowledge, would imply that my lodgings and my person had been subjected to a system of espionage wholly incompatible with the open, manly, and honorable conduct of a gallant soldier. If he designed any insinuations against me, I must believe that he made them upon the information of others, of whom I can only say that they have deceived his credulity, and are entirely unworthy of all credit. I entered into no cabals; I held no secret conclaves; I enticed no man to violate pledges given or instructions received. The members from Ohio, and from the other western states, with whom I voted, were all of them as competent as I was to form an opinion on the pending election. The

McArthurs and the Metcalfs, and the other gentlemen from the west, (some of whom have, if I have not, bravely 'made an effort to repel an invading foe,') are as incapable of dishonor as any men breathing; as disinterested, as unambitious, as exclusively devoted to the best interests of their country. It was quite as likely that I should be influenced by them, as that I could control their votes. Our object was not to impair, but to preserve from all danger, the purity of our republican institutions. And how I prostrated the maxim which maintains the supremacy of the people's will, I am entirely at a loss to comprehend. The illusions of the general's imagination deceive him. *The people* of the United States had never decided the election in his favor. If the people had *willed* his election, he would have been elected. It was because they had *not willed* his election, nor that of any other candidate, that the duty of making a choice devolved on the house of representatives. The general remarks:

'Mr. Clay has never yet risked himself for his country. He has never sacrificed his repose, nor made an effort to repel an invading foe; of *course* his conscience assured him it was altogether wrong in any other man to lead his countrymen to battle and victory.'

The logic of this conclusion is not very striking. General Jackson fights better than he reasons. When have I failed to concur in awarding appropriate honors to those who, on the sea or on the land, have sustained the glory of our arms, if I could not always approve of the acts of some of them? It is true, that it has been my misfortune never to have repelled an invading foe, nor to have led my countrymen to victory. If I had, I should have left to others to proclaim and appreciate the deed. The general's destiny and mine have led us in different directions. In the civil employments of my country, to which I have been confined, I regret that the little service which I have been able to render it falls far short of my wishes. But why this denunciation of those who have not repelled an invading foe, or led our armies to victory? At the very moment when he is inveighing against an objection to his election to the presidency, founded upon the exclusive military nature of his merits, does he not perceive that he is establishing its validity by proscribing every man who has not successfully fought the public enemy; and that, by such a general proscription, and the requirement of successful military service as the only condition of civil preferment, the inevitable effect would be the ultimate establishment of a military government?

If the contents of the letter to Mr. Swartwout, were such as justly to excite surprise, there were other circumstances not calculated to diminish it. Of all the citizens of the United States, that gentleman is one of the last to whom it was necessary to address any vindication of general Jackson. He had given abundant

evidence of his entire devotion to the cause of the general. He was here after the election, and was one of a committee who invited the general to a public dinner, proposed to be given to him in this place. My letter to judge Brooke was published in the papers of this city on the twelfth of February. The general's note, declining the invitation of Messrs. Swartwout and others, was published on the fourteenth, in the National Journal. The probability, therefore, is, that he did not leave this city until after he had a full opportunity to receive, in a personal interview with the general, any verbal observations upon it which he might have thought proper to make. The letter to Mr. Swartwout, bears date the twenty-third of February. If received by him in New York, it must have reached him, in the ordinary course of mail, on the twenty-fifth or twenty-sixth. Whether intended or not as a 'private communication,' and not for the 'public eye,' as alleged by him, there is much probability in believing that its publication in New York, on the fourth of March, was then made, like Mr. Kremer's address, with the view to its arrival in this city in time to affect my nomination to the senate. In point of fact, it reached here the day before the senate acted on that nomination.

Fellow-citizens, I am sensible that, generally, a public officer had better abstain from any vindication of his conduct, and leave it to the candor and justice of his countrymen, under all its attending circumstances. Such has been the course which I have heretofore prescribed to myself. This is the first, as I hope it may be the last, occasion of my thus appearing before you. The separation which has just taken place between us, and the venom, if not the vigor of the late onsets upon my public conduct, will, I hope, be allowed in this instance to form an adequate apology. It has been upwards of twenty years since I first entered the public service. Nearly three fourths of that time, with some intermissions, I have represented the same district in congress, with but little variation in its form. During that long period, you have beheld our country passing through scenes of peace and war, of prosperity and adversity, and of party divisions, local and general, often greatly exasperated against each other. I have been an actor in most of those scenes. Throughout the whole of them, you have clung to me with an affectionate confidence which has never been surpassed. I have found in your attachment, in every embarrassment in my public career, the greatest consolation, and the most encouraging support. I should regard the loss of it as one of the most afflicting public misfortunes which could befall me. That I have often misconceived your true interests, is highly probable. That I have ever sacrificed them to the object of personal aggrandizement, I utterly deny. And, for the purity of my motives, however in other respects I may be unworthy to approach the throne of grace and mercy, I appeal to the justice of my God, with all the confidence which can flow from a consciousness of perfect rectitude.

ON THE ELECTION OF PRESIDENT BY CONGRESS, IN 1825.

SPEECH AT LEWISBURG, VIRGINIA, AUGUST 30, 1826.

[In the following remarks at a public dinner given him by citizens of Lewisburg, and its vicinity, while he was secretary of state, under president Adams, Mr. Clay explains the motives which influenced him in voting for that gentleman for the office of president, and afterwards accepting a seat in his cabinet. He also alludes to some of the measures of the administration, of which he was then a member, in a manner which will be found to possess great interest.]

Lewisburg, August 23d, 1826.

THE HONORABLE HENRY CLAY:

Sir, at a meeting of a respectable number of the inhabitants of Lewisburg and its vicinity, convened in the court house on the twenty-second instant, it was unanimously determined to greet your arrival amongst them by some public demonstration of the respect which they in common with a great portion of the community, feel towards one of their most distinguished fellow-citizens. It was therefore unanimously resolved, as the most eligible means of manifesting their feelings, to request the honor of your presence at a public dinner to be given at the tavern of Mr. Frazer, in the town of Lewisburg, on Wednesday the thirtieth instant.

In pursuance of the above measures, we, as a committee, have been appointed to communicate their resolutions and solicit a compliance with their invitation. In performing this agreeable duty, we cannot but express our admiration of the uniform course which, during a long political career, you have pursued with so much honor to yourself and country. Although the detractions of envy, and the violence of party feeling have endeavored to blast your fair reputation, and destroy the confidence reposed in you by the citizens of the United States, we rejoice to inform you, that the people of the western part of that state which claims you as one of her most gifted sons, still retain the same high feeling of respect, which they have always manifested in spite of the maledictions and bickerings of *disappointed* editors and *interested* politicians. We cannot close our communication without hailing you as one of the most distinguished advocates of that system of internal improvement which has already proved so beneficial to our country, and which at no distant period will make even these desert mountains to blossom as the rose.

We have the honor to subscribe ourselves, yours with esteem,

J. G. M'CLENACHEN,
JAMES M'LAUGHLIN,
J F. CALDWELL,
JOHN BEIRNE,
J. A. NORTH,
HENRY ERSKINE.

White Sulphur Springs, 24th August, 1826.

GENTLEMEN, I have received the note which you did me the honor on yesterday to address to me, inviting me in behalf of a respectable number of the citizens of Lewisburg and its vicinity, to a public dinner at Mr. Frazer's tavern, on Wednesday next, which they have the goodness to propose, in consequence of my arrival amongst

them, as a manifestation of their respect. Such a compliment was most unexpected by me on a journey to Washington, by this route, recommended to my choice by the pure air of a mountain region, and justly famed mineral waters, a short use of which I hoped might contribute to the perfect re-establishment of my health. The gratification which I derive from this demonstration of kindness and confidence, springs, in no small degree, from the consideration that it is the spontaneous testimony of those with whom I share a common origin, in a venerated state, endeared to me by an early tie of respect and affection, which no circumstance can ever dissolve. In communicating to that portion of the citizens of Lewisburg and its vicinity, who have been pleased thus to favor me, by their distinguished notice, my acceptance of their hospitable invitation, I pray you to add my profound acknowledgments. And of the friendly and flattering manner in which you have conveyed it, and for the generous sympathy, characteristic of Virginia, which you are so obliging as to express, on account of the detractions of which I have been the selected object, and the meditated victim, be assured that I shall always retain a lively and grateful remembrance.

I am, gentlemen, with great esteem and regard, faithfully, your obedient servant,

HENRY CLAY.

Messrs. M'Clenachen, North, M'Laughlin, Caldwell, Beirne, and Erskine, &c., &c.

TOAST.

Seventh. *Our distinguished guest, Henry Clay* — the statesman, orator, patriot, and philanthropist; his splendid talents shed lustre on his native state, his eloquence is an ornament to his country.

WHEN this toast was drunk, Mr. Clay rose, and addressed the company in a speech, which occupied nearly an hour in the delivery, of which we can only attempt an imperfect sketch.

He said, that he had never before felt so intensely the want of those powers of eloquence which had been just erroneously ascribed to him. He hoped, however, that in his plain and unaffected language, he might be allowed, without violating any established usage which prevails here, to express his grateful sensibility, excited by the sentiment with which he had been honored, and for the kind and respectful consideration of him manifested on the occasion which had brought them together. In passing through my native state, said he, towards which I have ever borne, and shall continue, in all vicissitudes, to cherish, the greatest respect and affection, I expected to be treated with its accustomed courtesy and private hospitality. But I did not anticipate that I should be the object of such public, distinguished, and cordial manifestations of regard. In offering you the poor and inadequate return of my warm and respectful thanks, I pray you to believe that I shall treasure up these testimonies among the most gratifying reminiscences of my life. The public service which I have rendered my country, your too favorable opinion of which has prompted you to exhibit these demonstrations of your esteem, has fallen far below the measure of usefulness, which I should have been happy to have filled. I claim for it only the humble merit of pure and patriotic intention. Such as it has been, I have not always been fortunate enough to give satisfaction to every section and to all the great interests of our country.

When an attempt was made to impose upon a new state, about

to be admitted into the union, restrictions incompatible as I thought with her coequal sovereign power, I was charged in the north with being too partial to the south, and as being friendly to that unfortunate condition of slavery, of the evils of which none are more sensible than I am.

At another period, when I believed that the industry of this country required some protection against the selfish and contracted legislation of foreign powers, and to constitute it a certain and safe source of supply, in all exigencies; the charge against me was transposed, and I was converted into a foe of southern, and an infatuated friend of northern and western interests.

There were not wanting persons, in every section of the union, in another stage of our history, to accuse me with rashly contributing to the support of a war, the only alternative left to our honor by the persevering injustice of a foreign nation. These contradictory charges and perverted views gave me no concern, because I was confident that time and truth would prevail over all misconceptions; and because they did not impeach my public integrity. But I confess I was not prepared to expect the aspersions which I have experienced on account of a more recent discharge of public duty. My situation on the occasion to which I refer, was most peculiar and extraordinary, unlike that of any other American citizen. One of the three candidates for the presidency, presented to the choice of the house of representatives, was out of the question for notorious reasons now admitted by all. Limited as the competition was to the other two, I had to choose between a statesman long experienced at home and abroad in numerous civil situations, and a soldier, brave, gallant, and successful, but a mere soldier, who, although he had also filled several civil offices, had quickly resigned them all, frankly acknowledging, in some instances, his incompetency to discharge their duties.

It has been said that I had some differences with the present chief magistrate, at Ghent. It is true that we did not agree on one of the many important questions which arose during the negotiations in that city, but the difference equally applied to our present minister at London and to the lamented Bayard, between whom and myself, although we belonged to opposite political parties, there existed a warm friendship to the hour of his death. It was not of a nature to prevent our coöperation together in the public service, as is demonstrated by the convention at London subsequently negotiated by Messrs. Adams, Gallatin, and myself. It was a difference of opinion on a point of expediency, and did not relate to any constitutional or fundamental principle. But with respect to the conduct of the distinguished citizen of Tennessee, I had solemnly expressed, under the highest obligations, opinions, which, whether right or wrong, were sincerely and honestly entertained, and are still held. These opinions related to a military exercise of

power believed to be arbitrary and unconstitutional. I should have justly subjected myself to the grossest inconsistency, if I had given him my suffrage. I thought if he were elected, the sword and the constitution, bad companions, would be brought too near together. I could not have foreseen that, fully justified as I have been by those very constituents, in virtue of whose authority I exerted the right of free suffrage, I should nevertheless be charged with a breach of duty and corruption by strangers to them, standing in no relation to them but that of being citizens of other states, members of the confederacy. It is in vain that these revilers have been called upon for their proofs; have been defied, and are again invited, to enter upon any mode of fair investigation and trial; shrinking from every impartial examination, they persevere, with increased zeal, in the propagation of calumny, under the hope of supplying by the frequency and boldness of asseveration, the want of truth and the deficiency of evidence; until we have seen the spectacle exhibited of converting the hall of the first legislative assembly upon earth, on the occasion of discussions which above all others should have been characterized by dignity, calmness, and temperance, into a theatre for spreading suspicions and groundless imputations against an absent and innocent individual.

Driven from every other hold, they have seized on the only plank left within their grasp, that of my acceptance of the office of secretary of state, which has been asserted to be the consummation of a previous corrupt arrangement. What can I oppose to such an assertion, but positive, peremptory, and unqualified denial, and a repetition of the demand for proof and trial? The office to which I have been appointed is that of the country, created by it, and administered for its benefit. In deciding whether I should accept it or not, I did not take counsel from those who, foreseeing the probability of my designation for it, sought to deter me from its acceptance by fabricating anticipated charges, which would have been preferred with the same zeal and alacrity, however I might have decided. I took counsel from my friends, from my duty, from my conscious innocence of unworthy and false imputations. I was not left at liberty by either my enemies or my friends to decline the office. I would willingly have declined it from an unaffected distrust of my ability to perform its high duties, if I could have honorably declined it. I hope the uniform tenor of my whole public life will protect me against the supposition of any unreasonable avidity for public employment. During the administration of that illustrious man, to whose civil services more than to those of any other American patriot, living or dead, this country is indebted for the blessings of its present constitution, now more than ten years ago, the mission to Russia, and a place in his cabinet, were successively offered me. A place in *his* cabinet, at that period of my life, was more than equivalent to any place under any admin-

istration, at my present more advanced age. His immediate successor tendered to me the same place in his cabinet, which he anxiously urged me to accept, and the mission to England. Gentlemen, I hope you will believe that far from being impelled by any vain or boastful spirit, to mention these things, I do it with humiliation and mortification.

If I had refused the department of state, the same individuals who now, in the absence of all proof, against all probability, and in utter disregard of all truth, proclaim the existence of a corrupt previous arrangement, would have propagated the same charge with the same affected confidence which they now unblushingly assume. And it would have been said, with at least much plausibility, that I had contributed to the election of a chief magistrate, of whom I thought so unfavorably that I would not accept that place in his cabinet which is generally regarded as the first. I thought it my duty, unawed by their denunciations, to proceed in the office assigned me by the president and senate, to render the country the best service of which my poor abilities are capable. If this administration should show itself unfriendly to American liberty and to free and liberal institutions; if it should be conducted upon a system adverse to those principles of public policy, which I have ever endeavored to sustain, and I should be found still clinging to office; then nothing which could be said by those who are inimical to me, would be undeserved.

But the president ought not to have appointed one who had voted for him. Mr. Jefferson did not think so, who called to his cabinet a gentleman who had voted for him, in the most warmly contested election that has ever occurred in the house of representatives, and who appointed to other highly important offices other members of the same house, who voted for him. Mr. Madison did not think so, who did not feel himself restrained from sending me on a foreign service, because I had supported his election. Mr. Monroe did not think so, who appointed in his cabinet a gentleman, now filling the second office in the government, who attended the caucus that nominated and warmly and efficiently espoused his election. But, suppose the president acted upon the most disinterested doctrine which is now contended for by those who opposed his election, and were to appoint to public office from *their* ranks only, to the entire exclusion of those who voted for him, would he then escape their censure? No! we have seen him charged, for that equal distribution of the public service among every class of citizens, which has hitherto characterized his administration, with the nefarious purpose of buying up portions of the community. A spirit of denunciation is abroad. With some, condemnation, right or wrong, is the order of the day. No matter what prudence and wisdom may stamp the measures of the administration, no matter how much the prosperity of the country may

be advanced, or what public evils may be averted, under its guidance, there are persons who would make general, indiscriminate, and interminable opposition. This is not a fit occasion, nor perhaps am I a fit person, to enter upon a vindication of its measures. But I hope I shall be excused for asking what measure of domestic policy has been proposed or recommended by the present executive, which has not its prototype in previous acts or recommendations of administrations at the head of which was a citizen of Virginia? Can the liberal and high-minded people of this state, condemn measures emanating from a citizen of Massachusetts, which, when proposed by a Virginian, commanded their express assent or silent acquiescence, or to which, if in any instance they made opposition, it was respectful, limited, and qualified? The present administration desires only to be judged by its measures, and invites the strictest scrutiny and the most watchful vigilance on the part of the public.

With respect to the Panama mission, it is true that it was not recommended by any preceding administration, because the circumstances of the world were not then such as to present it as a subject for discussion. But during that of Mr. Monroe, it has been seen that it was a matter of consideration, and there is every reason to believe, if he were now at the head of affairs, his determination would correspond with that of his successor. Let me suppose that it was the resolution of this country, under no circumstances, to contract with foreign powers intimate public engagements, and to remain altogether unbound by any treaties of alliance; what should have been the course taken with the very respectful invitation which was given to the United States to be represented at Panama? Haughtily folding your arms, would you have given it a cold and abrupt refusal? Or would you not rather accept it, send ministers, and, in a friendly and respectful manner, endeavor to satisfy those who are looking to us for counsel and example, and imitating our free institutions, that there is no necessity for such an alliance; that the dangers which alone could, in the opinion of any one, have justified it, have vanished, and that it is not good for them or for us?

What may be the nature of the instructions with which our ministers may be charged, it is not proper that I should state; but all candid and reflecting men must admit, that we have great interests in connection with the southern republics, independent of any compacts of alliance. Those republics, now containing a population of upwards of twenty millions, duplicating their numbers probably in periods still shorter than we do, comprising within their limits the most abundant sources of the precious metals, offer to our commerce. to our manufactures, to our navigation, so many advantages, that none can doubt the expediency of cultivating the most friendly relations with them. If treaties of commerce and friendship, and liberal stipulations in respect to neutral and bellige-

rent rights, could be negotiated with each of them at its separate seat of government, there is no doubt that much greater facilities for the conclusion of such treaties present themselves at a point where, all being represented, the way may be smoothed and all obstacles removed by a disclosure of the views and wishes of all, and by mutual and friendly explanations. There was one consideration which had much weight with the executive, in the decision to accept the mission; and that was the interest which this country has, and especially the southern states, in the fate and fortunes of the island of Cuba. No subject of our foreign relations has created with the executive government more anxious concern, than that of the condition of that island and the possibility of prejudice to the southern states, from the convulsions to which it might be exposed. It was believed, and is yet believed, that the dangers which, in certain contingencies, might threaten our quiet and safety, may be more successfully averted at a place at which all the American powers should be represented than any where else. And I have no hesitation in expressing the firm conviction, that, if there be one section of this union more than all others interested in the Panama mission, and the benefits which may flow from it, that section is the south. It was, therefore, with great and unaffected surprise, that I witnessed the obliquity of those political views which led some gentlemen from that quarter to regard the measure, as it might operate on the southern states, in an unfavorable light. Whatever may be the result of the mission, its moral effect in Europe will be considerable, and it cannot fail to make the most friendly impressions upon our southern neighbors. It is one of which it is difficult, in sober imagination, to conceive any possible mischievous consequences, and which the executive could not have declined, in my opinion, without culpable neglect of the interests of this country, and without giving dissatisfaction to nations whose friendship we are called upon by every dictate of policy to conciliate.

There are persons who would impress on the southern states the belief that they have just cause of apprehending danger to a certain portion of their property from the present administration. It is not difficult to comprehend the object and the motive of these idle alarms. What measure of the present administration gives any just occasion for the smallest apprehension to the tenure by which that species of property is held? However much the president and the members of his administration may deprecate the existence of slavery among us, as the greatest evil with which we are afflicted, there is not one of them that does not believe that the constitution of the general government confers no authority to interpose between the master and his slave, none to apply an adequate remedy, if indeed there be any remedy within the scope of human power. Suppose an object of these alarmists were

accomplished, and the slave-holding states were united in the sentiment, that the policy of this government in all time to come, should be regulated on the basis of the fact of slavery, would not union on the one side lead to union on the other? And would not such a fatal division of the people and states of this confederacy, produce perpetual mutual irritation and exasperation, and ultimately disunion itself? The slave-holding states cannot forget that they are now in a minority, which is in a constant relative diminution, and should certainly not be the first to put forth a principle of public action by which they would be the greatest losers.

I am but too sensible of the unreasonable trespass on your time which I have committed, and of the egotism of which my discourse has partaken. I must depend for my apology upon the character of the times, on the venom of the attacks which have been made upon my character and conduct, and upon the generous sympathy of the gentlemen here assembled. During this very journey a paper has been put into my hands, in which a member of the house of representatives is represented to have said that the distinguished individual at the head of the government, and myself, have been indicted by the people. If that is the case, I presume that some defence is lawful. By the bye, if the honorable member is to have the sole conduct of the prosecution without the aid of other counsel, I think that it is not difficult to predict that his clients will be nonsuited, and that they will be driven out of court with the usual judgment pronounced in such cases.

In conclusion, I beg leave to offer a toast which, if you are as dry as I am, will, I hope, be acceptable for the sake of the wine, if not the sentiment.

'The continuation of the turnpike road which passes through Lewisburg, and success to the cause of internal improvement, under every auspice.'

He then took his seat amid the repeated cheers of the whole company.

ON AFRICAN COLONIZATION.

IN THE HALL OF THE HOUSE OF REPRESENTATIVES, AT THE ANNUAL MEETING OF THE AMERICAN COLONIZATION SOCIETY, AT WASHINGTON CITY, JANUARY 20, 1827.

[THE subject of colonizing the free people of color and emancipated slaves, became one of deep and profound interest, at an early period, in the history of the United States. The question was agitated in Virginia in 1800, and a resolution passed in the legislature of that state, requesting the governor to correspond with the president of the United States, on the subject of purchasing land for a colony; and president Jefferson made efforts, which, however, were unsuccessful, to obtain by negotiation an establishment within the British colonies, in Africa, or the Portuguese colonies, in South America. The movement which finally led to a successful result, in establishing an American colony on the coast of Africa, commenced in the legislature of Virginia, in December, 1816, by instructing the executive of that state, and their members of congress, to coöperate with the United States government in endeavoring to obtain a territory on the before-mentioned coast, for an asylum for free persons of color. Through the instrumentality of the Rev. Robert Finley, an early and zealous friend of the cause, a meeting of public men and private citizens was held at Washington city, on the twenty-first of December, 1816, over which Mr. Clay, then speaker of the house of representatives, was called to preside. A constitution of the American Colonization Society was adopted, at an adjourned meeting on the twenty-eighth of December, and on the first of January, 1817, the officers of the society were chosen, judge Bushrod Washington being elected president, and Henry Clay, William H. Crawford, Andrew Jackson, Robert Finley, and others, vice-presidents. Mr. Clay has always taken a warm and decided interest in the promotion of the objects of this society, and at the annual meeting thereof, in 1827 (being then secretary of state), he delivered the following address.]

I CANNOT withhold the expression of my congratulations to the society, on account of the very valuable acquisition which we have obtained in the eloquent gentleman from Boston, (Mr. Knapp,) who has just before favored us with an address. He has told us of his original impressions, unfavorable to the object of the society, and of his subsequent conversion. If the same industry, investigation, and unbiased judgment, manifested by himself and another gentleman (Mr. Powell), who avowed at the last meeting of the society a similar change wrought in his mind, were carried, by the public at large, into the consideration of the plan of the society, the conviction of its utility would be universal.

I have risen to submit a resolution, in behalf of which I would bespeak the favor of the society. But before I offer any observa-

tions in its support, I must say that, whatever part I shall take in the proceedings of this society, whatever opinions or sentiments I may utter, they are exclusively my own. Whether they are worth any thing or not, no one but myself is at all responsible for them. I have consulted with no person out of this society, and I have especially abstained from all communication or consultation with any one to whom I stand in any official relation. My judgment on the object of this society has been long since deliberately formed. The conclusions to which, after much and anxious consideration, my mind has been brought, have been neither produced nor refuted, by the official station the duties of which have been confided to me.

From the origin of this society, every member of it has, I believe, looked forward to the arrival of a period, when it would become necessary to invoke the public aid in the execution of the great scheme which it was instituted to promote. Considering itself as the mere pioneer in the cause which it had undertaken, it was well aware that it could do no more than remove preliminary difficulties, and point out a sure road to ultimate success; and that the public only could supply that regular, steady, and efficient support, to which the gratuitous means of benevolent individuals would be found incompetent. My surprise has been, that the society has been able so long to sustain itself, and to do so much upon the charitable contributions of good, and pious, and enlightened men, whom it has happily found in all parts of our country. But our work has so prospered and grown under our hands, that the appeal to the power and resources of the public, should be no longer deferred. The resolution which I have risen to propose, contemplates this appeal. It is in the following words:

'*Resolved*, that the board of managers be empowered and directed, at such time or times as may seem to them expedient, to make respectful application to the congress of the United States, and to the legislatures of the different states, for such pecuniary aid, in furtherance of the object of this society, as they may respectively be pleased to grant.'

In soliciting the countenance and support of the legislatures of the union and the states, it is incumbent on the society, in making out its case, to show, first, that it offers to their consideration a scheme which is practicable, and secondly, that the execution of the practicable scheme, partial or entire, will be fraught with such beneficial consequences as to merit the support which is solicited. I believe both points to be maintainable. First, it is now a little upwards of ten years since a religious, amiable, and benevolent resident* of this city, first conceived the idea of planting a colony,

* It has been, since the delivery of the speech, suggested, that the reverend Robert Finley, of New Jersey, (who is also, unfortunately, dead,) contemplated the formation of a society, with a view to the establishment of a colony in Africa, and probably first

from the United States, of free people of color, on the western shores of Africa. He is no more, and the noblest eulogy which could be pronounced on him would be, to inscribe upon his tomb, the merited epitaph, 'here lies the projector of the American Colonization Society.' Amongst others, to whom he communicated the project, was the person who now has the honor of addressing you. My first impressions, like those of all who have not fully investigated the subject, were against it. They yielded to his earnest persuasions and my own reflections, and I finally agreed with him that the experiment was worthy of a fair trial. A meeting of its friends was called, organized as a deliberative body, and a constitution was formed. The society went into operation. He lived to see the most encouraging progress in its exertions, and died in full confidence of its complete success. The society was scarcely formed before it was exposed to the derision of the unthinking; pronounced to be visionary and chimerical by those who were capable of adopting wiser opinions, and the most confident predictions of its entire failure were put forth. It found itself equally assailed by the two extremes of public sentiment in regard to our African population. According to one, (that rash class which, without a due estimate of the fatal consequence, would forthwith issue a decree of general, immediate, and indiscriminate emancipation,) it was a scheme of the slaveholder to perpetuate slavery. The other (that class which believes slavery a blessing, and which trembles with aspen sensibility at the appearance of the most distant and ideal danger to the tenure by which that description of property is held,) declared it a contrivance to let loose on society all the slaves of the country, ignorant, uneducated, and incapable of appreciating the value or enjoying the privileges of freedom.* The society saw itself surrounded by every sort of embarrassment. What great human enterprise was ever undertaken without difficulty? What ever failed, within the compass of human power, when pursued with perseverance and blessed by the smiles of Providence? The society prosecuted undismayed its great work, appealing for succor to the moderate, the reasonable, the virtuous, and religious portions of the public. It protested, from the commencement, and throughout all its progress, and it now protests, that it entertains no purpose, on its own authority or by its own means, to attempt emancipation, partial or general; that it knows the general government has no constitutional power to

commenced the project. It is quite likely that he did; and Mr. Clay recollects seeing Mr. Finley and consulting with him on the subject, about the period of the formation of the society. But the allusion to Mr. Caldwell was founded on the facts, well known to Mr. Clay, of his active agency in the organization of the society, and his unremitted subsequent labors, which were not confined to the District of Columbia, in promoting the cause.

* A society of a few individuals, without power, without other resources than those which are supplied by spontaneous benevolence, to emancipate all the slaves of the country!

achieve such an object; that it believes that the states, and the states only, which tolerate slavery, can accomplish the work of emancipation; and that it ought to be left to them, exclusively, absolu.ely, and voluntarily, to decide the question

The object of the society was the colonization of the free colored people, not the slaves, of the country. Voluntary in its institution, voluntary in its continuance, voluntary in all its ramifications, all its means, purposes, and instruments, are also voluntary. But it was said that no free colored persons could be prevailed upon to abandon the comforts of civilized life and expose themselves to all the perils of a settlement in a distant, inhospitable, and savage country; that, if they could be induced to go on such a quixotic expedition, no territory could be procured for their establishment as a colony; that the plan was altogether incompetent to effectuate its professed object; and that it ought to be rejected as the idle dream of visionary enthusiasts. The society has outlived, thank God, all these disastrous predictions. It has survived to swell the list of false prophets. It is no longer a question of speculation whether a colony can or cannot be planted from the United States of free persons of color on the shores of Africa. It is a matter demonstrated; such a colony, in fact, exists, prospers, has made successful war, and honorable peace, and transacts all the multiplied business of a civilized and christian community.* It now has about five hundred souls, disciplined troops, forts, and other means of defence, sovereignty over an extensive territory, and exerts a powerful and salutary influence over the neighboring clans.

Numbers of the free African race among us are willing to go to Africa. The society has never experienced any difficulty on that subject, except that its means of comfortable transportation have been inadequate to accommodate all who have been anxious to migrate. Why should they not go? Here they are in the lowest state of social gradation; aliens — political, moral, social aliens — strangers, though natives. There, they would be in the midst of their friends and their kindred, at home, though born in a foreign land, and elevated above the natives of the country, as much as they are degraded here below the other classes of the community. But on this matter, I am happy to have it in my power to furnish indisputable evidence from the most authentic source, that of large numbers of free persons of color themselves. Numerous meetings have been held in several churches in Baltimore, of the free people of color, in which, after being organized as deliberative assemblies, by the appointment of a chairman (if not of the same complexion) presiding as you, Mr. Vice-president, do, and secretaries, they have voted memorials addressed to the white people, in which they have

* See the last annual report and the highly interesting historical sketch of the reverend Mr. Ashmun.

argued the question with an ability, moderation, and temper, surpassing any that I can command, and emphatically recommended the colony of Liberia to favorable consideration, as the most desirable and practicable scheme ever yet presented on this interesting subject. I ask permission of the society to read this highly creditable document.

[Here Mr. Clay read the memorial referred to.]

The society has experienced no difficulty in the acquisition of a territory, upon reasonable terms, abundantly sufficient for a most extensive colony. And land in ample quantities, it has ascertained, can be procured in Africa, together with all rights of sovereignty, upon conditions as favorable as those on which the United States extinguish the Indian title to territory within their own limits.

In respect to the alleged incompetency of the scheme to accomplish its professed object, the society asks that that object should be taken to be, not what the imaginations of its enemies represent it to be, but what it really proposes. They represent that the purpose of the society is, to export the whole African population of the United States, bond and free; and they pronounce this design to be unattainable. They declare that the means of the whole country are insufficient to effect the transportation to Africa of a mass of population approximating to two millions of souls. Agreed; but that is not what the society contemplates. They have substituted their own notion for that of the society. What is the true nature of the evil of the existence of a portion of the African race in our population? It is not that there are *some*, but that there are so *many* among us of a different caste, of a different physical, if not moral, constitution, who never can amalgamate with the great body of our population. In every country, persons are to be found varying in their color, origin, and character, from the native mass. But this anomaly creates no inquietude or apprehension, because the exotics, from the smallness of their number, are known to be utterly incapable of disturbing the general tranquillity. Here, on the contrary, the African part of our population bears so large a proportion to the residue, of European origin, as to create the most lively apprehension, especially in some quarters of the union. Any project, therefore, by which, in a material degree, the dangerous element in the general mass, can be diminished or rendered stationary, deserves deliberate consideration.

The colonization society has never imagined it to be practicable, or within the reach of any means which the several governments of the union could bring to bear on the subject, to transport the whole of the African race within the limits of the United States. Nor is that necessary to accomplish the desirable objects of domestic

tranquillity, and render us one homogeneous people. The population of the United States has been supposed to duplicate in periods of twenty-five years. That may have been the case heretofore, but the terms of duplication will be more and more protracted as we advance in national age; and I do not believe that it will be found, in any period to come, that our numbers will be doubled in a less term than one of about thirty-three and a third years. I have not time to enter now into details in support of this opinion. They would consist of those checks which experience has shown to obstruct the progress of population, arising out of its actual augmentation and density, the settlement of waste lands, &c. Assuming the period of thirty-three and a third, or any other number of years, to be that in which our population will hereafter be doubled, if, during that whole term, the capital of the African stock could be kept down, or stationary, whilst that of European origin should be left to an unobstructed increase, the result, at the end of the term, would be most propitious. Let us suppose, for example, that the whole population at present of the United States, is twelve millions, of which ten may be estimated of the Anglo-Saxon, and two of the African race. If there could be annually transported from the United States an amount of the African portion equal to the annual increase of the whole of that caste, whilst the European race should be left to multiply, we should find at the termination of the period of duplication, whatever it may be, that the relative proportions would be as twenty to two. And if the process were continued, during a second term of duplication, the proportion would be as forty to two — one which would eradicate every cause of alarm or solicitude from the breasts of the most timid. But the transportation of Africans, by creating, to the extent to which it might be carried, a vacuum in society, would tend to accelerate the duplication of the European race, who by all the laws of population, would fill up the void space.

This society is well aware, I repeat, that they cannot touch the subject of slavery. But it is no objection to their scheme, limited, as it is, exclusively to those free people of color who are willing to migrate, that it admits of indefinite extension and application, by those who alone, having the competent authority, may choose to adopt and apply it. Our object has been to point out the way, to show that colonization is practicable, and to leave it to those states or individuals who may be pleased to engage in the object, to prosecute it. We have demonstrated that a colony may be planted in Africa, by the fact that an American colony there exists. The problem which has so long and so deeply interested the thoughts of good and patriotic men, is solved; a country and a home have been found, to which the African race may be sent, to the promotion of their happiness and our own.

But, Mr. Vice-president, I shall not rest contented with the fact

of the establishment of the colony, conclusive as it ought to be deemed, of the practicability of our purpose. I shall proceed to show, by reference to indisputable statistical details and calculations, that it is within the compass of reasonable human means. I am sensible of the tediousness of all arithmetical data, but I will endeavor to simplify them as much as possible. It will be borne in mind that the aim of the society is, to establish in Africa a colony of the free African population of the United States, to an extent which shall be beneficial both to Africa and America. The whole free colored population of the United States, amounted, in 1790, to fifty-nine thousand four hundred and eighty-one; in 1800, to one hundred and ten thousand and seventy-two; in 1810, to one hundred and eighty-six thousand four hundred and forty-six; and in 1820, to two hundred and thirty-three thousand five hundred and thirty. The ratio of annual increase during the first term of ten years, was about eight and a half per cent. per annum; during the second, about seven per cent. per annum; and during the third, a little more than two and a half. The very great difference in the rate of annual increase, during those several terms, may probably be accounted for by the effect of the number of voluntary emancipations operating with more influence upon the total smaller amount of free colored persons at the first of those periods, and by the facts of the insurrection in St. Domingo, and the acquisition of Louisiana, both of which, occurring during the first and second terms, added considerably to the number of our free colored population.

Of all descriptions of our population, that of the free colored, taken in the aggregate, is the least prolific, because of the checks arising from vice and want. During the ten years, between 1810 and 1820, when no extraneous causes existed to prevent a fair competition in the increase between the slave and the free African race, the former increased at the rate of nearly three per cent. per annum, whilst the latter did not much exceed two and a half. Hereafter it may be safely assumed, and I venture to predict, will not be contradicted by the return of the next census, that the increase of the free black population will not surpass two and a half per cent. per annum. Their amount at the last census, being two hundred and thirty-three thousand five hundred and thirty, for the sake of round numbers, their annual increase may be assumed to be six thousand, at the present time. Now if this number could be annually transported from the United States during a term of years, it is evident that, at the end of that term, the parent capital will not have increased, but will have been kept down at least to what it was at the commencement of the term. Is it practicable, then, to colonize annually six thousand persons from the United States, without materially impairing or affecting any of the great interests of the United States? This is the question presented to

the judgments of the legislative authorities of our country. This is the whole scheme of the society. From its actual experience, derived from the expenses which have been incurred in transporting the persons already sent to Africa, the entire average expense of each colonist, young and old, including passage money and subsistence, may be stated at twenty dollars per head. There is reason to believe that it may be reduced considerably below that sum. Estimating that to be the expense, the total cost of transporting six thousand souls, annually to Africa, would be one hundred and twenty thousand dollars. The tonnage requisite to effect the object, calculating two persons to every five tons, (which is the provision of existing law) would be fifteen thousand tons. But as each vessel could probably make two voyages in the year, it may be reduced to seven thousand five hundred. And as both our mercantile and military marine might be occasionally employed on this collateral service, without injury to the main object of the voyage, a further abatement might be safely made in the aggregate amount of the necessary tonnage. The navigation concerned in the commerce between the colony and the United States, (and it already begins to supply subjects of an interesting trade,) might be incidentally employed to the same end.

Is the annual expenditure of a sum no larger than one hundred and twenty thousand dollars, and the annual employment of seven thousand five hundred tons of shipping, too much for reasonable exertion, considering the magnitude of the object in view? Are they not, on the contrary, within the compass of moderate efforts?

Here is the whole scheme of the society—a project which has been pronounced visionary by those who have never given themselves the trouble to examine it, but to which I believe most unbiassed men will yield their cordial assent, after they have investigated it.

Limited as the project is, by the society, to a colony to be formed by the free and unconstrained consent of free persons of color, it is no objection, but on the contrary a great recommendation, of the plan, that it admits of being taken up and applied on a scale of much more comprehensive utility. The society knows, and it affords just cause of felicitation, that all or any one of the states which tolerate slavery, may carry the scheme of colonization into effect, in regard to the slaves within their respective limits, and thus ultimately rid themselves of a universally acknowledged curse. A reference to the results of the several enumerations of the population of the United States will incontestably prove the practicability of its application on the more extensive scale. The slave population of the United States amounted, in 1790, to six hundred and ninety-seven thousand, six hundred and ninety-seven; in 1800, to eight hundred and ninety-six thousand, eight hundred

and forty-nine; in 1810, to eleven hundred and ninety-one thousand, three hundred and sixty-four; and in 1820, to fifteen hundred and thirty-eight thousand, one hundred and twenty-eight. The rate of annual increase, (rejecting fractions and taking the integer to which they make the nearest approach,) during the first term of ten years, was not quite three per centum per annum, during the second, a little more than three per centum per annum; and during the third, a little less than three per centum. The mean ratio of increase for the whole period of thirty years, was very little more than three per centum per annum. During the first two periods, the native stock was augmented by importations from Africa in those states which continued to tolerate them, and by the acquisition of Louisiana. Virginia, to her eternal honor, abolished the abominable traffic among the earliest acts of her self-government. The last term alone presents the natural increase of the capital unaffected by any extraneous causes. That authorizes, as a safe assumption, that the future increase will not exceed three per centum per annum. As our population increases, the value of slave labor will diminish, in consequence of the superior advantages in the employment of free labor. And when the value of slave labor shall be materially lessened, either by the multiplication of the supply of slaves beyond the demand, or by the competition between slave and free labor, the annual increase of slaves will be reduced, in consequence of the abatement of the motives to provide for and rear the offspring.

Assuming the future increase to be at the rate of three per centum per annum, the annual addition to the number of slaves in the United States, calculated upon the return of the last census, (one million five hundred and thirty-eight thousand, one hundred and twenty-eight) is forty-six thousand. Applying the data which have been already stated and explained, in relation to the colonization of free persons of color from the United States to Africa, to the aggregate annual increase, both bond and free, of the African race, and the result will be found most encouraging. The total number of the annual increase of both descriptions is fifty-two thousand. The total expense of transporting that number to Africa, (supposing no reduction of present prices) would be one million and forty thousand dollars, and the requisite amount of tonnage would be only one hundred and thirty thousand tons of shipping — about one ninth part of the mercantile marine of the United States. Upon the supposition of a vessel's making two voyages in the year, it would be reduced to one half, sixty-five thousand. And this quantity would be still further reduced, by embracing opportunities of incidental employment of vessels belonging both to the mercantile and military marines.

But, is the annual application of one million and forty thousand dollars, and the employment of sixty-five or even one hundred and

thirty thousand tons of shipping, considering the magnitude of the object, beyond the ability of this country? Is there a patriot, looking forward to its domestic quiet, its happiness, and its glory, that would not cheerfully contribute his proportion of the burden, to accomplish a purpose so great and so humane? During the general continuance of the African slave trade, hundreds of thousands of slaves have been, in a single year, imported into the several countries whose laws authorized their admission. Notwithstanding the vigilance of the powers now engaged to suppress the slave trade, I have received information, that in a single year, in the single island of Cuba, slaves equal in amount to one half of the above number of fifty-two thousand, have been illicitly introduced. Is it possible that those who are concerned in an infamous traffic can effect more than the states of this union, if they were seriously to engage in the good work? Is it credible, is it not a libel upon human nature to suppose, that the triumphs of fraud, and violence, and iniquity, can surpass those of virtue, and benevolence, and humanity?

The population of the United States being, at this time, estimated at about ten millions of the European race, and two of the African, on the supposition of the annual colonization of a number of the latter, equal to the annual increase, of both of its classes, during the whole period necessary to the process of duplication of our numbers, they would, at the end of that period, relatively stand twenty millions for the white and two for the black portion. But an annual exportation of a number equal to the annual increase, at the beginning of the term, and persevered in to the end of it, would accomplish more than to keep the parent stock stationary. The colonists would comprehend more than an equal proportion of those of the prolific ages. Few of those who had passed that age would migrate. So that the annual increase of those left behind, would continue gradually, but at first insensibly, to diminish; and by the expiration of the period of duplication, it would be found to have materially abated. But it is not merely the greater relative safety and happiness which would, at the termination of that period, be the condition of the whites. Their ability to give further stimulus to the cause of colonization will have been doubled, whilst the subjects on which it would have to operate, will have decreased or remained stationary. If the business of colonization should be regularly continued, during two periods of duplication, at the end of the second, the whites would stand to the blacks, as forty millions to not more than two, whilst the same ability will have been quadrupled. Even if colonization should then altogether cease, the proportion of the African to the European race will be so small, that the most timid may then, for ever, dismiss all ideas of danger from within or without, on account of that incongruous and perilous element in our population.

Further; by the annual withdrawal of fifty-two thousand persons of color, there would be annnal space created for an equal number of the white race. The period, therefore, of the duplication of the whites, by the laws which govern population, would be accelerated.

Such, Mr. Vice-president, is the project of the society; and such is the extension and use which may be made of the principle of colonization, in application to our slave population, by those states which are alone competent to undertake and execute it. All, or any one, of the states which tolerate slavery, may adopt and execute it, by coöperation or separate exertion. If I could be instrumental in eradicating this deepest stain upon the character of our country, and removing all cause of reproach on account of it, by foreign nations; if I could only be instrumental in ridding of this foul blot that revered state that gave me birth, or that not less beloved state which kindly adopted me as her son; I would not exchange the proud satisfaction which I should enjoy, for the honor of all the triumphs ever decreed to the most successful conqueror.

Having, I hope, shown that the plan of the society is not visionary, but rational and practicable; that a colony does in fact exist, planted under its auspices; that free people are willing and anxious to go; and that the right of soil as well as of sovereignty, may be acquired in vast tracts of country in Africa, abundantly sufficient for all the purposes of the most ample colony, and at prices almost only nominal, the task which remains to me of showing the beneficial consequences which would attend the execution of the scheme, is comparatively easy.

Of the utility of a total separation of the two incongruous portions of our population, supposing it to be practicable, none have ever doubted. The mode of accomplishing that most desirable object, has alone divided public opinion. Colonization in Hayti, for a time, had its partisans. Without throwing any impediments in the way of executing that scheme, the American Colonization Society has steadily adhered to its own. The Haytien project has passed away. Colonization beyond the Stony mountains has sometimes been proposed; but it would be attended with an expense and difficulties far surpassing the African project, whilst it would not unite the same animating motives. There is a moral fitness in the idea of returning to Africa her children, whose ancestors have been torn from her by the ruthless hand of fraud and violence. Transplanted in a foreign land, they will carry back to their native soil the rich fruits of religion, civilization, law, and liberty. May it not be one of the great designs of the Ruler of the universe, (whose ways are often inscrutable by short-sighted mortals,) thus to transform an original crime into a signal blessing, to that most unfortunate portion of the globe. Of all classes of our population, the most vicious is that of the free colored. It is the

inevitable result of their moral, political, and civil degradation. Contaminated themselves, they extend their vices to all around them, to the slaves and to the whites. If the principle of colonization should be confined to them; if a colony can be firmly established and successfully continued in Africa which should draw off annually an amount of that portion of our population equal to its annual increase, much good will be done. If the principle be adopted and applied by the states, whose laws sanction the existence of slavery, to an extent equal to the annual increase of slaves, still greater good will be done. This good will be felt by the Africans who go, by the Africans who remain, by the white population of our country, by Africa, and by America. It is a project which recommends itself to favor in all the aspects in which it can be contemplated. It will do good in every and any extent in which it may be executed. It is a circle of philanthrophy, every segment of which tells and testifies to the beneficence of the whole.

Every emigrant to Africa is a missionary carrying with him credentials in the holy cause of civilization, religion, and free institutions. Why is it that the degree of success of missionary exertions is so limited, and so discouraging to those whose piety and benevolence prompt them? Is it not because the missionary is generally an alien and a stranger, perhaps of a different color, and from a different tribe? There is a sort of instinctive feeling of jealousy and distrust towards foreigners which repels and rejects them in all countries; and this feeling is in proportion to the degree of ignorance and barbarism which prevail. But the African colonists, whom we send to convert the heathen, are of the same color, the same family, the same physical constitution. When the purposes of the colony shall be fully understood, they will be received as long lost brethren restored to the embraces of their friends and their kindred by the dispensations of a wise providence.

The society is reproached for agitating this question. It should be recollected that the existence of free people of color is not limited to the states only which tolerate slavery. The evil extends itself to all the states, and some of those which do not allow of slavery, (their cities especially,) experience the evil in an extent even greater than it exists in the slave states. A common evil confers a right to consider and apply a common remedy. Nor is it a valid objection that this remedy is partial in its operation or distant in its efficacy. A patient, writhing under the tortures of excruciating disease, asks of his physician to cure him if he can, and, if he cannot, to mitigate his sufferings. But the remedy proposed, if generally adopted and perseveringly applied, for a sufficient length of time, should it not entirely eradicate the disease, will enable the body politic to bear it without danger and without suffering.

We are reproached with doing mischief by the agitation of

this question. The society goes into no household to disturb its domestic tranquillity; it addresses itself to no slaves to weaken their obligations of obedience. It seeks to affect no man's property. It neither has the power nor the will to affect the property of any one contrary to his consent. The execution of its scheme would augment instead of diminishing the value of the property left behind. The society, composed of free men, concerns itself only with the free. Collateral consequences we are not responsible for. It is not this society which has produced the great moral revolution which the age exhibits. What would they, who thus reproach us, have done? If they would repress all tendencies towards liberty and ultimate emancipation, they must do more than put down the benevolent efforts of this society. They must go back to the era of our liberty and independence, and muzzle the cannon which thunders its annual joyous return. They must revive the slave trade, with all its train of atrocities. They must suppress the workings of British philanthropy, seeking to meliorate the condition of the unfortunate West Indian slaves. They must arrest the career of South American deliverance from thraldom. They must blow out the moral lights around us, and extinguish that greatest torch of all which America presents to a benighted world, pointing the way to their rights, their liberties, and their happiness. And when they have achieved all these purposes, their work will be yet incomplete. They must penetrate the human soul, and eradicate the light of reason and the love of liberty. Then, and not till then, when universal darkness and despair prevail, can you perpetuate slavery, and repress all sympathies, and all humane and benevolent efforts among freemen, in behalf of the unhappy portion of our race doomed to bondage.

Our friends, who are cursed with this greatest of human evils, deserve the kindest attention and consideration. Their property and their safety are both involved. But the liberal and candid among them will not, cannot, expect that every project to deliver our country from it is to be crushed because of a possible and ideal danger. Animated by the encouragement of the past, let us proceed under the cheering prospects which lie before us. Let us continue to appeal to the pious, the liberal, and the wise. Let us bear in mind the condition of our forefathers, when, collected on the beach in England, they embarked, amidst the scoffings and the false predictions of the assembled multitude, for this distant land; and here, in spite of all the perils of forest and ocean, which they encountered, successfully laid the foundations of this glorious republic. Undismayed by the prophecies of the presumptuous, let us supplicate the aid of the American representatives of the people, and redoubling our labors, and invoking the blessings of an all-wise Providence, I boldly and confidently anticipate success. I hope the resolution which I offer will be unanimously adopted.

EXTRACTS

FROM THE REPORT OF THE BOARD OF MANAGERS OF THE AMERICAN COLONIZATION SOCIETY, PRESENTED AT ITS ANNUAL MEETING, JANUARY THIRTEENTH, 1827, READ BY MR. CLAY IN THE COURSE OF THE DELIVERY OF THE PRECEDING SPEECH.

The system of government established with the full consent of the colonists, in the autumn of 1824, and which the managers had the happiness to represent in their last report, as having thus far fulfilled all the purposes of its institution, has continued its operations during the year without the least irregularity, and with undiminished success. The republican principle is introduced as far as is consistent with the youthful and unformed character of the settlement, and in the election of their officers the colonists have evinced such integrity and judgment as afford promise of early preparation for all the duties of self-government. 'The civil prerogatives and government of the colony and the body of the laws by which they are sustained,' says the colonial agent, 'are the pride of all. I am happy in the persuasion I have, that I hold the balance of the laws in the midst of a people, with whom the first perceptible inclination of the sacred scale determines authoritatively their sentiments and their conduct. There are individual exceptions, but these remarks extend to the body of the settlers.'

The moral and religious character of the colony exerts a powerful influence on its social and civil condition. That piety which had guided most of the early emigrants to Liberia, even before they left this country, to respectability and usefulness among their associates, prepared them, in laying the foundations of a colony, to act with a degree of wisdom and energy which no earthly motives could inspire. Humble, and for the most part unlettered men; born and bred in circumstances the most unfavorable to mental culture; unsustained by the hope of renown, and unfamiliar with the history of great achievements and heroic virtues, theirs was nevertheless a spirit unmoved by dangers or by sufferings, which misfortunes could not darken, nor death dismay. They left America, and felt that it was forever; they landed in Africa, possibly to find a home, but certainly a grave. Strange would it have been had the religion of every individual of these early settlers proved genuine; but immensely changed as have been their circumstances and severely tried their faith, most have preserved untarnished the honors of their profession, and to the purity of their morals and the consistency of their conduct, is in a great measure to be attributed the social order and general prosperity of the colony of Liberia. Their example has proved most salutary; and while subsequent emigrants have found themselves awed and

restrained, by their regularity, seriousness, and devotion, the poor natives have given their confidence and acknowledged the excellence of practical christianity. 'It deserves record,' says Mr. Ashmun, 'that religion has been the principal agent employed in laying and confirming the foundations of the settlement. To this sentiment, ruling, restraining, and actuating the minds of a large proportion of the colonists, must be referred the whole strength of our civil government.' Examples of intemperance, profaneness, or licentiousness, are extremely rare, and vice, wherever it exists, is obliged to seek concealment from the public eye. The sabbath is universally respected; sunday schools, both for the children of the colony and for the natives, are established; all classes attend regularly upon the worship of God; some charitable associations have been formed for the benefit of the heathen; and though it must not be concealed, that the deep concern on the subject of religion which resulted, towards the conclusion of the year 1825, in the public profession of christianity by about fifty colonists, has in a measure subsided, and some few cases of delinquency since occurred; and though there are faults growing out of the early condition and habits of the settlers which require amendment; yet the managers have reason to believe, that there is a vast and increasing preponderance on the side of correct principle and virtuous practice.

The agriculture of the colony has received less attention than its importance demands. This is to be attributed to the fact, that the labor of the settlers has been applied to objects conducing more immediately to their subsistence and comfort.

It will not, the board trust, be concluded that, because more might have been done for the agricultural interests of the colony, what has been effected is inconsiderable. Two hundred and twenty-four plantations, of from five to ten acres each, were, in June last, occupied by the settlers, and most of them are believed to be at present under cultivation. One hundred and fourteen of these are on cape Montserado, thirty-three on Stockton creek, (denominated the half-way farms, because nearly equidistant from Monrovia and Caldwell, the St. Paul's settlement) and seventy-seven at the confluence of Stockton creek with the St. Paul's.

The St. Paul's territory includes the half-way farms, and is represented as a beautiful tract of country, comparatively open, well watered and fertile, and still further recommended as having been for ages selected by the natives, on account of its productiveness for their rice and cassada plantations. The agricultural habits of the present occupants of this tract, concur with the advantages of their situation, in affording promise of success to their exertions. 'Nothing,' says the colonial agent, 'but circumstances of the most extraordinary nature, can prevent them from making their way directly to respectability and abundance.'

Oxen were trained to labor in the colony in 1825, and it was then expected that the plough would be introduced in the course of another year. Although commerce has thus far taken the lead of agriculture, yet the excellence of the soil, the small amount of labor required for its cultivation, and the value and abundance of its products, cannot fail, finally, to render the latter the more cherished, as it is, certainly, the more important interest of the colony.

The trade of Liberia has increased with a rapidity almost unexampled, and while it has supplied the colonists not only with the necessaries, but with the conveniences and comforts of life, the good faith with which it has been conducted, has conciliated the friendship of the natives, and acquired the confidence of foreigners.

The regulations of the colony allowing no credits, except by a written permission, and requiring the barter to be carried on through factories established for the purpose, has increased the profits of the traffic, and prevented numerous evils which must have attended upon a more unrestricted license.

Between the first of January and the fifteenth of July, 1826, no less than fifteen vessels touched at Monrovia, and purchased the produce of the country, to the amount, according to the best probable estimate, of forty-three thousand nine hundred and eighty dollars, African value. The exporters of this produce realize, on the sale of the goods given in barter for it, a profit of twenty-one thousand nine hundred and ninety dollars, and on the freight, of eight thousand seven hundred and eighty-six dollars, making a total profit of thirty thousand seven hundred and eighty-six dollars.

A gentleman in Portland has commenced a regular trade with the colony; and for his last cargo landed in Liberia, amounting to eight thousand dollars, he received payment in the course of ten days. The advantages of this trade to the colony, are manifest from the high price of labor, (that of mechanics being two dollars per day, and that of common laborers from seventy-five cents to one dollar and twenty-five cents,) and from the easy and comfortable circumstances of the settlers. 'An industrious family, twelve months in Africa, destitute of the means of furnishing an abundant table, is not known; and an individual, of whatever age or sex, without ample provision of decent apparel, cannot, it is believed, be found.' 'Every family,' says Mr. Ashmun, 'and nearly every single adult person in the colony, has the means of employing from one to four native laborers, at an expense of from four to six dollars the month; and several of the settlers, when called upon in consequence of sudden emergences of the public service, have made repeated advances of merchantable produce, to the amount of three hundred to six hundred dollars each.'

The managers are happy to state, that the efforts of the colonial agent to enlarge the territory of Liberia, and particularly to bring

under the government of the colony a more extended line of coast, have been judicious and energetic, and in nearly every instance resulted in complete success. From cape Mount to Tradetown, a distance of one hundred and fifty miles, the colonial government has acquired partial jurisdiction. FOUR of the most important STATIONS on this tract, including Montserado, belong to the society, either by actual purchase, or by a deed of perpetual lease; and such negotiations have been entered upon with the chiefs of the country, as amount to a preclusion of all Europeans from any possessions within these limits. The fine territory of the St. Paul's, now occupied by settlers, was described in the last annual report of the society.

The territory of Young Sesters, recently ceded to the society, is ninety miles south of Montserado, in the midst of a very productive rice country, affording also large quantities of palm oil, camwood, and ivory. The tract granted to the colony, includes the bed of the Sester's river, and all the land on each side, to the distance of half a league, and extending longitudinally from the river's mouth to its source. In compliance with the terms of the contract, the chief of the country has constructed a commodious storehouse, and put a number of laborers sufficient for the cultivation of a rice plantation of forty acres, under the direction of a respectable colonist, who takes charge of the establishment.

The right of use and occupancy have also been obtained to a region of country on the south branch of the St. John's river, north nine miles from Young Sesters, and the trading factory established there, under the superintendence of a family from Monrovia, has already provided a valuable source of income to the colony. Rice is also here to be cultivated, and the chief who cedes the territory, agrees to furnish the labor.

The upright and exemplary conduct of the individual at the head of this establishment, has powerfully impressed the natives with the importance of inviting them to settle in their country; and consequently, the offer made by the colonial agent for the purchase of Factory island, has been accepted by its proprietor. This island is in the river St. John's, four miles from its mouth, from five to six miles in length, and one third of a mile in breadth, and is among the most beautiful and fertile spots in Africa. A few families are about to take up their residence upon it, and prepare for founding a settlement, 'which cannot fail,' says Mr. Ashmun, 'in a few years, to be second to no other in the colony, except Monrovia.'

Negotiations are also in progress with the chiefs of cape Mount, which, if successful, will secure to the colony the whole trade of that station, estimated at fifty thousand dollars per annum, and may ultimately lead to its annexation to the territories of Liberia. 'The whole country between cape Mount and Tradetown,'

observes Mr. Ashmun, 'is rich in soil and other natural advantages, and capable of sustaining a numerous and civilized population beyond almost any other country on earth. Leaving the seaboard, the traveller, every where, at the distance of a very few miles, enters upon a uniform upland country, of moderate elevation, intersected by innumerable rivulets, abounding in springs of unfailing water, and covered with a verdure which knows no other changes except those which refresh and renew its beauties. The country directly on the sea, although verdant and fruitful to a high degree, is found every where to yield, in both respects, to the interior.'

Much progress has been made the last year in the construction of public buildings and works of defence, though with adequate supplies of lumber, more might doubtless have been accomplished. Two handsome churches, erected solely by the colonists, now adorn the village of Monrovia. Fort Stockton has been rebuilt in a style of strength and beauty. A receptacle capable of accommodating one hundred and fifty emigrants, is completed. The new agency-house, market-house, Lancasterian school, and town-house, in Monrovia, were some months since far advanced, and the finishing strokes were about to be given to the government-house on the St. Paul's. The wing of the old agency-house has been 'handsomely fitted up for the colonial library, which now consists of twelve hundred volumes systematically arranged in glazed cases with appropriate hangings. All the books are substantially covered, and accurately labelled; and files of more than ten newspapers, more or less complete, are preserved. The library is fitted up so as to answer the purpose of a reading-room, and it is intended to make it a museum of all the natural curiosities of Africa, which can be procured.'

No efforts have been spared to place the colony in a state of adequate defence, and while it is regarded as perfectly secure from the native forces, it is hoped and believed, that it may sustain itself against any piratical assaults. 'The establishment has fifteen large carriage guns and three small pivot guns, all fit for service.' Fort Stockton overlooks the whole town of Monrovia, and a strong battery is now building on the height of Thompson-town, near the extremity of the cape, which it is thought will afford protection to vessels anchoring in the roadstead. The militia of the colony consists of two corps appropriately uniformed, one of artillery of about fifty men, the other of infantry of forty men, and on various occasions have they proved themselves deficient neither in discipline nor courage.

EXTRACTS FROM THE REV. J. ASHMUN'S REPORT OF THE COLONY.

The money expended on these various objects has necessarily been considerable; but, in comparison with the expense which similar objects in this country cost European governments, it will be found not merely moderate, but trifling. Less than has been effected towards the extension of our limits, I could not attempt: and I am certain that where the direction of every other establishment on the coast, except the Portuguese, would regard itself not only authorized, but *obliged*, to pay away thousands, I have in countless instances spent not a *dollar*. But that species of economy which sacrifices to itself any object essential to the success of this undertaking, I am as little able to practice as the board is to approve.

The natives of the country, but particularly of the interior, notwithstanding their habitual indolence, produce, after supplying their own wants, a considerable surplus of the great staple of this part of Western Africa, rice. The moderate rate at which this grain is purchased by such as deal directly with the growers, and the various uses of which it is susceptible in the domestic economy, easily place the means of supplying the first necessities of nature in the reach of every one. Rice, moreover, always commands a ready sale with transient trading vessels or coasters; and forms a useful object of exchange for other provisions and necessaries, between individuals of the colony.

To this succeeds, as next in importance, the camwood of the country, of which several hundred tons every year pass through the hands of the settlers, and serve to introduce, in return, the provisions and groceries of America; and the dry goods and wares, both of Europe and America, which, from the necessary dependence of the members of every society on each other, come soon to be distributed, for the common advantage of all.

The ivory of Liberia is less abundant, and less valuable, than that of other districts of Western Africa. It, however, forms a valuable article of barter and export, to the settlement; and the amount annually bought and sold, falls between five and eight thousand dollars.

No less than FIVE schools for different descriptions of learners, exclusive of the Sunday schools, have been supported during the year, and still continue in operation. The youths and children of the colony discover, for their age, unequivocal proofs of a good degree of mental accomplishment. The contrast between children several years in the enjoyment of the advantages of the colony, and most others of the same age, arriving from the United States, is striking, and would leave an entire stranger at no loss to distinguish the one from the other. Should emigration, but for a very

few months, cease to throw the little ignorants into the colony, from abroad, the phenomenon of a child of five years, unable to read, it is believed, would not exist among us.

The first successful essay in the construction of small vessels, has been made the past year. I have built, and put upon the rice trade, between our factories to the leeward, and cape Montserado, a schooner of ten tons burthen, adapted to the passage of the bars of all the navigable rivers of the coast. The sailing qualities of this vessel are so superior, that before the wind, it is believed, few, or none of the numerous pirates of the coast, can overtake her. She makes a trip, freighted both ways, in ten days; and commonly carries and brings merchandise and produce, to the amount of from four to eight hundred dollars each trip. Another craft of equal tonnage, but of very indifferent materials, has been built by one of the colonists. The model of the St. Paul's (the public boat) was furnished by myself; but she was constructed under the superintendence of J. Blake, who has thus entitled himself to the character of a useful and ingenious mechanic.

One of the most obvious effects of this colony, has already been to check, in this part of Africa, the prevalence of the slave-trade. The promptness and severity with which our arms have, in every instance, avenged the insults and injuries offered by slave ships and factories to the colony, have, I may confidently say, banished it for ever from this district of the coast. Our influence with the natives of this section of the coast, is known to be so great as to expose to certain miscarriage, any transaction entered into with them for slaves. But there is a moral feeling at work in the minds of most of our neighbors, contracted, doubtless, by means of their intercourse with the colony, which represents to them the dark business in a new aspect of repulsiveness and absurdity. Most are convinced that it is indeed a *bad business*, and are apparently sincere in their determination to drop it for ever, unless compelled by their wants to adventure a few occasional speculations.

In the punishment of offences, the most lenient maxims of modern jurisprudence have been observed, by way of experiment on human nature, in that particular modification of it exhibited by the population of this colony. The result has been, *so far*, favorable to the policy pursued. The passion to which corporeal and other ignominious punishments address their arguments, is certainly one of the least ingenuous of the human constitution.

EXTRACTS FROM A MEMORIAL FROM THE FREE PEOPLE OF COLOR TO THE CITIZENS OF BALTIMORE.

We have hitherto beheld, in silence, but with the intensest interest, the efforts of the wise and philanthropic in our behalf. If it became us to be silent, it became us also to feel the liveliest anxiety and gratitude.

The time has now arrived, as we believe, in which your work and our happiness may be promoted by the expression of our opinions. We have therefore assembled for that purpose, from every quarter of the city, and every denomination, to offer you this respectful address, with all the weight and influence which our number, character, and cause, can lend it.

We reside among you, and yet are strangers; natives, and yet not citizens; surrounded by the freest people and most republican institutions in the world, and yet enjoying none of the immunities of freedom.

It is not to be imputed to you that we are here. Your ancestors remonstrated against the introduction of the first of our race, who were brought amongst you; and it was the mother country that insisted on their admission, that her colonies and she might profit, as she thought, by their compulsory labor. But the gift was a curse to them, without being an advantage to herself. The colonies, grown to womanhood, burst from her dominion; and if they have an angry recollection of their union and rupture, it must be at the sight of the baneful institution which she has entailed upon them.

How much you regret its existence among you, is shown by the severe laws you have enacted against the slave-trade, and by your employment of a naval force for its suppression. You have gone still further. Not content with checking the increase of the already too growing evil, you have deliberated how you might best exterminate the evil itself. This delicate and important subject has produced a great variety of opinions; but we find, even in that diversity, a consolatory proof of the interest with which you regard the subject, and of your readiness to adopt that scheme which may appear to be the best.

Leaving out all considerations of generosity, humanity, and benevolence, you have the strongest reasons to favor and facilitate the withdrawal from among you of such as wish to remove. It ill consists, in the first place, with your republican principles, and with the health and moral sense of the body politic, that there should be, in the midst of you, an extraneous mass of men, united to you only by soil and climate, and irrevocably excluded from your institutions. Nor is it less for your advantage in another point of view. Our places might, in our opinion, be better occupied by men of your own color, who would increase the strength of your country. In the pursuit of livelihood, and the exercise of industrious habits, we necessarily exclude from employment many of the whites, your fellow-citizens, who would find it easier, in proportion as we depart, to provide for themselves and their families.

But if *you* have every reason to wish for our removal, how much greater are our inducements to remove! Though we are not slaves, we are not free. We do not, and never shall, participate

in the enviable privileges which we continually witness. Beyond a mere subsistence, and the impulse of religion, there is nothing to arouse us to the exercise of our faculties, or excite us to the attainment of eminence.

Of the many schemes that have been proposed, we most approve of that of *African colonization.* If we were able, and at liberty to go whithersoever we would, the greater number, willing to leave this community, would prefer LIBERIA, on the coast of Africa. Others, no doubt, would turn them towards some other regions; the world is wide. Already established there, in the settlement of the American colonization society, are many of our brethren, the pioneers of African restoration, who encourage us to join them. Several were formerly residents of this city, and highly considered by the people of their own class and color. They have been planted at cape Montserado, the most eligible, and one of the most elevated sites on the western coast of Africa, selected in 1821; and their number has augmented to five hundred. Able, as we are informed, to provide for their own defence and support, and capable of self-increase, they are now enjoying all the necessaries and comforts, and many of the luxuries of larger and older communities. In Africa we shall be freemen indeed, and republicans, after the model of this republic. We shall carry your language, your customs, your opinions and christianity to that now desolate shore, and thence they will gradually spread, with our growth, far into the continent. The slave-trade, both external and internal, can be abolished only by settlements on the coast. Africa, if destined to be ever civilized and converted, can be civilized and converted by that means only.

We foresee that difficulties and dangers await those who emigrate, such as every infant establishment must encounter and endure; such as your fathers suffered, when first they landed on this now happy shore.

The portion of comforts which they may lose, they will cheerfully abandon. Human happiness does not consist in meat and drink, nor in costly raiment, nor in stately habitations; to contribute to it even, they must be joined with equal rights, and respectability, and it often exists in a high degree without them.

That you may facilitate the withdrawal from among you of such as wish to remove, is what we now solicit. It can best be done, we think, by augmenting the means at the command of the American Colonization Society, that the colony of Liberia may be strengthened and improved for their gradual reception. The greater the number of persons sent thither, from any part of this nation whatsoever, so much the more capable it becomes of receiving a still greater. Every encouragement to it, therefore, though it may not seem to have any particular portion of emigrants directly in view, will produce a favorable effect upon all. The

emigrants may readily be enabled to remove, in considerable numbers every fall, by a concerted system of individual contributions, and still more efficiently by the enactment of laws to promote their emigration, under the patronage of the state. The expense would not be nearly so great as it might appear at first sight; for, when once the current shall have set towards Liberia, and intercourse grown frequent, the cost will, of course, diminish rapidly, and many will be able to defray it for themselves. Thousands and tens of thousands poorer than we, annually emigrate from Europe to your country, and soon have it in their power to hasten the arrival of those they left behind. Every intelligent and industrious colored man would continually look forward to the day, when he or his children might go to their veritable home, and would accumulate all his little earnings for that purpose.

We have ventured these remarks, because we know that you take a kind concern in the subject to which they relate, and because we think they may assist you in the prosecution of your designs. If we were doubtful of your good will and benevolent intentions, we would remind you of the time when you were in a situation similar to ours, and when your forefathers were driven, by religious persecution, to a distant and inhospitable shore. We are not so persecuted; but we, too, leave our homes, and seek a distant and inhospitable shore: an empire may be the result of our emigration, as of their's. The protection, kindness, and assistance which you would have desired for yourselves under such circumstances, now extend to us: so may you be rewarded by the riddance of the stain and evil of slavery, the extension of civilization and the gospel, and the blessings of our common Creator!

WILLIAM CORNISH,
Chairman of the meeting in Bethel church.
ROBERT COWLEY,
Secretary of the meeting in Bethel church.
JAMES DEAVER,
Chairman of the meeting in the African church, Sharp street.
REMUS HARVEY,
Secretary of the meeting in the African church, Sharp street.

ON THE CHARGE OF CORRUPTION.

AT LEXINGTON, KENTUCKY, JULY 12, 1827.

[In June, 1827, Mr. Carter Beverley, of Virginia, published in the United States Telegraph, printed at Washington, a letter from general Jackson, charging Mr. Clay with corrupt motives in having voted for his competitor, Mr. Adams, for president of the United States, in the election by congress, in 1825. Mr. Clay being on a visit to Kentucky during the same summer, attended various meetings of his former constituents and friends, who were desirous of testifying their continued regard for him. At a public dinner given him at Lexington, the following toast was given, in the course of his answer to which, Mr. Clay takes the opportunity to refute the charges of general Jackson against him, as will be seen in the subjoined remarks.]

'*Our distinguished guest*, Henry Clay. The furnace of persecution may be heated seven times hotter, and seventy times more he will come out unscathed by the fire of malignity, brighter to all and dearer to his friends; while his enemies shall sink with the dross of their own vile materials.'

Mr. President, friends, and fellow-citizens,

I beg permission to offer my hearty thanks, and to make my respectful acknowledgments, for the affectionate reception which has been given me during my present visit to my old congressional district, and for this hospitable and honorable testimony of your esteem and confidence. And I thank you especially for the friendly sentiments and feelings expressed in the toast which you have just done me the honor to drink. I always had the happiness of knowing that I enjoyed, in a high degree, the attachment of that portion of my fellow-citizens whom I formerly represented; but I should never have been sensible of the strength and ardor of their affection, except for the extraordinary character of the times. For near two years and a half I have been assailed with a rancor and bitterness which have few examples. I have found myself the particular object of concerted and concentrated abuse; and others, thrusting themselves between you and me, have dared to arraign me for treachery to your interests. But my former constituents, unaffected by the calumnies which have been so perseveringly circulated to my prejudice, have stood by me with a generous confidence and a noble magnanimity. The measure of their regard and confidence has risen with, and even surpassed, that of the malevolence, great as it is, of

my personal and political foes. I thank you, gentlemen, who are a large portion of my late constituents. I thank you, and every one of them, with all my heart, for the manly support which I have uniformly received. It has cheered and consoled me, amidst all my severe trials; and may I not add, that it is honorable to the generous hearts and enlightened heads who have resolved to protect the character of an old friend and faithful servant.

The numerous manifestations of your confidence and attachment will be among the latest and most treasured recollections of my life. They impose upon me obligations which can never be weakened or cancelled. One of these obligations is, that I should embrace every fair opportunity to vindicate that character which you have so generously sustained, and to evince to you and to the world, that you have not yielded to the impulses of a blind and enthusiastic sentiment. I feel that I am, on all fit occasions, especially bound to vindicate myself to my former constituents. It was as *their* representative, it was in fulfilment of a high trust which *they* confided to me, that I have been accused of violating the most sacred of duties — of treating their wishes with contempt, and their interests with treachery. Nor is this obligation, in my conception of its import, at all weakened by the dissolution of the relations which heretofore existed between us. I would instantly resign the place I hold in the councils of the nation, and directly appeal to the suffrages of my late constituents, as a candidate for reëlection, if I did not know that my foes are of that class whom one rising from the dead cannot convince, whom nothing can silence, and who wage a war of extermination. On the issue of such an appeal they would redouble their abuse of you and of me, for their hatred is common to us both.

They have compelled me so often to be the theme of my addresses to the people, that I should have willingly abstained, on this festive occasion, from any allusion to this subject, but for a new and imposing form which the calumny against me has recently assumed. I am again put on my defence, not of any new charge, nor by any new adversary; but of the old charges, clad in a new dress, and exhibited by an open and undisguised enemy. The fictitious names have been stricken from the foot of the indictment, and that of a known and substantial prosecutor has been voluntarily offered. Undaunted by the formidable name of that prosecutor, I will avail myself, with your indulgence, of this fit opportunity of free and unreserved intercourse with you, as a large number of my late constituents, to make some observations on the past and present state of the question. When evidence shall be produced, as I have now a clear right to demand, in support of the accusation, it will be the proper time for me to take such notice of it as its nature shall require.

In February, 1825, it was my duty, as the representative of this

district, to vote for some one of the three candidates for the presidency, who were returned to the house of representatives. It has been established, and can be further proved, that, before I left this state the preceding fall, I communicated to several gentlemen of the highest respectability, my fixed determination not to vote for general Jackson. The friends of Mr. Crawford asserted to the last, that the condition of his health was such as to enable him to administer the duties of the office. I thought otherwise, after I reached Washington city, and visited him to satisfy myself; and thought that physical impediment, if there were no other objections, ought to prevent his election. Although the delegations from four states voted for him, and his pretensions were zealously pressed to the very last moment, it has been of late asserted, and I believe by some of the very persons who then warmly espoused his cause, that his incompetency was so palpable as clearly to limit the choice to two of the three returned candidates. In my view of my duty, there was no alternative but that which I embraced. That I had some objections to Mr. Adams, I am ready freely to admit; but these did not weigh a feather in comparison with the greater and insurmountable objections, long and deliberately entertained against his competitor. I take this occasion, with great satisfaction, to state, that my objections to Mr. Adams arose chiefly from apprehensions which have not been realized. I have found him at the head of the government able, enlightened, patient of investigation, and ever ready to receive with respect, and, when approved by his judgment, to act upon, the counsels of his official advisers. I add, with unmixed pleasure, that, from the commencement of the government, with the exception of Mr. Jefferson's administration, no chief magistrate has found the members of his cabinet so united on all public measures, and so cordial and friendly in all their intercourse, private and official, as these are of the present president.

Had I voted for general Jackson, in opposition to the well-known opinions which I entertained of him, one tenth part of the ingenuity and zeal which have been employed to excite prejudices against me, would have held me up to universal contempt; and what would have been worse, *I* should have *felt* that I really deserved it.

Before the election, an attempt was made by an abusive letter, published in the Columbian Observer, at Philadelphia, a paper which, as has since transpired, was sustained by Mr. senator Eaton, the colleague, the friend, and the biographer of general Jackson, to assail my motives, and to deter me in the exercise of my duty. This letter being avowed by Mr. George Kremer, I instantly demanded from the house of representatives an investigation. A committee was accordingly, on the fifth day of February, 1825, appointed in the rare mode of balloting by the house, instead of by selection of the speaker. It was composed of some of the leading

members of that body, not one of whom was my political friend in the preceding presidential canvass. Although Mr. Kremer, in addressing the house, had declared his willingness to bring forward his proofs, and his readiness to abide the issue of the inquiry, his fears, or other counsels than his own, prevailed upon him to take refuge in a miserable subterfuge. Of all possible periods, that was the most fitting to substantiate the charge, if it were true. Every circumstance was then fresh; the witnesses all living and present; the election not yet complete; and therefore the imputed corrupt bargain not fulfilled. All these powerful considerations had no weight with the conspirators and their accessories, and they meanly shrunk from even an attempt to prove their charge, for the best of all possible reasons — because, being false and fabricated, they could adduce no proof which was not false and fabricated.

During two years and a half, which have now intervened, a portion of the press devoted to the cause of general Jackson has been teeming with the vilest calumnies against me, and the charge, under every chameleon form, has been a thousand times repeated. Up to this time, I have in vain invited investigation, and demanded evidence. None, not a particle, has been adduced.

The extraordinary ground has been taken, that the accusers were not bound to establish by proof the guilt of their designated victim. In a civilized, christian, and free community, the monstrous principle has been assumed, that accusation and conviction are synonymous; and that the persons who deliberately bring forward an atrocious charge are exempted from all obligations to substantiate it! And the pretext is, that the crime, being of a political nature, is shrouded in darkness, and incapable of being substantiated. But is there any real difference, in this respect, between political and other offences? Do not all the perpetrators of crime endeavor to conceal their guilt and to elude detection? If the accuser of a political offence is absolved from the duty of supporting his accusation, every other accuser of offence stands equally absolved. Such a principle, practically carried into society, would subvert all harmony, peace, and tranquillity. None — no age, nor sex, nor profession, nor calling — would be safe against its baleful and overwhelming influence. It would amount to a universal license to universal calumny!

No one has ever contended that the proof should be exclusively that of eye-witnesses, testifying from their senses positively and directly to the fact. Political, like other offences, may be established by circumstantial as well as positive evidence. But I do contend, that *some* evidence, be it what it may, ought to be exhibited. If there be none, how do the accusers know that an offence has been perpetrated? If they do know it, let us have the *fact* on which their conviction is based. I will not even assert, that, in public affairs, a citizen has not a right freely to express his

opinions of public men, and to speculate upon the motives of their conduct. But if he chooses to promulgate opinions, let them be given as *opinions.* The public will correctly judge of their value and their grounds. No one has a right to put forth a positive assertion, that a political offence has been committed, unless he stands prepared to sustain, by satisfactory proof of some kind, its actual existence.

If he who exhibits a charge of political crime is, from its very nature, disabled to establish it, how much more difficult is the condition of the accused? How can he exhibit negative proof of his innocence, if no affirmative proof of his guilt is or can be adduced?

It must have been a conviction that the justice of the public required a definite charge, by a responsible accuser, that has at last extorted from general Jackson his letter of the sixth of June, lately published. I approach that letter with great reluctance, not on my own account, for on that I do most heartily and sincerely rejoice that it has made its appearance. But it is reluctance, excited by the feelings of respect which I would anxiously have cultivated towards its author. He has, however, by that letter, created such relations between us, that, in any language which I may employ, in examining its contents, I feel myself bound by no other obligations than those which belong to truth, to public decorum, and to myself.

The first consideration which must, on the perusal of the letter, force itself upon every reflecting mind, is that which arises out of the delicate posture in which general Jackson stands before the American public. He is a candidate for the presidency, avowed and proclaimed. He has no competitor at present, and there is no probability of his having any, but one. The charges which he has allowed himself to be the organ of communicating to the very public who is to decide the question of the presidency, though directly aimed at me, necessarily implicate his only competitor. Mr. Adams and myself are both guilty, or we are both innocent of the imputed arrangement between us. *His* innocence is absolutely irreconcilable with *my* guilt. If general Jackson, therefore, can establish my guilt, and, by inference or by insinuation, that of his sole rival, he will have removed a great obstacle to the consummation of the object of his ambition. And if he can, at the same time, make out his own purity of conduct, and impress the American people with the belief, that his purity and integrity alone prevented his success before the house of representatives, his claims will become absolutely irresistible. Were there ever more powerful motives to propagate, was there ever greater interest, at all hazards, to prove the truth of charges?

I state the case, I hope, fairly; I mean to state it fairly and fearlessly. If the position be one which exposes general Jackson

to unfavorable suspicions, it must be borne in mind that he has voluntarily taken it, and he must abide the consequences. I am acting on the defensive, and it is he who assails me, and who has called forth, by the eternal laws of self-protection, the right to use all legitimate means of self-defence.

General Jackson has shown in his letter, that he is not exempt from the influence of that bias towards one's own interest, which is unfortunately the too common lot of human nature. It is *his* interest to make out that he is a person of spotless innocence, and of unsullied integrity; and to establish by direct charge, or by necessary inference, the want of those qualities in his rival. Accordingly, we find, throughout the letter, a labored attempt to set forth his own immaculate purity in striking contrast with the corruption which is attributed to others. We would imagine from his letter, that he very seldom touches a newspaper. The Telegraph is mailed regularly for him at Washington, but it arrives at the Hermitage very irregularly. He would have the public to infer, that the postmaster at Nashville, whose appointment happened not to be upon his recommendation, obstructed his reception of it. In consequence of his not receiving the Telegraph, he had not on the sixth of June, 1827, seen Carter Beverley's famous Fayetteville letter, dated the eighth of the preceding March, published in numerous gazettes, and published, I have very little doubt, although I have not the means of ascertaining the fact, in the gazettes of Nashville. I will not say, contrary to general Jackson's assertion, that he had never read that letter, when he wrote that of the sixth of June, but I must think that it is very strange that he should not have seen it; and I doubt whether there is another man of any political eminence in the United States who has not read it. There is a remarkable coincidence between general Jackson and certain editors who espouse his interest, in relation to Mr. Beverley's letter. They very early took the ground, in respect to it, that I ought, under my *own signature*, to come out and deny the statements. And general Jackson now says, in his letter of the sixth of June, that he 'always intended, should Mr. Clay come out over his own signature, and deny having any knowledge of the communication made by his friends to my friends and to me, that I would give him the name of the gentleman through whom that communication came.'

The distinguished member of congress who bore the alleged overture, according to general Jackson, presented himself with diplomatic circumspection, lest he should wound the very great sensibility of the general. He avers that the communication was intended with the most friendly motives, 'that he came as a friend,' and that he hoped, however it might be received, there would be no alteration in the friendly feelings between them. The general graciously condescends to receive the communication, and, in

consideration of the high standing of the distinguished member, and of his having always been a professed friend, he is promised impunity, and assured that there shall be no change of amicable ties. After all these necessary preliminaries are arranged between the high negotiating powers, the envoy proceeds: 'he had been informed by the friends of Mr. Clay, that the friends of Mr. Adams had made overtures to them, saying if Mr. Clay and his friends would unite in aid of the election of Mr. Adams, Mr. Clay should be secretary of state; that the friends of Mr. Adams were urging, as a reason to induce the friends of Mr. Clay to accede to their proposition, that if I was elected president, Mr. Adams would be continued secretary of state, (inuendo, there would be no room for Kentucky.)' [Is this general Jackson's inuendo, or that of the distinguished member of congress?] 'That the friends of Mr. Clay stated the west does not want to separate from the west, and if I would say, or permit any of my confidential friends to say that, in case I was elected president, Mr. Adams should not be continued secretary of state, by a complete union of Mr. Clay and his friends, they would put an end to the presidential contest in one hour; and he was of opinion it was right to fight such intriguers with their own weapons.' To which the general states himself to have replied in substance, 'that in politics, as in every thing else, my guide was principle, and contrary to the expressed and unbiased will of the people or their constituted agents, I never would step into the presidential chair; and requested him to say to Mr. Clay and his friends, (for I did *suppose* he had come from Mr. Clay, *although he used the terms Mr. Clay's friends*,) that before I would reach the presidential chair by such means of bargain and corruption, I would see the earth open and swallow both Mr. Clay and his friends and myself with them.' Now all these professions are very fine, and display admirable purity. But its sublimity would be somewhat more impressive, if some person other than general Jackson had proclaimed it. He would go into the presidential chair, but never, no! never, contrary to 'the expressed and unbiased will of the people, or their constituted agents:' two modes of arriving at it the more reasonable, as there happens to be no other constituted way. He would see 'the earth open and swallow both Mr. Clay and his friends and myself,' before he would reach the presidential chair by 'such means of bargain and corruption.' I hope general Jackson did not intend that the whole human race should be also swallowed up, on the contingency he has stated, or that they were to guaranty that he has an absolute repugnance to the employment of any exceptionable means to secure his elevation to the presidency. If he had rendered the distinguished member of congress a little more distinguished, by instantly ordering him from his presence, and by forthwith denouncing him and the infamous propositions which he bore, to the American

public, we should be a little better prepared to admit the claims to untarnished integrity, which the general so modestly puts forward. But, according to his own account, a corrupt and scandalous proposal is made to him; the person who conveyed it, advises him to accept it, and yet that person still retains the friendship of general Jackson, who is so tender of his character that his name is carefully concealed and reserved to be hereafter brought forward as a witness! A man, who, if he be a member of the house of representatives, is doubly infamous — infamous for the advice which he gave, and infamous for his willingness to connive at the corruption of the body of which he is a sworn member — is the credible witness by whom general Jackson stands ready to establish the corruption of men, whose characters are never questioned!

Of all the properties which belong to honorable men, not one is so highly prized as that of character. General Jackson cannot be insensible to its value, for he appears to be the most anxious to set forth the loftiness and purity of his own. How has he treated mine? During the dispensation of the hospitalities of the hermitage, in the midst of a mixed company of individuals from various states, he permits himself to make certain statements respecting my friends and me, which, if true, would forever dishonor and degrade us. The words are hardly passed from his mouth, before they are committed to paper, by one of his guests, and transmitted in the form of a letter to another state, when they are published in a newspaper, and thence circulated throughout the union. And now he pretends that these statements were made 'without any calculation that they were to be thrown into the public journals.' Does he reprove the indiscretion of this guest who had violated the sanctity of a conversation at the hospitable board? Far from it. The public is incredulous. It cannot be, general Jackson would be so wanting in delicacy and decorum. The guest appeals to him for the confirmation of the published statements; and the general promptly addresses a letter to him, in which 'he unequivocally confirms (says Mr. Carter Beverley,) all I have said regarding the overture made to him pending the last presidential election before congress; and he *asserts a great deal more than he ever told me.*' I should be glad to know if all the versions of the tale have now made their appearance, and whether general Jackson will allege, that he did not 'calculate' upon the publication of his letter of the sixth of June.

The general states that the unknown envoy used the terms, 'Mr. Clay's friends,' to the exclusion, therefore, of myself, but he nevertheless inferred that he had come from me. Now, why did he draw this inference contrary to the import of the statement which he received? Does not this disposition to deduce conclusions unfavorable to me, manifest the spirit which actuates him? And does not general Jackson exhibit throughout his letter a desire to give a

coloring to the statements of his friend, the distinguished member of congress, higher than they would justify? No one should ever resort to implication but from necessity. Why did he not ascertain from the envoy if he had come from me? Was any thing more natural than that general Jackson should ascertain the persons who had deputed the envoy? If his slacked sensibility and indignant virtue and patriotism would not allow him to inquire into particulars, ought he to have hazarded the assertion, that I was privy to the proposal, without assuring himself of the fact; could he not, after rejecting the proposal, continuing, as he did, on friendly terms with the organ of it, have satisfied himself if I were conusant of it? If he had not time then, might he not have ascertained the fact from his friend or from me, during the intervening two and a half years? The compunctions of his own conscience appear for a moment to have visited him towards the conclusion of his letter, for he there does say, 'that in the supposition stated, *I may* have done injustice to Mr. Clay; if so, the gentleman informing me can explain.' No good or honorable man will do another voluntarily any injustice. It was not necessary that general Jackson should have done me any. And he cannot acquit himself of the rashness and iniquity of his conduct towards me, by referring at this late day to a person whose name is withheld from the public. This compendious mode of administering justice, by first hanging and then trying a man, however justifiable it may be, according to the precepts of the Jackson code, is sanctioned by no respectable system of jurisprudence.

It is stated in the letter of the sixth of June, that the overture was made early in January; and that the second day after the communication, it 'was announced in the newspapers, that Mr. Clay had come out openly and avowedly in favor of Mr. Adams.' The object of this statement is obvious. It is to insinuate that the proposal which was rejected with disdain by general Jackson, was accepted with promptitude by Mr. Adams. This renders the fact as to the time of the alleged annunciation very important. It is to be regretted that general Jackson had not been a little more precise. It was *early* in January that the overture was made, and the *second* day after, the annunciation of my intention took place. Now, I will not assert that there may not have been some speculations in the newspapers about that time, (although I do not believe there were any *speculations* so early,) as to the probable vote which I should give; but I should be glad to see any newspaper which the second day after early in January, asserted in its columns, that I had come out 'openly and avowedly in favor of Mr. Adams.' I challenge the production of such a paper. I do not believe my intention so to vote for Mr. Adams was announced in the newspapers openly and avowedly during the whole month of January, or at any rate until late in that month. The only *avowal* of my.

intention to vote for him, which was publicly made in the newspapers, prior to the election, is contained in my letter to Judge Brooke, which is dated the twenty-eighth of January. It was first published in the Enquirer at Richmond, some time in the ensuing month. I go further; I do not believe any newspaper at Washington can be produced, announcing, before the latter part of January, the fact, whether upon my avowal or not, of my intention to vote for Mr. Adams. General Jackson's memory must deceive him. He must have confounded events and circumstances. His friend, Mr. George Kremer, in his letter to the Columbian Observer bearing date the twenty-fifth of January, has, according to my recollection of the public prints, a claim to the merit of being the first, or among the first, to announce to the public my intended vote. That letter was first published at Philadelphia, and returned in the Columbian Observer to Washington city, on the thirty-first of January. How long before its date that letter was written to Mr. Kremer, does not appear. Whether there be any connection made by the distinguished member of congress, and that letter, perhaps general Jackson can explain.

At the end of more than two years after a corrupt overture has been made to general Jackson, he now, for the first time, openly proclaims it. It is true, as I have ascertained since the publication of Mr. Beverley's Fayetteville letter, the general has been for a long time secretly circulating the charge. Immediately on the appearance at Washington of that letter in the public prints, the editor of the Telegraph asserted, in his paper, that general Jackson had communicated the overture to him about the period of the election, not as he now states, but according to Mr. Beverley's version of the tale. Since I left Washington on the tenth of last month, I have understood that general Jackson has made a similar communication to several other persons at different and distant points. Why has the overture been thus clandestinely circulated? Was it that through the medium of the Telegraph, the leading paper supporting the interest of general Jackson, and through his other depositories, the belief of the charge should be duly and gradually infused into the public mind, and thus contribute to the support of his cause? The zeal and industry with which it has been propagated, the daily columns of certain newspapers can testify. Finding the public still unconvinced, has the general found it to be necessary to come out in proper person, through the thin veil of Mr. Carter Beverley's agency?

When the alleged overture was made, the election remained undecided. Why did not general Jackson then hold up to universal scorn and indignation the infamous bearer of the proposal, and those who dared to insult his honor, and tamper with his integrity? If he had at that time denounced all the infamous parties concerned, demanded an inquiry in the house of representatives, and estab-

lished by satisfactory proof the truth of his accusation, there might and probably would have been a different result to the election. Why, when at my instance, a committee was on the fifth day of February, 1825, (only four days before the election,) appointed to investigate the charges of Mr. Kremer, did not general Jackson present himself and establish their truth? Why, on the seventh of that month, two days before the election, when the committee reported that Mr. Kremer declined to come forward, and that 'if *they knew* of any reason for such investigation, they would have asked to be clothed with the proper power, but not having themselves any such knowledge, they have felt it to be their duty only to lay before the house the communication which they have received;' why did not general Jackson authorize a motion to recommit the report, and manfully come forward with all his information? The congress of the nation is in session. An important election has devolved on it. All eyes are turned towards Washington. The result is awaited with intense anxiety and breathless expectation. A corrupt proposition, affecting the election, is made to one of the candidates. He receives it, is advised to accept it, deliberates, decides upon it. A committee is in session to investigate the very charge. The candidate, notwithstanding, remains profoundly silent, and, after the lapse of more than two years, when the period of another election is rapidly approaching, in which he is the only competitor for the office, for the first time, announces it to the American republic! They must have more than an ordinary share of credulity who do not believe that general Jackson labors under some extraordinary delusion.

It is possible that he may urge by way of excuse, for what must be deemed his culpable concealment of meditated corruption, that he did not like to volunteer as a witness before the committee, or to transmit to it the name of his friend, the distinguished member of the house of representatives, although it is not very easy to discern any just reason for his volunteering now, which would not have applied with more force at that time. But what apology can be made for his failure to discharge his sacred duty as an American senator? More than two months after the alleged overture, my nomination to the office which I now hold, was made to the senate of the United States, of which general Jackson was then a sworn member. On that nomination he had to deliberate and to act in the most solemn manner. If I were privy to a corrupt proposal to general Jackson, touching the recent election; if I had entered into a corrupt bargain with Mr. Adams to secure his elevation, I was unworthy of the office to which I was nominated; and it was the duty of general Jackson, if he really possessed the information which he now puts forward, to have moved the senate to appoint a committee of inquiry, and by establishing my guilt, to have preserved the national councils from an abominable contamination.

As the conspiracy of George Kremer & Co. had a short time before meanly shrunk from appearing before the committee of the house of representatives, to make good their charges, I requested a senator of the United States, when my nomination should be taken up, to ask of the senate the appointment of a committee of inquiry, unless it should appear to him to be altogether unnecessary. One of our senators was compelled, by the urgency of his private business, to leave Washington before my nomination was disposed of; and as I had but little confidence in the fidelity and professed friendship of the other, I was constrained to present my application to a senator from another state. I was afterwards informed that when it was acted upon, general Jackson, and every other senator present, was silent as to the imputation now made; no one presuming to question my honor or integrity. How can general Jackson justify to his conscience or to his country, this palpable breach of his public duty? It is in vain to say that he gave a silent negative vote. *He* was in possession of information which, if true, must have occasioned the rejection of my nomination. It does not appear that any other senator possessed the same information. Investigation was alike due to the purity of the national councils, to me, and, as an act of strict justice, to all the other parties implicated. It is impossible for him to escape from the dilemma that he has been faithless as a senator of the United States, or has lent himself to the circulation of an atrocious calumny.

After the election, general Jackson was among the first who eagerly pressed his congratulations upon his successful rival. If Mr. Adams had been guilty of the employment of impure means to effect his election, general Jackson ought to have disdained to sully his own hands by touching those of his corrupt competitor.

On the tenth of February, 1825, the very next day after the election, general Jackson was invited to a public dinner at Washington, by some of his friends. He expressed to them his wish that he might be excused from accepting the invitation, because, alluding to the recent election, he said, 'any evidence of kindness and regard, such as you propose, might, by many, be viewed as conveying with it EXCEPTION, murmurings, and feelings of complaint, which I sincerely hope belong to none of my friends.' More than one month after the corrupt proposal is pretended to have been received, and after, according to the insinuation of general Jackson, a corrupt arrangement had been made between Mr. Adams and me: after the actual termination of an election, the issue of which was brought about, according to general Jackson, by the basest means, he was unwilling to accept the honors of a public dinner, lest it should imply even an *exception* against the result of the election.

General Jackson professes in his letter of the sixth of June—I

quote again his words—'to have always intended, should Mr. Clay come out over his own signature, and deny having any knowledge of the communication made by his friends to my friends, and to me, that I would give him the name of the gentleman through whom that communication came.' He pretends never to have seen the Fayetteville letter; and yet the pretext of a denial under *my signature* is precisely that which had been urged by the principal editors who sustain his cause. If this be an unconcerted, it is nevertheless a most wonderful coincidence. The general never communicated to me his professed intention, but left me in entire ignorance of his generous purpose; like the overture itself, it was profoundly concealed from me. There was an authorized denial from me, which went to the circle of the public prints, immediately after the arrival at Washington of the Fayetteville letter. In that denial my words are given. They were contained in a letter dated at Washington city on the eighteenth day of April last, and are correctly stated to have been 'that the statement that his (my) friends had made such a proposition as the latter describes to the friends of general Jackson was, as far as he knew or believed, utterly destitute of foundation; that he was unwilling to believe that general Jackson had made any such statement; but that no matter with whom it had originated, he was fully persuaded it was a gross fabrication of the same calumnious character with the Kremer story, put forth for the double purpose of injuring his public character, and propping the cause of general Jackson; and then for himself and for his friends he *defied* the substantiation of the charge before any fair tribunal whatever.' Such were my own words, transmitted in the form of a letter from a friend to a *known* person. Whereas the charge which they repelled was contained in a letter written by a person then unknown to some person also unknown. Did I not deny the charge under my own signature, in my card of the thirty-first of January, 1825, published in the National Intelligencer? Was not there a substantial denial of it in my letter to Judge Brooke, dated the twenty-eighth of the same month? In my circular to my constituents? In my Lewisburg speech? And may I not add, in the whole tenor of my public life and conduct? If general Jackson had offered to furnish me the name of a member of congress, who was capable of advising his acceptance of a base and corrupt proposition, ought I to have resorted to his infamous and discredited witness?

It has been a thousand times asserted and repeated, that I violated instructions which I ought to have obeyed. I deny the charge; and I am happy to have this opportunity of denying it in the presence of my assembled constituents. The general assembly requested the Kentucky delegation to vote in a particular way. A majority of that delegation, including myself, voted in opposition to that request. The legislature did not intend to give an *impera-*

tive instruction. The distinction between a request and an instruction was familiar to the legislature, and their rolls attest that the former is always addressed to the members of the house of representatives, and the latter only to the senators of the United States.

But I do not rely exclusively on this recognised distinction. I dispute at once the right of the legislature to issue a mandatory instruction to the representatives of the people. Such a right has no foundation in the constitution, in the reason or nature of things, nor in usage of the Kentucky legislature. Its exercise would be a manifest usurpation. The general assembly has the incontrovertible right to express its opinions and to proclaim its wishes on any political subject whatever; and to such an expression great deference and respect are due; but it is not obligatory. The people, when, in August, 1824, they elected members to the general assembly, did not invest them with any power to regulate or control the exercise of the discretion of the Kentucky delegation in the congress of the United States. I put it to the candor of every elector present, if he intended to part with his own right, or anticipated the exertion of any such power, by the legislature, when he gave his vote in August, 1824?

The only instruction which I received from a legitimate source, emanated from a respectable portion of my immediate constituents; and that directed me to exercise my own discretion, regardless of the will of the legislature. You subsequently ratified my vote by unequivocal demonstrations, repeatedly given, of your affectionate attachment and your unshaken confidence. You ratified it two years ago, by the election of my personal and political friend, (judge Clarke) to succeed me in the house of representatives, who had himself subscribed the only legitimate instruction which I received. You ratify it by the presence and the approbation, of this vast and respectable assemblage.

I rejoice again and again, that the contest has at last assumed its present practical form. Heretofore, malignant whispers and dark surmises have been clandestinely circulated, or openly or unblushingly uttered by irresponsible agents. They were borne upon the winds, and like them were invisible and intangible. No responsible man stood forward to sustain them, with his acknowledged authority. They have at last a local habitation and a name. General Jackson has now thrown off the mask and comes confessedly forth from behind his concealed batteries, publicly to accuse and convict me. We stand confronted before the American people. Pronouncing the charges, as I again do, destitute of all foundation, and gross aspersions, whether clandestinely or openly issued from the halls of the capitol, the saloons of the hermitage, or by press, by pen, or by tongue, and safely resting on my conscious integrity, I demanded the witness, and await the event with fearless confidence.

The issue is fairly joined. The imputed offence does not comprehend a single friend, but the collective body of my friends in congress; and it accuses them of offering, and me with sanctioning, corrupt *propositions*, derogating from honor, and in violation of the most sacred of duties. The charge has been made after two years deliberation. General Jackson has voluntarily taken his position, and without provocation. In voting against him as president of the United States, I gave him no just cause of offence. I exercised no more than my indisputable privilege, as, on a subsequent occasion, of which I have never complained, he exercised his in voting against me as secretary of state. Had I voted for him, I must have gone counter to every fixed principle of my public life. I believed him incompetent, and his election fraught with danger. At this early period of the republic, keeping steadily in view the dangers which had overturned every other free state, I believed it to be essential to the lasting preservation of our liberties, that a man, devoid of civil talents, and offering no recommendation but one founded on military service, should not be selected to administer the government. I believe so yet; and I shall consider the days of the commonwealth numbered, when an opposite principle is established. I believed, and still believe, that now, when our institutions are in comparative infancy, is the time to establish the great principle, that military qualification alone is not a sufficient title to the presidency. If we start right, we may run a long race of liberty, happiness, and glory. If we stumble in setting out, we shall fall as others have fallen before us, and fall without even a claim to the regrets or sympathies of mankind.

I have never done general Jackson, knowingly, any injustice. I have taken pleasure, on every proper occasion, to bestow on him merited praise, for the glorious issue of the battle of New Orleans. No American citizen enjoyed higher satisfaction than I did with the event. I heard it for the first time on the boulevards of Paris; and I eagerly perused the details of the actions, with the anxious hope that I should find that the gallant militia of my own state had avenged, on the banks of the Mississippi, the blood which they had so freely spilt on the disastrous field of Raisin. That hope was not then gratified; and although I had the mortification to read in the official statement, that they ingloriously fled, I was nevertheless thankful for the success of the arms of my country, and felt grateful to him who had most contributed to the ever memorable victory. This concession is not now made for the purpose of conciliating the favor or mitigating the wrath of general Jackson. He has erected an impassable barrier between us, and I would scorn to accept any favor at his hands. I thank my God that He has endowed me with a soul incapable of apprehensions from the anger of any being but himself.

I have, as your representative, freely examined, and, in my deliberate judgment, justly condemned the conduct of general Jackson in some of our Indian wars. I believed and yet believe him to have trampled upon the constitution of his country, and to have violated the principles of humanity. Entertaining these opinions, I did not and could not vote for him.

I owe you, my friends and fellow-citizens, many apologies for this long interruption of the festivities of the day. I hope that my desire to vindicate their honored object, and to satisfy you that he is not altogether unworthy of them, will be deemed sufficient.

ON THE POLITICAL CONDITION OF THE UNITED STATES DURING J. Q. ADAMS'S ADMINISTRATION.

DELIVERED AT CINCINNATI, AUGUST 23, 1828.

[On Friday, (twenty-second August,) Mr. Clay arrived in Cincinnati. During the day he was visited by a large number of the citizens. On Saturday, at two o'clock, he met his fellow-citizens at Mr. Ruffner's, where a collation was prepared. A vast concourse of persons were present. The general impression was, that the number exceeded five thousand. Mr. Clay was introduced to the company by a short address from the chairman of the administration committee, S. W. Davies, Esq., to which he replied in the following words.]

Mr. Chairman,

Although it is not entirely compatible with the precautions which are enjoined by the delicate state of my health, to which you have so obligingly alluded, to present myself in this attitude, I cannot refrain from making a public expression to you, and to my fellow-citizens here assembled, of my profound acknowledgments for the hearty welcome and the cordial, spontaneous, and enthusiastic manifestation of respect and attachment with which my present visit to your city has been attended. It has been frequently, but not less truly said, that the highest reward for public service, is the approbation of the public. The support of public opinion is the greatest incentive to the faithful and beneficial discharge of official duty. If, as you have truly suggested, it has been my misfortune for several years, to have been abused and assailed without example, I have nevertheless had the satisfaction to have been cheered and sustained, in all parts of the union, by some of the best and most virtuous men in it. And I seize with pleasure this occasion to say, that, even among my political opponents, many of the most moderate and intelligent have done me the justice to discredit and discountenance the calumnies of which I have been the object. But nowhere have I found more constant, ardent, and effective friends than in this city. I thank them most heartily for all their friendly sentiments and exertions.

Whatever may be the issue of the contest which at present unhappily divides and distracts our country, I trust that the beneficial system, to which you have referred, will survive the struggle,

and continue to engage the affections, and to cheer and animate the industry of the people of the United States. It has indeed been recently attacked in another quarter of the union, by some of our fellow-citizens, with a harshness and intemperance which must every where excite the patriot's regret. It has been denounced as if it were a new system, that sprung into existence but yesterday, or at least with the present administration, if not during the last session of congress. But it owes its origin to a much earlier date. The present administration, though sincerely attached to it, and most anxious for its preservation, has not the merit of having first proposed or first established it. The manufacturing system was quickened into existence by the commercial restrictions which preceded the late war with Great Britain, and by that greatest of them all, the war itself. Our wants, no longer supplied from abroad, must have been supplied at home, or we must have been deprived of the necessaries and comforts of civilization, if we had not relapsed into a state of barbarism. The policy of Jefferson and Madison fostered, if it did not create, the manufactures of our country. The peace brought with it a glut of foreign fabrics, which would have prostrated our establishments, if government had been capable of unjustly witnessing such a spectacle, without interposing its protective power. Protection, therefore, was not merely called for by the substantial independence of our country, but it was a parental duty of government to those citizens who had been tempted by its restrictive policy to embark all their hopes and fortunes in the business of manufacturing. Twelve years ago congress took up the subject, and after long and mature deliberation, solemnly decided to extend that measure of protection which was alike demanded by sound policy and strict justice. Then the foundations were laid of the American system; and all that has been subsequently done, including the act of the last session of congress, are but the consequences of the policy then deliberately adopted, having for their object the improvement and perfection of the great work then begun. It is not the least remarkable of the circumstances of these strange times, that some who assisted in the commencement, who laid corner-stones of the edifice, are now ready to pull down and demolish it.

It is not the fact of the existence of an opposition to the tariff, that can occasion any inquietude; nor that of large and respectable assemblies of the people, to express their disapprobation of the policy, and their firm resolution to consume only the produce of their own industry. These meetings are in the true spirit of our free institutions, and that resolution is in the true spirit of the American system itself. But what must excite deep regret is, that any persons should allow themselves to speak of open and forcible resistance to the government of their country, and to threaten a dissolution of the union. What is the state of the case? A great

measure of national policy is proposed; it is a subject of discussion for a period of twelve years, in the public prints, in popular assemblies, in political circles, and in the congress of the United States. That body, after hearing the wishes and wants of all parts of the union, fairly stated by their respective representatives, decides by repeated *majorities*, to adopt the measure. It is accordingly put into successful operation, improved from time to time, and is rapidly fulfilling all the hopes and expectations of its friends. In this encouraging condition of things, a small number of the citizens composing the minority, (for I will not impute to the great body of the minority any such violent purposes,) threaten the employment of force, and the dissolution of the union! Can any principle be more subversive of all government, or of a tendency more exceptionable and alarming. It amounts to this, that whenever any portion of the community finds itself in a minority, in reference to any important act of the government, and by high coloring and pictures of imaginary distress, can persuade itself that the measure is oppressive, that minority may appeal to arms, and if it can, dissolve the union. Such a principle would reverse the established maxim of representative government, according to which, the will of the majority must prevail. If it were possible that the minority could govern and control, the union may indeed as well be dissolved; for it would not then be worth preserving. The conduct of an individual would not be more unwise and suicidal, who, because of some trifling disease afflicting his person, should, in a feverish and fretful moment, resolve to terminate his existence.

Nothing can be more unfair and ridiculous, than to compare any of the acts of the congress of the United States, representing all, and acting for all, to any of the acts of the British parliament, which led to our revolution. The principle on which the colonies seceded was, that there should be no taxation without representation. They were not represented in the British parliament, and to have submitted to taxation, would have been to have submitted to slavery, and to have surrendered the most valuable privileges of freemen. If the colonies had been fairly represented in the British parliament, and equal taxes, alike applicable to all parts of the British empire, had been imposed by a majority, a case of remote analogy to any act of congress to which a minority is opposed, might be deduced from the history of the revolution. But every state of this confederacy is fairly represented, and has the faculty of being fully heard in the congress of the United States. The representation has been regulated by a joint principle of distribution, the result of a wise spirit of mutual compromise and concession, which I hope never to see disturbed, of which none can justly complain, and least of all, those citizens who have resorted to threats of an appeal to arms and disunion.

But there is, I hope and believe, no reason to apprehend the

execution of those empty threats. The good sense, the patriotism, and the high character of the people of South Carolina, are sure guarantees for repressing, without aid, any disorders, should any be attempted within her limits. The spirit of Marion, and Pickens, and Sumpter, of the Rutledges, the Pinckneys, and of Lowndes, yet survives, and animates the high-minded Carolinians. The Taylors, and the Williamses, and their compatriots of the present day, will be able to render a just account of all, if there be any who shall dare to raise their parricidal hands against the peace, the constitution, and the union of the states. Rebuked by public opinion — a sufficient corrective — and condemned by their own sober reflections, the treasonable purpose will be relinquished, if it were ever seriously contemplated by any.

I have no fears for the permanency of our union, whilst our liberties are preserved. It is a tough and strong cord, as all will find who shall presumptuously attempt to break it. It has been competent to suppress all the domestic insurrections, and to carry us safely through all the foreign wars with which we have been afflicted since it was formed, and it has come out of each with more strength, and greater promise of durability. It is the choicest political blessing which, as a people, we enjoy, and I trust and hope that Providence will permit us to transmit it, unimpaired, to posterity, through endless generations.

I thank you, Mr. Chairman, for the flattering opinion which you have expressed of my public services, and especially of those which I have endeavored to render to the west. Whilst I am sensible that you appreciate them much too highly, it is at the same time true, that I have sought, on all occasions that appeared to me proper, to advance the interests of that section, of which I am proud to be a citizen, whenever I have thought it could be done without prejudice to the predominant interests of the whole. I have, nevertheless, in several important instances, given my most zealous support to measures, (the navy, and the late war, for example,) in which the west could not be regarded as having any distinct or other interest, than that which belongs to the honor, the prosperity, and the character, of the whole confederacy. During the short period of the present administration, I hope I may be permitted to say, without meaning to claim for it exclusive merit, that more has been done and recommended for the west, than ever was done during the whole preceding period of our present constitution, with the exception only of the acquisition of Louisiana, under the administration of Mr. Jefferson. I have not strength or time to enter into details to establish the general proposition; but those who will take the trouble to examine the appropriations of land and of money, for objects of internal improvement and education, the measures which have been adopted or recommended, in respect to the public domain, the judiciary, and so forth; will find that proposition fully sustained.

There are here many who, by a too flattering estimate of my capacity, decided me worthy of the office of chief magistrate, and, during the last presidential canvass, honored me with their support. To them I take this occasion to say, that, if instead of the present abused chief magistrate, they had obtained the preference, the measures of the administration would not have been, in any essential particular, different from those which have been adopted. All the principal acts and measures of the existing administration, have met with my humble and hearty concurrence.

Cultivating a farm in Kentucky, and having other objects of private concern, I have found it necessary, both on that account, and the relaxation from official business, indispensable to the preservation of health, annually to visit this quarter of the union, during the period of my connection with the executive of the United States. In these visits, I have frequently met large portions of my fellow-citizens, upon their friendly and pressing invitations. My object has been called in question, and my motives assailed. It has been said, that my purpose was electioneering. If it be intended to charge me with employing improper or dishonorable acts, to secure my election, I deny the charge, and disclaim the purpose. I defy my most malignant enemies to show that I ever, during any period of my life, resorted to such acts to promote my own election, or that of any other person. I have availed myself of these assemblies, and of other opportunities, to defend myself against an accusation, publicly made, and a thousand times repeated. I had a right to do this by the immutable laws of self-defence. My addresses to the public, heretofore, have been generally strictly defensive. If they have ever given pain to any of my adversaries, they must reproach themselves with its infliction. There is one way, and but one way, in which they can silence me. My traducers have attributed to me great facility in making a bargain. Whether I possess it or not, there is one *bargain* which, for their accommodation, I am willing to enter into with them. If they will prevail upon their chief to acknowledge that he has been in error, and has done me injustice, and if they will cease to traduce and abuse me, I will no longer present myself before public assemblies, or in public prints, in my own defence. That is one bargain which I have no expectation of being able to conclude; for men who are in a long-established line of business, will not voluntarily quit their accustomed trade, and acknowledge themselves bankrupts to honor, decency, and truth.

Some who have persuaded themselves that they saw in my occasional addresses to the people, incompatibility with the dignity and reserve belonging to the office I hold, I know not according to what standard, (it can hardly be any deduced from a popular representative government,) these gentlemen have regulated their opinions. True dignity appears to me to be independent of office

or station. It belongs to every condition; but if there be a difference between private and public life, the more exalted the station, the greater is the obligation of the public functionary, in my humble judgment, to render himself amiable, affable, and accessible. The public officer who displays a natural solicitude to defend himself against a charge deeply affecting his honor and his character, manifests, at the same time, a just respect for the community. It is, I think, an erroneous judgment of the nature of office, and its relations, to suppose that it imposes the duty on the officer, of abstracting himself from society, and a stiff and stately port. Without, I hope, forgetting what was due to myself, my habit, throughout life, has been that of friendly, free, and frank intercourse with my fellow-citizens. I have not thought it necessary to change my personal identity in any of the various offices through which I have passed, or to assume a new character. It may not be easy to draw the line, as to the occasions in which a man should remain silent, or defend himself. In the general, it is better, perhaps, that he should leave his public acts, and the measures which he espouses or carries, to their own vindication; but if his integrity be questioned, and dishonorable charges, under high and imposing names, be preferred against him, he cannot remain silent without a culpable insensibility to all that is valuable in human life.

Sir, I feel that I have trespassed too much, both upon you and myself. If prudence were a virtue of which I could boast, I should have spared both you and me. But I could not deny myself the gratification of expressing my thanks to my Cincinnati friends, for the numerous instances which I have experienced of their kind and respectful consideration. I beg you, sir, and every gentleman here attending, to accept my acknowledgments; and I especially owe them to the gentlemen of the committee, who did me the honor to meet me at Louisville, and accompany me to this city. Whatever may be my future destiny, whilst my faculties are preserved, I shall cherish a proud and grateful recollection of these testimonies of respect and attachment.

ON RETIRING FROM OFFICE.

AT WASHINGTON, MARCH 7, 1829

[At the close of Mr. Adams's administration, Mr. Clay, having resigned his office of secretary of state before the inauguration of general Jackson as president of the United States, was invited to meet his friends at Washington city, and others from various parts of the union, at a public dinner, which he accepted, while preparing to return to the place of his residence at the west. On this occasion the fifth toast was:

'Health, prosperity, and happiness to our highly valued and esteemed guest and fellow-citizen, Henry Clay. Whatever the future destination of his life, he has done enough for honor, and need desire no higher reward than the deep seated affection and respect of his friends and his country.'

This having been received with much feeling and applause, Mr. Clay arose and addressed the company as follows:]

In rising, Mr. President, to offer my respectful acknowledgments for the honors of which I am here the object, I must ask the indulgence of yourself and the other gentlemen now assembled, for an unaffected embarrassment, which is more sensibly felt than it can be distinctly expressed. This city has been the theatre of the greater portion of my public life. You, and others whom I now see, have been spectators of my public course and conduct. You and they are, if I may borrow a technical expression from an honorable profession of which you and I are both members, jurors of the vicinage. To a judgment rendered by those who have thus long known me, and by others though not of the panel, who have possessed equal opportunities of forming correct opinions, I most cheerfully submit. If the weight of human testimony should be estimated by the intelligence and respectability of the witness, and the extent of his knowledge of the matter on which he testifies, the highest consideration is due to that which has been this day spontaneously given. I shall ever cherish it with the most grateful recollection, and look back upon it with proud satisfaction.

I should be glad to feel that I could with any propriety abstain from any allusion at this time and at this place, to public affairs. But considering the occasion which has brought us together, the events which have preceded it, and the influence which they may exert upon the destinies of our country, my silence might be misinterpreted, and I think it therefore proper that I should embrace

this first public opportunity which I have had of saying a few words, since the termination of the late memorable and embittered contest. It is far from my wish to continue or to revive the agitation with which that contest was attended. It is ended, for good or for evil. The nation wants repose. A majority of the people has decided, and from their decision there can and ought to be no appeal. Bowing, as I do, with profound respect to them, and to this exercise of their sovereign authority, I may nevertheless be allowed to retain and to express my own unchanged sentiments, even if they should not be in perfect coincidence with theirs. It is a source of high gratification to me to believe that I share these sentiments in common with more than half a million of freemen, possessing a degree of virtue, of intelligence, of religion, and of genuine patriotism, which, without disparagement to others, is unsurpassed, in the same number of men in this or any other country, in this or any other age.

I deprecated the election of the present president of the United States, because I believed he had neither the temper, the experience, nor the attainments requisite to discharge the complicated and arduous duties of chief magistrate. I deprecated it still more, because his elevation, I believed, would be the result exclusively of admiration and gratitude for military service, without regard to indispensable civil qualifications. I can neither retract, nor alter, nor modify, any opinion which, on these subjects, I have at any time heretofore expressed. I thought I beheld in his election an awful foreboding of the fate which, at some future (I pray to God that, if it ever arrive, it may be some far distant) day, was to befall this infant republic. All past history has impressed on my mind this solemn apprehension. Nor is it effaced or weakened by contemporaneous events passing upon our own favored continent. It is remarkable that, at this epoch, at the head of eight of the nine independent governments established in both Americas, military officers have been placed, or have placed themselves. General Lavalle has, by military force, subverted the republic of La Plata. General Santa Cruz is the chief magistrate of Bolivia; colonel Pinto of Chili; general Lamar of Peru; and general Bolivar of Colombia. Central America, rent in pieces, and bleeding at every pore, from wounds inflicted by contending military factions, is under the alternate sway of their chiefs. In the government of our nearest neighbor, an election, conducted according to all the requirements of their constitution, has terminated with a majority of the states in favor of Pedrazza, the civil candidate. An insurrection was raised in behalf of his military rival; the cry, not exactly of a bargain, but of corruption, was sounded; the election was annulled, and a reform effected by proclaiming general Guerrero, having only a minority of the states, duly elected president. The thunders from the surrounding forts, and the acclama-

tions of the assembled multitude, on the fourth, told us what general was at the head of our affairs. It is true, and in this respect we are happier than some of the American states, that his election has not been brought about by military violence. The forms of the constitution have yet remained inviolate.

In reasserting the opinions which I hold, nothing is further from my purpose than to treat with the slightest disrespect those of my fellow-citizens, here or elsewhere, who may entertain opposite sentiments. The fact of claiming and exercising the free and independent expression of the dictates of my own deliberate judgment, affords the strongest guarantee of my full recognition of their corresponding privilege.

A majority of my fellow-citizens, it would seem, do not perceive the dangers which I apprehended from the example. Believing that they are not real, or that we have some security against their effect, which ancient and modern republics have not found, that majority, in the exercise of their incontestable right of suffrage, have chosen for chief magistrate a citizen who brings into that high trust no qualification other than military triumphs.

That citizen has done much injustice — wanton, unprovoked, and unatoned injustice. It was inflicted, as I must ever believe, for the double purpose of gratifying private resentment and promoting personal ambition. When, during the late canvass, he came forward in the public prints under his proper name, with his charge against me, and summoned before the public tribunal his friend and his only witness to establish it, the anxious attention of the whole American people was directed to the testimony which that witness might render. He promptly obeyed the call and testified to what he knew. He could say nothing, and he said nothing, which cast the slightest shade upon my honor or integrity. What he did say was the reverse of any implication of me. Then all just and impartial men, and all who had faith in the magnanimity of my accuser, believed that he would voluntarily make a public acknowledgment of his error. How far this reasonable expectation has been fulfilled, let his persevering and stubborn silence attest. But my relations to that citizen by a recent event are now changed. He is the chief magistrate of my country, invested with large and extensive powers, the administration of which may conduce to its prosperity or occasion its adversity. Patriotism enjoins as a duty, that whilst he is in that exalted station, he should be treated with decorum, and his official acts be judged of in a spirit of candor. Suppressing, as far as I can, a sense of my personal wrong; willing even to forgive him, if his own conscience and our common God can acquit him; and entertaining for the majority which has elected him, and for the office which he fills, all the deference which is due from a private citizen; I most anxiously hope, that under his guidance the great interests of our country, foreign and domestic,

may be upheld, our free institutions be unimpaired, and the happiness of the nation be continued and increased.

While I am prompted by an ardent devotion to the welfare of my country, sincerely to express this hope, I make no pledges, no promises, no threats, and I must add, I have no confidence. My public life, I trust, furnishes the best guarantee for my faithful adherence to those great principles of external and internal policy, to which it has been hitherto zealously dedicated. Whether I shall ever hereafter take any part in the public councils or not, depends upon circumstances beyond my control. Holding the principle that a citizen, as long as a single pulsation remains, is under an obligation to exert his utmost energies in the service of his country, if necessary, whether in private or public station, my friends, here and every where, may rest assured that, in either condition, I shall stand erect, with a spirit unconquered, whilst life endures, ready to second their exertions in the cause of liberty, the union, and the national prosperity.

Before I sit down, I avail myself with pleasure of this opportunity to make my grateful acknowledgments, for the courtesies and friendly attentions which I have uniformly experienced from the inhabitants of this city. A free and social intercourse with them, during a period of more than twenty years, is about to terminate, without any recollection on my part of a single painful collision, and without leaving behind me, as far as I know, a solitary personal enemy. If, in the sentiment with which I am about to conclude, I do not give a particular expression to the feelings inspired by the interchange of civilities and friendly offices, I hope the citizens of Washington will be assured that their individual happiness and the growth and prosperity of this city will ever be objects of my fervent wishes. In the sentiment which I shall presently offer, they are indeed comprehended. For the welfare of this city is indissolubly associated with that of our union, and the preservation of our liberty. I request permission to propose,

LET US NEVER DESPAIR OF THE AMERICAN REPUBLIC.

ON THE COMMENCEMENT OF JACKSON'S ADMINISTRATION.

AT FOWLER'S GARDEN, LEXINGTON, KENTUCKY, MAY 16, 1829.

[AFTER the election of general Jackson as president of the United States, Mr. Clay, having retired to private life at his former residence in Kentucky, was occasionally invited to meet his friends and neighbors at public entertainments, where large concourses always assembled to manifest for him their continued regard and confidence. On one of these occasions he made the following speech, in which he contrasts the proscriptive course of Jackson's administration in removals from office, with that adopted and pursued by previous presidents. He also alludes to other subjects of prominent public interest.]

TOAST.

Our distinguished guest, friend, and neighbor, HENRY CLAY. With increased proofs of his worth, we delight to renew the assurance of our confidence in his patriotism, talents, and incorruptibility. May health and happiness attend him in retirement, and a grateful nation do justice to his virtues.

AFTER the above, Mr. Clay rose and addressed the immense assemblage of people present, as follows:

I fear, friends and fellow-citizens, that if I could find language to express the feelings which now animate me, I could not be heard throughout this vast assembly. My voice, once strong and powerful, has had its vigor impaired by delicate health and advancing age. You must have been separated, as I have been, for four years past, from some of your best and dearest friends, with whom during the greater part of your lives, you had associated in the most intimate friendly intercourse; you must have been traduced, as I have been, after exerting with zeal and fidelity the utmost of your powers to promote the welfare of our country; and you must have returned among those warm-hearted friends, and been greeted and welcomed and honored by them, as I have recently been; before you could estimate the degree of sensibility which I now feel, or conceive how utterly inadequate all human language is to portray the grateful emotions of my heart. I behold gathered here, as I have seen in other instances since my return among you, sires far advanced in years, endeared to me by an interchange of friendly office and sympathetic feeling, beginning more

than thirty years ago. Their sons, grown up during my absence in the public councils, accompanying them; and all, prompted by ardent attachment, affectionately surrounding and saluting me, as if I belonged to their own household. Considering the multitude here assembled, their standing and respectability, and the distance which many have come personally to see me, and to testify their respect and confidence, I consider this day and this occasion as the proudest of my life. The tribute, thus rendered by my friends, neighbors, and fellow-citizens, flows spontaneously from their hearts, as it penetrates the inmost recesses of mine. Tendered in no servile spirit, it does not aim to propitiate one in authority. Power could not buy or coerce it. The offspring of enlightened and independent freemen, it is addressed to a beloved fellow-citizen in private life, without office, and who can present nothing in return, but his hearty thanks. I pray all of you, gentlemen, to accept these. They are due to every one of you for the sentiment just pronounced, and for the proceedings of this day. And I owe a particular expression of them to that portion of my friends, who, although I had the misfortune to differ from them in the late contest, have honored me by their attendance here. I have no reproaches to make them. Regrets I have; but I give, as I have received from them, the hand of friendship as cordially as it is extended to any of my friends. It is highly gratifying to me to know, that they, and thousands of others who coöperated with them in producing the late political change, were unaffected towards me by the prejudice attempted to be excited against me. I entertain too high respect for the inestimable privilege of freely exercising one's independent judgment on public affairs, to draw in question the right of any of my fellow-citizens to form and to act upon their opinions in opposition to mine. The best and wisest among us are, at best, but weak and fallible human beings. And no man ought to set up his own judgment as an unerring standard, by which the correctness of all others is to be tested and tried.

It cannot be doubted that, with individual exceptions, the great body of every political party that has hitherto appeared in this country, has been honest in its intentions, and patriotic in its aims. Whole parties may have been sometimes deceived and deluded, but without being conscious of it; they no doubt sought to advance the welfare of the country. Where such a contest has existed as that which we have recently witnessed, there will be prejudices on the one side, and predilections on the other. If, during its progress, we cannot calm the passions, and permit truth and reason to have their undisturbed sway, we ought, at least, after it has terminated, to own their empire. Judging of public men and public measures in a spirit of candor, we should strive to eradicate every bias, and to banish from our minds every consideration not connected with the good of our country.

I do not pretend to be, more than other men, exempt from the influence of prejudice and predilection. But I declare most sincerely, that I have sought, in reference to the present administration, and shall continue to strive, to discard all prejudices, and to judge its acts and measures as they appear to me to affect the interests of our country.

A large portion of my friends and fellow-citizens, from whom I differed on the late occasion, did not disagree with me as to the foreign or domestic policy of government. We only differed in the selection of agents to carry that policy into effect. Experience can alone determine who was right. If that policy continues to be pursued under the new administration, it shall have as cordial support from me, as if its care had been confided to agents of my choice. If, on the contrary, it shall be neglected or abandoned, the friends to whom I now refer will be bound by all the obligations of patriotism and consistency to adhere to the policy.

We take a new commencement from the fourth of March last. After that day, those who supported the election of the present chief magistrate were left as free to judge of the conduct of his administration, as those who opposed it. It will be no more inconsistent in them, if it disappoint their expectations, to disapprove his administration, than it will be to support it, if, disappointing ours, he should preserve the established policy of the nation, and introduce no new principles of alarming tendency.

They bestowed their suffrages upon the supposition that the government would be well administered; that public pledges would be redeemed, solemn professions be fulfilled, and the rights and liberties of the people be protected and maintained. If they shall find themselves deceived in any of these respects; should principles avowed during the canvass be violated during the presidency, and new principles of dangerous import, neither avowed to nor anticipated by them, be put forth, they will have been betrayed; the distinguished individual for whom they voted will have failed to preserve his identity, and they will be urged by the most sacred of duties to apply the proper corrective.

Government is a trust, and the officers of government are trustees; and both the trust and the trustees are created for the benefit of the people. Official incumbents are bound, therefore, to administer the trust, not for their own private or individual benefits, but so as to promote the prosperity of the people. This is the vital principle of a republic. If a different principle prevail, and a government be so administered as to gratify the passions or to promote the interests of a particular individual, the forms of free institutions may remain, but that government is essentially a monarchy. The great difference between the two forms of government is, that in a republic all power and authority and all public offices and honors emanate from the people, and are exercised and held for their

benefit. In a monarchy, all power and authority, all offices and honors, proceed from the monarch. His interests, his caprices and his passions, influence and control the destinies of the kingdom. In a republic, the people are every thing, and a particular individual nothing. In a monarchy, the monarch is every thing, and the people nothing. And the true character of the government is stamped, not by the forms of the appointment to office alone, but by its practical operation. If in one, nominally free, the chief magistrate, as soon as he is clothed with power, proceeds to exercise it, so as to minister to his passions, and to gratify his favorites, and systematically distributes his rewards and punishments, in the application of the power of patronage, with which he is invested for the good of the whole, upon the principle of devotion and attachment to him, and not according to the ability and fidelity with which the people are or may be served, that chief magistrate, for the time being, and within the scope of his discretionary powers, is in fact, if not in form, a monarch.

It was objected to the late administration, that it adopted and enforced a system of proscription. During the whole period of it, not a solitary officer of the government, from Maine to Louisiana, within my knowledge, was dismissed on account of his political opinions. It was well known to the late president, that many officers, who held their places subject to the power of dismission, were opposed to his reëlection, and were actively employed in behalf of his competitor. Yet not one was discharged from that cause. In the commencement and early part of his administration, appointments were promiscuously made from all the parties in the previous canvass. And this course was pursued until an opposition was organized, which denounced all appointments from its ranks as being made for impure purposes.

I am aware that it may be urged, that a change was made in some of the publishers of the laws. There are about eighty annually designated. Of these, during the four years of the late administration, about twelve or fifteen were changed. Some of the changes were made from geographical or other local considerations. In several instances one friend was substituted for another. In others, one opponent for another.

Several papers, among the most influential in the opposition, but otherwise conducted with decorum, were retained. Of the entire number of changes, not more than four or five were made because of the scurrilous character of their papers, and not on account of the political sentiments of the editors. It was deemed injurious to the respect and moral influence, which the laws should always command, that they should be promulgated in the columns of a public paper, parallel with which were other columns, in the same paper, of the grossest abuse of the government and its functionaries.

On this subject I can speak with certainty, and I embrace with pleasure this opportunity for explanation. The duty of designating the printers of the laws appertains to the office which I lately filled. The selection is usually made at the commencement of every session of congress. It was made by me, without any particular consultation with the president, or any member of his cabinet. In making it, I felt under no greater obligation to select the publisher of the laws of the previous year, than an individual feels himself bound to insert a succeeding advertisement in the same paper which published his last. The law does not require it, but leaves the secretary of state at liberty to make the selection according to his sense of propriety. A publisher of the laws is not an officer of the government. It has been judicially so decided. He holds no commission. The accuracy of the statement, therefore, that no officer of the government was dismissed by the late administration, in consequence of his political opinions, is not impaired by the few changes of publishers of the laws which were made.

But if they had been officers of government, who could have imagined that those who objected to the removal, would so soon have themselves put in practice a general and sweeping system of exclusion.

The president is invested with the tremendous power of dismission, to be exercised for the public good, and not to gratify any private passions or purposes. It was conferred to prevent the *public* from suffering through faithless or incompetent officers. It was made summary because, if the slow progress of trial before a judicial tribunal were resorted to, the public might be greatly injured during the progress and prior to the decision of the case. But it never was in the contemplation of congress, that the power would or could be applied to the removal of competent, diligent, and faithful officers. Such an application of it is an act of arbitrary power, and a great abuse.

I regret extremely that I feel constrained to notice the innovation upon the principles and practice of our institutions now in progress. I had most anxiously hoped, that I could heartily approve the acts and measures of the new administration. And I yet hope that it will pause, and hereafter pursue a course more in unison with the spirit of a free government. I entreat my friends and fellow-citizens, here and elsewhere, to be persuaded that I now perform a painful duty; and that it is far from my wish to say one word that can inflict any wound upon the feelings of any of them. I think, indeed, that it is the duty of all of them to exercise their judgments freely and independently on what is passing; and that none ought to feel themselves restrained, by false pride, or by any part which they took in the late election, from condemning what their hearts cannot approve.

Knowing the imputations to which I expose myself, I would

remain silent if I did not solemnly believe that there was serious cause of alarm in the principle of removal, which has been recently acted on. Hitherto, the uniform practice of the government has been, where charges are preferred against public officers, foreign or domestic, to transmit to them a copy of the charges, for the purpose of refutation or explanation. This has been considered an equitable substitute to the more tedious and formal trials before judicial tribunals. But now, persons are dismissed, not only without trial of any sort, but without charge. And, as if the intention were to defy public opinion, and to give to the acts of power a higher degree of enormity, in some instances the persons dismissed have carried with them, in their pockets, the strongest testimonials to their ability and integrity, furnished by the very instruments employed to execute the purposes of oppression. If the new administration had found these discharged officers wanting in a zealous coöperation to execute the laws, in consequence of their preference at the preceding election, there would have been ground for their removal. But this has not been pretended; and to show that it formed no consideration, they have been dismissed among its first acts, without affording them an opportunity of manifesting that their sense of public duty was unaffected by the choice which they had at the preceding election.

I will not dwell on the injustice and individual distress which are the necessary consequences of these acts of authority. Men who accepted public employments entered on them with the implied understanding, that they would be retained as long as they continued to discharge their duties to the public honestly, ably, and assiduously. All their private arrangements are made accordingly. To be dismissed without fault, and without trial; to be expelled, with their families, without the means of support, and in some instances disqualified by age or by official habits from the pursuit of any other business, and all this to be done upon the will of one man, in a free government, was surely intolerable oppression.

Our institutions proclaim, reason enjoins, and conscience requires, that every freeman shall exercise the elective franchise freely and independently; and that among the candidates for his suffrage, he shall fearlessly bestow it upon him who will best advance the interests of his country. The presumption is, that this is always done, unless the contrary appears. But if the consequence of such a performance of patriotic duty is to be punishment; if an honest and sincere preference of A. to J. is to be treated as a crime, then our dearest privilege is a mockery, and our institutions are snares.

During the reign of Bonaparte, upon one of those occasions in which he affected to take the sense of the French people as to his being made consul for life, or emperor, an order was sent to the French armies to collect their suffrages. They were told in a

public proclamation, that they were authorized and requested to vote freely, according to the dictates of their best judgments, and their honest convictions. But a mandate was privately circulated among them, importing that if any soldier voted against Bonaparte, he should be instantly shot.

Is there any other difference, except in the mode of punishment, between that case and the arbitrary removal of men from their public stations, for no other reasons, than that of an honest and conscientious preference of one presidential candidate to another? And can it be doubted, that the spirit which prompts these removals is restrained from being extended to all, in private life, who manifested a similar preference, only by barriers which it dare not yet break down? But should public opinion sanction them, how long will these barriers remain?

One of the worst consequences of the introduction of this tenure of public office will be, should it be permanently adopted, to substitute for a system of responsibility, founded upon the ability and integrity with which public officers discharge their duties to the community, a system of universal rapacity. Incumbents, feeling the instability of their situations, and knowing their liability to periodical removals, at short terms, without any regard to the manner in which they have executed their trusts, will be disposed to make the most of their uncertain offices while they hold them. And hence we may expect innumerable cases of fraud, peculation, and corruption.

President Jackson commenced his official career on the fourth of March last, with every motive which should operate on the human heart to urge him to forget the prejudices and passions which had been exhibited in the previous contest, and to practice dignified moderation and forbearance. He had been the choice of a considerable majority of the people, and was elected by a large majority of the electoral votes. He had been elected mainly from the all-powerful influence of gratitude for his brilliant military services, in spite of doubts and fears entertained by many who contributed to his elevation. He was far advanced in years, and if fame speak true, was suffering under the joint infirmities of age and disease. He had recently been visited by one of the severest afflictions of Providence, in the privation of the partner of his bosom, whom he is represented to have tenderly loved, and who warmly returned all his affection. He had no child on whom to cast his honors. Under such circumstances, was ever man more imperiously called upon to stifle all the vindictive passions of his nature, to quell every rebellious feeling of his heart, and to dedicate the short residue of his life to the God who had so long blessed and spared him, and to the country which had so greatly honored him?

I sincerely hope that he will yet do this. I hope so for the sake of human nature, and for the sake of his own reputation. Whether

he has, during the two months of his administration, so conducted himself, let facts tell and history pronounce. Truth is mighty, and will prevail.

It was objected to Mr. Adams, that by appointing several members of congress to public places, he endangered the purity of the body, and established a precedent fraught with the most dangerous consequences. And president Jackson, (no, he begged his pardon, it was candidate Jackson,) was so much alarmed by these appointments, for the integrity and permanency of our institutions, that in a solemn communication which he made to the legislature of Tennessee, he declared his firm conviction to be, that no member of congress ought to be appointed to any office except a seat upon the bench. And he added, that he himself would conform to that rule.

During the four years of Mr. Adams's administration, the whole number of appointments made by him from congress, did not exceed four or five. In the first four weeks of that of his successor, more than double that number have been appointed by him. In the first two months of president Jackson's administration, he has appointed more members of congress to public office, than I believe were appointed by any one of his predecessors during their whole period of four or eight years. And it appears, that no office is too high or too low to be bestowed by him on this favored class, from that of a head of a department, down to an inconsiderable collectorship, or even a subordinate office under a collector. If I have not been misimformed, a representative from the greatest commercial metropolis in the United States, has recently been appointed to some inferior station, by the collector of the port of New York.

Without meaning to assert as a general principle, that in no case would it be proper that a resort should be had to the halls of congress, to draw from them tried talents, and experienced public servants, to aid in the executive or judicial departments, all must agree, that such a resort should not be too often made and that there should be some limit both as to the number and the nature of the appointments. And I do sincerely think, that this limit has, in both particulars, been transcended beyond all safe bounds, and so as to excite serious apprehensions.

It is not, however, my opinion, but that of president Jackson, which the public has now to consider. Having declared to the American people, through the Tennessee legislature, the danger of the practice; having deliberately committed himself to act in consonance with that declared opinion, how can he now be justified in violating this solemn pledge, and in entailing upon his country a perilous precedent, fraught with the corrupting tendency which he described?

It is in vain to say, that the constitution, as it now stands, does not forbid these appointments. It does not enjoin them. If there

be an inherent defect in the theoretical character of the instrument, president Jackson was bound to have redeemed his pledge, and employed the whole influence and weight of his name to remedy the defect in its practical operation. The constitution admitted of the service of one man in the presidential office, during his life, if he could secure successive elections. That great reformer, as president Jackson describes him, whom he professes to imitate, did not wait for an amendment of the constitution, to correct that defect; but after the example of the father of his country, by declining to serve longer than two terms, established a practical principle which is not likely to be violated.

There was another class of citizens upon whom public offices had been showered in the greatest profusion. I do not know the number of editors of newspapers that have been recently appointed, but I have noticed in the public prints, some fifteen or twenty. And they were generally of those whose papers had manifested the greatest activity in the late canvass, the most vulgar abuse of opponents, and the most fulsome praise of their favorite candidate. Editors are as much entitled to be appointed as any other class of the community; but if the number and the quality of those promoted, be such as to render palpable the motive of their appointment; if they are preferred, not on account of their fair pretensions, and their ability and capacity to serve the public, but because of their devotion to a particular individual, I ask if the necessary consequence must not be to render the press venal, and in time to destroy this hitherto justly cherished palladium of our liberty.

If the *principle* of all these appointments, this monopoly of public trusts by members of congress and particular editors, be exceptionable, (and I would not have alluded to them but from my deliberate conviction that they are essentially vicious,) their effects are truly alarming. I will not impute to president Jackson any design to subvert our liberties. I hope and believe, that he does not now entertain any such design. But I must say, that if an ambitious president sought the overthrow of our government, and ultimately to establish a different form, he would, at the commencement of his administration, proclaim by his official acts, that the greatest public virtue was ardent devotion to him. That no matter what had been the character, the services, or the sacrifices of incumbents or applicants for office, what their experience or ability to serve the republic, if they did not bow down and worship him, they possessed no claim to his patronage. Such an ambitious president would say, as monarchs have said, 'I am the state.' He would dismiss all from public employment who did not belong to the true faith. He would stamp upon the whole official corps of government one homogeneous character, and infuse into it one uniform principle of action. He would scatter, with an open and

liberal hand, offices among members of congress, giving the best to those who had spoken, and written, and *franked*, most in his behalf. He would subsidize the press. It would be his earnest and constant aim to secure the two greatest engines of operation upon public opinion — congress and the press. He would promulgate a new penal code, the rewards and punishments of which, would be distributed and regulated exclusively by devotion or opposition to him. And when all this powerful machinery was put in operation, if he did not succeed in subverting the liberties of his country, and in establishing himself upon a throne, it would be because some new means or principle of resistance had been discovered, which was unknown in other times or to other republics.

But if an administration, conducted in the manner just supposed, did not aim at the destruction of public liberty, it would engender evils of a magnitude so great as gradually to alienate the affections of the people from their government, and finally to lead to its overthrow. According to the principle now avowed and practiced, all offices, vacant and filled, within the compass of the Executive power, are to be allotted among the partisans of the successful candidate. The people and the service of the state are to be put aside, and every thing is to be decided by the zeal, activity, and attachment, in the cause of a particular candidate, which were manifested during the preceding canvass. The consequence of these principles would be to convert the nation into one perpetual theatre for political gladiators. There would be one universal scramble for the public offices. The termination of one presidential contest would be only the signal for the commencement of another. And on the conclusion of each we should behold the victor distributing the prizes and applying his punishments, like a military commander, immediately after he had won a great victory. Congress corrupted, and the press corrupted, general corruption would ensue, until the substance of free government having disappeared, some pretorian band would arise, and with the general concurrence of a distracted people, put an end to useless forms.

I am aware that the late acts of administration on which it has been my disagreeable duty to animadvert, (I hope without giving pain to any of my fellow-citizens, as I most sincerely wish to give none,) were sustained upon some vague notion or purpose of reform. And it was remarkable that among the loudest trumpeters of reform were some who had lately received appointments to lucrative offices. Now it must be admitted that, as to them, a most substantial and valuable *reform* had taken place; but I trust that something more extensively beneficial to the people at large was intended by that sweet sounding word. I know that, at the commencement, and throughout nearly the whole progress of the late administration, a reform in the constitution was talked of, so as to exclude from public office members of congress, during the

periods for which they were elected, and a limited term beyond them. The proposition appeared to be received with much favor, was discussed in the house of representatives, session after session, at great length, and with unusual eloquence and ability. A majority of that body seemed disposed to accede to it, and I thought for some time, that there was high probability of its passage, at least, through that house. Its great champion (general Smyth, of Virginia,) pressed it with resolute perseverance. But unfortunately, at the last session, after the decision of the presidential question, it was manifest that the kindness with which it had been originally received had greatly abated. Its determined patron found it extremely difficult to engage the house to consider it. When, at length, he prevailed by his frequent and earnest appeals to get it taken up, new views appeared to have suddenly struck the reformists. It was no longer an amendment in their eyes, so indispensable to the purity of our constitution; and the majority which had appeared to be so resolved to carry it, now, by a direct or indirect vote, gave it the go-by. That majority, I believe, was composed in part of members who, after the fourth of March last, gave the best practical recantation of their opinions, by accepting from the new president lucrative appointments, in direct opposition to the principle of their own amendment. And now general Smyth would find it even more impracticable to make amongst them proselytes to his conservative alteration in the constitution, than he did to gain any to his exposition of the Apocalypse.

Reform, such as alone could interest a whole people, can only take place in the constitution, or laws, or policy of the government. Now and then, under every administration, and at all times, a faithless or incompetent officer may be discovered, who ought to be displaced. And that, in all the departments of the government. But I presume that the correction of such occasional abuses could hardly be expected to fulfil the promise of reform which had been so solemnly made. I would then ask, what was *the reform* intended? What part of the constitution was to be altered? what law repealed? what branch of the settled policy of the country was to be changed? The people have a right to know what great blessing was intended by their rulers for them, and to demand some tangible practical good, in lieu of a general, vague, and undefined assurance of reform.

I know that the recent removals from office are attempted to be justified by a precedent drawn from Mr. Jefferson's administration. But there was not the most distant analogy between the two cases. Several years prior to his election, the public offices of the country had been almost exclusively bestowed upon the party to which that at the head of which he stood was opposed. When he commenced his administration he found a complete monopoly of them in the hands of the adverse party. He dismissed a few incumbents for

the purpose of introducing in their places others of his own party, and thus doing equal justice to both sects. But the number of removals was far short of those which are now in progress. When president Jackson entered on his administration, he found a far different state of things. There had been no previous monopoly. Public offices were alike filled by his friends and opponents in the late election. If the fact could be ascertained, I believe it would be found that there was a larger number of officers under the government attached than opposed to his late election.

Further, in the case of Mr. Jefferson's election, it was the consequence of the people having determined on a radical change of system. There was a general belief among the majority who brought about that event, that their opponents had violated the constitution in the enactment of the alien and sedition laws; that they had committed other great abuses, and that some of them contemplated an entire change in the character of our government, so as to give it a monarchical cast. I state the historical fact, without intending to revive the discussion, or deeming it necessary to examine whether such a design existed or not. But those who at that day did believe it, could hardly be expected to acquiesce in the possession by their opponents, the minority of the nation, of all the offices of a government to which some of them were believed to be hostile in principle. The object of Mr. Jefferson was, to break down a preëxisting monopoly in the hands of one party, and to establish an equilibrium between the two great parties. The object of president Jackson appears to be, to destroy an existing equilibrium between the two parties to the late contest, and to establish a monopoly. The object of president Jefferson was the republic, and not himself. That of president Jackson is himself, and not the state.

It never was advanced under Mr. Jefferson's administration, that devotion and attachment to him were an indispensable qualification, without which no one could hold or be appointed to office. The contrast between the inaugural speech of that great man, and that of his present successor, was remarkable in every respect. Mr. Jefferson's breathed a spirit of peace. It breathed a spirit of calm philosophy and dignified moderation. It treated the nation as one family. 'We are all republicans, all federalists.' It contained no denunciations; no mysterious or ambiguous language; no reflections upon the conduct of his great rival and immediate predecessor. What is the character of the inaugural speech of the present chief magistrate, I shall not attempt to sketch. Mr. Jefferson, upon the solemn occasion of his installation into office, laid down his rule for appointment to office — 'is he honest? is he capable? is he faithful to the constitution?' But capacity and integrity and fidelity, according to the modern rule, appear to count for nothing, without the all-absorbing virtue of fidelity to president Jackson.

I will not consume the time of my friends and fellow-citizens with observations upon many of the late changes.

My object has been, to point your attention to the principle which appears to have governed all of them, and to classes. I would not have touched this unpleasant topic, but that it seems to me to furnish much and just occasion for serious alarm. I hope that I have treated it in a manner becoming me, without incurring the displeasure of any one now present. I believe the times require all the calm heads and sound hearts of the country. And I would not intentionally say one word to excite the passions.

But there are a few cases of recent removal of such flagrant impropriety, as I sincerely think, that I cannot forbear alluding to them. Under no administration prior to the present, from the commencement of the government, have our diplomatic representatives been recalled from abroad, on account of the political opinions they entertained in regard to a previous presidential election. Within my recollection, at this time, there has been but one instance of recall of a foreign minister under the present constitution, on account of any dissatisfaction with him. But president Washington did not recall colonel Monroe (the case referred to) from France, on his individual account, but because he was not satisfied with the manner in which he performed the duties of the mission. President Jackson has ordered home two of our foreign ministers, one filling the most important European mission, and the other the most important of our missions on this continent. In both cases the sole ground of recall is, that they were opposed to his election as president. And as if there should be no possible controversy on this head, one of them was recalled before it was known at Washington that he had reached Bogota, the place of his destination; and consequently before he could have possibly disobeyed any instruction, or violated any duty.

The pecuniary effect of these changes, is the certain expenditure, in outfits, of eighteen thousand dollars, and perhaps more than triple that sum in contingences. Now it does seem to me, that (and I put it to your candid judgments whether) this is too large a sum for the public to pay, because two gentlemen had made a mistake of the name which they should have written on a little bit of paper thrown into the ballot-boxes. Mistake! They had, in fact, made no practical mistake. They had not voted at all, one being out of the United States, and the other out of his own state at the time of the election. The money is therefore to be paid because they made a mistake in the abstract opinions which they held, and might possibly, if they had been at home, have erroneously inscribed one name instead of another on their ballots.

There would be some consolation for this waste of public treasure, if it were compensated by the superiority of qualification

on the part of the late appointments, in comparison with the previous. But I know all four of the gentlemen perfectly well, and my firm conviction is, that in neither change has the public gained any intellectual advantage. In one of them, indeed, the victor of Tippecanoe and of Thames, of whose gallantry many who are now here were witnesses, is replaced by a gentleman who, if he possesses one single attainment to qualify him for the office, I solemnly declare it has escaped my discernment.

There was another class of persons whose expulsion from office was marked by peculiar hardship and injustice. Citizens of the District of Columbia were deprived of all actual participation in the elections of the United States. They are debarred from voting for a president, or any member of congress. Their sentiments, therefore, in relation to any election of those officers, are perfectly abstract. To punish them, as in numerous instances has been done, by dismissing them from their employments, not for what they *did*, but for what they *thought*, is a cruel aggravation of their anomalous condition. I know well those who have been discharged from the department of state, and I take great pleasure in bearing testimony to their merits. Some of them would have done honor to any bureau in any country.

We may worship God according to the dictates of our own consciences. No man's right, in that respect, can be called in question. The constitution secures it. Public offices are happily, according to the theory of our constitution, alike accessible to all, protestants and catholics, and to every denomination of each. But if our homage is not paid to a mortal, we are liable to a punishment which an erroneous worship of God does not bring upon us. Those public officers, it seems, who have failed to exhibit their devotion to that mortal, are to be visited by all the punishment which he can inflict, in virtue of laws, the execution of which was committed to his hands for the public good, and not to subserve his private purposes.

At the most important port of the United States, the office of collector was filled by Mr. Thompson, whose removal was often urged upon the late administration by some of its friends, upon the ground of his alleged attachment to general Jackson. But the late president was immovable in his resolution to deprive no man of his office, in consequence of his political opinions, or preferences. Mr. Thompson's removal was so often and so strongly pressed, for the reason just stated, that an inquiry was made of the secretary of the treasury, into the manner in which the duties of the office were discharged. The secretary stated, that there was no better collector in the public service; and that his returns and accounts were regularly and neatly rendered, and all the duties of his office ably and honestly performed, as far as he knew or believed. This meritorious officer has been removed to provide a place for Mr.

Swartwout, whose association with colonel Burr is notorious throughout the United States. I put it to the candor of all who are here, to say if *such* a change can be justified in the port of New York, the revenue collected at which amounts to about ten millions of dollars, or more than one third of the whole revenue of the United States.

I will detain the present assembly no longer, upon subjects connected with the general government. I hope that I shall find, in the future course of the new administration, less cause for public disapprobation. I most anxiously hope, that when its measures come to be developed, at the next and succeeding sessions of congress, they shall be perceived to be such as are best adapted to promote the prosperity of the country. I will say, with entire sincerity, that I shall be most happy to see it sustaining the American system, including internal improvements, and upholding the established policy of the government at home and abroad. And I shall ever be as ready to render praise where praise is due, as it is now painful to me, under existing circumstances, to participate in the disapprobation which recent occurrences have produced.

No occasion can be more appropriate than the present, when surrounded by my former constituents, to say a few words upon the unimportant subject of myself. Prior to my return home I had stated, in answer to all inquiries whether I should be again presented as a candidate to represent my old district in the house of representatives, that I should come to no absolute decision, until I had taken time for reflection, and to ascertain what might be the feelings and wishes of those who had so often honored me with their suffrages. The present representative of the district has conducted himself towards me with the greatest liberality, and I take pleasure now in making my public acknowledgments, so justly due to him. He had promptly declined being a candidate, if I would offer, and he warmly urged me to offer.

Since my return home, I have mixed freely as I could with my friends and fellow-citizens of the district. They have met me with the greatest cordiality. Many of them have expressed a wish that I would again represent them. Some of the most prominent and respectable of those who voted for the present chief magistrate, have also expressed a similar wish. I have every reason to believe, that there would be no opposition to me, from any quarter or any party, if I were to offer. But if I am not greatly deceived in the prevailing feeling throughout the district, it is one more delicate and respectful towards me, and I appreciate it much higher, than if it had been manifested in loud calls upon me to return to my old post. It referred the question to my own sober judgment. My former constituents were generally ready to acquiesce in any decision I might think proper to make. If I were to offer for

congress, they were prepared to support me with their accustomed zeal and true-heartedness. I thank them all, from the very bottom of my heart, whether they agreed or differed with me in the late contest, for this generous confidence.

I have deliberated much on the question. My friends in other parts of the union, are divided in opinion about the utility of any services which I could render, at the present period, in the national legislature. This state of things, at home and abroad, left me free to follow the impulse of my own feelings, and the dictates of my own judgment. These prompted me to remain in private life. In coming to this resolution, I did not mean to impair the force of the obligation under which every citizen, in my opinion, stood, to the last flickering of human life, to dedicate his best exertions to the service of the republic. I am ready to act in conformity with that obligation, whenever it shall be the pleasure of the people; and such a probability of usefulness shall exist as will justify my acceptance of any service which they may choose to designate.

I have served my country now near thirty years. My constitution, never very vigorous, requires repose. My health, always of late years very delicate, demands care. My private affairs want my attention. Upon my return home, I found my house out of repair; my farm not in order, the fences down, the stock poor, the crop not set, and late in April the corn-stalks of the year's growth yet standing in the field — a sure sign of slovenly cultivation.

Under all circumstances, I think that, without being liable to the reproach of dereliction of any public duty to my country or to my friends, I may continue at home for a season, if not during the remainder of my life, among my friends and old constituents, cheering and cheered by them, and interchanging all the kind and friendly offices incident to private life. I wished to see them all; to shake hands cordially with them; to inquire into the deaths, births, marriages, and other interesting events among them; to identify myself in fact, as I am in feeling, with them, and with the generation which has sprung up whilst I have been from home, serving them. I wish to put my private affairs to rights, and if I can, with the blessing of Providence, to reëstablish a shattered constitution and enfeebled health.

It has been proposed to me to offer for a seat in the legislature of the state. I should be proud of the selection, if I believed I could be useful at Frankfort. I see, I think, very clearly, the wants of Kentucky. Its finances are out of order, but they could be easily put straight, by a little moral courage, on the part of the general assembly, and a small portion of candor and good will among the people. Above all, we want an efficient system of internal improvements adopted by the state. No Kentuckian who travelled in or out of it, could behold the wretched condition of our roads, without the deepest mortification. We are greatly in

the rear of almost all the adjacent states, some of which sprung into existence long after we were an established commonwealth. Whilst they are obeying the spirit of the age, and nobly marching forward in the improvement of their respective territories, we are absolutely standing still, or rather going backwards. It is scarcely credible, but nevertheless true, that it took my family, in the month of April, nearly four days to travel, through mud and mire, a distance of only sixty-four miles, over one of the most frequented roads in the state.

And yet our wants, on this subject, are perfectly within the compass of our means, judiciously applied. An artificial road from Maysville to the Tennessee line, one branch in the direction of Nashville, and a second to strike the mouth of Cumberland or Tennessee river; an artificial road extending from Louisville to intersect the other, somewhere about Bowling Green; one passing by Shelbyville and Frankfort, to the Cumberland gap; and an artificial road extending from Frankfort to the mouth of Big Sandy; compose all the leading roads which at present need the resources of the state. These might be constructed, partly upon the Mc Adams method, and partly by simply graduating and bridging them, which latter mode can be performed at an expense less than one thousand dollars per mile. Other lateral connecting these main roads, might be left to the public spirit of the local authorities and of private companies.

Congress, without doubt, would aid the state, if we did not call upon Hercules without putting our shoulders to the wheel. But without that aid we could ourselves accomplish all the works which I have described. It would not be practicable to complete them in a period of less than seven or eight years, and of course not necessary to raise the whole sum requisite to the object in one year. Funds drawn from executed parts of the system might be applied to the completion of those that remained. This auxiliary source, combined with the ample means of the state, properly developed, and faithfully appropriated, would enable us to construct all the roads which I have sketched, without burdening the people.

But, solicitous as I feel on this interesting subject, I regret that I have not yet seen sufficient demonstrations of the public will, to assure me that the judgment of the people had carried them to the same or similar conclusions to which my mind has conducted me. We have been, for years past, unhappily greatly distracted and divided. These dissensions have drawn us off from a view of greater to less important concerns. They have excited bitter feelings and animosities, and created strong prejudices and jealousies. I fear that from these causes the public is not yet prepared dispassionately to consider and adopt a comprehensive, I think the only practical, system of internal improvements, in this state. A premature effort might retard, instead of accelerating, the object. And I

must add, that I fear extraneous causes would bias and influence the judgment of the legislature.

Upon the whole, I must decline acceding to the wishes of those who desired to see me in the legislature. Retirement, unqualified retirement, from all public employment, is what I unaffectedly desire. I would hereafter, if my life and health are preserved, be ready at all times to act on the principles I have avowed, and whenever, at a more auspicious period, there shall appear to be a probability of my usefulness to the union or to the state, I will promptly obey any call which the people may be pleased to make.

And now, my friends and fellow-citizens, I cannot part from you, on possibly this last occasion of my ever publicly addressing you, without reiterating the expression of my thanks from a heart overflowing with gratitude. I came among you, now more than thirty years ago, an orphan boy, pennyless, stranger to you all, without friends, without the favor of the great. You took me up, cherished me, caressed me, protected me, honored me. You have constantly poured upon me a bold and unabated stream of innumerable favors. Time, which wears out every thing, has increased and strengthened your affection for me. When I seem deserted by almost the whole world, and assailed by almost every tongue, and pen, and press, you have fearlessly and manfully stood by me, with unsurpassed zeal and undiminished friendship. When I felt as if I should sink beneath the storm of abuse and detraction, which was violently raging around me, I have found myself upheld and sustained by your encouraging voices, and your approving smiles. I have doubtless committed many faults and indiscretions, over which you have thrown the broad mantle of your charity. But I can say, and in the presence of my God and of this assembled multitude, I will say, that I have honestly and faithfully served my country; that I have never wronged it; and that, however unprepared I lament that I am to appear in the Divine presence on other accounts, I invoke the stern justice of his judgment on my public conduct, without the smallest apprehension of his displeasure.

Mr. Clay concluded by proposing the following toast:

THE STATE OF KENTUCKY. A cordial union of all parties in favor of an efficient system of internal improvements, adapted to the wants of the state.

EFFECT OF THE PROTECTIVE SYSTEM ON THE SOUTHERN STATES.·

AT NATCHEZ, MISSISSIPPI, MARCH 13, 1830.

[On this occasion, Mr. Clay (then in private life) being on his return home from a visit to New Orleans, was invited by the citizens of Natchez to partake of a public dinner, which invitation he accepted. A brief sketch of his remarks in reply to a toast in honor of him, taken from a Natchez paper, is given below, in which he shows that the operation of a protective tariff is beneficial to the cotton-growing regions of the south, as well as to the interests of the north, although the latter are more directly employed in manufactures.]

THE RECEPTION AND ENTERTAINMENT OF MR. CLAY.

'The manner in which Mr. Clay has been received in Natchez, reflects great credit upon the citizens; nothing they could do, becoming a patriotic and hospitable people, was neglected, and the attentions were not confined to his political friends; he accepted private entertainments from others, and was visited by all.

'On Saturday (thirteenth instant) a public dinner was given to Mr. Clay by the people of the city and county, agreeably to previous engagements; on this occasion numbers came to see him from distant counties. But on one occasion of the kind, have we seen in this city a larger assemblage of citizens, and that was in honor of La Fayette.'

'The honorable Edward Turner, judge of the supreme court of this state, presided, assisted by several vice-presidents.'

'Previous to giving the toast in honor of Mr. Clay, judge Turner addressed the company, in which he alluded to his (Mr. Clay's) great public services, and concluded by announcing the following sentiment, which was received with the strongest emotion.

'Our distinguished guest—the firm and patriotic statesman; the grandeur and usefulness of his political views can only be surpassed by his *eloquence* and *ability* in advocating them.'

To which Mr. Clay replied in substance as follows:

Mr. President and fellow-citizens,

I not only rise in gratitude for the favorable opinions you entertain of me, but to avail myself of an opportunity to acknowledge my sense of the honors conferred upon me by my fellow-citizens of Mississippi. I did, indeed, expect to receive from them such kind attentions, as they are celebrated for extending to every stranger having had the satisfaction to visit them; but it is my pride to acknowledge, that those paid to me, have far, very far,

exceeded my expectations; to have received and not acknowledge how sensible I am of them, would seem an affectation of concealing feelings, which I ought to rejoice in possessing, and which justice to myself, as well as to those who bestow this kindness, requires of me to avow.

Ere I landed on your shores, your welcome and congratulations came to meet me; and they came too the more welcome, because I saw commingling around me, citizens, who, though at variance on political subjects, do not suffer their differences to interfere with the claims, which, as friends and as countrymen, they have on each other; and if I have done aught deserving their approbation as well as their censure, believe me, in all that I have done, I have acted in view of the interest and happiness of our common country.

There is nothing in life half so delightful to the heart, as to know, that, notwithstanding all the conflicts that arise among men, yet there comes a time when their passions and prejudices shall slumber, and that the stranger guest shall be cheered in seeing, that whatever differences may arise among them, yet there are moments when they shall cease from troubling, and when all that is turbulent and distrustful among them, shall be sacrificed to the generous and social dictates of their nature; and it would be to me a source of great satisfaction to think, that a recollection of the present would act as a mediator, and soften the asperities of your divisions, as circumstances and events may renew them.

The gentleman who sits at the head of this festive board, and near whose person your kind consideration and courtesy has placed me, was the companion of my early days; and neither time nor distance have weakened in him the feelings which began with our youth, the strong and bright evidences of which are shown in the narration he has given of my public services. But I fear that he has rather conceived me to be what his wishes would have me; and that to these, more than to my own deservings, must I attribute his flattering notice of me.

He then adverted to that part of judge Turner's address which spoke of Mr. Clay as the decided advocate of the late war. We cannot attempt to draw even the outlines of his observations, or to portray the feelings he discovered while depicting the part which Kentucky acted in the war; of the volunteers she sent forth to battle, of the privations she suffered, of the money expended, and of the blood that flowed from her sons, in supporting the nation in the defence of her rights and independence. The expression of his eye, his attitude, and gestures, evinced how deeply the subject affected him. The people of Kentucky, he said, acted nobly throughout the whole contest; and whether in defeat or in victory, she still showed the determination to sustain the American character, and to maintain American independence; and it would be

only to repeat, what was a common observation among the people of his state, to say, that their countrymen of Mississippi, acted with a spirit during the war worthy the best days of the revolution.

In speaking of the invasion of Louisiana, and of the battle of New Orleans, his feelings and his voice seemed to rise with the subject. The encomiums he passed upon the hero who had achieved the victory, though said in a few words, were such as might be expected from a statesman so great in honor, and so exalted in patriotism as Mr. Clay. He concluded this part of his speech, by saying, that, although by the negotiations at Ghent, none of the objects for which the nation went to war, were guarantied by the treaty of peace; yet they were secured to us by a power much stronger than any treaty stipulations could give; the influence of our arms, the resources and power of the republic, as brought forth and shown in the contest.

He now spoke of the apprehensions entertained by many, that the union would be dissolved; but he considered all apprehensions of this kind, as arising more from our fears that such a misfortune should visit the country, than from any substantial reasons to justify them. Rumors, he said, had gone abroad ever since the adoption of the present constitution, that the republic would be dismembered. Whenever any important question arose, in which the passions and prejudices of party, rather than the reason of the people, was brought to bear on the discussion, the cry would be heard, that the union would fall in the conflict; to-day, the disposition to separate would be charged on the west; to-morrow, against the north or the east; and then it would be returned back again to the south; but as long as I have lived, said Mr. Clay, I have seen nothing to give me any serious fears that such an evil could befall us. First, the people were divided into democrats and federalists; then we had the funding system, and the bank of the United States; then came the Missouri question, and last the *tariff*. On this question my partial friend has honored me with the appellation of the advocate of domestic industry. I am, indeed, from conscientious convictions, the friend of that system of public policy, which has been called the American system; and *here*, among those who honestly differ with me on this question, I would be indulged, by this magnanimous people, in offering a few remarks on this subject.

It has been objected to this policy by a distinguished statesman in congress, that our country was too extended, the lands too cheap and fertile, and our population too sparse to admit of the manufacturing system; that our people were physically incapable of that confined degree of labor, necessary to excellence in manufactures; but experience has surely disproved these positions. We are by nature inferior to no people, physically or mentally, and time has proved and will continue to prove it.

I am aware that the people of this quarter of the union conscientiously believe, that the tariff bears heavily on them; yet I feel also well assured, from a retrospect of the past, that if the laws on this subject were even more severe in their operation than I believe them to be, this patriotic people would endure them patiently. Yes, if the independence of the country, the interests, and above all the *cause* of the union required heavy sacrifices, they would endure them. But whilst claiming no immunity from error, I feel the most sincere, the deepest conviction, that the tariff, so far from having proved injurious to the peculiar interests of this section of country, has been eminently beneficial. I ask leave to put two questions to those interested in your great staple. I would take the common operations of *sale* and of *purchase;* has the operation of the tariff lowered the price of what you sell? The price of every article must be regulated mainly by the demand; has, then, the consumption of cotton diminished since the tariff of 1824, or 1828? No, it has increased, greatly increased; and why? Because the protection extended by this policy, has created a *new customer* in the American manufacturer, who takes two hundred thousand bales, without having lessened the demand for the European market.

British merchants have found new markets for their cotton fabrics, and the competition, thus created, while it has reduced the price of the manufactured article, has increased the consumption of the raw material. Again, has the tariff increased the price of what you buy? Take the article of domestic cottons, for example; has not the American manufacturer, since the adoption of this system, afforded you a better article and at less price than before? Take a familiar instance, one in which having some personal interest, I ought to be acquainted with; take the article manufactured in my own state, for the covering of your cotton bales; take any period, say six years before and six years since the tariff of 1824; has the average price of cotton bagging increased or diminished, in that period? I think I can appeal confidently to those around me, for the reply. We afford you a better article than the European, and at a greatly reduced price. But, I am permitting myself to be carried away by the subject; I will obtrude no longer on the indulgence of this generous people. I feel my inability to express my profound and heartfelt gratitude, for the too flattering reception you have given me, and for the sentiments you have been pleased to honor me with, an humble individual in private life. I ask permission to offer a sentiment.

'The health and prosperity of the people of the state of Mississippi.'

ON THE REDUCTION OF DUTIES ON IMPORTS.

IN THE SENATE OF THE UNITED STATES, JANUARY 11, 1832.

[THE following resolution, previously offered by Mr. Clay, was taken up for consideration:

'Resolved, that the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced within the United States, ought to be forthwith abolished, except the duties upon wines and silks, and that those ought to be reduced. And that the committee on finance be instructed to report a bill accordingly.'

To meet the approaching crisis of the extinguishment of the national debt, and to endeavor to allay the hostility to a protective tariff, then existing in the southern states, Mr. Clay offered the above proposition, which he supported in the following speech. The discussion of the subject, in the senate, led to a debate which was not terminated until late in the month of March, when the resolution was referred to the committee on manufactures. Mr. Clay having given his views in part in this opening of the debate, followed it up in February by a more elaborate speech in defence of the American system (as will be seen by the one which we have given under that head). The resolution having been read, Mr. Clay rose and addressed the senate as follows.]

I HAVE a few observations, Mr. President, and only a few, to submit to the senate, on the measure now before you, in doing which I have to ask all your indulgence. I am getting old; I feel but too sensibly and unaffectedly the effects of approaching age, and I have been for some years very little in the habit of addressing deliberative assemblies. I am told that I have been the cause — the most unwilling cause, if I have been — of exciting expectations, the evidence of which is around us. I regret it; for, however the subject on which I am to speak, in other hands, might be treated, to gratify or to reward the presence and attention now given in mine, I have nothing but a plain, unvarnished, and unambitious exposition to make.

It forms no part of my present purpose to enter into a consideration of the *established policy of protection.* Strong in the convictions and deeply seated in the affections of a large majority of the people of the United States, it stands self-vindicated in the general prosperity, in the rich fruits which it has scattered over the land, in the experience of all prosperous and powerful nations, present and past, and now in that of our own. Nor do I think it necessary to discuss that policy on this resolution. Other gentlemen may think

differently, and may choose to argue and assail it. If they do, I have no doubt that in all parts of the senate, members more competent than I am, will be ready to support and defend it. My object now is to limit myself to a presentation of certain views and principles connected with the present financial condition of the country.

A consideration of the state of the public revenue has become necessary in consequence of the near approach of the entire extinction of the public debt; and I concur with you, sir, in believing that no season could be more appropriate than the present session of congress, to endeavor to make a satisfactory adjustment of the tariff. The public debt chiefly arose out of the late war, justly denominated the second contest for national independence. An act, commonly called the sinking fund act, was passed by congress nearly fifteen years ago, providing for its reimbursement. That act was prepared by a friend of yours and mine, and proposed by him, whose premature death was not a loss merely to his native state, of which he was one of its brightest ornaments, but to the whole nation. No man with whom I ever had the honor to be associated in the legislative councils, combined more extensive and useful information, with more firmness of judgment, and blandness of manner, than did the lamented Mr. Lowndes. And when in the prime of life, by the dispensation of an all-wise Providence, he was taken from us, his country had reason to anticipate the greatest benefits from his wisdom and discretion. By that act an annual appropriation was made, of ten millions of dollars, towards the payment of the principal and interest of the public debt, and also any excess which might yearly be in the treasury, beyond two millions of dollars, which it was thought prudent to reserve for unforeseen exigences.

But this system of regular and periodical application of public revenue to the payment of the public debt, would have been unavailing if congress had neglected to provide the necessary ways and means. Congress did not, however, neglect the performance of that duty. By various acts, and more especially by the tariff of 1824 — the abused tariff of 1824 — the public coffers were amply replenished, and we have been enabled to reach our present proud eminence of financial prosperity. After congress had thus abundantly provided funds, and directed their systematical application, the duty remaining to be performed by the executive was one simply ministerial. And no executive, and no administration, can justly claim for itself any other merit in the discharge of the public debt, than that of a faithful execution of the laws; no other merit than that similar one to which it is entitled, for directing a regular payment of what is due from time to time to the army and navy, or to the officers of the civil government, for their salaries.

The operation of the sinking fund act commenced with the

commencement of Mr. Monroe's administration. During its continuance, of eight years, in consequence of the embarrassments of the treasury, the ten millions were not regularly applied to the payment of the debt, and upon the termination of that administration the treasury stood largely in arrear to the sinking fund. During the subsequent administration of four years, not only were the ten millions faithfully applied during each year, but those arrears were brought up, and all previous deficiencies made good. So that, when the present administration began, a plain, unincumbered, and well-defined path lay directly before it. Under the measures which have been devised in the short term of fifteen years, the government has paid nearly one hundred millions of principal, and about an equal sum of interest, leaving the small remnant behind, of twenty-four millions. Of that amount, thirteen millions consist of three per cent. stock, created by the act of 1790, which the government does not stand bound to redeem at any prescribed time, but which it may discharge whenever it may suit its own convenience, and when it is discharged it must be done by the payment of dollar for dollar. I cannot think, and I should suppose congress can hardly believe with the secretary of the treasury, that it would be wise to pay off a stock of thirteen millions, entitling its holders to but three per cent., with a capital of thirteen millions, worth an interest of six per cent. In other words, to take from the pockets of the people two dollars, to pay one in the hands of the stockholder.

The moral value of the payment of a national debt consists in the demonstration which it affords of the ability of a country to meet, and its integrity in fulfilling, all its engagements. That the resources of this country, increasing, as it constantly is, in population and wealth, are abundantly sufficient to meet any debt, which it may ever prudently contract, cannot be doubted. And its punctuality and probity, from the period of the assumption, in 1790, of the debt of the revolution, down to the present time, rest upon a solid and incontestable foundation. The danger is not, perhaps, that it will not fairly meet its engagements, but that, from an inordinate avidity, arising from temporary causes, it may bring discredit upon itself by improvident arrangement, which no prudent man, in the management of his private affairs, would ever think of adopting.

Of the residue of that twenty-four millions of debt, after deducting the thirteen millions of three per cent., less than two millions are *due*, and of *right* payable within the present year. If to that sum be added the moiety which becomes due on the thirty-first of December next, of the four million four hundred and fifty-four thousand seven hundred and twenty-seven dollars, created by the act of the twenty-sixth of May, 1824, we have but a sum of about four millions, which the public creditor can lawfully demand, or which the government is bound to pay in the

course of this year. If more is paid, it can only be done by anticipating the period of its payment, and going into the public market to purchase the stock. Can it be doubted that, if you do so, the vigilant holder of the stock, taking advantage of your anxiety, will demand a greater price than its value? Already we perceive, that the three per cent. have risen to the extraordinary height of ninety-six per cent. The difference between a payment of the inconsiderable portion remaining of the public debt in one, two, or three years, is certainly not so important as to justify a resort to highly disadvantageous terms.

Whoever may be entitled to the credit of the payment of the public debt, I congratulate you, sir, and the country, most cordially, that it is so near at hand. It is so nearly being totally extinguished, that we may now safely inquire whether, without prejudice to any established policy, we may not relieve the consumption of the country, by the repeal or reduction of duties, and curtail considerably the public revenue. In making this inquiry, the first question that presents itself is, whether it is expedient to preserve the existing duties in order to accumulate a *surplus* in the treasury, for the purpose of subsequent distribution among the several states. I think not. If the collection for the purpose of such a surplus is to be made from the pockets of one portion of the people, to be ultimately returned to the same pockets, the process would be attended with the certain loss arising from the charges of collection, and with the loss also of interest while the money is performing the unnecessary circuit, and it would therefore be unwise. If it is to be collected from one portion of the people and given to another, it would be unjust. If it is to be given to the states in their corporate capacity, to be used by them in their public expenditure, I know of no principle in the constitution that authorizes the federal government to become *such* a collector for the states, nor of any principle of safety or propriety which admits of the states becoming such recipients of gratuity from the general government.

The public revenue, then, should be regulated and adapted to the proper service of the general government. It should be ample; for a deficit in the public income, always to be deprecated, is sometimes attended, as we know well from history and from what has happened in our own time, with fatal consequences. In a country so rapidly growing as this is, with such diversified interests, new wants and unexpected calls upon the public treasury must frequently occur. Take some examples from this session. The state of Virginia has presented a claim for an amount but little short of a million, which she presses with an earnestness demonstrating her conviction of its justice. The state of South Carolina has also a claim for no inconsiderable sum, being upwards of one hundred thousand dollars, which she urges with equal earnestness. The gentleman from Pennsylvania (Mr. Wilkins) has brought forward a

claim arising out of French spoliations previous to the convention of 1800, which is perhaps not short of five millions, and to some extent I have no doubt it has a just foundation. In any provision of public revenue, congress ought so to fix it as to admit of the payment of honest and proper demands, which its justice cannot reject or evade.

I hope, too, that either in the adjustment of the public revenue, or what would be preferable, in the appropriation of the proceeds of the public lands, effectual and permanent provision will be made for *such internal improvements* as may be sanctioned by congress. This is due to the American people, and emphatically due to the *western people.* Sir, temporary causes may exact a reluctant acquiescence from the people of the west in the suspension of appropriations to objects of internal improvement, but as certain as you preside in that chair, or as the sun performs its diurnal revolution, they will not be satisfied with an abandonment of the policy. They will come here and tell you, not in a tone of menace or supplication, but in the language of conscious right, that they must share with you in the benefits, as they divide with you the burdens and the perils, of a common government. They will say that they have no direct interest in the expenditures for the navy, the fortifications, nor even the army, those greatest absorbents of the public treasure. That they are not indifferent, indeed, to the safety and prosperity of any part of our common country. On the contrary, that every portion of the republic is indirectly, at least, interested in the welfare of the whole, and that they ever sympathize in the distresses and rejoice in the happiness of the most distant quarter of the union. And to demonstrate that they are not careless or indifferent to interests not directly their own, they may proudly and triumphantly appeal to the gallant part which they bore in the late war, and point to the bloody fields on which some of their most patriotic sons nobly fell fighting in the common cause. But they will also say, that these paternal and just sentiments ought to be reciprocated by their Atlantic brethren. That these ought not to be indifferent to the welfare of the west, and that they have the same collateral or indirect interest in its success and advancement that the west has in theirs. That it does not ask internal improvements to be confined exclusively to itself, but that it may receive, in common with the rest of the union, a practical benefit in the only form compatible with its interior condition.

The appropriation of the proceeds of the public lands, or a considerable portion of them, to that object, would be a most natural and suitable disposition. And I do hope, sir, that that great resource will be cherished and dedicated to some national purpose, worthy of the republic. Utterly opposed as I trust congress will show itself to be, to all the mad and wild schemes — and to that latest, but maddest and wildest of all, recommended by the

secretary of the treasury — for squandering the public domain, I hope it will be preserved for the present generation and for posterity, as it has been received from our ancestors, a rich and bountiful inheritance. In these halcyon days of peace and plenty and an overflowing treasury, we appear to embarrass ourselves in devising visionary schemes for casting away the bounties with which the goodness of Providence has blessed us. But, sir, the storm of war will come when we know not, the day of trial and difficulty will assuredly come, and now is the time, by a prudent forecast, to husband our resources, and this, the greatest of them all. Let them not be hoarded and hugged with a miser's embrace, but liberally used. Let the public lands be administered in a generous spirit; and especially towards the states within which they are situated. Let the proceeds of the sales of the public lands be applied in a season of peace to some great object and when war does come, by suspending that application of them during its continuance, you will be at once put in possession of means for its vigorous prosecution. More than twenty-five years ago, when first I took a seat in this body, I was told by the fathers of the government, that if we had any thing perfect in our institutions, it was the system for disposing of the public lands, and I was cautioned against rash innovations in it. Subsequent experience fully satisfied me of the wisdom of their counsels, and that all vital changes in it ought to be resisted.

Although it may be impracticable to say what the exact amount of the public revenue should be for the future, and what would be the precise produce of any given system of imports, we may safely assume that the revenue may now be reduced, and considerably reduced. This reduction may be effected in various ways and on different principles. Only three modes shall now be noticed.

First, to reduce duties on all articles in the same ratio, without regard to the principle of protection.

Second, to retain them on the unprotected articles, and augment them on the protected articles. And,

Third, to abolish and reduce the duties on unprotected articles, retaining and enforcing the faithful collection of those on the protected articles.

To the first mode there are insuperable objections. It would lead inevitably to the destruction of our home manufactures. It would establish a sort of bed of Procrustes, by which the duties on all articles should be blindly measured, without respect to their nature or the extent of their consumption. And it would be derogatory to every principle of theory or practice on which the government has hitherto proceeded.

The second would be still more objectionable to the foes of the tariff than either of the others. But it cannot be controverted, that, by augmenting considerably the duties on the protected class, so as

to carry them to the point, or near to the confines, of absolute prohibition, the object in view, of effecting the necessary reduction of the public revenue, may be accomplished without touching the duties on the unprotected class. The consequence of such an augmentation would be, a great diminution in the importation of the foregoing article, and of course in the duties upon it. But against entire prohibition, except perhaps in a few instances, I have been always and still am opposed. By leaving the door open to the foreign rival article, the benefit is secured of a salutary competition. If it be hermetically closed, the danger is incurred of monopoly.

The third mode is the most equitable and reasonable, and it presents an undebatable ground, on which I had hoped we all could safely tread without difficulty. It exacts no sacrifice of principle from the opponent of the *American system*, it comprehends none on the part of its friends. The measure before you embraces this mode. It is simple, and free from all complexity. It divides the whole subject of imports according to its nature. It settles at once what ought not to be disputed, and leaves to be settled hereafter, if necessary, what may be controverted.

A certain part of the south has hitherto complained, that it pays a disproportionate amount of the imports. If the complaint be well founded, by the adoption of this measure it will be relieved at once, as will be hereafter shown, from at least a fourth of its burdens. The measure is in conformity with the uniform practice of the government from its commencement, and with the professions of all the eminent politicians of the south until of late. It assumes the right of the government, in the assessment of duties, to discriminate between those articles which sound policy requires it to foster and those which it need not encourage. This has been the invariable principle on which the government has proceeded, from the act of congress of the fourth of July, 1789, down to the present time. And has it not been admitted by almost every prominent southern politician? Has it not even been acknowledged by the fathers of the free-trade church, in their late address promulgated from Philadelphia to the people of the United States? If we never had a system of foreign imports, and were now called upon for the first time to originate one, should we not discriminate between the objects of our own industry and those produced by foreigners? And is there any difference in its application between the modification of an existing system and the origination of a new one? If the gentlemen of the south, opposed to the tariff, were to obtain complete possession of the powers of government, would they hazard their exercise on any other principle? If it be said that *some* of the articles that would by this measure be liberated from duties, are luxuries, the remark is equally true of some of the articles remaining subject to duties. In the present advanced stage

of civilization and comfort, it is not easy to draw the line between luxuries and necessaries. It will be difficult to make the people believe that bohea tea is a luxury, and the article of fine broadcloth is a necessary, of life.

In stating that the duties on the protected class ought to be retained, it has been far from my wish to preclude inquiry into their adequacy or propriety. If it can be shown that in any instance they are excessive or disproportionately burdensome on any section of the union, for one I am ready to vote for their reduction, or modification. The system contemplates an *adequate* protection; beyond that it is not necessary to go. Short of that its operation will be injurious to all parties.

The people of this country, or a large majority of them, expect that the system will be preserved. And its abandonment would produce general surprise, spread desolation over the land, and occasion as great a shock as a declaration of war forthwith against the most powerful nation of Europe.

But if the system be preserved, it ought to be honestly, fairly, and faithfully enforced. That there do exist the most scandalous violations of it, and the grossest frauds upon the public revenue in regard to some of the most important articles, cannot be doubted. As to iron, objects really belonging to one denomination to which a higher duty is attached, are imported under another name, to which a lower duty is assigned, and thus the law is evaded. False invoices are made as to woollens, and the classifications into minimums is constantly eluded. The success of the American manufacture of cotton bagging has been such that, by furnishing a better and cheaper article, the bagging of Inverness and Dundee has been almost excluded from the consumption of the states bordering on the Mississippi and its tributaries. There has not yet been sufficient time to fabricate and transport the article in necessary quantities from the western states to the southern Atlantic states, which have therefore been almost exclusively supplied from the Scottish manufactories. The payment of the duty is evaded by the introduction of the foreign fabric, under the name of burlops, or some other mercantile phrase, and instead of paying five cents the square yard, it is entered with a duty of only fifteen per centum *ad valorem*. That this practice prevails is demonstrated by the treasury report of the duties accruing on cotton bagging for the years 1828, 1829–30. During the first year the amount was one hundred thirty-seven thousand five hundred and six dollars, the second, one hundred and six thousand and sixty-eight dollars, and the third it sank down to fourteen thousand one hundred and forty-one dollars.

The time has arrived when the inquiry ought to be seriously made, whether it be not practicable to arrest this illegitimate course of trade, and secure the faithful execution of the laws. No time

could be more suitable than that at which it is contemplated to make a great reduction of the public revenue. Two radical changes have presented themselves to my mind, and which I will now suggest for consideration and investigation. On such a subject, I would, however, seek from the mercantile community and practical men, all the light which they are so capable of affording, and should be reluctant to act on my own convictions, however strong.

The first is, to make a total change in the place of valuation. Now the valuation is made in foreign countries. We fix the duties, and we leave to foreigners to assess the value on articles paying *ad valorem* duties. That is, we prescribe the rule and leave its execution to the foreigner. This is an anomaly, I believe, peculiar to this country. It is evident that the amount of duty payable on a given article, subject to an *ad valorem* duty, may be effected as much by the fixation of the value, as by the specification of the duty. And, for all practical purposes, it would be just as safe to retain to ourselves the ascertainment of the value, and leave to the foreigner to prescribe the duty, as it is to reserve to ourselves the right to declare the duty and allow to him the privilege to assess the value.

The effect of this vicious condition of the law has been, to throw almost the whole import trade of the country, as to some important articles, into the hands of the foreigner. I have been informed that seven eighths of the importation of woollens into the port of New York, where more is received than in all the other ports of the United States together, are in his hands. This has not proceeded from any want of enterprise, intelligence, or capital, on the part of the American merchant; for in these particulars he is surpassed by the merchant of no country. It has resulted from his probity, his character, and his respect to the laws and institutions of his country — a respect which does not influence the foreigner. I am aware that it is made, by law, the duty of the appraiser to ascertain the value of the goods in certain cases. But what is his chief guide. It is the foreign invoice, made by whom he knows not; certainly by no person responsible to our laws. And if its fairness be contested, they will bring you cart-loads of certificates and affidavits, from unknown persons, to verify its exactness and the first cost of the article.

Now, sir, it seems to me that this is a state of things to which we should promptly apply an efficient remedy; and no other appears to me but that of taking into our own hands both parts of the operation — the ascertainment of the value as well as the duty to be paid on the goods. If it be said that we might have in different ports different rules, the answer is, that there could be no diversity greater than that to which we are liable, from the fact of the valuation being now made in all the ports of foreign countries,

from which we make our importations. And that it is better to have the valuations made by persons responsible to our own government, and regulated by one head, than by unknown foreigners, standing under no responsibility whatever to us. The other change to which I allude, is, to reduce the credits allowed for the payment of duties, and to render them uniform. It would be better, if not injurious to commerce, to abolish them altogether. Now we have various periods of credit, graduated according to the distance of the foreign port, and the nature of the trade. These credits operate as so much capital, on which the foreign merchant can sometimes make several adventures, before the day of payment arrives. There is no reciprocal advantage afforded to the American merchant, I believe, in any foreign port. As we shall probably abolish, or greatly reduce the duties on all articles imported beyond the cape of Good Hope, on which the longest credits are allowed, the moment would seem to be propitious for restricting the other credits in such manner, that while they afforded a reasonable facility to the merchant, they should not supply the foreigner, at the instance of the public, with capital for his mercantile operations. If the laws can be strictly enforced, and some such alterations as have been suggested can be carried into effect, it is quite probable that a satisfactory reduction may be made, on some of the articles falling within the system of protection. And without impairing its principle, other modes of relief may probably be devised to some of those interests upon which it is suffered to press most heavily.

There remains one view to present to the senate, in respect to the amount of reduction of the revenue which will be produced by the proposed measure, if adopted, and its influence upon the payment of the public debt within the time suggested by the secretary of the treasury. The estimate which I have made of that amount, is founded upon treasury returns prior to the late reduction of duties on tea, coffee, and cocoa. Supposing the duties on wines and silks to be reduced as low as I think they may be, the total amount of revenue with which the proposed measure will dispense, will be about seven millions of dollars. The secretary of the treasury estimates the receipts of the present year, from all sources, at thirty million one hundred thousand dollars; and he supposes those of the next year will be of an equal amount. He acknowledges that the past year has been one of extraordinary commercial activity, but on what principles does he anticipate that the present will also be? The history of our commerce demonstrates that it alternates, and that a year of intemperate speculation, is usually followed by one of more guarded importation. That the importations of the last year have been excessive, I believe is generally confessed, and is demonstrated by two unerring facts. The first is, that the imports have exceeded the

exports, by about seventeen millions of dollars. Whatever may be the qualifications to which the theory of the balance of trade may be liable, it may be safely affirmed, that when the aggregate of the importations from all foreign countries exceeds the aggregate of the exportations to all foreign countries, considerably, the unfavorable balance must be made up by a remittance of the precious metals to some extent. Accordingly we find the existence of the other fact to which I allude, the high price of bills of exchange on England. It is, therefore, fairly to be anticipated, that the duties accruing this year will be less in amount than those of the past year. And I think it would be unwise to rely upon our present information, as to the income of either of these two years, as furnishing a safe guide for the future. The years 1829–30 will supply a surer criterion. There is a remarkable coincidence in the amount of the receipts into the treasury during those two years, it having been the first, from all sources, twenty-four million eight hundred and twenty-seven thousand six hundred and twenty-seven dollars and thirty-eight cents, and the second, twenty-four million eight hundred and forty-four thousand one hundred and sixteen dollars and fifty-one cents, differing only about seventeen thousand dollars.

The mode recommended by the secretary for the modification of the tariff is, to reduce no part of the duties on the unprotected articles prior to March, 1833, and then to retain a considerable portion of them. And as to the protected class, he would make a gradual but prospective reduction of the duties. The effect of this would be, to destroy the protecting system, by a slow but certain poison. The object being to reduce the revenue, every descending degree in the scale of his plan of gradual reduction, by letting in more of the foreign article to displace the domestic rival fabric, would increase the revenue, and create the necessity for further and further reduction of duties, until they would be carried so low as to end in the entire subversion of the system of protection.

For the reasons which have been assigned, it would, I think, be unwise in congress at this time to assume for the future, that there would be a greater amount of net annual revenue from all sources, including the public lands, than twenty-five millions of dollars. Deducting from that sum the amount of seven millions of dollars, which it has been supposed ought to be subtracted, if the resolution before you should be adopted, there would remain eighteen millions of dollars, as the probable revenue for future years. This includes the sum of three millions of dollars, estimated as the future annual receipt from the sale of the public lands — an estimate which I presume will be demonstrated by experience to be much too large.

If a reduction so large as seven millions be made at this session, and if the necessary measures be also adopted to detect and punish frauds, and insure a faithful execution of the laws, we may safely

make a temporary pause, and await the development of the effect of these arrangements upon the revenue. That the authority of the laws should be vindicated, all ought to agree. Now the fraudulent importer, after an exposure of his fraud, by a most strange treasury construction of the law, (made, I understand, however, not by the present secretary,) eludes all punishment, and is only required to pay those very duties which he was originally bound for, but which he dishonestly sought to evade. Other measures, with a view to a further reduction of the revenue, may be adopted. In some instances there might be an augmentation of duties for that purpose. I will mention the article of foreign distilled spirits. In no other country upon earth is there so much of the foreign article imported, as in this. The duties ought to be doubled, and the revenue thereby further reduced from six hundred thousand, to a million of dollars. The public morals, the grain-growing country, the fruit-raising and the cane-planting country, would be all benefited by rendering the duty prohibitory. I have not proposed the measure, because it ought to originate, perhaps, in the other house.

That the measure which I have proposed may be adopted, without interfering with the plan of the secretary of the treasury for the payment of the public debt by the fourth of March next, I will now proceed to show. The secretary estimates that the receipts of the present year, after meeting all other just engagements, will leave a surplus of fourteen millions of dollars, applicable to the payment of the principal of the debt. With this sum, eight millions of dollars, which he proposes to derive from the sale of the bank stock, and two millions of dollars, which he would anticipate from the revenue of the next year, he suggests that the whole of the debt remaining, may be discharged by the time indicated. The fourteen millions, I understand, (although on this subject the report is not perfectly explicit,) are receipts anticipated this year, from duties which *accrued* last year. If this be the secretary's meaning, it is evident that he wants no part of the duties which may accrue during the current year, to execute his plan. But if his meaning be, that the fourteen millions will be composed, in part, of duties *accruing and payable* within the present year, then the measure proposed might prevent the payment of the whole of the remnant of the debt by the exact day which has been stated. If, however, the entire seven millions embraced by the resolution on your table were subtracted from the fourteen, it would still leave him seven millions, besides the bank stock to be applied to the debt, and that, of itself, would be three millions more than can be properly applied to the object in the course of this year, as I have already endeavored to show.

I came here, sir, most anxiously desiring that an arrangement of the public revenue should be made, which, without sacrificing any of the great interests of the country, would reconcile and

satisfy all its parts. I thought I perceived, in the class of objects not produced within the country, a field on which we could all enter, in a true and genuine spirit of compromise and harmony, and agree upon an amicable adjustment. Why should it not be done? Why should those who are opposed to the American system, demand of its friends an unconditional surrender? Our common object should be, so to reduce the public revenue as to relieve the burdens of the people, if the people of this country can be truly said to be burdened. The government *must* have a certain amount of revenue, and that amount must be collected from the imports. Is it material to the consumer, wherever situated, whether the collection be made upon a few, or many objects, provided, whatever be the mode, the amount of his contribution to the public exchequer remains the same? If the assessment can be made on objects which will greatly benefit large portions of the union, without injury to him, why should he object to the selection of those objects? Yes, sir, I came here in a spirit of warm attachment to all parts of our beloved country, with a lively solicitude to restore and preserve its harmony, and with a firm determination to pour oil and balm into existing wounds, rather than further to lacerate them. For the truth and sincerity of these declarations, I appeal to Him whom none can deceive. I expected to be met by corresponding dispositions, and hoped that our deliberations, guided by fraternal sentiments and feelings, would terminate in diffusing contentment and satisfaction throughout the land. And that such may be the spirit presiding over them, and such their issue, I yet most fervently hope.

ON THE NOMINATION OF MR. VAN BUREN AS MINISTER TO GREAT BRITAIN.

IN SECRET SESSION IN THE U. S. SENATE, JANUARY 24, 1832.

[In April, 1831, a rupture in the cabinet of president Jackson terminated in the resignation of the four secretaries, and the attorney general. Among them was Mr. Martin Van Buren, who resigned the office of secretary of state, which he had held a little over two years. General Jackson soon afterwards appointed Mr. Van Buren minister to Great Britain, and he took his departure for London during the recess of the senate; of course, before the nomination could be submitted to that body, for their action. At the ensuing session of congress, the president sent in his name to the senate, and the subject was as usual acted upon in secret session, but the injunction of secrecy was afterwards removed, which enables us to give Mr. Clay's brief but pointed remarks on the occasion. The principal ground of opposition to the confirmation of the nomination, was, that Mr. Van Buren, while secretary of state, in July, 1829, had instructed Mr. McLane, then minister to Great Britain, to represent to the British government that a change of administration in the United States had produced a change of policy; thus bringing our party politics into our negotiations with a foreign power. The senate, therefore, rebuked Mr. Van Buren and the president, by rejecting his nomination on this occasion, by an equal vote of the senators, and the casting vote of the vice-president (Mr. Calhoun).

Mr. President,

I regret that I find myself utterly unable to reconcile with the duty I owe to my country a vote in favor of this nomination. I regret it, because in all the past strife of party the relations of ordinary civility and courtesy were never interrupted between the gentleman whose name is before us and myself. But I regard my obligations to the people of the United States, and to the honor and character of their government, as paramount to every private consideration. There was no necessity known to us for the departure of this gentleman from the United States, prior to the submission of his name to the senate. Great Britain was represented here by a diplomatic agent, having no higher rank than that of a *chargé des affaires*. We were represented in England by one of equal rank; one who had shed lustre upon his country by his high literary character, and of whom it may be justly said, that in no respect was he inferior to the gentleman before us. Although I shall not controvert the right of the president, in an extraordinary case, to send abroad a public minister without the advice and

consent of the senate, I do not admit that it ever ought to be done without the existence of some special cause, to be communicated to the senate. We have received no communication of the existence of any such special cause. This view of the matter might not have been sufficient alone to justify a rejection of this nomination; but it is sufficient to authorize us to examine the subject with as perfect freedom as we could have done if the minister had remained in the United States, and awaited the decision of the senate. I consider myself, therefore, not committed by the separate and unadvised act of the president in despatching Mr. Van Buren in the vacation of the senate, and not a very long time before it was to assemble.

My main objection to the confirmation of his appointment arises out of his instructions to the late minister of the United States at the court of Great Britain. The attention of the senate has been already called to parts of those instructions, but there are other parts of them, in my opinion, highly reprehensible. Speaking of the colonial question, he says, 'in reviewing the events which have preceded, and more or less contributed, to a result so much to be regretted, there will be found three grounds, on which we are most *assailable*. First, in our *too long* and *too tenaciously* resisting the *right* of Great Britain to impose protecting duties in her colonies.' * * * * 'And, thirdly, in omitting to accept the terms offered by the act of parliament of July, 1825, after the subject had been brought before congress, and deliberately acted upon by our government. * * * * You will, therefore, see the propriety of possessing yourself of all the explanatory and *mitigating* circumstances connected with them, that you may be enabled to obviate, as far as practicable, the unfavorable impression which they have produced.' And after reproaching the late administration with setting up *claims* for the *first* time, which they *explicitly* abandoned, he says, in conclusion, 'I will add nothing as to the impropriety of suffering any *feelings*, that find their origin in the past *pretensions* of this government, to have adverse influence upon the present conduct of Great Britain.'

On our side, according to Mr. Van Buren, all was wrong; on the British side, all was right. We brought forward nothing but *claims* and *pretensions*. The British government asserted, on the other hand, a clear and incontestable *right*. We erred in too tenaciously and too long insisting upon our *pretensions*, and not yielding at once to the force of their *just* demands. And Mr. McLane was commanded to avail himself of all the circumstances in his power to *mitigate* our *offence*, and to dissuade the British government from allowing their feelings, justly incurred by the past conduct of the party driven from power, to have an adverse influence towards the American party now in power. Sir, was this becoming language from one independent nation to another?

Was it proper, in the mouth of an American minister? Was it in conformity with the high, unsullied, and dignified character of our previous diplomacy? Was it not, on the contrary, the language of an humble vassal to a proud and haughty lord? Was it not prostrating and degrading the American eagle before the British lion?

Let us examine a little those *pretensions* which the American government so unjustly put forward, and so pertinaciously maintain. The American government contended, that the produce of the United States ought to be admitted into the British West Indies, on the same terms as similar produce of the British American continental possessions; that without this equality our produce could not maintain in the British West Indies a fair competition with the produce of Canada, and that British preference given to the Canadian produce in the West Indies would draw from the western part of New York, and the northern part of Ohio, American produce into Canada, aggrandizing Montreal and Quebec, and giving employment to British shipping, to the prejudice of the canals of New York, the port of New York, and American shipping.

This was the offence of the American government, and we are at this moment realizing the evils which it foresaw. Our produce is passing into Canada, enriching her capitals, and nourishing British navigation. Our own wheat is transported from the western part of New York into Canada, there manufactured, and then transported in British ships in the form of Canadian flour. We are thus deprived of the privilege even of manufacturing our own grain. And when the produce of the United States, shipped from the Atlantic ports, arrives at the British West Indies, it is unable, in consequence of the heavy duties with which most of it is burdened, to sustain a competition with British or colonial produce, freely admitted.

The general rule may be admitted, that every nation has a right to favor its own productions, by protecting duties, or other regulations; but, like all general rules, it must have its exceptions. And the relation in which Great Britain stands to her continental and West India colonies, from which she is separated by a vast sea, and the relations in which the United States stand to those colonies, some of which are in juxtaposition with them, constitute a fit case for such an exception.

It is true, that the late administration did authorize Mr. Gallatin to treat with Great Britain on the basis of the rule which has been stated, but it was with the express understanding, that some competent provision should be made in the treaty to guard against the British monopoly of the transportation of our own produce passing through Canada. Mr. Gallatin was informed, 'that the United States consent to the demand which they have heretofore

made of the admission of their productions into British colonies, at the same and no higher rate of duty as similar productions are chargeable with when imported from one into another British colony, *with the exception of our produce descending the St. Lawrence and the Sorell.*'

There was no abandonment of our right, no condemnation of the previous conduct of our government, no humiliating admission, that we had put forth and too tenaciously clung to unsustainable pretensions, and that Great Britain had all along been in the right. We only forebore for the present to assert a *right*, leaving ourselves at liberty subsequently to resume it. What Mr. Gallatin was authorized to do was, to make a temporary concession, and it was proposed with this preliminary annunciation. 'But, notwithstanding on a full consideration of the whole subject, the president, anxious to give a strong proof to Great Britain of the desire of the government of the United States to arrange this long *contested* matter of the colonial intercourse in a manner mutually satisfactory, authorizes you,' &c. And Mr. Gallatin was required 'to endeavor to make a lively impression on the British government of the conciliatory spirit of that of the United States, which has dictated the present liberal offer, and of their expectation to meet, in the progress of the negotiations, with a corresponding friendly disposition.'

Now, sir, keeping sight of the object which the late secretary of state had in view, the opening of the trade with the British colonies, which was the best mode to accomplish it — to send our minister to prostrate himself as a suppliant before the British throne, and to say to the British king, we have offended your majesty! the late American administration brought forward *pretensions* which we cannot sustain, and they too *long* and too *tenaciously* adhered to them! your majesty was always in the right; but we hope that your majesty will be graciously pleased to recollect, that it was not we who are now in possession of the American power, but those who have been expelled from it, that wronged your majesty, and that we, when out of power, were on the side of your majesty; and we do humbly pray, that your majesty, taking all mitigating circumstances into consideration, will graciously condescend to extend to us the privileges of the British act of parliament of 1825, and to grant us the boon of a trade with your majesty's West India colonies — or to have presented himself before the British monarch in the manly and dignified attitude of a minister of this republic, and, abstaining from all condemnation or animadversion upon the past conduct of *his own* government, to have placed the withdrawal of our former demand upon the ground of concession in a spirit of amity and compromise?

But the late secretary of state, the appointed organ of the American people to vindicate their rights with all foreign powers, and to

expose the injustice of any unfounded demands which they might assert, was not content to exert his own ingenuity to put his own country in the wrong, and the British government in the right. He endeavored to attach to the late administration the discredit of bringing forward unfounded *pretensions*, and by disclaiming them, to propitiate the favor of the British king. He says, that the views of the present administration upon the subject of the colonial trade 'have been submitted to the people of the United States, and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient, that the claims set up by *them*, and what caused the interruption of the trade in question, have been explicitly abandoned by those who *first* asserted them, and are not revived by their successors.' The late secretary of state — the gentleman under consideration — here makes the statement, that the late administration were the *first* to set up the claims to which he refers. Now, under all the high responsibility which belongs to the seat which I occupy, I deliberately pronounce that this statement is untrue, and that the late secretary either must have known it to be untrue, or he was culpably negligent of his duty in not ascertaining what had been done under prior administrations. I repeat the charge, the statement must have been known to be untrue, or there was culpable negligence. If it were material, I believe it could be shown, that the claim in question — the right to the admission into the British West Indies of the produce of the United States upon an equal footing with similar produce of the British continental colonies — is coeval with the existence of our present constitution, and that whenever the occasion arose for asserting the claim, it was asserted. But I shall go no further back than to Mr. Madison's administration. Mr. Monroe, the then secretary of state, instructed our then minister at London upon this subject. He negotiated with lord Castlereagh in respect to it, and this very claim prevented an adjustment at that time of the colonial question. It was again brought forward under Mr. Monroe's administration, when Mr. Rush was our minister at London. He opened a long and protracted negotiation upon this and other topics, which was *suspended* in the summer of 1824, principally because the parties could not agree on any satisfactory arrangement of this very colonial question.

Thus, at least, two administrations prior to that of Mr. Adams's had brought forward this identical claim or *pretension*, which his was the *first* to assert, according to the late secretary of state.

The next charge which the late secretary of state — the official defender of the rights of the American people — preferred against his own government, was that of 'omitting to accept the terms offered by the act of parliament, of July, 1825, after the subject had been *brought* before congress, and deliberately acted upon by

our government.' Never was there a more unfounded charge brought forward by any native against *his own* government, and never was there a more unwarranted apology set up for a foreign government; and a plain, historical narrative, will demonstrate the truth of both these propositions.

It has been already stated, that the negotiations of Mr. Rush, *embracing the precise colonial claim under consideration, was suspended* in 1824, with an understanding between the two governments, that it was to be resumed on *all points*, at some future convenient period. Early in July, 1825, neither government having then proposed a resumption of the negotiation, the British parliament passed an act to regulate the colonial trade with foreign powers. This act was never, during the late administration, either at London or Washington, officially communicated by the British to the American government, and we only obtained it through other channels. Now if it had been the purpose of the British government, by the passage of that act, to withdraw the colonial question from the negotiation, it ought to have communicated that purpose to this government, and at the same time, the act of parliament, as supplanting and substituting the negotiation. But it never did communicate such purpose. The act itself did not specifically embrace the United States, and offered terms, which, upon the face of the act, it was impossible for the United States to accede to. It required, for example, that, to entitle powers not possessing colonies, to the benefit of the act, they must place the navigation and commerce of Great Britain upon the footing of the most *favored* nations. To have done this, would have admitted British shipping to import into the United States, on the same conditions with native shipping, the productions of any quarter of the globe, *without a reciprocal liberty, on the part of the shipping of the United States, in British ports.* The act itself was differently construed, in different colonial ports of Great Britain, and an order of the local government of Halifax, closing that port against our vessels from the fifth of January, was subsequently revoked, thereby confirming the impression, that the act of parliament was not intended to dispense with the previous negotiation. And to conclude this part of the narrative, as late as the twentieth of October, 1826, Mr. Vaughan, the British minister, upon being interrogated by the then secretary of state, was totally uninstructed to afford any information, as to the meaning or intent of the act of July, 1825.

Meantime, in March, more than six months after the passage of the act of parliament, Mr. Vaughan notified the department of state, that he had 'received instructions from his majesty's government, to acquaint you that it is *preparing* to proceed to the important *negotiations* between that country and the United States, now placed in the hands of the American minister, in London.' * * *

'The negotiations will therefore be forthwith resumed.' * * * Here the *negotiations* were spoken of without exception of the colonial question, the most important of them. If it had been intended to withdraw that, no time could have been more suitable to announce that intention, but no such annunciation was made. Mr. Vaughan was informed, that we also would prepare for the negotiation, (including, of course, the colonial question,) and Mr. Gallatin was accordingly shortly after sent out, with full powers and instructions, amicably to settle that question. On his arrival in England, in the summer of 1826, he was told by the British government, that they would not negotiate on the colonial question; that they had made up their mind, from the passage of the act of July, 1825, not to negotiate about it; and he was informed by the sarcastic Mr. Canning, that as we had failed to accept the *boon* which the British government had then offered, we were then too late!

Such is the state of the case on which the late secretary of state so authoritatively pronounces judgment against his own government, for '*omitting* to *accept* the terms offered by the act of parliament, of July, 1825!' He adds, indeed, 'after the subject had been brought before congress, and deliberately acted upon by our government.' It was brought before congress in the session of 1825–6, not at the instance of the American executive, but upon the spontaneous and ill-judged motion of the gentleman from Maryland, (Mr. Smith), and Mr. Gallatin was informed that if the bill proposed by that gentleman had been passed, it would have been unsatisfactory to the British government.

I have another objection to this nomination. I believe, upon circumstances which satisfy my mind, that to this gentleman is principally to be ascribed the introduction of the odious system of proscription, for the exercise of the elective franchise, in the government of the United States. I understand that it is the system on which the party in his own state, of which he is the reputed head, constantly acts. He was among the first of the secretaries, to apply that system to the dismission of clerks in his department, known to me to be highly meritorious, and among them one who is now a representative in the other house. It is a detestable system, drawn from the worst periods of the Roman republic, and if it were to be perpetuated—if the offices, honors, and dignities of the people were to be put up to a scramble, and to be decided by the results of every presidential election—our government and institutions, becoming intolerable, would finally end in a despotism as inexorable as that at Constantinople.

Sir, the necessity under which we are placed is painful. But it is no fault of the senate, whose consent and advice are required by the constitution, to consummate this appointment, that the minister has been sent out of the United States, without their concurrence.

I hope that the public will not be prejudiced by his rejection, if he should be rejected. And I feel perfectly assured, that if the government to which he has been deputed, shall learn that he has been rejected, because he has *there*, by his instructions to Mr. McLane, stained the character of our country, the moral effect of our decision will greatly outweigh any advantages to be derived from *his* negotiations, whatever they may have been intended to be.

END OF VOLUME FIRST