P. O. Jackle

THE CAMBRIDGE WEEKLY CHRONICLE, AND FARMER'S REGISTER.

"THE MAIN END OF EVERY GOVERNMENT SHOULD BE THE WELFARE OF THE PEOPLE, AND THE DIFFUSION OF SOCIAL HAPPINESS."

NEW SERIES—VOL. 2. *CAMBRIDGE, Md.—Saturday Morning, February 9, 1839.* NUMBER 20.

THE CAMBRIDGE WEEKLY CHRONICLE, AND FARMER'S REGISTER, PRINTED AND PUBLISHED BY

E. RICHARDSON HOOPER.

TERMS:—The CAMBRIDGE WEEKLY CHRONICLE AND FARMER'S REGISTER is published every *Saturday Morning*, at TWO DOLLARS & FIFTY CENTS per annum payable half yearly, *in advance*. Subscriptions will not be taken for less than six months. No paper will be discontinued until all arrears are paid, unless at the option of the publisher; and the failure to order a discontinuance previously to the expiration of the time already subscribed for, will be considered a new engagement.

Single papers can be had at this Office, for six and a quarter cents, each.

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POETRY.

"The reigning eagle of Parnassian skies,
Now soaring 'midst the tracks of light and air
And now the monarch of the woods and lair."

FROM THE BALTIMORE MONUMENT.

OUR COUNTRY'S FLAG.

BY DOCTOR C. C. COX.

Fling out our flag from the gallant mast,
Let the shout of the crew be heard,
While the barque that we ride is flying fast
O'er the seas like a mountain bird!
Let it rest on the breast of the glorious sun,
When the sky grows calm at noon—
And on let it float when the day is done,
In the sheen of the silvery moon!

For it breathes a charm in that tender light
Tho' the skyward sailor's eye—
While he looks on peace as she nestles bright
'Mid the stars and stripes on high—
It speaks to the heart of his mountain home,
Where in quiet it long shall wave,
And he knows that his sons are free if they roam
If dead, in a freeman's grave!

Let it stay thro' the night on that lofty spire,
And talk with the midnight star—
For the Heavens will glow with a warmer fire,
To gaze on its face afar—
They will hail its lights as kindred all,
Long sent from the parent sky,
To laugh in scorn o'er the Tyrants fall,
And beam where the Tyrants die.

Should the thunder growl o'er the raging deep,
And the cloudy waves come fast,
Let it battle in wildness 'mid wind and rain
From the top of our old oak mast!
For it holds domain in the tempest sky
And the lightning's wing flames bright—
As it rides at home o'er the billows high,
Like a being of power and right.

That flag! how oft did it wave in pride
By the side of our noble sires—
When they kindled on liberty's altars wide,
Her pure and unquenching fires!
'Mid the sabre stroke, and the cannons smoke,
It would fly unharmed and free—
And wherever the voice of a freeman woke
It would join the jubilee?

It has waved since then as a holy shield
Mid the mighty multitude,
And summoned full many a battle field
To scatter dissention's brood;
And the speaker's heart would burn and bound
As that proud sheet met his gaze,
While the voice poured out thro' the crowd around
The thrill of heroic days;—

It has spread its wing over peak and vale,
Where the current of life beat strong,
And shouts of rejoicing 'rose far on the gale—
There, there it has passed along!
It has folded its pinions in silent grief,
For the death of the true and brave—
Where the forest tree sheds a fading leaf,
Or the winds spread a watery grave.

Far over the wave in the foreign bay,
Wherever our ships may ride,
'Mid the flags of the earth it floats to-day,
Like a fair and happy bride;
And on be its flight! till from every strand
It shall flutter as wild and free,
As it now looms out from our own gay land,
Or swells o'er the chainless sea!

Let it live till the last great day of time,
And proud o'er a falling world,
Far up in its own congenial clime,
Triumphant hang unfurled—
And when the fair earth shall no more be given
For the home of its stars so bright,
May they turn in love to their native Heaven
And dwell in eternal light!

SPEECH

OF THE

HON. R. H. MENEFEE, OF KENTUCKY,

In reply to Mr. Thomas, of Maryland, on the late Defalcations in the Executive Department.

Delivered in the House of Representatives U. S. January 9, 1839.

MR. MENEFEE said that he had intended to say not one word in this debate. He had very decided, and, he trusted, well considered opinions upon these defalcations, but he had preferred to reserve the expression of them for a future occasion. It was true that scarcely any occasion could be more important than the present; but *time*, also, was now become highly important, and he was averse to consume any portion of it by any thing he could say. The proposed investigation was very comprehensive in its range; the session would shortly expire, and, with it, the present Congress. The House, if it meant to act at all, should act at once.

Sir, (said he, my sole object in rising was to make an observation or two upon what has just fallen, with such oracular solemnity, from a distinguished gentleman from Maryland, (Mr. THOMAS.) That gentleman occupies, Mr. Speaker, by your favor and otherwise, a high and conspicuous position in the House: having the benefit of the *presumption* of being the ablest jurist in the House,* That position itself is calculated to impart much weight and authority to whatsoever he may here say or do.—Yet, sir, not content with the employment of his talents, (the respectability of which I do not contest,) from the commanding ground on which he stands, the gentleman invariably sees fit, in every debate, on all occasions, without discrimination, to invoke to his aid instruments of influence and authority of quite a different description, and of more irresistible potency. He has a standing exordium for all subjects, from a question of peace or war to a motion to adjourn.—Never does he open his lips in the House, without upturned eyes, and hands on breast demurely crossed, to protest, in the sight of Heaven, that, though the demons of party and faction and violence hold their horrid revels in the breasts of others, he is the pink of ingeniousness and the predestinated elect of disinterested patriotism, utterly exempt from every mortal infirmity!—sanctimoniously devout "that he is not as other men!"

My education and principles, sir, inspire me with an habitual and sincere revenence for the sacred character. I am, therefore, overawed by the gentleman from Maryland, when he presents himself bedecked with all its dread attributes, to display in debate all its high functions. It is, in some sense, an abridgement of the freedom of speech, thus to force us who are "in the flesh" to concur in opinion with all that is said, and implicitly co-operate in all that is done, by the gentleman from Maryland, under the awful peril of confronting, if we do not, the self arrogated ambassador of Heaven! The intensity of the gentleman's perfections is, therefore actually, unconstitutional. My only expedient, then, is to act the infidel in regard to the superhumanity of the gentleman from Maryland; and, judging by rules applicable to mortals, to pronounce, as I do, the opinion that his whole career as a politician, in every part of it furnishes irresistible proofs that the gentleman is under a total mistake with respect to the qualities which most distinctly characterize him. Of these qualities I do not speak; but, sir, I will say that the gentleman from Marylaad, notwithstanding the angelic habiliments in which he has chosen to array himself, is most eminently human. Thus ranking him I proceed to examine his speech—not his revelation, sir.

In doing this, sir, I shall abstain as far as possible from a discussion of a far more general nature which have been introduced by gentlemen on both sides, & particularly by the gentleman from Maryland. My business shall be with the question immediately before the House; which is. "Shall the Speaker be permitted to appoint the proposed committee, or shall the House itself appoint it?"

This question involves the essence of the whole proceeding; for every thing depends on the complexion of the committee. The Executive, through its organs claims a preponderance in the committee with a view to control and direct its operations; and, therefore, distrustful of the House, insists on an appointment, by the Speaker. This is resisted, and all Executive interference denounced.

This question, I think sir, admits of easy solution, by recurring to the nature of the proceeding in which the House is engaged. What is it? Stupendous abuses of Government have occurred. The House of Representatives, possessing the high prerogative of supervising, in some degree, the whole machinery of Government, and animadverting upon its irregularities, proposes to exert that prerogative in reference to these abuses. It is, emphatically, a proceeding by the House, in its cognizance over maladministration. The attitude of the House towards the Executive, in a measure of this nature, though perhaps not exactly hostile, is certainly not the opposite. This measure assumes that there is enormous wrong somewhere in the Government, into which it is one of the highest duties of the House to look. Its extraordinary authority, then, being thus awakened, is it not natural that this House should darken with a patriotic frown? And when, by the acknowledgment of the President, that wrong exists in the Executive Department, is it not natural that this frown should be turned upon the Executive? and that it should not relax, if at all, until thorough examination should be made by the House itself? the presumption, at least, being against the Administration?

Indeed, sir, the gentleman from Maryland distinctly confesses that the Administration is responsible for the defalcation, and founds, as will be seen, his whole argument on that confession.

[Mr. THOMAS here intimated that he meant to say that the Opposition held the Administration responsible for the defalcations.]

Sir, I have but one mode of reaching the meaning of gentlemen in debate: which is, through their language. Of occult meaning I know nothing. The gentleman did say and twice repeat that the Administration was responsible; and argued from thence that it was but just to the Administration that it should be allowed the choice of its own modes and instruments of proceeding; treating the action which the House proposed taking on this subject as simply a means to enable the Executive to ascertain whither those vast sums of money had gone, and, if practicable, to recover them; coupling with his argument a pointed insinuation, if not a positive charge, against the merchants of New York, and certain banking institutions in that quarter, of criminal participation in the defalcations.

[Mr. THOMAS again insisted that he did not mean to say that the Administration was responsible, or that the committee was desired to aid it, &c.; that when speaking he was pressed for time, &c.]

Sir, I repeat, that with covert meanings I do not and cannot deal. I correctly state the gentleman's language, which harmonizes most completely with his argument as I have given it. Over and over again did he declare and exclaim against the unfairness of refusing to the Administration an opportunity of 'defending,' and 'exc using,' and 'vindicating' itself. I am not unconscious that the gentleman spoke under a pressure, as he says; but he altogether mistakes in supposing that it was a pressure for want of time. It was pressure of quite a different kind. It was a pressure which, overcoming for an instant the self-possession of the gentleman, revealed the truth unbidden. In a political sense, and with respect to these defalcations in particular, the gentleman was in extremis; that was the pressure. And the explicit acknowledgement of Executive responsibility escaped from the gentleman's heart (an organ not always employed when the tongue is) as a dying declaration. Such spontaneous ebullitions of truth are the more to be valued and respected when proceeding from the gentleman from Maryland, because so seldom occurring; not the less so because sought to be strangled by their parents so soon after their birth.

But, sir, it required no admission from the gentleman from Maryland to establish the responsibility of the administration for these abuses. We have the admission of one whose authority is supreme, the late President of the United States. In his triumphant career of conquest over the Constitution and laws of his country, he reached, in the vicissitudes of the warfare, a point where it was, in his opinion, necessary to forego a small portion of power, or to assume unqalified presidential responsibilty for the acts of every officer in the Executive Department. This exigency arose in the campaign of 1834. But it scarcely produced a momentary pause in the advance of the Executive. By his celebrated protest of the 15th of April, of that year, he not only acknowledges, but studiously claims "responsibility for the entire action of the Executive Department.' As his ambition would tolerate no divided power, so his magnanimity would tolerate no divided responsibility. As his strong arm ruled all, he interposed his broad shoulders to bear all. He seems in some instances to have seized even barren power, simply for the sweets which its responsibilities afforded. Sir, that chief always associated the idea of power with that of responsibility. To his successor he has transmitted power, let that successor take with it those responsibilities which in his hands attended it.—He stands bound by solemn instruments, under his head, to 'follow.' Let him not hesitate or falter. 'Here is the bond,' the President is responsible 'for the entire action of the Executive Department.' The collector at New York belonged to 'the Executive Department,' and by his 'action' has plundered the Treasury of nearly a million and a half of dollars! Let the valiant successor claim, as the predecessor did, the responsibility attaching to this huge abuse. Presidential responsibility was the chosen weapon, but of late, in the good work of demoilshing co-ordinate departments, and exalting the Executive on their ruins; let not this President so suddenly cast it ingloriously away.

Do not understand me, Sir as admitting either the powers or the responsibilities claimed by the late President. It is not necessary that I should admit or reject them. Had these defalcations occured under any other Administration, it might be proper to ascertain the true constitutional responsibility of the President and his associates in the Administration. It is enough to apply to this Administrarion that measure of responsibility which is claimed by itself. In passing judgment upon these defalcations, it is just and proper to subject the Administration to the operation of its own principles which, if true, in 1834, power was sought, are not less so in 1839, when delinquency is to be answered for. The Administration stands estopped from contesting its responsibility for these misdeeds.

There are other considerations which should require this Administration to stand responsible for these defalcations. It has already passed into history that this Administration (for I do not distinguish it from the preceding) was constructed on the overthrow of that which was terminated on the 4th of March, 1829. That Administration thus overthrown, is now, I believe, universally admitted to have been wise, pure and patriotic; yet it was overthrown. In the war waged against it, the Administration was held responsible for every evil of Government.—There was at that day! no complaint of insufficient laws. The whole poison was represented to lurk in the administration of the laws. The Administration was regarded as the box of Pandora, from which sprung all the distempers of the State. It was execrated on the tree which bore the fruit.

"Whose mortal taste brought death into the world,
And all our wo."

Every shaft was winged at the Administration; every blow was levelled at it. Throughout the whole assault it was every where proclaimed that a change of Administration was the potent medicine for all these disorders; that the stagnation and obstruction which had engendered these alleged ills would give place to free and vigorous action; that like the revolution of 1688, a change of administration would infuse fresh blood in the Government, regenerate it, and quicken it into the most animated beneficence. But, sir, it is needless to enumerate the promises which were made, and the consequent expectations entertained, from a change of Administration; for, as all imaginable evils were ascribed to the Administration, so all imaginable blessings were to result from its overthrow.

If, therefore, the recorded principles of Executive responsibility which I have mentioned should not be employed against the Administration, with respect to these defalcations, can any thing be more just than to apply to it the principle upon which it acted throughout. against the preceding Administration.

But the gentleman from Maryland, without contesting the general responsibility of the Administration, imagines he discovers a peculiarity in the defalcations at New York by which the Administration is wholly exonerated, a peculiarity resulting from the circumstances attending the appointment of the officer. So this exonerating peculiarity, I ask the especial attention of the House and (if one so inconsiderable as myself could hope to secure it) of the nation. This peculiarity, as stated by the gentleman himself, affords another instance, so extraordinary with him, of precious confession involuntary escaping.

What does this exoneration consist in? In this simply: the President of the United States, according to the gentleman from Maryland, was highly suspicious, if not actually apprized, of the unfaithfulness and corruption of the officer when he nominated him to the Senate! And he triumphantly exclaims, the Senate was notified that causes of suspicion existed against the nominee, and yet did not reject him! That it was a Whig Senate! and, ergo, forsooth, that the President is innocent and the Opposition guilty of all the mischief resulting from the appointment!

It gives me profound pain, sir, to be obliged to lay my sacrilegious hands on so divine a structure of logic as this. Not presuming, then to advance upon so impregnable a conclusion, trusting to the process of a feeble mortal arm I approach it under cover of the great Moloch before whom the gentleman himself, for a series of years, has been accustomed to prostrate himself in worship. By him the constitutional revelation has been made, in the celebrated paper adverted to, that the "selection of officers is made by the President; and the negative given to the Senate, without diminishing his responsibility, furnishes an additional guaranty." Has the gentleman forgotten this revelation? or addicted himself to dabbling a little in political divinity, and consequently a judge of spurious articles in that line, does he now publicly repudiate the gospils of that day?

If, then, sir, presidential responsibility was not allowed (as matter of prerogative) to be, in the least degree, diminished by the constitutional association of the Senate, how utterly futile and unworthy of reply is the effort of gentlemen, not only to diminish, but to destroy, that responsibility, by asserting that the appointment of the officer was recommenced by a number of private citizens, said to be opposed to the Administration!

The gentleman from New York, too, (Mr. Cambreleng,) whose unpremeditated confessions are also of high authority, in his effort to establish this exonerating peculiarity, informs the House, with the most innocent simplicity that he perfectly understood the character of the collector at New York, and knew him to be faithless and incompetent; represented the fact to the President, and protested against his nomination; and actually predicted to defalcations which ensued! 'Angels and ministers of grace!" what a defence! Tearing from the President the only foundation upon which a rational defence could he predicted—the charitable presumption that he was ignorant of the character of the officer, and fixing upon him, by the infatuated officiousness of his own friends on actual personal knowledge that he was appointing to a post more demanding fidelity than any other relating to the revenve an individual of deeply suspicious if not positively corrupt character! I hand over the Administration on this point to the tender mercies of its own friends.

The consideration of the subject now before the House furnishes a proper occasion to examine the doctrine, now universally received by the Administration and its adherents, that upon the legislative department, upon Congress, lies the responsibility of these defalcations, because of the imperfect state of the law, to the entire exoneration of the Executive.

Without demonstrating the utter inconsistency of this doctrine with that of presidential responsibility for all executive action, as asserted by the late President, or its intrinsic fallacy, I must be indulged to present a curious, and, I think, highly important, historical reminiscence, intimately connected with the doctrine in question, and, I, am sure, peculiarly editying to the friends of the administration. It is an event of 1828, when the elements were conglomerating into the mass of which the party now in power consists.

It is within the memory of every one, that nearly all the alledged abuses of that day were pronounced (as I before stated) to be administrative, and therefore remediable by a change of Administration. But there were a few points in which the laws were impunged and, proposed to be reformed. Amongst others the laws organizing the Treasury Department (in which the late defalcations have chiefly occurred) attracted the observation and censure of the party; and at that time, as now, alterations of the laws of that department were strenuously urged. Accordingly, the wand of reform was waved over it, and a committee of this House raised in 1828; of which the gentleman from New York, (Mr. Cambreleng) was a member, especially instructed, amongst other things, to inquire "whether an effective system of accountability, and for the collection of the public dues, "was established in the Treasury Department—and inquiry indentical, as will be perceived, with that which is now applicable.

That committee, the famous retrenchment committee of 1828, in obedience to their instructions, entered vigorously upon the consideration of these complaints against the laws regulating the Treasury Department; and, in answer to the question with which the House had charged them as above stated report: "Why, for any purpose of public security, an account should make such complicated, various, and reiritated transits, your committee are at a loss to percieve; the direct effect, however, is to increase the labor, and, consequently the number of public officers." * * "In the present age, greater simplicity and economy have been introduced in the management of both public and private affairs. If these forms were simplified, your committee believe that that the most favorable results would ensue."

From that proceeding. then, when analysed, it appears that the grievance with the party then was that the laws of the Treasury were too rigid, too complicated; that they implied too great a distrust of the integrity of not only public officers, but of mankind in general; that no "purpose of public security" demanded such intricacy of checks and guard; that economy was not duly consulted in this multiplication of labors and officers; the proposed remedy for all which was "simply the forms" of that Department. The evil was not a want of security, but there was an unnecessary degree of it! Not that the action of the Department was to loose but too rigorous!

Now, now, sir, a lapse of ten years of absolute ascendency, (no alteration such as was proposed having been made or attempted in the laws of the Treasury,) the party again lift up their voices in complaints against the laws of the Department. But how altered the complaint. It is now thundered from the President of the United States down to the clerk of the custom-houses, that the laws are too weak, that officers are too few; that the existing guards and checks are insufficient; that all is too simple; that the public treasure is being sunk by millions into millions into hopeless defalcations, and that the executive despairs without legislative aid, of any longer conducting the Treasury with safety to the Public! The proposed remedy for which now is, not [illegible] tion of the laws as in 1828, but checks and guards, bars and bolts, dundeons and infamy, arrayed like "Georgeous dire" in terror over the executive officers at every step!—All confidence in official fidelity lost! The whole human race regarded as gangs of undetected felons.

The laws, then, being the same in 1838 that they were in 1828, with respect to the means of public security, whence, I demand, this calamitous difference in their effects? Whence this frightful degredation of official morals? The answer is plain. The laws are differently administered! But, sir, I forbear to enlarge on this part of the subject. It conveys a deep impressive moral, which the nation will draw for itself.

In ascertaining, therefore, the true nature of the contemplated proceeding of the *House*, it may I think, be assumed, with the utmost confidence, that, subjecting this Administration to its own principles, or to the precedent and authority of its own practices in like cases against others, is exclusively responsible for all these defalcations—from the thousands in the West to the millions in the East—regarding them as administrative abuses.

Under this view of the question, could any thing be more monstrous than the demand of the Executive, through his responsible friends here, to be allowed to control and direct such proceedings as the House may institute in regard to his own maladministration? The only contest now is, who shall control and direct these proceedings—the Executive or the House? All depends on the composition of the proposed committee of investigation. The struggle is, 'Shall the House elect or the Speaker appoint, that committee? The Executive demands the appointment by the Speaker; on the other side, the action and authority of the House itself are invoked.

Sir, this, I repeat, is plainly a proceeding by the House on behalf of the people. The Executive has nothing to do with it. It is beyond his functions.—It is founded on a power supervisory over the whole Government. It involves a display of prerogative such as that occasionally exhibited by the House of Commons, whilst English liberty was in process of consolidation. To the House itself therefore, ought to belong, and must belong, the exclusive direction of this operation, in its extent, objects, and instruments. The will of the House ought to govern in all that concerns it, especially in the instruments employed to execute that will. In the selection of those instruments, the Speaker might or might not express the will of the House; while a selection by the House itself necessarily would express it. The Executive dreads and it has cause to dread) the uninfluenced action of this House upon these abuses. Hence the paroxysm of eagerness to secure the appointment of the committee by the Speaker of the House, instead of the House itself!

Sir, as I have too much respect for my character as a Representave to make, irresponsibly, an unwarrantable assault upon the presiding officer of this House, so I regard too highly my character as a man, to affect for him a respect which I do not entertain. His friends in their anxiety for his services in this delicate proceeding, have chosen to bring his official character under review; and thus, in some sense, extort from members opinions respecting that functionary which, however profoundly entertained, they might have anxiously forborne to express. For myself, however, I feel no embarrassment. I am here in the capacity of a Representative of the People, with high duties to perform. No considerations of respect for any public functionary, much less of unfelt respect, can be allowed to interfere with the stern and full performance of those duties. Of the Speaker of the House, then, I form my opinion upon his official acts,—I judge of the future by the past; and, thus judging, I make free to pronounce that in his past action he furnishes to the Executive the amplest guaranty that no exigency in the affairs of the Administration can possibly arise, to which his devotion will not be found completely adequate. He knows full well the qualities which recommended him for the distinguished post he now fills; and that, as a party was to be served, inflexible political integrity was not a desideratum. And, sir, he has been true to those who elevated him, and true to the qualities for which he was elevated. Look at his acts, public, recorded. Has he not striven to win the character and wear the laurels of an unscrupulous instrument of Executive will, without having allowed one opportunity to pass unimproved? Nor has he been unsuccessful.

But, sir, if the Speaker were above all exception; if his public acts could be effaced, and future independence inferred from past subserviency; if, sir, you could (as the gentleman from Maryland invariably affected to do) harness up patriotism, like another Pegasus, and soar aloft high above the influence of power, or party, or mortal dross, and act (as the gentleman from Maryland invariably affects to speak, as the spotless instrument of Heaven in works of tenderest mercy to man still, in an emergency like this, I could not and would not in view of the dignity and prerogative of the House of Representatives, entrust to you this power, which Executive influence is so urgently striving to secure to you. After what has transpired in debate and otherwise, on the quest on of "Who shall direct this investigation?" it is my opinion that but one course honorable to the House, remains; and that I have already indicated.

Allow me sir, in conclusion, to say tha there is not the smallest hope of effective investigation must deeply affect the Administration and

*He is chairman of the Committee on the Judiciary.