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DEBATE IN THE SENATE

On Mr. Van Buren's Nomination.

REMARKS OF MR. POINDEXTER.

Mr POINDEXTER rose and said, that an absence of several weeks from the Senate, occasioned by indisposition, had, as he was informed been the cause of some delay in the final action of the Senate, on this nomination.

He regretted the circumstance, and even now that he was enabled to resume the discharge of his duties, he could but ill requite the kind indulgence of the Senate, in postponing the question on his account, by any effort of his to investigate the claims of the nominee to public confidence, inasmuch as the delicate state of his health would not permit him to enter at large into the various interesting topics which had been adverted to in the remarks of the honorable Senators who had preceded him in the debate.

Sir, said Mr. Poindexter, I have risen to perform an unpleasant, but an imperative duty, subjecting my motives to misconception, or misrepresentation in relation to my vote on the question now before the Senate. Having nothing to gain by the rejection of this nomination, and nothing to hope, should it be confirmed, I can feel, Mr. President, no other solicitude on the subject, than that which arises from a sense of solemn duty which I owe to my country, an ardent desire to preserve the honor and dignity of the American people, free from the stain of that moral turpitude and vicious intrigue, which cover the corrupt governments of Europe, with infamy and disgrace. For this purpose, and for no other purpose whatever, *I* have endeavored to inform myself, by all the means within my reach, of the facts and circumstances touching the merits of the individual whose nomination is now under consideration. I have adopted this course the more readily, because it was I understand, on a previous day, recommended by honorable Senators, in favor of the nominee in preference to a full and formal investigation by a committee of the Senate, which had been proposed by an honorable Senator from Maine, (Mr. Holmes.) Mr. Van Buren has been long in the public eye, has filled high and important political stations, and the influence of his public conduct may be traced in every department of the government. Whether, therefore, his previous acts entitles him to the confidence of the Senate and of the nation, is a question which each gentleman must determine for himself, and I claim for myself the humble privilege of presenting a concise summary of the grounds on which I hope to justify the vote, which I shall feel bound to give on his nomination. The evidence to which *I* shall refer, and which has operated on my judgment in this case, is drawn from the history of the passing events of the day, and the statements of persons of high standing and respectability, whose integrity and veracity no one would presume to doubt, when their names shall be disclosed.

Sir, it is known to all who have looked into the political movements of the various parties which have contended for power, within the last five or six years, that Mr Van Buren entered the lists as the friend of General Jackson, long after the commencement of the administration of President Adams. Prior to that event, he had lent his influence to a candidate between whom and General Jackson there existed the most deadly hostility. The administration of Mr. Adams had no *charms* for Mr Van Buren, and after due deliberation, and a "*judicious*" estimate of the probable results, he became the advocate of General Jackson for the Presidency, in opposition to the incumbent, whose prospects for re-election were overcast with doubt and uncertainty, and from whom he could exact no favors, either for himself or his friends.—The *capital* which he brought into the stock of political influence then operating on the pending Presidential election, was supposed to give him a claim to the highest distinction in the event of the successful termination of the struggle. Accordingly, he was placed by General Jackson at the head of his constitutional advisers, preferring him to other distinguished gentlemen, whose support was of longer duration, and, to say the least, equally efficient, and whose talents would bear an advantageous comparison with the most enlightened statesmen in the world. Thus promoted and flattered, wielding, as he did, the executive arm of the nation, permit me to ask what was the conduct of Mr. Van Buren, then Secretary of the Department of State? Was the honor and welfare of the country, or the purity of its character, objects nearest to his heart? Was his mind free from the bias of undisciplined ambition? or was he exclusively devoted to his own elevation, regardless of the *means*, or of the honor of his venerable chief, and of the integrity of the party which brought him into power? I cannot answer these grave questions by any thing which falls within the scope of my own personal knowledge; but if there be truth in facts which have been detailed to me by men of the first rank in the nation, and which I am bound to believe, until contradicted by evidence still more imposing, his whole course was marked by a systematic tissue of dark and studied intrigue, which in its consequences, swept into chaos the elements of the patriotic band who fought the battle, and gained the splendid victory in 1828, which placed on the brow of the hero of N. Orleans the civil wreath of his grateful country Discarding all personal considerations for I have neither revenge nor political aspirations to gratify, and if I had, they would not enter these walls, to influence my deliberations in matters of national concern, I ask only the lights of truth, to guide me to a decision which shall accord with strict and impartial justice, and secure to me the approbation of an enlightened people, and what is still more precious, the smiles of an approving conscience.

If, then, the friends of the nominee deem the information which I have received, and on which, for the present, I must rely, inaccurate or susceptible of satisfactory explanation, I invite them, *I* urge them, in justice to their friend, to rescue him from every shade of suspicion which may be cast on him, by the appointment of a committee, to be chosen by this honorable body, who shall be charged with the duty of collecting all the testimony which can be adduced either for or against the nominee, and if the result should be such as to satisfy my mind that the nominee is innocent of the unworthy conduct which has been ascribed to him my vote will be given in favor of his nomination, with more real pleasure than I can feel in obeying the dictates of duty, by denying to him my support. To such a committee I am authorised to furnish the names of several gentlemen, high in the confidence of the country, who are ready to testify on oath, if required, to all the facts which they have authorised me to communicate to the Senate on the present occasion, in a much more enlarged and satisfactory manner than it is in my power to give to them. But I must be permitted to remark that if this invitation is declined by the friends of Mr. Van Buren, my vote must be recorded against his nomination, confiding, as I do, in the honorable sources from which my information is derived. I forbear to dwell on the novel and extraordinary character of the instructions given by Mr. Van Buren to Mr. McLane, our late Minister to London, on the subject of opening the West India Trade. The views presented of the nature and character of these instructions, by other gentlemen, leave me nothing to add but the expression of my deep regret that, under any circumstances, the Secretary of State, acting either under the influence of his own passions or prejudices, or by the instructions of the President, should deem it compatible with the dignity of his station, or the elevated character of his country, to approach the throne of a foreign monarch in the style of supplication, asking favors on the humiliating assurance that the party to which he belonged, exercising the powers of government were better entitled to his tender mercies than their predecessors in office, who, it seems, had been guilty of the crime of demanding, under color of right from his Majesty, concessions in favor of American commerce which a more enlightened administration recently brought into power by an overwhelming majority of the people were ready to abandon as unfounded 'pretensions.' Such an appeal was unnecessary, and unworthy of a statesman representing the interests & honor of a great and powerful nation in its intercourse with foreign Powers, and merits the reproof of this honorable body as an integral part of the Executive. But Mr. President what is the history of the conduct of Mr. Van Buren in reference to his intercourse with the Chief Magistrate, and those associated with him in the administration at the seat of the National Government? He entered the councils of President Jackson with sullen reserve on his brow, under which he concealed all his opinions on the great questions which agitated the nation. He seized on circumstances which pre-existed his induction into office, novel in their character in this country, but familiar at the Court of Louis the Fifteenth, in France, and of Charles the Second of England, by which he contrived to "ride upon the Whilwind, and direct the storm," and to render the credulous and confiding chief, whose weakness he flattered, and whose prejudices he nourished, subservient to all his purposes, personal and political. His plans of operation were shrouded in darkness and mystery, and executed by the arm of power, nerved by the recent development of public opinion, for the accomplishment of his ulterior views—which knew no limit short of controlling and directing the destinies of the nation. The established practice of every preceding administration to hold cabinet councils were abolished & the secret machinery of political intrigue was put into successful operation, worked by the skill of the master spirit behind the curtain. No Board of Consultation around the green cloth was held, where each member was required to unfold his sentiments freely and frankly of men and measures, connected with national policy. No principles were promulgated as the standard by which the people might test the claims of the administration to their confidence and support. Every thing was involved in doubt and uncertainty, in order to catch the breeze of popular impulse in whatever direction it might set and to conform to its overwhelming influence. The Southern politician who complained of oppression was soothed, flattered, or threatened, according to the thermometer which regulated the political atmosphere around the walls of the palace.—The monopolist and office hunters received assurances to satisfy their utmost wishes and expectations, and the doctrines of the "American System" were adopted and repudiated according to calculations founded on a well arranged scale of political profit and loss.

An effort to restore the ancient usage of cabinet councils, made by a few of the most devoted friends of General Jackson, was repelled with indignation, and the friendly interposition falsely ascribed to personal hostility, to a particular member of his cabinet. These gentlemen have ever since been looked on with distrust and suspicion by the President.

Thus protected from all interference on the part of his associates in power, and from public animadversion, Mr. Van Buren shaped his course to suit the crisis keeping steadily in view his ultimate elevation to the first office in the gift of a free people. Possessed as he was of the unlimited confidence of Gen. Jackson, he very soon found the free access to his ear, and by appropriate advances, led him into excesses and errors, fatal to the tranquility of the country, without affording the slightest evidence that he, in any manner participated in producing the results which he anxiously desired to accomplish. The proscriptive policy, pushed, as it was, to extremities which the public interest did not seem to require, and far beyond the practice of any other chief magistrate, has been universally attributed to the advice and influence of Mr Van Buren. This system combined with the whole patronage of the government, was, as far as practicable, placed at his discretion, to smooth the way to the ulterior object of his ambition. He made himself almost the sole adviser of the President during the first two years of his administration, and every one who stood in his way was made to feel the power of executive denunciation. To this cause may be attributed the unprovoked rupture between the first and second officers of this government; the prostration of those noble and high-minded friends to whose unwavering exertions, & lofty eloquence Gen. Jackson must feel himself indebted for his success in the late contest for the Presidency; and finally, the dissolution of the late cabinet, and the consequent nomination of Mr. Van Buren as Minister to the Court of London.

I have, Mr. President, been put in possession of a communication, tracing, with great minuteness, and I have no doubt accurately, the means resorted to by Mr. Van Buren to produce the rupture between Gen. Jackson and those honorable men who had accepted his invitation to become members of his political family. I forbear to read this paper before the Senate, because of the peculiar matters of which it treats, but I hold myself ready to deliver it with the name of the author, to any committee of investigation which may be appointed to embody the evidence on this subject. *I* have also received, from a gentleman now in this city, a statement of a conversation held with the late Secretary of State, after he had surrendered the seals of office, which I beg leave to lay on the table, as the facts it details are intimately connected with those transactions which have occupied so large a share of the public attention, and which, I regret to say, have never been explained in any manner to satisfy the moral feeling of the country. Of the writer of this communication, I have very little personal knowledge but he has the most respectable testimonials of his good character and conduct and, I am informed, has been favorably known as the editor of a journal in New York, friendly to the present administration of the Government. For myself, I do not doubt the verity of his statement, and submit it, without comment, to those who desire information on the matters to which it relates.

Mr. President, in addition to the unbroken current of testimony to which I have already adverted, showing most clearly the foul means employed by the late Secretary of State, to appropriate the name and well earned fame of Gen. Jackson to the advancement of his own ambitious projects, and to overthrow all who obstructed his path to political power, I feel it to be my duty to give to the Senate the substance of a conversation which took place between the President and a member of his late Cabinet, simultaneously with its dissolution. Sir, the distinguished gentleman who made the statement of this interview, is too far above suspicion to need from me the eulogy which his character, public and private, so justly merits. His ejection from a station which he did not seek, the duties of which he discharged with so much credit to himself and advantage to his country, is a melancholy evidence of the frailty of political friendships, when assailed by the ruthless intrigues of an ambitious aspirant. But, sir, the frowns of a delinquent friend clothed with the panoply of power, are impotent and harmless, when the intended victim is protected by the mild radiance of virtue, and the shield of imperishable honor. The President invited this gentleman to a private audience, for the purpose of making known to him the new arrangements on which he had determined. He commenced with an air of diplomatic caution, and studied precision. "Sir, I submit to you two letters, which I have received from the secretary of State, and the Secretary of War, resigning their respective offices, and ask for them your serious consideration." "Sir," replied the astonished Secretary, "I am a plain man and your friend. Our intercourse has been of long duration, and you know that diplomacy is no part of my character or yours; —be so good, therefore, as to tell me frankly, what you desire of me." "Then sir, I will inform you that I mean to reorganize my cabinet." "Very well, Sir, I hope you will profit by the change. I have not been your friend for the sake of office, and I wish only to be informed whether my conduct while in your cabinet was satisfactory to you." "Sir" said the President. "I have no fault to find with you." "With this assurance," said the Secretary, "*I* am contented; but allow me to inquire who is to be your Secretary of State?—"Mr Livingston," was the reply. "Who is to take the Treasury Department? "Mr. McLane, now Minister in England." "Who will occupy the Navy Department?" "Mr. Woodbury." "And pray, Sir, who is to replace Mr. McLane in England? "Mr. Van Buren." And so the conversation ended.

The inference which is inseparable from these disclosures, must be obvious to every man whose mind is in search of truth, and whose judgment is free from the "malign influence" of prejudice.

The finger of a disciplined intriguer is visible in all the various efforts made to dismiss particular members of the cabinet, from an early period after the inauguration of Gen. Jackson until it was effected in 1831. The object cannot be mistaken; and at this day, the managers scarcely attempt to conceal their fixed purpose of designating Mr. Van Buren as the successor of the present Chief Magistrate "nolens volens," as they are pleased to express it. Sir on what data can we reconcile the prompt and unhesitating answer, given by the President to each inquiry relating to the individuals who were to compose the new cabinet other than a preconcerted and explicit arrangement, formed on mature deliberations, and a free and full consultation with those whose political opinions he was accustomed to take on all subjects of great and absorbing interest to the country. Is not the fact as distinctly known to every one acquainted with the political movements at the seat of the National Government, as any on record, that for more than a year preceding the rupture of the late cabinet, no consultations were held, and but a formal intercourse kept up between the President and three of his constitutional advisers? It cannot & I presume will not be denied, that the Secretary of State had so managed as to occupy the first place in the confidence and affections of the Chief Magistrate. The only rational conclusion therefore to which I can bring my mind, after a careful and impartial examination of this whole subject is, that the Secretary of State, prior to his own voluntary resignation, had not only ascertained that a general sweep was to be made of all those whose influence he dreaded and who could not be induced to bend the knee to Baal, but had organized a new cabinet, and 'though last not least,' had taken especial care to open an avenue, through which he might with safety retreat, and plant himself in a situation still more commanding in the public eye, and better calculated to accelerate the consummation of his ulterior purposes. 'Who is to replace Mr. McLane in England?' 'Mr. Van Buren.' Sir, the time at which this delaration was made is very remarkable; it preceded the publication of the modest diplomatic letter of resignation in which the Secretary of State attempts to mystify the causes which had operated on his mind in surrendering the high trust to which he had been called by the President. He artfully seeks, in that anomalous communication to excite the sympathies of the American people by pretended self immolation, at the shrine of pure disinterested patriotism. He retired to the shade of private life, to disentangle the administration of President Jackson, and to restore harmony in his councils! No sinister motives lingered in the mind of the unbought patriot—no mission to London in the vista—but the noble sacrifice is magnanimously offered up to the public good, with the reservation of such future rewards as a grateful people might bestow, on one, whose merits could only be excelled by the purity of his intentions!! Sir, would it be credited by a virtuous and enlightened people, that, at the very moment when these high souled sentiments and patriotic professions were unblushingly thrown before the world the individual who appropriated them to himself, held the guarantee, that, in lieu of the office which he resigned, he should forthwith be created Envoy Extraordinary and Minister Plenipotentiary to the court of St. James! And yet the fact is established by the conversation I have quoted and strongly corroborated by the letter of the President, in which he reluctantly accepts the resignation.

Mr. President, I can view this nomination in no other light, than the result of a systematic course of political gambling and intrigue, originating in personal ambition and prosecuted with unrelenting ostracism and proscription, on every high-minded statesman in the nation who refused to subscribe to the articles of faith dictated by this nominee and prescribed as a test, by which the patronage of the Government should be dispensed throughout this widely extended country. The succession to the Presidential chair, must be secured to this court favorite, and the means to accomplish this end. With these impressions, I should be guilty of a gross dereliction of duty to the people, to the President, and my own conscience, by advising and consenting to this nomination. *I* beg to be informed of the necessity of so much haste in despatching a minister to London No negotiations were pending which required the presence of a minister, with full powers, at that court. England was represented here by a Charge d Affaires. We had a diplomatic agent there of equal grade; and surely the relations between the two nations might have been suffered to remain in this equitable condition until the annual meeting of Congress when the advice and consent of the Senate could have been asked, before the public chest had been opened for the outfit and salary of a minister. The circumstances connected with this unnecessary precipitancy render it obnoxious to the strongest objections, and warrant the conclusion that it was designed to operate on the action of the Senate, in their deliberations on this nomination. I cannot subject my opinions to the controul of a premature movement on the part of the executive. Sir, I am aware that for this independent exercise of my best judgement, I shall be denounced by the press as the partizan of a competitor for the Presidential chair. *I* spurn the imputation.—At my time of life, I have nothing to hope from the smiles, still less to fear, from the frowns of any man in power. I honor the man whose heart is pure; whose actions through life exhibit lucid proof that he is honest in the cause of human liberty; but when *I* am invoked to give my sanction to dark intrigue, political management and corruption, at the hazard of incurring the displeasure of those who feel power and forget right, I will fearlessly and faithfully discharge the trust reposed in me by my country, by a firm vindication of the people who compose this young and gigantic republic. I will reprove and correct the influence of vice, by inflicting merited chastisement on all who perpetrate it.

The following is the letter referred to by Mr. P.

WASHINGTON CITY, Jan. 24, 1832.

Sir:—I have the honor to acknowledge the receipt of your note, bearing date this morning. It was this moment handed me, and although it is by no means desirable to stand in the attitude of a public accuser, of any man holding a high and responsible station in the government; yet inasmuch as I consider the subject matter of your inquiry as being one of no small degree of importance, I do not feel myself at liberty to shrink from the discharge of my duty, or withhold from an honorable Senator, approaching me in his senatorial capacity, any information which I may be in possession of, touching the subject of this inquiry. Nevertheless, I regret that I am thus called upon to repeat any remarks which may have been inadvertantly made to a friend

Soon after the dissolution of Gen. Jackson's first Cabinet, while the Ex-Secretary of State, Mr. Van Buren was in N. York, waiting the arrival of Mr. Louis McLane from the Court of St. James, *I* saw him. Being then the editor of a paper supporting the measures of the administration, I felt, as was natural, some interest in the events which had transpired. I asked Mr. Van Buren who was to take the place of Mr McLane at the Court of St James He replied that he had the offer of the mission, but that he was yet undecided as to the propriety of accepting it. He said his friends were of different opinions as to the policy of his leaving the country at that time, there being some arrangements to make in the Republican party for future operations. He observed that he was anxious to have an interview with Mr McLane before leaving, if he should conclude to go. On being interrogated by me as to the real causes of the dissolution of the Cabinet, whether it was as had been alledged by some of the editors, caused by Mrs. Eaton, or by a mutual dissention among the heads of departments? he answered that Mrs Eaton had no agency in the matter, but that it was caused more by the conduct of Mr. Calhoun and Mr, Ingham who desired the retirement of Gen. Jackson from office at the expiration of the first four years of his term of service, and who had endeavored to consummate their designs by traducing the character of a chaste and virtuous woman On remarking to Mr. Van Buren, that I thought he had managed well to pass unscathed through the fiery ordeal, he laughingly replied, 'Yes, I had seen for some two or three months the approach of trouble, and that a dissolution of the Cabinet must ensue—the material of which it was composed being too discordant to continue together in harmony and to save myself, *I* thought it better to retire in time - knowing that if *I* led the way, the rest must follow."

These I believe Sir, if not the very expressions, are at least the substance of Mr. Van Buren's remarks to me. I must be permitted again to express my regret at being thus called on. Having been an original supporter of the pretensions of General Jackson to the presidency, and a faithful approver of those of his acts which I deemed correct, and being now in retirement, I most sincerely deplore the occurrence of any circumstance which could draw me before the public in an attitude that may appear so unfriendly to the administration. But however unpleasant the task, when high and responsible men call on me and duty demands a compliance with their call, mine is not the province to refuse.

I have the honor to be, most respectfully,
Your obedient servant.
SAMUEL E CLEMENT.

Hon. G. POINDEXTER.

HOUSE OF DELEGATES.

February 14.

A bill entitled, an Act relating to the Free Colored population of this State.

Sec. 1. From the passage of this act, every slave hereafter emancipated by deed or manumission, shall be forfeited to the state and be sold, if he continues in the state three months after becoming free, unless his former owner or other person pays fifty dollars to the commissioner herein provided for, for the purpose of transporting said slave to Liberia, and unless said slave within said three months shall agree to go, and shall place himself under the control and in possession of said commissioner for that purpose.

Slaves manumitted by will, are in like manner forfeited to the state unless within fifteen months from the date of the letters testamentar the executor or some other person pays the $50, or the slave so manumitted consents as above to go to Liberia—places himself in possession and control of the commissioner, therein to remain until such his removal.

In case of the neglect of the person contracting to pay said fifty dollars, the slave by agreeing to go, and indenting himself to be hired out until his wages shall nett fifty five dollars, fifty of which to pay for his removal, and five dollars to the commissioner may then redeem himself.

Sec. 2. Registers and county clerks shall furnish to the commissioner every three months lists of persons manumitted.

Sec. 3 Slaves under 14 years hereafter manumitted, having a free parent, the consent of the parent, or having no free parent, the consent of one judge of the orphans' court shall be substituted as the consent of said minor to go to Liberia, and the deed of manumission shall (the fifty dollars being therein provided) be thus executed.

Sec. 4. The commissioner on receiving a manumitted person, shall deliver to the clerk of the county a certificate of the name and the sum received for such manumitted person—shall give a copy thereof to the person manumitted—send another copy to the board of managers, (hereby created,) and another to the Treasurer of the Western Shore. He shall deliver to the county clerk all indentures executed to him who shall record them free of charge: He shall annually account to the board of managers, for monies received for the hire of each person hired by him.

Sec. 5. The commissioner as a trustee for persons manumitted by will, and for whose transportation provision is made in the will, may sue and recover of executors &c,—and pay over to the treasurer.

Sec. 6 The treasurer shall pay *out of the money so received, on account of manumitted slaves*, to the Maryland State or American Colonization Society, not exceeding fifty dollars for each free negro sent by them to Liberia, or any other settlement of free people of color out of the United States, certificates of identity of transportation—record of papers, suitable drafts and receipts &c. required. No female slave over 45 years, unless she be the mother of children that accompany her, to be included.

Sec. 7. Allows of manumission upon the owner himself, agreeing with the society to send the slave to Liberia, but no such manumission to take effect until the slave has actually left the state and shall be void in case of their return within three years and remaining for ten days in this state.

Sec. 8. The Governor and Council shall, at the request of the State Colonization society, appoint one commissioner for each county.—Bond and security required of him.

Sec. 9 That in all cases where any slave or slaves shall become forfeited to the state, as is provided in the first section of this act, such slave shall be arrested, and it is hereby declared to be the especial duty of all sheriffs and constables, to arrest such slave under the penalty of fifty dollars, and such slave shall be lodged in jail in the county in which he or she may be arrested, and sold by the sheriff at public sale at the court house door as a slave for life, after giving ten days notice thereof, the proceeds of such sale to be applied first to the payment of prison charges, fees for arresting and advertising, and ten per cent on the amount of sales as a compensation to the sheriff and the balance to be paid to the treasurer of the Western or Eastern Shore, as the case may be, and become a part of the fund set apart for the removal from the state of slaves emancipated after the passage of this act. an account of which said sale or sales shall be returned by the sheriff making the same, to said treasurer, specifying the amount of sales and the particular charges for money by him retained.

Sec. 10 One hundred thousand dollars to be borrowed by the treasurer, which is hereby appropriated to the removal to Liberia of such of the free colored population of this state as the Maryland State, or American Colonization Society may agree to transport thereto—the money to be apportioned amongst the several counties, in proportion to the number of their free colored population, as compared with their whole population according to the new census.

Sec. 11 Classification of persons to be removed.

1st Healthy free colored persons, of both sexes, over the age of eighteen, consenting to remove to Liberia and never to return to this state

2d Free colored persons, under the age of eighteen, consenting to remove or not consenting, whose parents or parent, if any living, consent to their removal.

3d. Free colored persons under eighteen, neither of whose parents are living, and who are not bound out with or without their consent and if bound out, with the consent of the master or mistress, to whom they are bound.

And 4thly Free colored persons of the description mentioned in the seven first sections of this act.

(That is persons hereafter manumitted by deed or by will.)

Sec. 12 The Executive shall appoint a board of managers of three persons, who shall be

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