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DEBATE IN THE SENATE,
ON MR. VAN BUREN'S NOMINATION.

REMARKS OF MR. SMITH.

Mr. Smith had spoken in the debate on the nomination of Martin Van Buren several times. The whole of his remarks, are, however, embraced in the following speech.

Mr. President:—

I have said, "that, the Secretary of State is not responsible, for instructions given by order of the President;"—that, the President is the only responsible person *known to the Constitution*. In England agreeably to its Constitution, the King can do no wrong, and his advisers are held responsible to Parliament. Our Constitution is different, as I understand it. The law which created the State Department in 1789, is that under which every Secretary has acted and must continue to act.—This law says, "the Secretary for Foreign Affairs shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him *by the President* of the United States, (agreeably to the Constitution), relative to correspondences, commissions or *instructions* to or with public Ministers or Consuls from the United States, or to negotiate with public Ministers from Foreign States or Princes, and further more, that the said principal officer, (Secretary of State,) shall conduct the business of the said Department, in such manner as the President of the United States, shall from time to time, "*order* or *instruct*."

Such, Mr. President, is the law. The Secretary can do no act without the *direction* of the President, and whatever he directs, (if agreeably to the Constitution,) the Secretary, under the oath he takes, must perform.—What is the oath? "Well and faithfully to execute the *trust* committed to him." What is that trust? Obedience to the instructions of the President in all cases where the Constitution is not to be violated.

I have, Mr. President, been thirty-nine years in Congress, and this is the first occasion I have ever heard any other construction *seriously* urged, than, "that the instructions given to Ministers abroad are *the act of the President*." All the instructions I remember commences thus—"I am instructed by the President to give you the following views, &c. &c." or words to that effect. I well remember a case in point, which transpired while I was in Congress more than thirty years past. I was called from my seat by the then Secretary of State. He asked me what the House of Representatives were doing.—I replied, that the question pending was the Report of Mr. Pickering, the committee would the House consider it as the report of the Secretary of State, or the Secretary assume the operation of, and how could it otherwise? To avoid, however, I come, said the Secretary, the public revenue, to request you to say, annual amount. Mr. Adams, to request you to say, disavow it, and trusts that the House will consider it as the act of Pickering, and not as his (Mr. Adams') act.—I returned into the House of Representatives, and in the debate, took occasion to comment upon the Report, as severely as the Report reflected upon Mr. Gerry for remaining in France. I was called to order three times. I then asked the Speaker in what respect I was out of order. He replied, "you must consider the Report as the act of the President; for the Executive had made it his by sending it to the House." I answered, that the President disavowed it, and, therefore I could not treat the Report as the President's.—I took my seat. An appeal from the Speaker's decision was had, and the vote of the House, sustained the opinion of the Speaker, by a large majority; thus establishing, that *the President was responsible*, and not the Secretary, for acts done under his authority. In the case before us, the President gave his directions;—the instructions were put into form by the Secretary,—the president read and approved them, and they were delivered to McLane.—How do we know but that the paragraph which has offended the delicate sensibilities of gentlemen had been actually dictated by the President, is it not an act of gross injustice to make Van Buren responsible for it? The paragraphs so frequently alluded to in debate, as well have been *true*.—I admit, they might have been said, that he "did not believe that General Jackson had ever read the instructions," he believes so. I can not believe that the President read, and carefully weighed of them.* I wish that Senator would converse with the President upon any national affairs, and he will certainly say better, informed than himself, and I may be done in any, or all, of the Departments, and on all matters relating to our foreign affairs. At least, I have found him so, well, and in some, much so, informed, than I am. He is known by his friends to be *particularly* well informed in every thing that relates to our foreign relations.

A Senator from Maine [Mr. Holmes] has said that "Mr. McLane was sent to bow and cringe at the feet of the British Minister."—That Senator knows little of Mr. McLane! What! a native American, the son of a distinguished officer of the Revolution, bow and cringe at the feet of any man? I can assure that Senator that Mr. McLane is not made of such pliant materials. No, Sir, Mr. McLane came to the point at once. He asked *for what was right*. He set up no *silly pretensions*. He frankly demanded what his country required. The Ministry tried to avoid a negotiation as they did with Mr. Gallatin.—But, Sir, his firmness and frankness conquered the reluctance of the Ministry to enter into a negotiation. He convinced them, that they had departed from a rigid construction of the Act of Parliament of July 1825, in the cases of France, Russia and Spain; they could not, therefore, in justice, he asserted, refuse a similar departure, in the demand of equal justice to the United States. He frankly told them that he had come for the sole purpose of opening the Colonial trade, and that if not indulged in a negotiation he would return home.—Call you this, bowing and cringing at the feet of the British Ministry? Is there any cringing in the despatches of Mr. McLane? No one will say there is. The truth is, Mr. President, and it ought to be known to the people, *that the front of the offence is, the negotiation has completely succeeded under the instructions given by Mr. Van Buren, and as completely failed under those of another*—a crime that never can be forgiven by the opponents of Gen. Jackson. They will never pardon him for his succeeding in all the negotiations, in which the preceding Administration had completely failed. For instance, the late Administration had attempted and failed, in all the following important objects, namely:—In the claims on France: In the opening of the Black Sea to our commerce:—In making a treaty with Mexico:—In obtaining from Colombia a reduction of the duties on our produce and manufactures, and in equalizing the duties charged on our trade, with those charged to England. In all these matters, there was a complete failure by the one, and complete success by the other administration. The successful negotiations were under the instructions of Mr. Van Buren. How then can Mr. Van Buren be pardoned by those who had failed? It is true, that the Convention with Denmark, and Brazils for seizures, had been closed, or nearly so, when the present administration came into office. Payment by Sweden was effected by Mr. Connell, the agent of the claimants, without *any instructions* having been received by the Charge des Affaires. The Charge acted, he told me, as a private friend of the Agent, and succeded.

[The Senator from Kentucky, (Mr Clay,) in a subsequent speech on this subject, remarked, that he *had himself instructed* Mr. Hughes, the Charge des Affaires to Sweden, to attend to the claims of our merchants against Sweden, and that the Senator from Maryland, (Mr. Smith,) was either mistaken or misinformed. Mr. Smith made no reply, but addressed a note to the Secretary of State for information, whether Mr. Clay, when Secretary of State, had ever given the instructions, which he asserted had been given by him to Mr Hughes. The reply of the Secretary of State, contradicts the averment of Mr. Clay on this point.—*See note at foot of the Speech.*]

The Senator from Kentucky, [Mr. Clay,] has charged Mr. McLane with having done injury to the navigating interest, by the opening of the St. Lawrence, and the Northern ring, as he said, the carrying of the produce of Michigan, Indiana, Ohio, New York, Vermont and Maine, to British ships, which would otherwise have been carried by our own ships. I believe the farmers of those States do not complain. They know that their produce, sold in Montreal, is received there free of duty, and is carried to England, Ireland and the West Indies, as if it were the produce of Canada. It is of little importance to them who is the carrier, provided they get an additional market, and a better price for their produce. I regret, Mr. President, that I cannot give the credit of that important act to Mr. McLane. He, however, had nothing to do with it. It formed no part of his arrangement. The opening of that intercourse, for certain articles of our produce had been done *gratuitously* by the British Government in 1826, prior even to the attempt at negotiation by Mr. Gallatin. Now that act must have been known. It could not fail to have been known to the Senator [Mr. Clay,] then the Secretary of State. Why, then does he now charge it as a fault committed by Mr. McLane, who had no more to do with it than the man in the moon? Nor had Mr. McLane any thing to do with the act of Great Britain, passed subsequently to the arrangement made by him; by which act, other articles of our produce are admitted free of duty into the Northern Colonies, and from thence are received in England and the West Indies, as if they were the produce of the Canadas. The Senator, [Mr. Clay,] complains that the produce of our farmers, bordering on Canada, is received in England on equal terms with those of Canada, thus giving a new market to a part of their articles, without which other markets might be over stocked. The Senator, (Mr. Clay,) has truly said that the wheat of the States bordering on the Canadas, passes into Canada, is there ground, and the flour shipped to British ports, as if it were the produce of the wheat of Canada. This has been the spontaneous act of Great Britain, adopted for her *own interest*, and is most certainly highly beneficial to our farmers. An immense number of sheep, hogs, horses and cattle are driven annually from Maine to Quebec and New Brunswick. The farmers and graziers of Maine differ in opinion with the Senator from Kentucy, (Mr. Clay,) and are really *so simple*, as to believe, that their free intercourse with Lower Canada, and New Brunswick, is highly beneficial to them. Whether the intercourse with the British North American Colonies be beneficial, or whether it be injurious, the present Administration, nor Mr McLane had little part in it. It had been effected, in part, before the arrangement was concluded, and soon after for another part. It formed, as I have previously said, no part of the arrangement with Great Britain, and this fact must have been known by the Senator, (Mr. Clay,) for he then acted as Secretary of State. We have for nearly half a century been claiming the free navigation of the St. Lawrence as a natural right. It has at length been gratuitously conceded to us by Great Britain, and now the Senator from Kentucky, (Mr. Clay,) complains of it as a *grievance*.

The Senator, (Mr Clay,) also complains that the instructions state, "that the late Administration had abandoned certain pretensions." The Senator admits that these pretensions had been waived.—The Senator from Georgia, (Mr. Forsyth,) has contended that there is no indifference in substance between these words. I leave this grave question to be settled by those learned Senators, and will proceed to show what those pretensions were, and which, I can hardly restrain myself from pronouncing, were puerile in the extreme.

During the Session of 1822, Congress was informed, that an act was pending in Parliament, for the opening of the Colonial ports to to the commerce of the United States. In consequence, an act passed, authorizing the President, in case the act of Parliament was satisfactory to him, to open the ports of the United States to British vessels by his proclamation. The act of Parliament was deemed satisfactory, and a proclamation was accordingly issued, and the trade commenced. Unfortunately for our commerce, and I think contrary to justice a Treasury circular issued directing the Collectors to charge British vessels entering our ports, with the alien tonnage and discriminating duties. This order was remonstrated against, (I think,) by Mr. Vaughan. The trade, however, went on uninterrupted.—Congress met, and a bill was drafted in 1823, by Mr. Adams, then Secretary of State, and passed both Houses, with little, if any debate.—I voted for it, believing that it met, in a spirit of reciprocity, the act of Parliament. This bill contained, however, one little word, "elsewhere," which completely defeated all our expectations. It was noticed by no one. The Senator from Massachusetts, (Mr. Webster,) may have understood its effect. If he did so understand it, he was silent. The effect of that word "elsewhere" was to assume the pretensions alluded to in the instructions. What were they? "That the produce of the United States should be received in the West Indies, on payment of the same duties, as were payable on the Produce of the North American Colonies." The British Minister said, "as well might we ask that our sugar should be received free of of duty, as is the sugar of Louisiana."

The result was, that the British Government shut their colonial ports immediately, & thenceforward. The act of 1822, gave us a monopoly of the West India Trade. It admitted free of duty, a variety of articles, such as:—Indian Corn, Oats, Indian Meal, Pease, Beans, &c. &c. &c.

The British Government thought, that we entertained a belief, that they could not do without our produce, and by their acts of 27th June, and 5th July 1825, they opened their ports to all the world, on terms far less advantageous to the United States, than those of the act of 1822; and these are the pretensions which the instructions say, had been abandoned, by the late administration. They were abandoned, Mr. President, by the following words in the instructions to Mr. Gallatin:—"That the United States consent to waive 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 articles are chargeable with, when imported from one into another British Colony, with the exceptions of our produce descending the St. Lawrance and the Sorel." Now, Sir, whatever difference there may be between the words "*waiver*," and "*abandoned* in common parlance, it is in this case, a *complete abandonment* in diplomatic language.—What in simple truth, is after all, the great ground of objection? It is this.—*Mr. McLane has made an arrangement conformably to the preceding instructions from Mr. Adams to Mr. Clay*, that unfortunate act for the farmers, Mr. President, has been charged upon Mr. Van Buren, and what is there at home or abroad that we have not heard charged to him?—The elder Adams changed all his Cabinet, except the Secretary of the Navy. The change was approved by the Democratic party, and disapproved, by the Aristocracy of the day.—A change of the Cabinet is, therefore, nothing new.—We now grieve and lament over the late change, and yet never was a Cabinet more traduced than the late one, by the whole body of the opposition throughout the Union. The Cabinet certainly was such an one, as did not meet the views or approbation of the friends of the administration. They regretted in silence the selections which the President had made. The gentlemen selected were honest and honorable men.—They were my political friends, and, I may say, some of them were my personal intimates. Their dismissal has done no harm to the nation. The new Cabinet is (I believe,) more acceptable to all parties. The members of it are known to be competent to the special duties of their several departments, and equally so, as advisers in the great affairs of the nation:—What is it to the people whether A. B. C, or D, be at the head of affairs?—All the people ask, is, that their duties shall be well performed, and that they act in harmony. But the present President has held no Cabinet Councils for two years, and Mr Van Buren is charged as being the adviser of the President to that course—Is this mode new? I believe not—I think Gen. Washington held no Cabinet Council, during the first two years of his administration, and I remember well, a discussion in strong terms, against the President's holding them, on the ground of their being unconstitutional. I think that General Jackson was at that time a member of Congress and perhaps he then imbibed the opinion, that Cabinet Councils were not conformable with the Constitution. Reasoning thus, I must believe, that the not assembling his Cabinet was his own act, and not in consequence of the representation of Mr. Van Buren.—The unpardonable crime of this gentleman has always been, that the President has great confidence in his talents and abilities, which all will admit, he possesses, in an emigent degree.

The Senator from Massachusetts, (Mr. Webster,) says, that "instructions shewing a difference of opinion in the dominant party, with that of the defeated party, had never been given by any government." I ask, Mr. President, on what ground does the Senator make that assertion? Few nations, if any, except our own, have ever published the instructions to their Ministers—We, therefore, cannot know what has been done. But, I hardly think it possible that such instructions never have been given. They are natural, and were for McLane alone, and never shewn by him to any person. But, I infer from Mr. Hartley's language to our Commissioners at Paris, when treating for a peace, that he must have had some such instructions, as he would not otherwise have talked of a change of Ministry, as holding out a fairer prospect, of ultimately leading to a general peace.

Mr. Van Buren has also been charged, with being the father of what has been improperly called the "proscriptive system:"—or in other, and more appropriate language, "the removal from office." Where is the proof? None can be produced:—all is surmise, and conjecture. I act on no such ground. When an assertion such as this is made, I want proof of its being well founded. But I absolutely deny the charge, and will offer unquestionable proof of the correctness of the denial—The charge cannot possibly be substantiated, unless the Senator who made it, can satisfy this Senate, that Mr. Van Buren could be at Albany and Washington at one and the same time. I will simply state the facts. Mr. Van Buren was at Albany acting as Governor of the State of New York when the extra session of the Senate met on the 4th March, 1829.—I think he, [Mr. V. B] was nominated on the 5th March. At this extra session of the Senate, seventy-five officers were appointed, principally to fill vacancies occasioned by removals from office. Of these officers Mr. Van Buren could know nothing. The advisers to this course, if there were any, were the members of the Cabinet then present. Mr. Van Buren could know but few of those removed, or those appointed. I well remember that I saw Mr. Van Buren in Baltimore after my return home, and therefore conclude that it must have been at least a month between the time of his appointment, and his arrival at Washington. I think, Mr. President, that I have proved that Mr. Van Buren could not have been the father of what is improperly called the "proscriptive system;"—a system adopted by some of the States of this Union both before, and after this administration came into office. For myself, I am opposed to removal from office for opinions declared.—But, if I would remove any officer, who made use of his office to force inferiors to act contrary to their wishes. I would remove every Postmaster, who had been known to frame the "Coffin-hand bills," or any other abusive papers of either of the candidates.—Few removals of consequence have been made in Maryland. I think four in Baltimore, where the most important offices are.—One of these removals I regretted—It proceeded from the best feelings of the heart.

Before I finish my remarks, Mr. President, I will notice what passed between the then Secretary of State, (Mr. Clay,) and myself, in relation to the act of Parliament of July 1825. I first saw a copy of that act in Baltimore, and mentioned it to the Secretary. He said that he had the act in his possession, and handed it to me. I asked him, whether the terms proposed were satisfactory. He said that he considered they were all we could ask. I then observed, why not issue a proclamation under ourselves, and thus open the trade? He replied, that he would prefer negotiation. I asked,—why? for what will you negotiate? We have nothing to do, but to give our assent, and the trade is at once opened. I had the act printed, and handed a copy to Mr. Adams, who had never seen it before. He agreed *that the terms were satisfactory*. I then pressed him to issue his proclamation, and told him that if he did not, I should be compelled to introduce a bill. He remarked, that he wished I would do so, and that he would not only sign it, but sign it with pleasure. I did prepare a bill, under the order of the Senate, and doubtful whether it might be correctly drawn, so as to effect my object, I sent it to the then Secretary of State, [Mr. Clay,] with a request that he would correct it if necessary.—He replied in writing, to this effect: "that the bill was drafted to meet my object, "that it "was so doubtful whether it were best, to act "by a law, or by negotiation, that it was indifferent, which course was pursued; and he adopted."—It was believed, had the confidence of the Executive. It failed to become a law, I believe from want of time to act upon it. The Senator, [Mr. Clay,] has said, Mr. Canning had observed, that even if the bill had passed, it could not have been admitted as satisfactory. This observation may have arisen from its being imperfectly drawn, or from some other cause. Perhaps the British Minister expected that the President would have opened our ports by proclamation, as he [Mr. Canning,] knew, that the President possessed full power to do so, under our acts of 1823 and 1824, both of which we know, had been drafted by Mr Adams when Secretary of State.

I have deemed it necessary, Mr. President, to make these remarks in relation to the Colonial trade as a reply to the observations on this subject which have fallen from the Senator from Kentucky, [Mr. Clay.]

[NOTE.]

The following letter, and accompanying extract from another letter, on the same subject, have been received from the Secretary of State.

Department of State,
Washington, Jan. 30th, 1832.

Samuel Smith, Esq
Senate of the United States.

SIR—I have the honor to state, in answer to your enquiry of yesterday, that the records containing the instructions of the Department to Mr. Christopher Hughes, when formerly Charge d'Affaires of the United States in Sweden, have been carefully examined, and that all which is found in them, in relation to the then claims of our citizens upon the government of that country, is given, in the subjoined extract of a letter from Mr. Adams to him, dated 17th June, 1819.

I am, Sir, very respectfully,
Your obedient servant,
[Signed.] EDW'D. LIVINGSTON.

Extract of a letter from Mr. Adams, Secretary of State, to Mr. Hughes, Charge d'Affaires of the United States at Stockholm:—

Department of State,
17th June, 1819.

"The President has been absent from the "seat of Government, on a tour to the South "and West, since the 30th March. His re"turn to this place, in the course of two or "three weeks is expected. Since his depar"ture Mr. Russell's latest correspondence "with the Swedish government, on the sub"ject of the Stralsund Claims, has been receiv"ed, as well as that which followed Mr Rus"sell's taking leave of the Court. It is pain"ful to perceive the perseverance of the Swe"dish government, in withholding the indem"nity, so justly and indisputable due to our "fellow citizens, who suffered by those sei"zures, for which not even a plausible pre"text is alledged. It is still more painful to "find this denial of justice, accompanied by "insinuations, neither candid nor friendly, and "by allegations utterly destitute of founda"tion. Earnestly desirous of maintaining "with Sweden, the most friendly and harmo"nious relations, I shall reserve, until after the "President's return all further remarks on the "subject."

SKETCH OF MR. FORSYTH'S SPEECH.

On the nomination of Mr. Van Buren.

[Mr. Forsyth makes no apology for the rough sketch he presents of the remarks made by him in the Secret Sessions of the Senate, on the nomination of Mr. Van Buren. The speeches against a nomination having been, for the first time in the history of this Government, thrown upon the people, it is due to the person assailed, that what was suggested on the other side should be known. Mr. Forsyth is well aware that, in executing his part of this duty, he has done justice neither to the subject nor to himself.]

I regret, Mr. President, that the Senator from Mississippi, [Mr. Poindexter,] has been so long absent from his seat, not only because he has been suffering pain, but because had he been here, he could have escaped the commission of numerous errors into which he has been led. The friends of Mr. Van Buren have not obstructed inquiry into his conduct; they have challenged investigation, offered it in every and any form consistent with the obligations of the Senate to its own character. The Senator from Maine, [Mr. Holmes,] shrunk from his own resolution. It was laid aside by the votes of those opposed, contrary to the votes and wishes of the friends of those friendly to the nomination. That Senator was distinctly invited by one of the Senators of New York, [Mr. Marcy,] to specify any act dishonorable to the character of Mr. V. Buren, and a pledge given that the inquiry into it should be made in the amplest manner by a Committee having all the powers necessary to the establishment of truth. The Senator from Maine was distinctly told by the Senator from S. Carolina, [Mr Hayne,] on what terms he could command his vote. He was told to cover the ground indicated, by proof, and he would join in the condemnation of the choice of the President. The Senator from Maine deliberated on this offer, and, after deliberation, abandoned his resolution leaving all to grope their way to a conclusion, as accident or prejudice might direct them. A promise was made, that he should have a Committee if he would venture upon it, and the offer was liberately and most unequivocally declined. Yet, after all this, at this eleventh hour, the Senator from Mississippi says, if the friends of Mr Van Buren will solicit a Committee, he will give us what he has collected, while confined to his sick chamber, and on which his own opinion is formed, and if the Committee is not raised, he will, with this matter in his pocket, vote against the nomination, in order to preserve the morality of the nation, endangered by the bestowal of a new office on a *gambling* politician.

As the friend, personal and political, of Mr. Van Buren, I reject the *liberal offer* of the Senator, in defiance of his threatened negative upon the nomination.—Let him unite with those who, like him, are so anxious to preserve the morality of the country by rejecting a man whose most odious crime is his rising popularity and transcendent ability. The friends of Mr. Van Buren will not degrade him by asking a Committee, to free him from the suspicions engendered in the Senator's mind, in his search after correct information, from sources within his reach. His character wants no such justification. Does the gentleman wish to justify his vote? Let him propose a Committee; he shall have our concurrence. Does he desire to convince the Senate? Let him produce the private source. Information which, I venture to say, like the only one he speaks of *openly*, is worthless in the eye of any man who is not so embittered by prejudice that he

* Since the above speech was delivered, I have seen and conversed with the President, and have been authorized to say, "that the objectionable paragraphs alluded to in the debate, were dictated by him to Mr. Van Buren,—that they were his act, and not the act of Mr. Van Buren;" and I have been subsequently informed, by a Senator from Tennessee, that prior to his leaving home, to assume his station in the Senate, the President had told him, that he (Gen. Jackson) would, on all occasions of consequence, require the opinion of his Cabinet in writing, thus (as the Senator understood him,) dispensing with Cabinet meetings. The fact, then, of not calling his Cabinet together, was the President's own act, and not in consequence of the advisement of Mr. Van Buren, as has been so repeatedly affirmed.

partizan, a paltry editor of a paltry newspaper, and to prove what? that Mr Van Buren said that the late Cabinet was dissolved by the conspiracy of the Vice President, to drive Maj. Eaton from the Cabinet, and that he withdrew to escape the consequences of the dissolution. Sir, Mr. Van Buren holds no such conversations with persons who were once his partizans, and now his enemies.

But supposing he had declared, or does entertain, the opinion imputed to him.—Is it a crime which disqualifies him for a high office, that he believes the charge made and sought to be established by the late Secretary of war? If such be the Senator's opinion, can he tell us how far the exclusion extends? The Senator's letter story is contradicted by his previously expressed opinion. What, Sir, the most artful man in the world, proclaim to a paltry Editor that he acted in the manner indicated, to escape the storm consequent on the dissolution of the Cabinet. If it had been true—if such had been his motive, he would have sought to conceal it from himself. No degree of confidential intimacy could have tempted an artful intriguer to such a disclosure. The story if true, proves a man, whose extraordinary prudence, under all circumstances, through a long life in the stormy politics of a vexed and turbulent State, has gained him the confidence of his friends, and called down upon him the charge of consummate artifice from his enemies, to be a silly driveller,—a simpleton, opening his budget of petty motives to one whose trade was, to thrive by making himself important by confidential and oracular disclosures in his unknown journal.

Mr. Van Buren stands in a strange condition before us; from the beginning of this Administration, before he came to the post assigned to him, until the present hour, he is held accountable by a certain description of political men in this country for all the evil that has been done and all good that has been omitted.

Now, Sir,—if he is accountable for every thing, if his hand is to be traced every where, let him have credit for the good that has, and the evil that has not, been done. Balance the account of the admitted good and evil imputed, and the result will fill the hearts of his enemies with the bitterest disappointment. But, sir, this is not the justice intended for him.—He is responsible for all that is complained of. Let us see the Senator from Mississippi (Mr. Poindexter's) catalogue. There were no Cabinet Councils—Did the country suffer from this failure to follow the example of late administrations, from this adherence to the example of General Washington? But there was *one Cabinet Council* called to set on a Lady's reputation. Indeed: and this Mr. Van Buren is also answerable for; and is it true, Sir, that the honorable members of the late Cabinet, who remained so tranquilly at their posts enjoying all their emoluments and honors with becoming gratification, suffered themselves to be deprived of their accustomed rights of a seat and voice at the Council Board of deliberations on great matters of vital interest to the public, and yet obeyed the beck and call of Mr. Van Buren, to set upon a Lady's reputation! Of what stuff were they made, that they did not distinctly ascertain if this restriction of claimed right, and this insulting call upon them to step out of their appropriate spheres, was the work of Mr. Van Buren or the act of the President. If the first, why did they not demand his dismission, and, if refused, indignantly throw their commissions in the teeth of the Chief Magistrate. The omitted Cabinet Councils, and the single call, were no such dreadful offences until obliged to follow Mr. Van Buren's example and resign. The history of the last year, establishes the wisdom of the President in calling no Cabinet Council to deliberate, as there could have been no harmony in their consultations, and on the single question said to have been submitted the Ex-Cabinet have shown themselves incompetent to decide. He is not competent to decide on a Lady's reputation, who throws out of view, on the question of how she should be treated, her *guilt* or *innocence*. I will not condescend further to refer to the trash with which the public press has been loaded and polluted for months, and unless the Senator from Mississippi has better evidence than the public has yet seen, the hope of implicating Mr. Van Buren in the disturbances that preceded the dissolution of the Cabinet, is forlorn. Let us see the next crime in the catalogue of the Senator from Mississippi (Mr. Poindexter,) Mr. Van Buren intrigued the dissolution of the late Cabinet, taking care previously to secure a safe and prominent retreat in the Mission to England. It is known to every well informed man in this District that Mr. Van Buren, by his admirable temper, his conciliating manners and unwearied exertions, kept the Cabinet together long after its discordant materials were so well ascertained that its dissolution sooner or later was a matter of common speculation.—Sir, nobody doubted that the parties could not get on together, and the only surprize was, that the President did not proceed to restore harmony by the removal of those whose disagreements produced the discord. But Mr. Van Buren had the unparalleled effrontery to resign on motives of delicacy and disinterestedness, and as this mode of conduct was so unusual it has excited a vast deal of surmise and wonder. The Senator from Mississippi (Mr. P.) has however satisfactorily to himself solved the mystery. Mr. Van Buren arranged himself into a prominent place *before he resigned*, and a new Cabinet to suit his ambitious views. Now, Sir, as to the proof of this preconcerted arrangement for his accommodation and elevation. The President told somebody who was a late Secretary, that Mr. Van Buren was to go to England, and named to him the Secretaries, who were to come in; but this was *after* Mr. Van Buren had resigned. In the interview, it is acknowledged that Mr. Van Buren's letter of resignation was handed to this volunteer repeater of confidential conversation with the Chief Magistrate.—But the Senator says it was *before the letter was published*—thence he concludes Mr. V. B. had made a cat's paw of the President, for the promotion of his own views: a most logical inference, truly. And this new Cabinet arranged to further Mr. V. B's unholy ambition. Is there man, woman or child in the country, who does not know and feel, that the change has been beneficial to the public, that there is now more strength, more virtue, and more harmony than there was before? Is there any man who will hazard his reputation, by asserting that the present Secretaries are capable of being made the instruments of any man's ambition, or so subject to the undue bias of individual influence, as the late Cabinet? Patriots are not substitutes for pure, disinterested patriots; and let me say, Sir, that [illegible] Do this minister [illegible] by Mr. V. Buren: his friends know that [illegible] pressed on him by the President, and that he was reluctantly accepted at the earnest solicitations of friends who were satisfied it would promote his own reputation, and redound to the honor and welfare of the nation. I will not follow, further, the Senator's lead. Long known to me as a politician, and as a man, acting together in the hour of political adversity, when we had lost all but our honor—a witness of his movements when elevated to power, and in the possession of the confidence of the Chief Magistrate, and of the great majority of the people, I have never witnessed aught in Mr. V. Buren which requires concealment, palliation or coloring—never any thing to lessen his character as a patriot and as a man—nothing which he might not desire to see exposed to the scrutiny of every member of this body, with the calm confidence of unsullied integrity. He is called an artful man—a giant of artifice—a wily magician. From whom does he receive these opprobrious names? From open enemies and pretended friends. In the midst of all the charges that have been brought against him, in shapes more varying than those of Proteus, and thick as the autumnal leaves that strew the vale of Valambrosa, where is the false friend or malignant enemy that has fixed upon him one *dishonorable* or degrading act? If innocent of artifice, if governed by a high sense of honor, and regulating his conduct by elevated principles, this is not wonderful; but, if the result of skill, of the *ars celare artem*, he must be more cunning than the Devil himself, to have thus avoided the snares of enemies and the treachery of pretended friends.

It is not possible, Sir, that he should have escaped, had he been otherwise than pure.—Those, ignorant of his unrivalled knowledge of human character, his power of penetrating into the designs, and defeating the purposes of his adversaries, seeing his rapid advance to public honors, and popular confidence, impute to art what is a natural result of those simple causes. Extraordinary talent, untiring industry, incessant vigilance, the happiest temper which success cannot corrupt nor disappointment sour; these are the sources of his unexampled success,—the magic arts—the artifices of intrigue, to which only he has resorted in his eventful life. Those who envy his success, may learn wisdom from his example.

Having disposed of the catalogue of the Senator from Mississippi, let me advert to the grounds occupied by a little army of objections on the other side of this Chamber:—How many sacrifices of feeling to duty, are we not about to witness it all; the honorable Senators, of Maryland, Connecticut, Delaware, Massachusetts, Ohio and Kentucky, are constrained by duty to vote against his nomination—and *all*, on the public grounds—no private feelings; Oh no! nothing like it: public duty against private feeling, is the order of the day. And what is the dreadful public crime he, Mr. Van Buren, has committed? Hear—Sir, hear. He has degraded the country by giving instructions to the late Minister to Great Britain, Mr McLane, about the West India trade.—What instructions? Can it be those on which the act of 1820 passed—those which have been among our printed documents for these twelve months, forming part of the President's communication to Congress of Jan. 1831? Have those honorable gentlemen who are now so shocked at the public degradation, so eager to punish the author of this national disgrace, been sleeping at their posts—no one to cry

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