CONGRESSIONAL DEBATE.

Mr. CALHOUN'S SPEECH.

IN SENATE—MONDAY, JAN. 13, 1834.

[CONCLUDED.]

The Secretary, having determined that the Bank was unconstitutional; that the people had pronounced against the re-charter, concludes that Congress had nothing to do with the subject. With a provident foresight, he perceives the difficulty and embarrassment into which the currency of the country would be thrown on the termination of the Bank charter; to prevent which, he proceeds deliberately, with a parental care, to supply a new currency, "equal to, or better" than that which Congress had supplied. With this view, he determines on immediate removal of the deposites: he puts them in certain State institutions, intending to organize them after the fashion of the empire state, into a great safety-fund system, but which, unfortunately, undoubtedly for the projectors, if not for the country, the limited power of the State Banks did not permit him to effect. But a substitute was found by associating, them in certain articles of agreement, and appointing an inspector general of all this league of banks! and all this without law or appropriation! Is it not amazing, that it never occurred to the Secretary, that the subject of currency belonged exclusively to Congress, and that to assume to regulate it, was a plain usurpation of the powers of that department of the government?

Having thus assumed the power, officially to determine on the constitutionality of the Bank; having erected himself into an organ of the people's voice, and settled the question of the regulation of the currency, he next proceeds to assume the judicial power over the Bank. He declares that the Bank has transcended its powers, and had therefore forfeited its charter, for which he inflicts on the institution the severe and exemplary punishment of withholding the deposites, and all this in the face of an express provision, investing the court with power touching the infraction of the charter, directing in what manner the trial should be commenced and conducted and securing expressly to the bank the sacred right of trial by jury, in finding the facts. All this passed for nothing in the eyes of the Secretary, who was too deeply engrossed in providing for the common welfare, to regard either Congress, the Court or the Constitution.

The Secretary next proceeds to supervise the general operations of the bank, pronouncing with authority, that, at one time it has discounted too freely, and at another, too sparingly, without reflecting that all the control which the government can rightfully exercise over the operations of the institutions, is through the five directors who represent the government in this respect. Directors! Mr. Calhoun exclaimed, did I say, (alluding to the present.) No spies is their proper designation.

I cannot, said Mr. C. proceed with the remarks which I intended, on the remainder of the Secretary's reasons; I have not patience to dwell on assumptions of power, so bold, so lawless, and so unconstitutional; they deserve not the name of argument, and I cannot waste time in treating them as such. There are, however, two which I cannot pass over, not because they are more extraordinary, or audacious than the other, but for another quality which I chose not to designate.

The Secretary alledges that the bank has interferred with the politics of the country. If this be true, it certainly is a most heinous offence. The bank is a great public trust, possessing for the purpose of discharging the trust, great power and influence, which it could not pervert from the object intended to that of influencing the politics of the country, without being guilty of a great political crime. In making these remarks, I do not intend to give any countenance to the truth of the charge alledged by the Secretary, nor to deny to the officers of the bank the right which belongs to them in common with every citizen, freely to form political principles, and act on them in their private capacity, without permitting them to influence their official conduct.

But it is strange, it did not occur to the Secretary, while he was accusing and punishing the bank on the charge of interfering in the politics of the country, that the government also was a great trust, vested with power still more extensive, and influence immeasurably greater than that of the Bank, given to enable it to discharge the object for which it was created; and that it has no more right to pervert its power and influence into the means of controlling the politics of the country, than the Bank itself. Can it be unknown to him that the Fourth Auditor of the Treasury—(an officer in his own department,) the man who has made so prominent a figure in this transaction, was daily and hourly meddling in politics, and that he is one of the principal political managers of the Administration? Can he be ignorant that the whole power of the government has been perverted into a great political machine, with a view of corrupting and controlling the country? Can he be ignorant that the avowed and open policy of the government is to reward political friends, and punish polical enemies? and that, acting on this principle, it has driven from office hundreds of honest competent officers for opinion's sake only, and filled their places with devoted partizans? Can he be ignorant that the real offence of the Bank, is not that it *has* intermeddled in politics, but because it *would not* intermeddle on the side of power? There is nothing more dignified than reproof from the lips of innocence, or punishment from the hands of justice; but change the picture—let the guilty reprove, and the criminal punish, and what more odious; more hateful can be presented to the imagination?

The Secretary next tells us, in the same spirit, that the bank had been wasteful of the public funds. That it has spent some thirty, forty or fifty thousand dollars, I do not remember the exact amount—(trifles have no weight in the determination of so great a question) in circulating essays and speeches in defence of the institution, of which sum, one-fifth part—some seven thousand dollars—belonged to the government. Well, sir, if the bank has really *wasted* this amount of the public money, it is a grave charge. It has not a right to waste a single cent, but I must say, in defence of the bank, that, assailed as it was by the Executive, it would have been unfaithful to its trust both to stockholders and to the public, had it not resorted to every proper means in its power to defend its conduct, and among others the free circulation of able and judicious publications.

But, admit that the bank has been guilty of wasting the public funds, to the full extent charged by the Secretary, I would ask if he, the head of the financial department of the Government, is not under as high and solemn obligation to take care of the monied interest of the public as the Bank itself? I would ask him to answer me a few simple questions: How has he performed this duty in relation to the interest which the public holds in the Bank? Has he been less wasteful than he has charged the Bank to have been? Has he not wasted thousands where the bank, even according to his own statement, has hundreds? Has he not, by withdrawing the deposites and placing them in the State Banks, where the public receives not a cent of interest, greatly affected the dividends of the Bank of the United States, in which the Government, as a stockholder, is a loser to the amount of one-fifth of the diminution? a sum which I will venture to predict will manyfold exceed the entire amount which the bank has expended in its defence. But this is a small, a very small proportion of the public loss, in consequence of the course which the Executive has pursued in relation to the Bank, and which has reduced the value of the shares, from 130 to 108—(a Senator near me says much more. It may be; I am not particular in such things.)—and on which the public sustains a corresponding loss on its share of the stock, amounting to seven millions of dollars—a sum more than two hundred fold greater than the waste which he has charged upon the bank. Other administrations may exceed this in talents, patriotism, and honesty, but certainly in audacity in effrontery, it stands without a parallel!

The Secretary has brought forward many and grievious charges against the Bank. I will not condescend to notice them—it is the conduct of the Secretary, and not that of the Bank, which is immediately under examination, and he has no right to drag the conduct of the Bank into the issue, beyond its operations in regard to the deposites. To that extent I am prepared to examine his allegations against it; but beyond that he has no right—no, not the least—to arraign the conduct of the Bank; and I for one will not by noticing his charges beyond that point, sanction his authority to call its conduct in question. But let the point in issue be determined, and I, as far as my voice extends, will give to those who desire it, the means of the freest and most unlimited inquiry into its conduct. I am no partizan of the Bank—I am connected with it in no way, by monied or political ties. I might say, with truth, that the Bank owes as much to me as to any other individual in the country; and I might even add that, had it not been for my efforts, it would not have been chartered. Standing in this relation to the institution, a high sense of delicacy—a regard to independence and character, has restrained me from any connexion with the institution whatever, except some trifling accommodations, in the way of ordinary business which were not of the slightest importance either to the Bank or myself.

But while I shall not condescend to notice the charges of the Secretary against the Bank, beyond the extent which I have stated, a sense of duty to the institution, and regard to the part which I took in its creation, compels me to notice two allegations against it which have fallen from another quarter. It is said that the Bank had no agency, or at least efficient agency, in the restoration of specie payment in 1817, and that it had failed to furnish the country with a uniform and sound currency, as had been promised at its creation. Both of these allegations I pronounce to be without just foundation. To enter into a minute examination of them would carry me too far from the subject, and I must content myself with saying, that having been on the political stage without interruption, from that day to this—having been an attentive observer of the question of the currency through out the whole period—that the Bank has been an indispensable agent in the restoration of specie payments; that without it, the restoration could not have been effected, short of the utter prostration of all the monied institutions of the country, and an entire depreciation of Bank paper; and that it has not only restored specie payments, but has given a currency far more uniform, between the extremes of the country, than was anticipated or even dreamed of at the time of its creation. I will say for myself, that I did not believe, at that time, that the exchange between the Atlantic and the West would be brought lower than two and a half per cent, the estimated expense, then, including insurance and loss of time, of transporting specie between the two points. How much it was below the anticipated points, I need not state; the whole commercial world knows that it was not a fourth part at the time of the removal of the deposites.

But to return from this digression. Though I will not notice the charges of the Secretary for the reasons already stated, I will take the liberty of propounding to those who support them on this floor, a few plain questions. If there be in banking institutions an inherent tendency so strong to abuse and corruption as they contend—if, in consequence of this tendency, the bank of the United States be guilty of the enormous charges and corruptions alleged, notwithstanding its responsibility to the Government and our control over it, what is to be expected from irresponsible league banks, as called by the Senator from Kentucky, [Mr. Clay,] over which we can have no legal control? If our power of renewing the charter of the bank of the United States—if our right to vacate the charter by *scire facias*, in case of misconduct—if the influence which the appointment of five Government Directors gives us; and, finally, if the power which we have of appointing committees to examine into its condition, are not sufficient to hold the institution in check; if, in spite of all these, it has, from the innate corruption of such institutions, been guilty of the enormous abuses and crimes charged against it, what may we not expect from the associated banks, the favorites of the Treasury, over the renewal of whose charter the Government has no power, against which it can issue no *scire facias*; in whose direction it has not a single individual, and into whose conduct Congress can appoint no committee to look? With these checks all withdrawn, what would be the condition of the public funds?

I, said Mr. Calhoun, stated in the outset of my remarks, that as broad as was the power which the Secretary had assumed in relation to the deposites, that there was a portion of the transaction of a highly important character, to which he has not alluded, and in relation to which he has not even attempted a justification. I will now proceed to make good this assertion to the letter.

There is a material difference between *withholding* money from going into the bank, and *withdrawing* it after it has been placed there. The former is authorized in the manner which I have stated, under the sixteenth section, which directs, as has been frequently stated, that the public money shall be deposited in the bank, unless otherwise ordered by the Secretary of the Treasury. But neither that section nor any portion of the act incorporating the bank, nor, in truth, any other act, gives the Secretary any authority, of himself, to *withdraw* public money deposited in the bank.—There is, I repeat, a material difference between *withholding* public money from deposite and *withdrawing* it. When paid into the place designated by law as the deposite of the public money, it passes to the credit of the Treasurer, and then is in the Treasury of the United States, where it is placed under the protection of the constitution itself, and from which, by an express provision of the constitution, it can only be withdrawn by an appropriation made by law. So careful were the framers of the act of 1816, to leave nothing to implication, that express authority is given to the Secretary of the Treasury, in the fifteenth section, to transfer the deposites from one place to another, for the convenience of disbursements; but which, by a strange perversion, is now attempted to be so construed as to confer on the Secretary the power to withdraw the money from the deposite, and to loan it to favorite State banks.

I express myself too favorably; I should say, to his favorites, without interest, with a view to sustain their credits or enlarge their profits—a power, not only far beyond the Secretary, but which Congress itself could not exercise without a flagrant breach of the constitution. But, it is said, in answer to these views, that money paid in deposites into the bank, as directed by law, is not in the Treasury. I will not stop, said Mr. C., to reply to such an objection. If it be not in the Treasury, where is it in Treasury? Where the eight or nine millions which, by the annual report of the Secretary, is said to be now in the Treasury? Are we to understand that none of this money is, in truth, in the Treasury—that it is floating about at large, subject to be disposed of—to be given away; at the will of the Executive, to favorites and partizans? So it would seem; for it appears, by a correspondence between the Treasurer and the Cashier of the bank, (the Secretary not deeming it worth while to give the slightest information of the transaction, as if a matter of course,) that he has drawn out two millions and a quarter of the public money, without appropriation, and distributed it at pleasure among his favorites!

But it is attempted to vindicate the conduct of the Secretary on the ground of precedent. I will not stop to notice whether the cases cited are in point; nor will I avail myself of the great and striking advantage that I might have on the question of precedent; this case stands alone and distinct from all others. There is none similar to it in magnitude and importance. I waive all that; I place myself on higher grounds—I stand on the immovable principle that, on a question of law and constitution, in a deliberative assembly, there is no room—no place for precedents. To admit them would be to make the violation of to-day the law and constitution of to-morrow; and to substitute in the place of the written and sacred will of the people and the legislature, the infraction of those charged with the execution of the law. Such, in my opinion, is the relative force of law and constitution on one side, as compared with precedents on the other. Viewed in a different light, not in reference to the law or constitution, but to the conduct of the officer, I am disposed to give rather more weight to precedents, when the question relates to an excuse or apology for the officer, in case of infraction. If the infraction be a trivial one, in a case not calculated to excite attention, an officer might fairly excuse himself on the ground of precedent; but, in one like this, of the utmost magnitude, involving the highest interests and most important principles, where the attention of the officer must be aroused to a most careful examination, he cannot avail himself of the plea of precedent to excuse his conduct. It is a case where false precedents are to be *corrected* and not *followed*. An officer ought to be ashamed in such a case to attempt to vindicate his conduct on a charge of violating law or constitution by pleading precedent. The principle in this case is obvious. If the Secretary's right to withdraw public money from the Treasury be clear, he has no need of precedent to vindicate him. If not, he ought not in a case of so much magnitude to have acted.

I have not, said Mr. Calhoun, touched a question which has had so prominent a part in the debate; whether the withholding the deposites was the act of the Secretary or the President. Under my view of the subject, the question is not of the slightest importance. It is equally unauthorized and illegal; whether done by President or Secretary; but, as the question has been agitated, and as my views do not correspond on this point, with those advocating the side which I do, I deem it due to frankness to express my sentiments.

I have no doubt that the President removed the former Secretary, and placed the present in his place, expressly with a view to the removal of the deposites. I am equally clear, under all the circumstances of the case, that the President's conduct is wholly indefensible; and, among other objections, I fear he had in view, in the removal, an object eminently dangerous and unconstitutional—to give an advantage to his veto, never intended by the Constitution—a power intended as a shield, to protect the Executive against the encroachment of the Legislative department—to maintain the present state of things against dangerous or hasty innovation, but which, I fear, is, in this case, intended as a sword, to defend the usurpation of the Executive.

I say I fear, for although the circumstances of this case leads to a just apprehension that such is the intention, I will not permit myself to assert that such is the fact—that so lawless and unconstitutional an object is contemplated by the President; till his act shall compel me to believe to the contrary. But, while I thus severely condemn the conduct of the President in removing the former Secretary and appointing the present, I must say, that in my opinion it is a case of the *abuse* and not of the *usurpation* of power. I cannot doubt that the President has, under the Constitution, the right of removal from office: nor can I doubt that the power of removal, wherever it exists, does, from necessity, involve the power of general supervision; nor can I doubt it might be constitutionally exercised in reference to the deposits. Reverse the present case—suppose the late Secretary, instead of being against, had been in favor of the removal, and that the President, instead of for, had been against it, deeming the removal not only inexpedient, but under circumstances, illegal; would any man doubt, that under such circumstances, he had a right to remove his Secretary, if it were the only means of preventing the removal of the deposites? Nay; would it not be his indispensable duty to have removed him? and, had he not, would not he have been universally and justly held responsible?

I have now (said Mr. C.) offered all the remarks I intended in reference to the deposite question; and on reviewing the whole ground, I must say, that the Secretary, in removing the deposites, has clearly transcended his power; that he has violated the contract between the Bank and the United States; that in so doing, he has deeply injured that large and respectable portion of our citizens who have been invited, on the faith of the Government, to invest their property in the institution; while, at the same time, he has deeply injured the public, in its character of stockholder; and finally, that he has inflicted a deep wound on the public faith. To this last, I attribute the present embarrassment in the currency, which has so injuriously affected all the great interests of the country. The currency of the country is the credit of the country—credit in every shape, public and private; credit, not only in the shape of paper, but that of faith and confidence between man and man; through the agency of which, in all its forms, the great and mighty exchanges of this commercial country, at home and abroad, are effected. To inflict a wound any where, particularly on the public faith, is to embarrass all the channels of currency and exchange; and it is to this, and not to the withdrawing the few millions of dollars from circulation, that I attribute the present monied embarrassment. Did I believe to the contrary—if I thought it any great and permanent distress would of it result from winding up in a regular and legal manner the present or any other Bank of the United States, I would deem it an evidence of the dangerous power of the institution, and that extent, an argument against its existence; but, as it is, I regard the present embarrassment not as an argument against the Bank, but as an argument against the lawless and wanton exercise of power on the part of the Executive—an embarrassment which is likely to be continued long, if the deposites be not restored.—The Banks which have received them, at the expense of the public, and in violation of all law; will never be permitted to enjoy their spoils in quiet. No man who regards the subject in the light in which I do, can ever give his sanction to any law intended to protect or carry through the present illegal arrangement; on the contrary, all such must feel bound to wage perpetual war against an usurpation of power so flagrant as that which controls the present deposites of the public money. If I stand alone, (said Mr. Calhoun,) I at least will continue to maintain the contest, so long as I remain in public life.

As important (said Mr. C.) as I consider the question of the deposites, in all its bearings, public and private, it is one on the surface—a mere pretext to another, and one greatly more important, which lies beneath, and which must be taken into consideration, to understand correctly all the circumstances attending this extraordinary transaction. It is felt and acknowledged on all sides, that there is another and a deeper question, which has excited the profound sensation and alarm, which pervades the country.

If we are to believe what we hear from the advocates of the administration, we would believe at one time that the real question was, Bank or no Bank; at another, that the question was between the United States Bank and the States Banks; and finally, that it was a struggle on the part of the administration to guard and defend the rights of the States against the encroachments of the General Government. The administration the guardians and defenders of the right of the States! What shall I call it: audacity or hypocrisy! The authors of the Proclamation, the guardians and defenders of the rights of the States! The authors of the War Message against a member of this confederacy—the authors of the "bloody bill" the guardians and defenders of the rights of the States! This a struggle for States rights! No, Sir, State rights are no more. The struggle is over for the present. The bill of the last session, which vested in the Government the right of judging of the extent of its powers, finally and conclusively, and gave it the right of enforcing its judgments by the sword, destroyed all distinction between delegated and reserved rights; concentrated in the Government the entire power of the system, and prostrated the States as poor and helpless corporations at the foot of this sovereignty.

Nor is it more true that the real question is—Bank or no Bank. Taking the deposite question in the broadest sense; suppose, as is contended by the friends of the administration, that it involves the question of the renewal of the charter, and consequently the existence of the Bank itself; still the banking system would stand, almost untouched and unimpaired. Four hundred banks would still remain scattered over this wide republic, and on the ruins of the United States Bank, many would rise to be added to the present list. Under this aspect of the subject, the only possible question that could be presented for consideration would be, whether the banking system was more safe, more beneficial, or more conatitutional with or without the U. States Bank?

If, said Mr. C. this was a question of Bank or no Bank—if it involved the existence of the Banking system, it would indeed be a great question—one of the first magnitude, and, with my present impression, long entertained and daily increasing—I would hesitate—long hesitate—before I would be found under the banner in person, I have great doubts, if doubts remain may be cared, as to the soundness and tendency of the whole system, in all its modifications. I have great fears that it will be found hostile to liberty and the advance of civilization—fatally hostile to liberty in our country, where the system exists in its worst and most dangerous form. Of all institutions affecting the great question of the distribution of wealth—a question least explored and the most important of any in the whole range of political economy, the banking institution has, if not the greatest, among the greatest influence, and I fear, most pernicious influence on the mode of distribution. Were the question really before us, I would not shun the responsibility, as great as it might be, of freely and fully offering my sentiments on these deeply important points; but, as it is, I must content myself with the few remarks which I have thrown out.

What, then, is the real question which now agitates the country? I answer, it is a struggle between the Executive and Legislative departments of the Government—a struggle, not in relation to the existence of the Bank, but which, Congress or the President, should have the power of creating banks and the consequent control over the currency of the country. This is the real question. Let us not deceive ourselves—this league—this association of banks—created by the Executive; bound together by its influence; united in common articles of association; vivified and sustained by receiving the deposites of the public money, and having their notes converted, by being received everywhere by the Treasury, into the common currency of the country, is, to all intents and purposes, a bank of the United States—the Executive bank of the U. States, as distinguished from that of Congress.

However it might fail to perform satisfactorily the useful functions of the Bank of the United States, as incorporated by law, it would outstrip it—far outstrip it—in all its dangerous qualities, in extending the power, the influence, and the corruption of the Government. It was impossible to conceive any institution more admirably calculated to advance these objects. Not only the selected banks, but the whole banking institutions of the country, and with it the entire money power, for the purpose of speculation, peculation, and corruption, would be placed under the control of the Executive. A system of menaces and promises will be established—of menace to the Banks in possession of the deposites, but which might not be entirely subservient to Executive views; and of promise of future favors to those who may not as yet enjoy its favors. Between the two the Banks would be left without influence, honor or, honesty; and a system of speculation and stock-jobbing would commence, unequalled in the annals of our country. I fear they have already commenced—I fear the means which have been put into the hands of the minions of power by the removal of the deposites, and placing them in the vaults of dependant banks, have extended their cupidity to the public lands, particularly in the south-west; and that to this we must attribute the recent phenomena in that quarter! immense and valuable tracts of land sold at short notice—sales fraudulently postponed to aid the speculators! with which, if I am not misinformed, a name not unknown to this body (Gwin) has performed a prominent part. But I leave this to my vigilant and able friend from Mississippi, (Mr. Poindexter,) at the head of the Committee on Public Lands, who, I doubt not, will see justice done to the public. As to stock-jobbing, this new arrangement will open a field which Rothschild himself may envy. It has been found hard work—very hard, no doubt—by the jobbers in stock, who have been engaged in attempts to raise or depress the price of U. States Bank stock: but no work will be more easy than to raise or depress the price of the stock of selected banks, at the pleasure of the Executive. Nothing more will be required than to give or withhold deposites—to draw, or abstain from drawing warrants—to pamper them at one time, and starve them at another. Those who would be in the secret, and who would know when to borrow and when to sell, would have the means of realizing, by dealing in the stocks, whatever fortune they might please.

So long as the question is one between a Bank of the United States incorporated by Congress, and that system of banks which has been created by the will of the Executive, it is an insult to the understanding to discourse on the pernicious tendency and constitutionality of the bank of the United States. To bring up that question fairly and legitimately, you must go one step farther; you must divorce the Government and the banking system. You must refuse all connexion with Banks. You must neither receive nor pay away bank notes, you must go back to the old system of the strong box, and of gold and silver. If you have a right to receive bank notes at all—to treat them as money by receiving them in your dues, or paying them away to creditors, you have a right to create a bank. Whatever the Government receives and treats as money, is money; and, if it be money, then they have the right, under the Constitution, to regulate it. Nay, they are bound by a high obligation to adopt the most efficient means, according to the nature of that which they have recognized as money; to give it the utmost stability and uniformity of value. And if it be in the shape of bank notes, the most efficient means of giving those qualities, is a bank of the U. States, incorporated by Congress. Unless you give the highest practical uniformity to the value of bank notes; so long as you receive them in your dues, and treat them as money, you violate that provision of the Constitution which provides that taxation shall be uniform throughout the United States. There is no other alternative. I repeat, you must *divorce* the Government entirely from the banking system; or, if not, you are bound to incorporate a bank, as the only safe and efficient means of giving stability and uniformity to the currency. And should the deposites not be restored, and the present illegal and unconstitutional connexion between the Executive and the league of banks exist, I shall feel it my duty, if no one else moves, to introduce a measure to prohibit Government from receiving or touching bank notes in any shape whatever, as the only means left of giving safety and stability to the currency, and saving the country from corruption and ruin.

Viewing the question in its true light, as a struggle on the part of the Executive to seize on the power of Congress, and to unite in the President the power of the sword and the purse, the Senator from Kentucky (Mr. Clay) said, truly, and, let me add, philosophically, that we are in the midst of a revolution. Yes, the very existence of free governments rests on the proper distribution and organization of power; and to destroy this distribution, and thereby concentrate power in any one of the departments, is to effect a revolution; but, while I agree with the Senator, that we are in the midst of revolution, I cannot agree with him as to the time at which it commenced, or the point to which it has progressed. Looking to the distribution of the powers of the General Government—into the Legislative, Executive, and Judicial Departments—and confining his views to the encroachment of the Executive upon the Legislative, he dates the commencement of the revolution but sixty days previous to the meeting of the present Congress. I, said Mr. C., take a wider range, and date it from an earlier period.

Besides the distribution among the Departments of the General Government, there belongs to our system another, and a far more important division or distribution of power, that between the States and the General Government—the reserved and delegated rights, the maintenance of which is still more essential to the preservation of our institutions. Taking this wide review of our political system, the revolution in the midst of which we are, began, not as supposed by the Senator from Kentucky, shortly before the commencement of the present session, but many years ago with the commencement of the restrictive system; and terminated its first stage with the passage of the force bill of the last session, which absorbed all the rights and sovereignty of the States, and consolidated them in this Government. Whilst this process was going on, of absorbing the reserved powers of the States, on the part of the General Government, another commenced, of concentrating, in the Executive, the powers of the other two, the Legislative and Judicial Departments of the Government, which constitutes the second stage of the revolution, in which we have advanced almost to termination.

The Senator from Kentucky, in connection with this part of his discussion, read a striking passage from one of the most pleasing and instructive writers in any language (Plutarch); the description of Cæsar forcing himself, sword in hand, into the treasury of the Roman Commonwealth. We are at the same stage of our political revolution, and the striking analogy between the two cases is complete; varied only by the character of the actors and the circumstances of the times. That was a case of an intrepid and bold warrior, as an open plunderer, seizing forcibly the treasury of the country, which, in that Republic, as well as ours, was confided to the custody of the legislative department of the Government. The actors in our case are of a different character—artful, cunning and corrupt politicians, and not fearless warriors. They have entered the treasury, not sword in hand, as public plunderers, but with the false keys of sophistry, as pilferers, under the silence of midnight.

The motive and object are the same, varied in like manner, by character and circumstances. "With money I will get men, and with men money," was the maxim of the Roman plunderer. With money we will get partizans, with partizans votes, and with votes money, is the maxim of our public pilferers. With men and money, Cæsar struck down Roman liberty, at the fatal battle of Phillippi, never to rise again; from which disastrous hour, all the powers of the Roman Republic were consolidated in the person of Cæsar, and perpetuated in his line. With money and corrupt partizans, a great effort is now making to choke and stifle the voice of American liberty, through all its natural organs; by corrupting the press; by overawing the other departments; and finally by setting up a new and polluted organ, composed of office holders and corrupt partizans, under the name of a national convention, which, counterfeiting the voice of the people, will, if not resisted, in their name dictate the succession; when the deed will be done—the revolution be completed—and all the powers of our Republic, in like manner, be consolidated in the President, and perpetuated by his dictation.

The Senator from Kentucky, (Mr. C.) anticipates with confidence that the small party who were denounced at the last session, as traitors and disunionists, will be found on this trying occasion, standing in the front rank, and manfully resisting the advance of despotic power. I, said Mr. Calhoun, heard the anticipation with pleasure, not on account of the compliment which it implied, but the evidence which it affords that the cloud which has been so industriously thrown over the character and motives of that small but patriotic party, begins to be dissipated. The Senator hazarded nothing in the prediction. That party is the determined, the fixed and sworn enemy to usurpation, come from what quarter and under what form it may—whether from the Executive, upon the other departments of this Government or from this government upon the sovereignty and rights of the States.

The resolution and fortitude with which it maintained its position at the last session, under so many difficulties and dangers, in defence of the States against the encroachments of the general government, furnished evidence not to be mistaken, that that party, in the present momentous struggle, would be found arrayed in defence of the rights of Congress against the encroachments of the Executive. And let me tell the Senator from Kentucky, said Mr. C. that, if the present usurpation be unsuccessful, it will be owing to the success with which we—the nulligers—I am not afraid of the word—maintained the rights of the States against the encroachment of the general government, at the last session.

A very few words will place this point beyond controversy. To the interposition of the State of South Carolina, we are indebted for the adjustment of the tariff question; without it, all the influence of the Senator from Kentucky, with the manufacturing interest, great as it is, deservedly so, as it ought to be, would have been wholly incompetent, if he had even thought proper to exert it, to adjust the question. The attempt would have prostrated him, and those who acted with him, and not the system. It was the separate action of the State that give him the place to stand upon; created the necessity for the adjustment, and disposed the minds of all to compromise. Now, I put the solemn question to all who hear me, if the tariff had not then been adjusted—if it were now an open question—what hope of successful resistance against the usurpations of the Executive, on the part of this or any other branch of the Government, could be entertained? Let it not be said, that this is the result of accident: of an unforeseen contigency. It was clearly perceived, and openly stated, that no successful resistance could be made to the corruption and encroachments of the Executive, while the tariff question remained open; while it separated the north from the south, and wasted the energy of the honest and patriotic portions of the community, against each other, the joint effort of which is indispensably necessary to expel those from authority, who are converting the entire powers of government into a corrupt electioneering machine; and that, without separate State interposition, the adjustment was impossible. The truth of the position rests not upon the accidental state of things, but on a profound principle, growing out of the nature of government & party struggles in a free State. History and reflection teach us, that when great interests come into conflict and the passions and the prejudices of men are roused, such struggles can never be composed by the influence of any individuals, however great; and if there be not, somewhere in the system, some high constitutional power to arrest their progress, and compel the parties to adjust the difference, they go on till the state falls by corruption or violence.

I will, said Mr. C. venture to add to these remarks another, in connexion with the point under consideration, not less true. We are not only indebted to the cause which I have stated, for our present strength in this body against the present usurpation of the Executive, but if the adjustment of the tariff had stood alone, as it ought to have done, without the odious bill which accompanied it; if those who led in the compromise had joined the State Rights party in their resistance to that unconstitutional measure, and thrown the responsibility on its real authors, the administration, their party would have been so prostrated throughout the entire South, and their power, in consequence, so reduced, that they would not have dared to attempt the present measure; or, if they had, they would have been broke and defeated.

Were I, said Mr. C. to select the case best calculated to illustrate the necessity of resisting usurpation at the very commencement, and to prove how difficult it is to resist it in any subsequent stage, if not met at first, I would select this very case. What, he asked, is the cause of the present usurpation of power on the part of the Executive? What the motive? the temptation, which has induced to seize on the deposites? What, but the large surplus revenue—eight or ten millions in the public treasury, when not needed? I answer, the protective system; that system which graduated duties, not in reference to the wants of the government, but in reference to the importunities and demands of the manufacturers, and which poured millions of dollars into the Treasury beyond the most profuse demands and even the extravagance of the government—taken—unlawfully taken, from the pockets of those who honestly made it. I hold that those who make, are entitled to what they make, against all the world, except the government; and against it, except to the extent of its legitimate and constitutional wants; and that for the government to take one cent more is robbery. In violation of this sacred principle, Congress first removed the deposites into the public Treasury, from the pockets of those who made it, where they were rightfully placed by all laws, human and divine. The Executive, in his turn, following the example, has taken them from that deposite and distributed them among favorite and partisan banks. The means used have been the same in both cases. The Constitution gives to Congress the power to lay duties with a view to revenue. This power, without regarding the object for which it was intended, forgetting that it was a great trust power, necessarily limited by the very nature of such powers, to the subject and the object of the trust, was perverted to a use never intended, that of protecting the industry of one portion of the country at the expense of another; and, under this false interpretation, the money was transferred from its natural and just deposite, the pockets of those who made it, into the public Treasury; as I have stated. In this too, the executive followed the example of Congress.

By the magic construction of a few simple words—"unless otherwise ordered,"—intended to confer on the Secretary of the Treasury a limited power—to give additional security to the public deposites, he has, in like manner, perverted this power, and made it the instrument, by similar sophistry, of drawing the money from the Treasury, and bestowing it as I have stated to favourite and partizan banks. Would to God! said Mr. C., would to God I could reverse the whole of this nefarious operation, and terminate the controversy by returning the money to the pockets of the honest and industrious citizens; by the sweat of whose brows it has been made; with whom only it can be rightfully deposited. But as this cannot be done, I must content myself by giving a vote to return it to the public Treasury, where it was ordered to be deposited by an act of the legislature.

There is another aspect, said Mr. C. in which this subject may be viewed. We all remember how early the question of the surplus revenue, began to agitate the country. At a very early period, a Senator from New Jersey, (Mr. DICKERSON) presented his scheme of disposing of it by distributing it among the States. The first message of the President recommended a similar project, which was followed up by a

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