debate in the Congress of 1789, while organizing the administrative departments of the government, and it was finally decided, that the President derived from the constitution, the power of removal, so far as it regards that department for whose acts he is responsible. Although the debate covered the whole ground, embracing the Treasury as well as all the other Executive Departments, it arose on a motion to strike out of the bill to establish a Department of Foreign Affairs, since called the Department of State, a clause declaring the Secretary "to be removable from office by the President of the U. States." After that motion had been decided in the negative, it was perceived that these words did not convey the sense of the House of Representatives, in relation to the true source of the power of removal. With the avowed object of preventing any future inference, that this power was exercised by the President in virtue of a grant from Congress, when in fact that body considered it as derived from the constitution, the words which had been the subject of debate were struck out, and in lieu thereof a clause was inserted in a provision concerning the Chief Clerk of the Department, which declared that "whenever the said principal officer shall be *removed* from office by the President of the U. States, or in any other case of vacancy," the Chief Clerk should, during such vacancy, have charge of the papers of the office. This change having been made for the express purpose of declaring the sense of Congress, that the President derived the power of removal from the constitution, the act as it passed has always been considered as a full expression of the sense of the Legislature on this important part of the American constitution.

Here then we have the concurrent authority of President Washington, of the Senate, and the House of Representatives, numbers of whom had taken an active part in the convention which framed the constitution, and in the State conventions, which adopted it, that the President derived an unqualified power of removal from that instrument itself, which is "beyond the reach of Legislative authority." Upon this principal the government has now been steadily administered for about forty-five years, during which there have been numerous removals made by the President or by his direction, embracing every grade of Executive officers, from the Heads of Departments to the messengers of Bureaus.

The Treasury Department, in the discussions of 1789, was considered on the same footing as the other Executive Departments, and in the act establishing it, the precise words were incorporated indicative of the sense of Congress, that the President derives his power to remove the Secretary from the constitution, which appear in the act establishing the Department of Foreign Affairs. An assistant Secretary of the Treasury was created, and it was provided that he should take charge of the books and papers of the Department "whenever the Secretary shall be *removed* from office by the President of the U. States." The Secretary of the Treasury being appointed by the President, and being considered as constitutionally removable by him, it appears never to have occurred to any one in the Congress of 1789, or since, until very recently, that he was other than an executive officer, the mere instrument of the Chief Magistrate in the execution of the laws, subject, like all other Heads of Departments, to his supervision and control. No such idea as an officer of the Congress can be found in the constitution, or appears to have suggested itself to those who organized the government. There are officers of each House, the appointment of which is authorised by the constitution, but all officers referred to in that instrument, as coming within the appointing power of the President, whether established thereby or created by law, are "Officers of the U. States." No joint power of appointment is given to the two Houses of Congress, nor is there any accountability to them as one body, but as soon as any office is created by law, of whatever name or character, the appointment of the person or persons to fill it, devolves by the constitution upon the President, with the advice and consent of the Senate, unless it be an inferior office, and the appointment be vested by the law itself, "in the President alone, in the courts of law, or in the Heads of Departments."

But at the time of the organization of the Treasury Department, an instance occurred which distinctly evinces the unanimous concurrence of the first Congress in the principle that the Treasury Department is wholly Executive in its character and responsibilities.—A motion was made to strike out the provisions of the bill making it the duty of the Secretary "to digest and report plans for the improvement and management of the revenue, and for the support of public credit," on the ground that it would give the Executive Department of the government too much influence and power in Congress. The motion was not opposed on the ground that the Secretary was the officer of Congress and responsible to that body, which would have been conclusive, if admitted, but on other grounds which conceded his Executive character throughout. The whole discussion evinces an unanimous concurrance in the principle, that the Secretary of the Treasury is wholly an Executive officer, and the struggle of the minority was to restrict his power as such.

From that time down to the present, the Secretary of the Treasury, the Treasurer, Register, Comptrollers, Auditors and Clerks, who fill the offices of that Department, have in the practice of the government, been considered and treated as on the same footing with corresponding grades of officers in all the other Executive Departments.

The custody of the public property, under such regulations as may be prescribed by legislative authority, has always been considered an appropriate function of the Executive Department in this and all other governments. In accordance with this principle, every species of property belonging to the U. States, (excepting that which is in the use of the several coordinate departments of the government, as a means to aid them in performing their appropriate functions,) is in charge of officers appointed by the President, whether it be lands or buildings or merchandise, or provisions, or clothing or arms and munitions of war. The superintendents and keepers of the whole are appointed by the President, responsible to him, and removable at his will.

Public money is but a species of public property. It cannot be raised by taxation or customs, nor brought into the treasury in any other way, except by law; but whenever or howsoever obtained, its custody always has been, and always must be, unless the constitution be changed, intrusted to the Executive Department. No officer can be created by Congress for the purpose of taking charge of it, whose appointment would not, by the constitution, at once devolve on the President, and who would not be responsible to him for the faithful performance of his duties. The legislative power may undoubtedly bind him and the President, by any laws they may think proper to enact; they may prescribe in what place particular portions of the public money shall be kept, and for what reason it shall be removed, and direct that supplies for the army or navy shall be kept in particular stores; and it will be the duty of the President to see that the law is faithfully executed—yet will the custody remain in the Executive Department of the government. Were the Congress to assume, with or without a legislative act the power of appointing officers independently of the President, to take charge and custody of the public property contained in the military and naval arsenals, magazines, and storehouses, it is believed that such an act would be regarded by all as a palpable usurpation of Executive power, subversive of the form as well as the fundamental principles of our government. But where is the difference in principle whether the public property be in the form of arms, munitions of war, and supplies or in gold and silver, or bank notes? None can be perceived—none is believed to exist. Congress cannot, therefore take out of the hands of the Executive Department, the custody of the public property or money, without an assumption of Executive power, and a subversion of the first principles of the constitution.

The Congress of the U. States have never passed an act imperatively directing that the public moneys shall be kept in any particular place or places. From the origin of the government to the year 1816, the statute book was wholly silent on the subject. In 1789 a Treasurer was created, subordinate to the Secretary of the Treasury, and through him to the President. He was required to give bond, safely to keep, and faithfully to disburse the public moneys, without any direction as to the manner or places in which they should be kept. By reference to the practice of the government, it is found, that from its organization, the Secretary of the Treasury, acting under the supervision of the President, designated the places in which the public moneys should be kept, and specially directed all transfers from place to place.—This practice was continued, with the silent acquiescence of Congress, from 1789, down to 1816; and although many banks were selected and discharged, and although a portion of the moneys were first placed in the State Banks, and then in the former Bank of the U. States, and upon the dissolution of that, were again transferred to the State Banks, no legislation was thought necessary by Congress, and all the operations were originated and perfected by Executive authority. The Secretary of the Treasury, responsible to the President, and with his approbation, made contracts and arrangements in relation to the whole subject matter, which was thus entirely committed to the direction of the President, under his responsibilities to the American People, and to those who were authorized to impeach and punish him for any breach of this important trust.

The act of 1816, establishing the Bank of the United States, directed the deposites of public money to be made in that bank and its branches, in places in which the said banks and branches thereof may be established, "unless the Secretary of the treasury should otherwise order and direct," in which event he was required to give his reasons to Congress. This was but a continuation of his pre-existing powers as the Head of an Executive Department, to direct where the deposites should be made, with the superadded obligation of giving his reasons to Congress for making them elsewhere than in the Bank of the United States and its branches. It is not to be considered that this provision in any degree altered the relation between the Secretary of the Treasury and the President, as he released the latter from his constitutional obligation to take care that the laws be faithfully executed." On the contrary it increased his responsibilities, by adding another to the long list of laws which it was his duty to carry into effect.

It would be an extraordinary result, if because the person charged by law with a public duty, is one of the Secretaries, it were less the duty of the President to see that law faithfully executed, than other laws enjoining duties upon subordinate officers or private citizens. If there be any difference, it would seem that the obligation is the stronger in relation to the former, because the neglect is in his presence, and the remedy at hand.

It cannot be doubted that it was the legal duty of the Secretary of the Treasury to order and direct the deposites of the public money to be made elsewhere than in the Bank of the United States, *whenever sufficient reasons existed for making the change.* If, in such a case, he neglected or refused to act, he would neglect or refuse to execute the law.

What would then be the sworn duty of the President? Could he say that the constitution did not bind him to see the law faithfully executed, because it was one of his Secretaries, and not himself upon whom the service was specially imposed? Might he not be asked whether there was any such limitation to his obligations prescribed in the constitution? Whether he is not equally bound to take care that the laws be faithfully executed, whether they impose duties on the highest officer of State, or the lowest subordinate in any of the Departments? Might he not be told, that it was for the sole purpose of causing all executive officers, from the highest to the lowest, faithfully to perform the services required of them by law—that the people of the United States have made him their Chief Magistrate, and the constitution has clothed him with the entire executive power, of this government? The principles implied in these questions appear too plain to need elucidation.

But here, also, we have a cotemporaneous construction of the act, which shows that it was not understood as in any way changing the relations between the President and Secretary of the Treasury, or as placing the latter out of executive control, even in relation to the deposites of the public money. Nor on this point are we left to any equivocal testimony. The documents of the Treasury Department show that the Secretary of the Treasury did apply to the President, and obtain his approbation and sanction to the original transfer of the public deposites to the present bank of the United States, and did carry the measure into effect in obedience to his decision. They also show that transfers of the public deposites from the branches of the Bank of the United States to State Banks at Chilicothe, Cincinnati and Louisville in 1819, were made with the approbation of the President, and by his authority. They show, that upon all important questions appertaining to his Department, whether they related to the public deposites or other matters, it was the constant practice of the Secretary of the Treasury to obtain for his acts the approval and sanction of the President. These acts, and the principles on which they were founded, were known to all the departments of the Government, to Congress, and the country, and, until very recently, appear never to have been called in question.

Thus was it settled by the constitution, the laws, and the whole practice of the Government, that the entire executive power is vested in the President of the United States; that as incident to that power, the right of appointing and removing those officers who are to aid him in the execution of the laws, with such restrictions only as the constitution prescribes, is vested in the President; that the Secretary of the Treasury is one of those officers; that the custody of the public property and money is an executive function, which, in relation to the money, has always been exercised through the Secretary of the Treasury and his subordinates; that in the performance of these duties, he is subject to the supervision and control of the President, and in all important measures having relation to them, consults the chief magistrate, and obtains his approval and sanction; that the law establishing the Bank, did not as it could not, change the relation between the President and the Secretary: did not release the former from his obligation to see the law faithfully executed, nor the Latter from the President's supervision and control; that afterwards, and before, the Secretary did in fact consult, and obtain the sanction of the President, to transfers and removals of the public deposites, and that all departments of the Government, and the nation itself, approved or acquiesced in these acts and principles, as in strict conformity with our constitution and laws.

During the last year, the approaching termination, according to the provisions of its charter, and the solemn decision of the American People, of the Bank of the United States, made it expedient, and its exposed abuses and corruptions, made it, in my opinion, the duty of the Secretary of the Treasury, to place the moneys of the United States in other depositories. The Secretary did not concur in that opinion, and declined giving the necessary order and direction. So glaring were the abuses and corruption of the Bank, so evident its fixed purpose to persevere in them, and so palpable its design, by its money and power, to control the Government and change its character, that I deemed it the imperative duty of the Executive authority, by the exertion of every power confided to it by the constitution and laws, to check its career, and lessen its ability to do mischief, even in the painful alternative of dismissing the Head of one of the Departments. At the time the removal was made, other causes sufficient to justify it existed; but if they had not, the Secretary would have been dismissed for this cause only.

His place supplied by one whose opinions were well known to me, and whose frank expresion of them, in another situation, and whose generous sacrifices of interest and feeling, when unexpectedly called to the station he now occupies, ought forever to have sheilded his motives from suspicion, and his character from reproach. In accordance with the opinions long before expressed by him, he proceeded, with my sanction, to make arrangements for depositing the moneys of the United States in other safe institutions.

The resolution of the Senate, as originally framed, and as passed if it refers to these acts, presupposes a right in that body to interfere with the exercise of Executive power. If the principle be once admitted, it is not difficult to perceive where it may end. If, by a mere denunciation like this resolution, the President should ever be induced to act, in a matter of official duty, contrary to the honest convictions of his own mind, in compliance with the wishes of the Senate, the constitutional independence of the Executive Department would be as effectually destroyed, and its power as effectually transferred to the Senate, as if that end had been accomplished by an amendment of the constitution.

But if the Senate have a right to interfere with the Executive power, they have also the right to make that interference effective; and if the assertion of the power implied in the resolution be silently acquiesced in, we may reasonably apprehend that it will be followed, at some future day, by an attempt at actual enforcement. The Senate may refuse, except on the condition that he will surrender his opinion to theirs and obey their will, to perform their own constitutional functions, to pass the necessary laws, to sanction appropriations proposed by the House of Representatives, and to confirm proper nominations made by the President. It has already been maintained (and it is not conceivable that the resolution of the Senate can be based on any other principle) that the Secretary of the Treasury is the officer of Congress, and independent of the President; that the President has no right to control him, and consequently none to remove him.—With the same propriety, and on similar grounds, may the Secretary of State, the Secretaries of War and Navy, and the Postmaster General, each in succession, be declared independent of the President, the subordinates of Congress, and removable only with the concurrence of the Senate. Followed to its consequences, this principle will be found effectually to destroy one co-ordinate Department, of the Government, to concentrate in the hands of the Senate the whole Executive power, and to leave the President as powerless as he would be useless—the shadow of authority, after the substance had departed.

The time and the occasion which have called forth the resolution of the Senate, seem to impose upon me an additional obligation not to pass it over in silence. Nearly forty five years had the President exercised, without a question as to his rightful authority, those powers for the recent assumption of which he is now denounced. The vicissitudes of peace and war had attended our Government; violent parties, watchful to take advantage of any seeming usurpation on the part of the Executive, had distracted our councils; frequent removals, or forced resignations, in every sense tantamount to removals, had been made of the Secretary and other officers of the Treasury; and yet, in no one instance is it known, that any man, whether patriot or partisan, had raised his voice against it as a violation of the Constitution. The expediency and justice of such changes, in reference to public officers of all grades, have frequently been the topics of discussion; but the constitutional right of the President to appoint, control, and remove the Head of the Treasury, as well as all other Departments, seems to have been universally conceded. And what is the occasion upon which other principles have been first officially asserted?—The Bank of the United States, a great moneyed monopoly, had attempted to obtain a renewal of its charter, by controlling the elections of the people and the action of the Government. The use of its corporate funds and power in that attempt, was fully disclosed; and it was made known to the President that the corporation was putting in train the same course of measures, with the view of making another vigorous effort, through an interference in the elections of the People, to control public opinion and force the Government to yield to it demands.

This with its corruption of the press, its violation of its charter, its exclusion of the Government Directors from its proceedings, its neglect of duty, and arrogant pretension, made it, in the opinion of the President incompatible with the public interest and the safety of our institutions, that it should be longer employed as the fiscal agent of the Treasury. A Secretary of the treasury, appointed in the recess of the Senate, who had not been confirmed by that body, and whom the President might or might not at his pleasure nominate to them, refused to do what his superior in the Executive Department considered the most imparative of his duties, and became in fact, however innocent his motives, the protector of the Bank. And on this occasion it is discovered for the first time, that those who framed the constitution misunderstood it; that the first Congress and all its successors have been under a delusion; that the practice of near forty five years, is but a continued usurpation; that the Secretary of the Treasury is not responsible to the President; and that to remove him is a violation of the constitution and laws, for which the President deserves to stand forever dishonored on the journals of the Senate.

There are also some other circumstances connected with the discussion and passage of the resolution to which I feel it to be, not only my right, but my duty to refer. It appears by the journal of the Senate, that among the twenty six Senators who voted for the resolution on its original form, were one of the Senators from the State of Maine, the two Senators from New Jersey, and one of the Senators from Ohio. It also appears by the same journal, and by the files of the Senate, that the Legislature of these states had severally expressed their opinions in respect to the Executive proceedings drawn in question before the Senate.

The two branches of the Legislature of the State of Maine, on the 26th of January, 1834, passed a preamble and series of resolutions in the following words:

"Whereas, at an early period after the election of Andrew Jackson to the presidency, in accordance with the sentiments which he had uniformly expressed, the attention of Congress was called to the constitutionally and expediency of the renewal of the charter of the U. States Bank: And whereas, the Bank has transcended its chartered limits in the management of its business transactions, and has abandoned the object of its creation, by engaging in political controversies, by wielding its power and influence to embarrass the administration of the General Government, and by bringing insolvency and distress upon the commercial community. And whereas, the public security from such an institution consists less in its present pecuniary capacity to discharge its liabilities than in the fidelity with which the trusts reposed in it have been executed: And whereas the abuse and misapplication of the powers, conferred have destroyed the confidence of the public in the officers of the Bank and demonstrated that such powers endanger the stability of republican institutions: Therefore, *Resolved*, That in the removal of the public deposites from the Bank of the United States, as well as in the manner of their removal we recognise in the administration an adherence to constitutional rights, and the performance of a public duty.

Resolved, That this Legislature entertain the same opinion as heretofore expressed by preceding Legislatures of this State that the Bank of the United States ought not to be rechartered."

"*Resolved*, That the Senators of this State in the Congress of the United States be instructed, and the Representatives be requested, to oppose the restoration of the deposites and the renewal of the charter of the United States Bank."

On the 11th of January, 1834, the House of Assembly and Council composing the Legislature of the State of New Jersey, passed a preamble and a series of resolutions in the following words:

"Whereas the present crisis in our public affairs calls for a decided expression of the voice of the people of this State: and whereas we consider it the undoubted right of the several States to instruct those who represent their interests in the council of the nation, in all matters which intimately concern the public weal, and may affect the happiness or well being of the people: Therefore,

"1. *Be it Resolved by the Council and General Assembly of this State*, That while we acknowledge with feelings of devout gratitude our obligations to the great Ruler of nations for his mercies to us as a people, that we have been preserved alike from foreign war, from the evils of internal commotions and the machinations of designing and ambitious men who would prostrate the fair fabric of our Union; that we ought, nevertheless, to humble ourselves in His presence and implore His aid for the perpetuation of our republican institutions, and for a continuance of that unexampled prosperity which our country has hitherto enjoyed.

"2. *Resolved*, That we have undiminished confidence in the integrity and firmness of the venerable patriot who now holds the distinguished post of Chief Magistrate of this nation and whose purity of purpose and elevated motives have so often received the unqualified approbation of a large majority of his fellow citizens.

"3. *Resolved*, That we view with agitation and alarm the existence of a great moneyed incorportion, which threatens to embarrass the operations of the Government, and by means of its unbounded influence upon the currency of the country, to scatter distress and ruin throughout the community; and, that we, therefore, solemnly believe the present Bank of the United States ought not to be rechartered.

"4. *Resolved*, That our Senators in Congress be instructed, and our members of the House of Representatives be requested to sustain, by their votes and influence, the course adopted by the Secretary of the Treasury, Mr. Taney, in relation to the Bank of the United States and the deposites of the Government moneys, believing as we do the course of the Secretary to have been constitutional, and that the public good required its adoption.

"5. *Resolved*, That the Governor be requested to forward a copy of the above resolutions to each of our Senators and Representatives from this State in the Congress of the United States."

On the 21st day of February last the Legislature of the same State, reiterated the opinions and instructions beforegiven by joint resolutions in the following words:

"*Resolved by the Council and General Assembly of the State of New Jersey*, That they do adhere to the resolutions passed by them on the 11th day of January last, relative to the President of the United States, the Bank of the United States, and the course of Mr. Taney in removing the Government deposites."

"*Resolved*, That the Legislature of New Jersey have not seen any reason to depart from such resolutions since the passage thereof; and it is their wish that they should receive from our Senators and Reprentatives of this State in the Congress of the United States, that attention and obedience which are due to the opinion of a sovereign State openly expressed in its Legislative capacity.

On the 2d of January, 1834, the Senate and House of Representatives composing the Legislature of Ohio, passed a preamble and resolution in the following words:

"Whereas there is reason to believe that the Bank of the United States will attempt to obtain a renewal of its charter at the present session of Congress: And whereas it is abundantly evident that said Bank has exercised powers derogatory to the spirit of our free institutions and dangerous to the liberties of these U. States. And whereas there is just reason to doubt the constitutional power of Congress to grant acts of incorporation for banking purpose out of the District of Columbia: And whereas we believe the proper disposal of the public lands to be of the utmost importance to the People of these United States, and that honor and good faith required their equitable distribution: Therefore,

"*Resolved by the General Assembly of the State of Ohio*, That we consider the removal of the public deposites from the Bank of the United States as required by the best interests of our country, and that a proper sense of public duty imperiously demanded that that institution should be no longer used as a depository of the public funds.

"*Resolved*, also, That we view with decided disapprobation, the renewed attempt in Congress to secure the passage of a bill providing for the disposal of the public domain upon the principles proposed by Mr. Clay, inasmuch as we believe that such a law would be unequal in its operations, and unjust in its results."

"*Resolved*, also, That we heartily approve of the principles set forth in the late veto message upon that subject," and,

"*Resolved*, That our Senator in Congress be instructed, and our Representatives requested, to use their influence to prevent the rechartering of the Bank of the U. States; to sustain the administration in its removal of the public deposites; and to oppose the passage of the land bill containing the principles adopted in the act upon that subject passed at the last session of Congress.

Resolved That the Governor be requested to transmit copies of the foregoing preamble and resolutions of each of our Senators and Representatives."

It is thus seen that four Senators have declared by their votes that the President, in the late Executive proceedings in relation to the revenue had been guilty of the impeachable offence of "assuming upon himself authority and power not conferred by the constitution and laws, but in derogation of both," whilst the Legislatures of their respective States had deliberately approved those very proceedings, as consistent with the constitution and demanded by the public good. If these four votes had been given in accordance with the sentiments of the Legislatures as above expressed there would have been but twenty-four votes out of forty-six for censuring the President, and the unprecedented record of his conviction could not have been placed upon the journals of the Senate.

In thus referring to the resolutions and instructions of State Legislatures, I disclaim and repudiate all authority or design to interfere with the responsibility due from members of the Senate to their own consciences, their constituents, and their country. The facts now stated belong to the history of these proceedings, and are important to the just development of the principles and interests involved in them, as well as to the proper vindication of the Executive Department; and with that view, and that view only, are they here made the topic of remark.

The dangerous tendency of the doctrine which denies to the President the power of supervising, directing and removing the Secretary of the Treasury in like manner with the other Executive officers would soon be manifest in practice, were the doctrine to be established. The President is the direct representative of the American People, but the Secretaries are not. If the Secretary of the Treasury be independent of the President in the execution of the laws, then is there no direct responsibility to the People in that important branch of this Government, to which is commited the care of the national finances. And it is in the power of the Bank of the United States, or any other corporation, body of men or individuals, if a Secretary shall be found to accord with them in opinion, or can be induced in practice to promote their views, to control through him the whole action of the Government, (so far as it is exercised by his Department,) in defiance of the Chief Magistrate elected by the People and responsible to them.

But the evil tendency of the particular doctrine adverted to, though sufficiently serious, would be as nothing in comparison with the pernicious consequences which would inevitably flow from the approbation and allowance by the People, and the pratice by the Senate, of the unconstitutional power of arraigning and censuring the official conduct of the Executive in the manner recently pursued. Such proceedings are eminently calculated to unsettle the foundations of the Government; to disturb the harmonious action of its different Departments and to break down the checks and balances by which the wisdom of its framers sought to ensure its stability and usefulness.

The honest differences of opinion which occasionlly exist between the Senate and the President, in regard to matters in which both are obliged to participate, are sufficiently embarrassing. But if the course recently adopted by the Senate shall hereafter be frequently pursued it is not only obvious that the harmony of the relations between the President and the Senate will be destroyed, but that other and graver effects will ultimately ensue. If the censures of the Senate be submitted to by the President, the confidence of the People in his ability and virtue, and the character and usefulness of his administration, will soon be at an end, and the real power of the Government will fall into the hands of a body, holding their officers for long terms, not elected by the people, and not to them directly responsible. If, on the other hand, the illegal censures of the Senate should be resisted by the President, collisions and angry controversies might ensue, discreditable in their progress, and in the end compelling the people to adopt the conclusion, either that their Chief Magistate was unworthy of their respect, or that the Senate was chargeable with calumny and injustice. Either of these results would impair public confidence in the perfection of the system, and lead to serious alterations of its frame work, or to the practical abandonment of some of its provisions.

The influence of such poceedings on the other Departments of the Government, and more especially on the States, could not fail to be extensively pernicious. When the judges in the last resort of official misconduct themselvs overleap the bounds of their authority, as prescribed by the constitution, what general disregard of its provisions might not their example be expected to produce. And who does not perceive that such contempt of the Federal constitution, by one of its most important Departments, would hold out the strongest temptations to resistance on the part of the State sovereignties, whenever they shall suppose their just rights to have been invaded? Thus all the independent Departments of the Government, and the States which compose our confederated Union, instead of attending to their appropriate duties, and leaving those who may offend, to be reclaimed or punished in the manner pointed out in the constitution, would fall to mutual crimination and recrimination, and give to the people, confusion and anarchy, instead of order and law; until at length some form of aristocratic power would be established on the ruins of the constitution, or the States be broken into separate communities.

Far be it from me to charge, or to insinuate, that the present Senate of the United States intend, in the most distant way, to encourage such a result. It is not of their motives or designs, but only of the tendency of their acts, that it is my duty to speak. It is, if possible to make Senators themselves sensible of the danger which lurks under the precedent set in their resolution, and at any rate to perform my duty, as the responsible Head of one of the coequal departments of the government, that I have been compelled to point out the consequences to which the discussion and passage of the resolution may lead, if the tendency of the measure be not checked in its inception.

It is due to the high trust with which I have been charged; to those who may be called to succeed me in it; to the Representatives of the people, whose constitutional prerogatives have been unlawfully assumed; to the People and the States; and to the constitution they have established; that I should not permit its provisions to be broken down by such an attack on the Executive Department, without at least some effort "to preserve, protect, and defend them." With this view, and for the reasons which have been stated, I do hereby SOLEMNLY PROTEST against the aforementioned proceedings of the Senate, as unauthorized by the constitution; contrary to its spirit and to several of its express provisions; subversive of that distribution of the powers of government which it has ordained and established; destructive of the checks and safegards by which those powers were intended, on the one land, to be controlled, and on the other to be protected; and calculated by their immediate and collateral effects, by their character and tendency, to concentrate in the hands of a body not directly amenable to the People, a degree of influence and power dangerous to their liberties, and fatal to the constitution of their choice.

The resolution of the Senate contains an imputation upon my private as well upon my public character; and as it must stand forever on their journals, I cannot close this substitute for that defence which I have not been allowed to present in the ordinary form, without remarking, that I have lived in vain, if it be necessary to enter into a formal vindication of my character and purposes from such an imputation. In vain do I bear upon my person, enduring memorials of that contest in which American liberty was purchased—in vain have I since periled property, fame, and life, in defence of the rights and privileges so dearly bought—in vain am I now, without a personal aspiration, or the hope of individual advantage, encountering responsibilities and dangers, from which, by mere inactivity in relation to a single point, I might have been exempt—if any serious doubts can be entertained as to the purity of my purposes and motives. If I had been ambitious, I should have sought an alliance with that powerful institution which even now aspires to no divided empire. If I had been venal, I should have sold myself to its designs—had I preferred personal comfort and official ease to the performance of my arduous duty, I should have ceased to molest it. In the history of conquerors and usurpers, never in the fire of youth, nor in the vigor of manhood, could I find an attraction to lure me from the path of duty; and now, I shall scarcely find an inducement to commence their career of ambition, when gray hairs and a decaying frame, instead of inviting to toil and battle, call me to the contemplation of other worlds, where conquerors cease to be honored, and usurpers expiate their crimes.

The only ambition I can feel, is to acquit myself to Him to whom I must soon render an account of my stewardship, to serve my fellow men, and live respected and honored in the history of my country. No; the ambition which leads me on, is an anxious desire, and a fixed determination, to return to the people, unimpaired, the sacred trust they have confided to my charge; to heal the wounds of the constitution and preserve it from further violation; to persuade my countrymen, so far as I may, that it is not in a splendid Government, supported by powerful monopolies and aristocratical establishments, that they will find happiness, or their liberties protection; but in a plain system, void of pomp, protecting all, and granting favors to none—dispensing its blessings like the dews of Heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce. It is such a Government that the genius of our People requires—such an one only under which our States may remain for ages to come, united, prosperous, and free. If the Amighty Being who has hitherto sustained and protected me, will but vouchsafe to make my feeble powers instrumental to such a result, I shall anticipate with pleasure the place to be assigned me in the history of my country, and die contented with the belief, that I have contributed, in some small degree, to increase the value and prolong the duration of American Liberty.

To the end that the resolution of the Senate may not be hereafter drawn into precedent, with the authority of silent acquiescence on the part of the Executive Department; and to the end, also, that my motives and views in the Executive proceedings denounced in that resolution, may be known to my fellow citizens, to the world, and to all posterity, I respectfully, request that this Message and Protest may be entered at length on the Journals of the Senate.

ANDREW JACKSON.

April 15th, 1834.

NORFOLK, April 16th, 1834.

ARRIVAL OF U. S. SCH. ENTERPRIZE.

The U. S. schr *Enterprize*, Lt. Com. Downing, 37 days from Rio Janeiro, arrived at the Naval anchorage this morning.—Officers and crew all well.

The U. S. ship Peacock, Capt. Geisinger, and schr Boxer, Lt. Com. Farraugt, were at Rio 8th March, all well—the former waiting the arrival of the Natchez—the latter repairing.

The U. S. ship Ontario, Capt. Salter, had sailed for the River La Plata.

The U. S. ship Natchez, Capt. Zantinger, bearing the broad pendant of Com. Woolsey, was daily looked for at Rio from Montevideo.

The U. S. ship Lexington, Capt McKeever, sailed for Portsmouth, N H. 8 days previous to the sailing of the Enterprize.

Lieut. Com. William F. Shieds, late Commander of the Boxer, and Midshipman William H. Brown, late acting sailing master of the Peacock, (for his examination) came passengers in the Enterprize. The E. left at Rio several American vessels, among which were Ships Extio, Walker, for N. York in 10 days and Brig Sabra, Winslow, for Richmond, in 7 do. The Brig Barbary, Brown, after being 10 days out, bound to Antwerp, had put back leaky. No news at Rio—Markets looking up.

List of Officers of the Enterprise.

Samuel W. Downing, Lieut. Commanding.
Timothy B. Benham, 1st Lieut.
James M. Watson, 2d do.
George Blacknal, Ass. Surgeon
William P. Zantzinger, Purser.
Alexander C. Maury, Act'g Master.
Richard Forrest, Thomas T. Hunter, Levin Handy, Alex'r M. Pennock, John D'Camp, John Mooney, William P. Milnor, Midshipmen, come home for their examination.
Charles Fales, Gunner.
Edward Harrison, Act'g Boatswain.
Charles B. Wright, Purser's Steward.

From the Boston Mercantile Journal.

Go a-head girls! We are glad to see the fair sex come boldly forward, in support of the cause of Temperanne. They are deeply interested in the success of this cause. The happiness and misery of themselves and children, are intimately connected with it. A remonstrance, signed by fifty-six *ladies*, of Northfield, was lately presented to the Commissioners of Franklin County, against the licensing of any retailer in that town. If the Commissioners possess a spark of the gallantry of the old school, of course they will comply with the request of the fair remonstrants—For

"When a lady's in the case,
All other things of course give place."

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