ry well," he replied, "then I will join, but I was resolved not to join a Society that would not bind me after I was twenty-one." This little fellow is now likely to make an able advocate for the cause of temperance. If every child in New England would make the same resolution, and keep it, what a different aspect would the face of this country bear, twenty years hence from its present.

PROCEEDINGS IN SENATE.

THURSDAY, April 17.

As soon as the Senate was called to order this morning, Major DONELSON, the Private Secretary of the President of the United States, handed in the Message to the Senate, a copy of which was published on Tuesday and Saturday.

The Message was read through by the Secretary of the Senate.

As soon as the reading was ended—

Mr. POINDEXTER rose and said: I do not rise, Mr. President, to discuss at this time the various topics which are touched in the very extraordinary paper which has been just read to the Senate; nor, indeed, will I give utterance to those feelings of indignation which such a paper, coming from such a source, is so well calculated to excite in the bosom of every patriotic citizen in the country. Leaving these matters for future discussion on a more suitable occasion, my purpose is at present to enter my solemn protest against the reception of this paper, and to submit a motion that it be not received. Sir, I should be disposed to go as far as any honorable Senator on this floor in paying due respect to every Executive communication to the Senate, coming within the constitutional range of Executive power. But when the Chief Magistrate shall think fit to depart from his constitutional sphere, and, under color of his official duties, attempt to make this body the conduct of his popular appeals to the people, fulminating, I will not say calumnies, but the most unfounded charges against the body through which he proposes to promulgate his appeal, I, for one, feel bound to resist him in such a course. Referring to the resolution introduced by the honorable Senator from Kentucky, (Mr. Clay,) the President says that it is "both novel and unprecedented." If it be so, I should be glad to know what appellation ought to be given to this extraordinary paper? Has it any parallel in the past political history of the country? Sir, I venture the declaration, that there is not on record any act of the predecessors of the present Chief Magistrate bearing the slightest resemblance to this outrage on the dignity of the Senate, and the constitutional functions of the Executive Department of the government. It may well be characterized as "both novel and unprecedented." No such paper was ever presented to either House of Congress; none such is to be found on the journals of our proceedings, as the one sent to us this morning, under the guise of official authority, from the foundation of the government down to the present moment. Sir, I will not dignify this paper by considering it in the light of an Executive Message; it is no such thing; I regard it simply as a paper with the signature of Andrew Jackson; and, should the Senate refuse to receive it, it will not be the first paper with the same signature which has been refused a hearing in this body, on the ground of the abusive and vituperative language which it contained. It will be recollected that a protest, similar in its character, couched in terms grossly disrespectful to the Senate, was presented, somewhere about the year 1819, from the same individual; and such was its exceptionable character, that his own friends became ashamed of it. It was objected to, and sent back for modification, so as to render it respectful to the body to which it was presented. The offensive passages were stricken out, and thus modified, it was presented and received at the next session of Congress. This effort to denounce and overawe the deliberations of the Senate may properly be regarded as *capping the climax* of that systematic plan of operations which for several years past has been in progress, designed to bring this body into disrepute among the people, and thereby remove the only existing barrier to the arbitrary encroachments and usurpations of Executive power. Destroy public confidence in the Senate, which now stands, thank God, unmoved, between the Chief Magistrate and the People, and Tyranny, in its worst forms, would very soon overshadow the land, and rule with an iron hand the destinies of the American people.

The Senate, by its peculiar organization, is well calculated to preserve and perpetuate the great fundamental principles of public liberty to the latest posterity. Removed from popular impulses, which sometimes arise in the convulsions incident to freedom of opinion, and of discussions of great political questions, it may look with calmness on the misguided multitude, misled by some popular demagogue, and thereby save the State from the deleterious consequences of errors, which are the inevitable result of passion or precipitation. It is an integral part of the Executive power, and, while it remains firm in its devotion to the Constitution and the Laws, uncorrupted by the temptations of office and emolument, no Chief Magistrate, whatever may be his reckless ambition, can successfully move beyond the bounds of his legitimate powers, and ride over the liberties of the People. Hence the untiring and anxious solicitudes so often manifested to bring this body, thus constituted, into disgrace among the people. If there existed at this moment no such conservative body as the Senate, power would march onward to the climax of despotism. The Republic might indeed exist, nominally, but, in practice, we should be bound to the car of some Imperial Dictator.

There does not appear to be a disposition, in the House at the other end of this building, to arrest the inroads of arbitary power; there the edicts of the Executive are registered, and his acts are defended by the force of party decipline, regardless of their injurious effects on the great interests of the country; and I repeat the question, what would be the condition of the country but for the salutary intervention of that Senate which has become the object of Executive vengeance, and which he now seeks to destroy by denunciations and appeals to the sympathies of the people, founded on his past services and personal popularity? Sir, is there a single power granted in the Constitution which the President has not assumed and exercised? I know of none, except that he has not, as yet, followed the example of one of the Kings of England, taken his seat among the judges, to control their judicial decisions. This seems to be the only power which the President has not grasped, to complete the overthrow of all the other departments of the Government. By the frequent and unlimited exercise of the veto power, he has concentrated in himself the entire legislative authority of the country. We may, it is true overrule his veto by a majority of two-thirds in both Houses of Congress; but who is there among us, with the *Blue Book* in his hand, exhibiting the immense patronage of the Chief Magistrate, combined with the weight of his personal influence, that does not see and feel the impossibility of obtaining a union of opinion of two thirds of Congress against any measure which has the sanction of the President? Such a triumph never has and never will occur in the legislative history of the country. He has declared his intention of applying this tremendous veto power to every bill which does not meet his approbation; or, in other words, he will apply it to any bill against which he would record his vote as a member of either House of Congress. What, then, becomes of the legislative power of Congress.—We are reduced to the condition of mere drudges, and the only duty which we can perform, is to prepare bills, discuss and amend them, and adapt them, as far as we can, to the public good, and, after passing them, they must be sent to the Imperial Head, and he will tell us whether they shall be enacted into laws or not. He might as well dispense with the Legislature altogether, and call in the aid of the judges of the Supreme Court and the Attorney General to prepare such bills as may suit his views, in technical language, and then issue his proclamation declaring that such and such laws had been incorporated in the statute book. Under the free use of the veto power, now for the first time introduced into practice by the President, the legislative power of the Union has dwindled into a mere mockery; true, the power, is limited in the Constitution, and may be controlled by two-thirds of Congress, but, in practice, it amounts to an absolute veto. He has the power of appointment and removal from office, and thereby becomes the fountain of honor, one of the high attributes of the British monarch, from whose dominions we had rescued ourselves by the war of the Revolution, in asserting and maintaining the liberty and independence of these States; he is commander-in-Chief of the Army and Navy, and, by an assumption of power, not delegated in the Constitution and the Laws, he has effaced the broad line, wisely drawn between the power which wields the physical force of the country and the National Treasury, for the obvious reason that these powers, separated, can never be dangerous to liberty, while a combination of them, in the same hand, is the very definition of military despotism.

Thus the chief Magistrate arrogates to himself, in the last resort, the legislative authority of the nation; he is placed by the Constitution at the head of the military forces and the militia of the several States, when called into actual service; he is the fountain of honor, and may distribute offices and reward at his own good will and pleasure; he has seized the public purse, by indirection, which is placed by the Constitution in the hands of the Representatives of the People of the States, and I ask what power remains unappropriated to the Executive will which is worth speaking of or worth contending for? Permit me, sir to inquire by what means the President has obtained possessein of the public money? He claims the power of appointment and removal from office, which I for one, do not deny that he possesses, because it has been exercised by the Executive from the commencement of the Government: but I utterly deny to him constitutional right to use a legitimate power to effect an illegitimate purpose. Sir, said Mr. P. I contend that there is not a delegated power in the Constitution which may not be so perverted as to render its exercise unconstitutional. For instance, the power to lay & collect direct taxes is expressly granted in the Constitution, but a law imposing such taxes if passed for the special purpose of paying the clergy of any religious sect or denomination, would it be contended that the act was constitutional? I presume not and yet the power to levy impost taxes is delegated to Congress without limitation.

"A little leaven leaveneth the whole lump." *Ergo*, if the object for which a law is enacted be plainly and palpably unconstitutional, it derives no sanction from the circumstance that the enumerated powers of Congress embrace the subject on which the act is founded. The end intended to be achieved being a violation of the constitution, the measure is thereby rendered void *ab initio*, & cannot be redeemed by the perversion of a delegated power. These are my opinions, the truth of which is capable of clear demonstration by a variety of illustrations drawn from the Constitution, but at present, I forbear to enlarge the discussion on this point. In this light I view the construction put by the President on his power of removal from office. He seems to have discovered a new source from which he may derive new executive powers, in contravention of the Constitution and Laws of the country. He dare not thrust his hand into the public chest by a direct act but he has effected the object by indirect means. The Secretary of the Treasury, who refused to bend his neck to the yoke of executive power and to make himself the instrument of violating the solemn obligations of law at the dictation of the Chief Magistrate was unceremoniously kicked out of office and another substituted in his place, with a more pliant conscience, who stood ready to do the bidding of the President, to whose will alone he professed to owe obedience and to whose authority he felt himself responsible. He thus opened an avenue through which he has marched up to the public Treasury, seized on its contents and distributed the money collected from the People, and placed under the control of their Representatives, throughout the country, to be used for the benefit of his favorites and friends, and who doubtless stand in need of some assistance in these hard times.* It is thus, by indirection the President has perverted a granted power to the accomplishment of an end directly opposed to the spirit and letter of the Constitution. Concede the power thus assumed, and it is obvious that the President may evade and effectually prostrate the express provisions of the Constitution and Laws made in pursuance thereof. In support of these views, and to show to what extent the power of appointment and removal from office may be abused, I will state a single case arising under the Constitution.

The President is vested with power to nominate, and by and with the advice and consent of the senate to appoint the Heads of the several departments of the Government, but Congress may by law vest the appointment of interior officers in the Courts of Law or the Heads of department. Suppose Congress, under this express grant of power should vest the Secretary of the Treasury with the power to appoint all the clerks in his department! Well, sir, the Secretary acting under the authority of the law, makes out a list of his clerks carefully selected, and is about to instal them into office. In the mean time however, the President receives from his underwriters who undertake to manage the affairs of State, another list of names more acceptable to them which they recommend for their fidelity to the Jackson cause—may he not send this new list to the Secretary with his instructions—"here, sir, is a list of clerks for your department!"? If the Secretary should reply as did the late unfortunate incumbent, "Sir, Congress has given me the power of making these appointments—I have made my selections, of men every way qualified, and in whose integrity I have the utmost confidence—the places are therefore filled." Why sir the President following out the former example, would add, "Sir, I do not mean to control you in the execution of a duty confided to you by law—I leave you to act according to your own judgment in this matter—but if you do not appoint *my* list of clerks, you will have the goodness to walk out of office and I will endeavor to find a successor who will be more obedient to my commands." Is it not then, evident that the President by the exercise of his legal power of removal, may effect a purpose subversive both of the constitution and of the law? No one can doubt that he may do so by the same summary process which he used to obtain the custody of the public money. Against this new theory of constructive power and all its consequences, I beg leave to enter my protest, as more dangerous and alarming than foreign war or internal commotions of the people.

Sir I have said that the paper sent to the Senate by the President is not an Executive message; it contains nothing which brings it within the rule, prescribed in the Constitution regulating the intercourse between that high public functionary and the two Houses of Congress. I hold it, therefore to be an extra-official document and shall treat it as such.

What are the specified cases in which the President is required to make original communications to Congress? I do not mean nominations to office, but matters which concern the general welfare of the nation. They are enumerated in the Constitution article 2d, section 3d: "He (the President) shall from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." Now, I ask any honorable Senator to point out, if he can a single sentence, or a paragraph, of this paper, which directly or remotely gives to Congress information of the state of the Union, or recommends to our consideration any measures which is deemed necessary or expedient? No such purpose is pretended in justification of the Executive libel on this body. It is wholly vindictive and libellous in its character through out. I, for one sir, spurn this foul effort to cast a stigma on the purity and patriotism of this honorable body, representing as we do, the sovereignty of the several States of the Confederacy. It might be an appropriate document for the columns of a certain newspaper in this city conducted under the eye of the Chief Magistrate and supported by Executive patronage; it is well suited to the atmosphere of the place, and was doubtless concocted by the panders of calumny and detraction who surround the President, and sacrifice at the altar of his ambition. They flatter but to deceive the venerable man whose popularity they vainly hope can be sustained under all circumstances, and they look with anxious expectation to the period when his mantle will descend on his "anointed "successor. I admonish the President to give to all such papers as this their proper destination. They may suit the state of his official editor and through that medium, may meet the public gaze, and receive their merited condemnation before the tribunal of the people. I do not object to the publication of this miserable tirade against the Senate, but I will never consent that it shall stain our journals or remain on the files of our Secretary. It is bad enough to be slandered and calumniated by the Chief Magistrate and his servile minions but it is still more offensive to the moral sense of mankind, when we are gravely asked to receive and promulgate to the world the libel which is aimed at the very existence of this branch of the Federal Government. What man is their who would tamely submit to the dictation of his calumniator, and make himself the instrument of his own disgrace, by circulating under his own sanction, a libel on his character? None—no, not one. And yet this is the modest request which the President has made to the American Senate from whose solemn decisions he has made this appeal to the people of the United States! I throw back the libel into the hands of its reckless infatuated author, who has sent it here to insult the Senate, and assail its independent action; and let him, if he chooses, take his appeal through the corrupt medium of his prostituted press.

Mr. President: Waiving any additional remarks which might well be called for by the occasion, for the present, I shall resume my seat after offering the motion I indicated when I rose, "That this paper, sent to the Senate by the President of the United States, be not received."

Mr. SPRAGUE rose to make a very few observations upon the extraordinary paper just read, more in grief than in anger; for whatever feelings might be excited on ordinary occasions, by such assumptions and assaults, he thought that on an occasion like the present, in relation to a document coming from such a source, and calculated to produce such an effect, if sustained, on the institutions of the country, all other feelings should be merged in those of solemn and deep regret. The claims of Executive power set forth in that document, if admitted and established, would leave no other Department of this Government than a single Executive. What does the President say? He asserts that all Executive power is vested in him—that he is responsible for all the acts of every public officer—that all right, authority and power, given them by the law, is, and must be, vested and embodied in him, as head and fountain of all—that he stands, therefore, as the sole Executive officer, all others being merged in him. In what language did he speak of the Secretary of the Treasury? "HIS Secretary;" "One of HIS Secretaries." Thus the Secretary of the Treasury is designated as the Secretary *of the President*, and not the Secretary of the law. All the Secretaries are HIS Secretaries; the Major-General of the Army is *his* Major-General; the Captains in the Navy are HIS Captains, and all the civil officers of the Government are HIS officers—his *instruments*, as denominated in another part of this document. The forty thousand officers in the Blue Book are HIS officers—HIS instruments—HIS army—to do HIS bidding, as HIS creatures—knowing no law but HIS will. Did not this correspond with what it was known that he had said to the Philadelphia committee, as well as to others, when he spoke of this Government, as '*My Government!*' Yes, sir, MY Government! This Government is MY Government, and all its officers MY officers!! "I AM THE STATE."

Having thus embodied all Executive power in a single individual, what does he arrogate as belonging essentially to the Executive? He claims in this document what never before was heard in this country; he had gone beyond any who ever claimed extraordinary power for the Executive, when he said that under the constitution, the President must have possession of all the public property and all the public money!

Not content with advancing this unprecedented doctrine, this astounding claim, once, he repeats it in another form, and declares in express terms that "Congress cannot 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." He had gone farther than even his warmest friends on this floor, or in the country. What did the gentlemen say, when the debate on the subject of the public deposites was going on? They told us, said Mr. S. that, although the deposites were received, they were still subject to the control of Congress. It was insisted by some that the removal itself had placed the moneys under the power of Congress. It was repeated and reiterated; we were taunted with the idea that Congress might by legislation determine their possession; and now the President comes here and asserts that the Constitution gives him the sole possession of the public money, and that Congress cannot take it from him. What further? After claiming all Executive power, both of the purse and the sword! what further? A new source of boundless power is discovered. My friend from Mississippi (Mr. Poindexter) had stated that the Constitution gave the President no right to send this protest to Congress, and he read the clause designating on what occasions the President may communicate with the National Legislature; but the gentleman did not observe the new source from whence this power was now claimed—Where did the President pretend to find the authority to send this extraordinary protest? Not to give information to Congress on the state of the Union; not to recommend any legislative measures; no he finds his authority *in his oath* to defend, preserve, and protect the Constitution of the United States; he distinctly claims to derive substantive power from the terms of his official oath. A claim unprecedented, astounding, unlimited, and illimitable. He is to defend, preserve, and protect the Constitution. And as the Senate had passed a resolution, which, in the opinion of the Executive violated the Constitution, he conceives it to be his duty to come here and correct it. What other violations of the Constitution will he undertake to correct? If the Supreme Court shall, in his opinion, transcend the Constitution, will he not go there also and control them? Sir, said Mr. S. with the sword in one hand, and the purse in the other—with the possession of all Executive power, and with the treasures of the nation, which he says Congress cannot divest him of, together with the right and duty, under his oath of office, to vindicate the Constitution against all others, even the great co-ordinate departments, where is the limit of the President's power, or his pretentions to carry it into practical effect? He is to see that the Constitution is preserved! He has told us on a former occasion, by message, that he is to support the Constitution as *he* understands it; not as the judiciary expounds it; not as Congress declares it, but as HE individually shall understand it. And now, because the Senate has passed resolutions expressive of its opinions, he comes forward and says it is in violation of the Constitution, and therefore he must correct it. He asserts that it is acting judicially, and that he is not to be touched but by impeachment. Impeachment! and against the President wielding the enormous powers which he arrogates!—Does he believe any man weak enough to suppose that impeachment is any security against him? So far from being any restraint, it would effectually shield him from responsibility and animadversion, if he could thereby gag the two houses of Congress, so that they could not either, or both express opinions against his alarming encroachment, unless in the solemn form of an impeachment

He *assumes* that the declaration of the Senate is a criminal procedure against him, and then enters into an argument to prove that it is unauthorized. He might as well assume that it was piracy, and after calling it by a false name, reason upon it from his own assumptions. Sir, the expressions of opinion on the part of the Senate, that the President had assumed powers not granted by the Constitution, is said to be a judicial sentence without notice of trial, and without the previous formalities required by the Constitution; and yet this same President has heretofore denounced an act of the Senate as unconstitutional! Was that in him a judicial sentence? In an Executive message of March, 1833, but a little more than a year since, he declares that a resolution of the Senate is unconstitutional, and therefore, he would make no more nominations to certain offices. [Mr. S. then read the message.] Here sir is a declaration that the Senate has acted unconstitutionally; and yet, although, the President may declare we have violated the Constitution in restraining his powers, the Senate may not presume to express an opinion with regard to the President's siezing upon the money of the People, without being charged with having pronounced a judicial sentence without trial. Take this very document, this protest itself; is it not filled, saturated, with declarations that the Senate has violated the Constitution? Is it not almost wholly denunciatory?—And at the instant in the document in which he is uttering these accusations and denunciations against this body, he is making it a matter of grievous complaint that the Senate has simply expressed an opinion that he has transcended the limits of the Constitution.—There was a resolution introduced in the Senate some years since, similar in its principle and effect to this which is so much complained of, and yet I am not aware that the President, or any of his friends, have ever denounced it as an assumption of unconstitutional power. It was the resolution of a Senator from North Carolina, not now a member of the Senate, (Mr. Branch,) which I will take the liberty to read to the Senate. It is as follows:

[Mr. S. here read the preamble and resolution relative to the Panama mission.]

Here the President announced that he had accepted the invitation to take a part in the Panama Congress, and that Ministers would be commissioned; in consequence of which the declaration in the resolution just read was made. I am not aware that it ever was questioned that it was competent for the Senate so to express its opinion. This protest asserts that the resolution to which it relates is not legislative, nor designed as the foundation of any legislative act. How does the president know that? How does he know that it was not intended to lay the foundation of a bill for the restoration of the deposites? He undertakes to say that this body cannot pass a resolution for the purpose of preventing an evil preceedent. Might not the Senate have said, on this occasion, that it expressed and recorded its disapprobation, lest the act of the executive might be drawn into a dangerous precedent: Might it not be deemed important to prevent the effects of silent acquiescence in Executive usurpation? We have seen how precedents to enlarge executive power are urged upon us. Silent acquiescence has been again and again construed into the approbation of executive measure, and yet the Senate is not permitted to speak; and if they do not speak, silence is presumed to be approbation and support. If precedents were needed to sustain our course, I might cite the proceedings in relation to the Seminole war; I might also cite the resolution in the other House in relation to the Panama mission; but it is unnecessary now to dwell further upon this topic.

There is one part of this protest to which it is proper that I should advert. The President has seen fit to set forth, at full length, certain legislative proceedings in particular States, which might be supposed to have a bearing on individual members of this body.—He has done *me* the honor to refer to my vote upon this occasion, and to my having advocated the resolution, and then detailed certain proceedings of the State—no not of the State, but of the Legislature. Sir, all I need say to the tenant of the White House is, that, if the Secretary of the Treasury is claimed by him to be *his* Secretary, I am not *his* Senator. I recognize no right in the President of the United States to lecture me on my Senatorial duties, whatever power he may claim over *his* trembling officers, or however arbitarily and oppressively he may control them. I am not *his* officer; and, so far as I am concerned at least, he shall learn that this Government is NOT *his* Government. I recognize no right in Andrew Jackson to come between me and the People I represent. It is not for him to say what opinions I shall hold, or what doctrines sustain. I yield not to this dictation; I submit not to his assaults; and I trust that my constitutents, the spirited and intelligent *people* of Maine, will indignantly spurn his audacious interference between them and *their* servant. To that people alone I hold myself solemnly responsible. If, in their judgment, they shall think that I merit chastisement for believing that he had no right to seize the public treasure; or that a National Bank is necessary to their prosperity, I shall submit in all humility to that chastisement from *them*, but from no other hand—no, not even from *Andrew the* 1st, acting Monarch of the White House. The period is rapidly approaching, when, at the ballot box, in their primary assemblies, that people may express more directly than they have yet done, their opinion of my public services. Until this unprecedented Presidential attack in the face of the nation, it was to me a matter of indifference whether my political life should be continued or not. I have been ready at all times to sacrifice it to my convictions of duty. The approbation of my constituents, to whom I am bound by the strong ties of duty, and gratitude, would indeed be at all times inexpressibly dear; while, on the other hand, their sanction of the assumptions of Executive powers, which would convert this free Republic into a Government of ONE MAN, would leave not a single wish to remain in its service. If they desire that their representatives should be the mere supple tool of the President, to do his bidding, register his edicts, echo his royal mandates, and submit to his chastisement here, they will seek one better fitted for such a service.

That there are such to be found in some parts of the country, we have pregnat evidence around us. We see members of Congress openly avowing that they were elected as *Jackson* men, and pledged to support all *his* measures, reserving to themselves no exercise of reason or judgment, or conscience or knowledge. I was not elected as *Jackson's* man; I am not *his* man; I am no man's man. I was elected to perform my legislative functions, according to my own convictions of duty, after the most mature and deliberate reflection; and I have done so—I have sought no personal aggrandizement; I have not bowed the knee to Baal; and I will not now submit to this new prerogative of Presidential animadversion. I am aware that the President disclaims having referred to the acts of these State Legislatures, and the votes of the Senators here, for any other purpose than as a *mere matter of history*—merely as a chronicler of the times. He has selected *these particular portions* of modern history, not with a view of assailing a co-ordinate branch of the Government; not with a purpose of attacking particular members, or endeavoring to hold them up in array against their State Legisiatures—oh no! that would be unworthy the Chief Magisirate, and disreputable to his station; but these selections are made merely as matter of taste, or as specimens of *his* style as an *historian*. It is *merely* because they belong to history. What a pity it is, sir, that he should not have given us some other specimens of historical writing—some narrative of facts, not quite familiar to the public; for these which he has selected are the same which have appeared, almost daily for the last three months, in the vituperative columns of the official Organ. Would it not have been as well, sir, if he had given us something of the secret history of those resolutions—the source from which they emanated, the initiated few to whom they were first communicated, the caucusses in which they were decreed, and all the *modus operandi* by which private judgment was subdued by Executive and party discipline? This would, indeed, have enlightened the public, and aided their understanding of his favorite selections of modern history. He might have furnished us, too, with much curious reading, if he had chronicled the proceedings of his upper and *nether* cabinets. But I take leave of the historian

The President, after making his onset upon this body, and arrogating to himself extraordinary and unlimited powers, attempts to enlist the sympathies of the Public, under the baseless pretext that the resolution of the Senate assailed his private character. He dwells on his great public services, and pronounces his own eulogium. It is the old expedient. Thus has it been in ages when the successful warrior thirsts for supreme dominion. He appeals to the People, recurs to his past services, points to his wounds, to the dangers he has braved, the victories he has achieved, denounces those who would expose his ambition, and resist his encroachments, as enemies and calumniators—and appeals to the dear People, if they can refuse *any thing* to such an '*injured*' benefactor. Will they not, from gratitude and sympathy, crush the Constitution, and permit him to rule as uncontrolled master?

There is a closing sentiment in this extraordinary document, in which I most cordially concur. It is, that government ought to be known only by the blessings it diffuses; like the dews of Heaven, it should be seen and felt only in the freshness and beauty which it spreads over the fair surface of creation. And how is "MY Government" now seen and felt? Look abroad upon this wide extended land—see its green fields withered by the blast of oppression; the bread of industry snatched from the mouth of labor—Hear the piercing cries of widows and orphans; the supplications, the execrations, which daily and hourly come to us from all classes, and occupations, and pursuits, upon that heartless and iron-handed despotism, which has struck down their prosperity, blasted their hopes, crushed them to the earth, and there still holds them in torture and agony, in its unrelenting and unrelaxing grasp—and then hear the arbitrary author of all this wide-spread ruin and heart-rending misery, calmly tells us that government should be, like the dews of Heaven, seen and felt only in the beauty and freshness which it diffuses!!

Such is his theory, and such is his practice! It is another illustration with what effrontery iron-hearted oppression can put forth pretensions to mildness and benignity.

Mr. Frelinghuysen next addressed the Senate as follows: Mr. President, while I retain any respect for myself, or just regard for the sacred trusts committed to our care, I cannot consent to receive this document. It is a most extraordinary proceeding, and will form an era in American history. Here, sir, while the country is groaning under the consequences of a rash Executive experiment—while banks are breaking all around us, the busy hum of cheerful industry silenced and labor in absolute want of employment—all the bitter fruits of Executive interference with the public credit—when the cries for relief come up in daily supplication—when the people had a right to expect some allevation of their distress, from this administration, what do we hear? A lecture of an hour and a half read to the Senate of the U. States, for *daring to question the authority* under which this blow at our prosperity has been inflicted? Sir I am opposed to the reception of the paper under every aspect. Instead of preserving harmony among the [illegible] departments of the Government, its direct immediate effect will be, to interrupt it, cannot be otherwise. Consider, a moment, the complaints of the President.

The charge he makes is that the resolution imputes to him a breach of the Constitution of the United States, and yet, before his communication reaches its second page, he avers that the Senate have themselves violated that instrument. The whole paper is interlarded with charges of flagrant inroads. Now, sir, if we receive the paper what else can we do but reaffirm our powers and their rightful exercise, in the subject-matter of the resolution; and to bear such criminations between the Senate and the Executive will neither become our dignity nor comport with his. It will only lead to unhappy and unprofitable collisions. It is wholly without precedent or reason to sustain it.

But in the next place, I must vote to reject this paper because it is an unauthorized Executive interference with the legislative action of the Senate of the United States. This I regard as the most serious objection for here is to be found its gratest danger; as the first instances of a most extraordinary encroachment upon our privileges. The President to relieve himself of this difficulty, is pleased to say that the resolution of the Senate leads to no legislative action. Sir how does he know this and what right has he to conjecture? We are in the midst of legislation on the very subject of the removal of the public deposites. The House of Representatives have not yet reached this branch of the case. They have resolved that the U. States Bank should not be rechartered and that the deposites should not be restored; but whether the *removal* was lawful, or for satisfactory reasons, they have not determined. When the Secretary reports his reasons to Congress and when the President informs us that his interference induced the removal of the deposites, have we no right to pronounce his interference to be unauthorized and the Secretary's reasons insufficient? The President in his message in December last distinctly and officially informed us of his interference with the public moneys—and the conduct of the Secretary of the Treasury is directly tracted to Executive advice and control—and pray, sir, have the Senate no right to pronounce an opinion upon *this* as well as all other matters contained in that message. Mr. President what are we coming to! Are we to be lectured, and our conduct made the subject of Executive commentary in the known course of our deliberations?

Why, sir, on the single ground of the construction, lately given by an honorable senator from Virginia, (Mr. Leigh) legislative action is not only probable, but certain; that the Secretarys reasons must be approved & confirmed, by both houses of congress, or his act stands without legal warrant. And yet we have the Executive stepping in between us and our future deliberations, and reading off his views of our constitutional powers and duties. Sir, it would have been well for him, in charity, to have deemed our views of these great interests, the result of conscientious convictions.

And quie as unsatisfactory is the power of removal claimed by the President, over the Heads of Departments. He relies upon a legislative construction of this disputed point, in 1789. But let it be remembered that the general power of removal in the President was not the matter brought into debate on the late resolutions of the Senate; but we insisted on this specific proposition, that, when the act of Congress put the public moneys under the discretion of the Secretary of the Treasury, the President did not possess the power of interfering with the full and free exercise of that discretion; much less to substitute his own will for the opinion and conscientious of the Secretary.

And, lastly: I object to this paper, because the resolution has, at least, this attribute—it is as the President charges it to be, an *official rebuke* of his conduct. I am willing, sir, to rest my vote on that alone. I maintain, that we have the right to administer official rebuke for every encroachment of the executive Department and for every step that power may argue into plausible countenance of its grasping pretensions. It is our solemn duty to the constitution and the country, to give the warning at every such interference. These are the prominent reasons wherefore I cannot receive this paper.

The President has been pleased to introduce into this document a copy of the Preamble and Resolutions of the Legislature of New Jersey, instructing her Senators. He, however, disclaims all questioning of our motives or conduct; calls it matter of history. Sir, it is unworthy of the Chief Magistrate to become the chronicler of the times. Grant the right to give instructions; what has the President to do in the matter? If four Senators have, against such instructions, declared the act of the President to be unconstitutional; if they have ventured all the consequences of unpleasant collisions at home; if they have resolved to set on their own judgments, and repose on the future approbation of the people. Sir, it evinces how deep and pervading must have been their convictions of high and sacred duty, in declaring the late act of the President a dangerous encroachment. One word on these Legislative instructions.

I wish I had near me the resolutions of a part of the people of my State, lately adopted. They contain, in my humble judgment, the true doctrine. They resolved, that the members of the State Legislature at home, and of the Congress here, are alike *servants* of the People; deny that servants can instruct servants, and that, least of all, can they accord to the domestic legislators the right of instructing members of Congress as to their more extensive public duties.

This, I believe to be the pure democratic spirit of our Constitution. *The People are represented* by the State and National departments of government. They entrust the State government with one great class of interests—and the national with another and more general class. We, in Congress, and our State Representatives, are responsible not to each other, but both to the People. And we, therefore, are not to receive orders from the Legislature, nor to send instructions to them. Sir, I have, in the late acts of the Executive and the course of those who endeavor to sustain him, learned much of what never was democracy—the exposition that I have just attempted, I believe to be of its sound and pure doctrines, and by such lights I shall be guided.

Mr. President, the People of New Jersey feel themselves to be misrepresented by the state legislature, in their instructions. Whether this be the judgment of the majority, must await the results of future trial, and I cheerfully leave it to that investigation.

* "I will take care of the State Banks."
A. Jackson.

FOR SALE.

A FARM near St. Michaels, that I purchased of William Skinner. This farm lies on a prong of Broad Creek, and is considered a very healthy situation, and contains one hundred and four acres of land. The improvements are a framed dwelling, barn and corn house.—For further particulars apply to Joseph Graham in Easton, or the subscriber on the premises.

W. JONES.

april 22

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