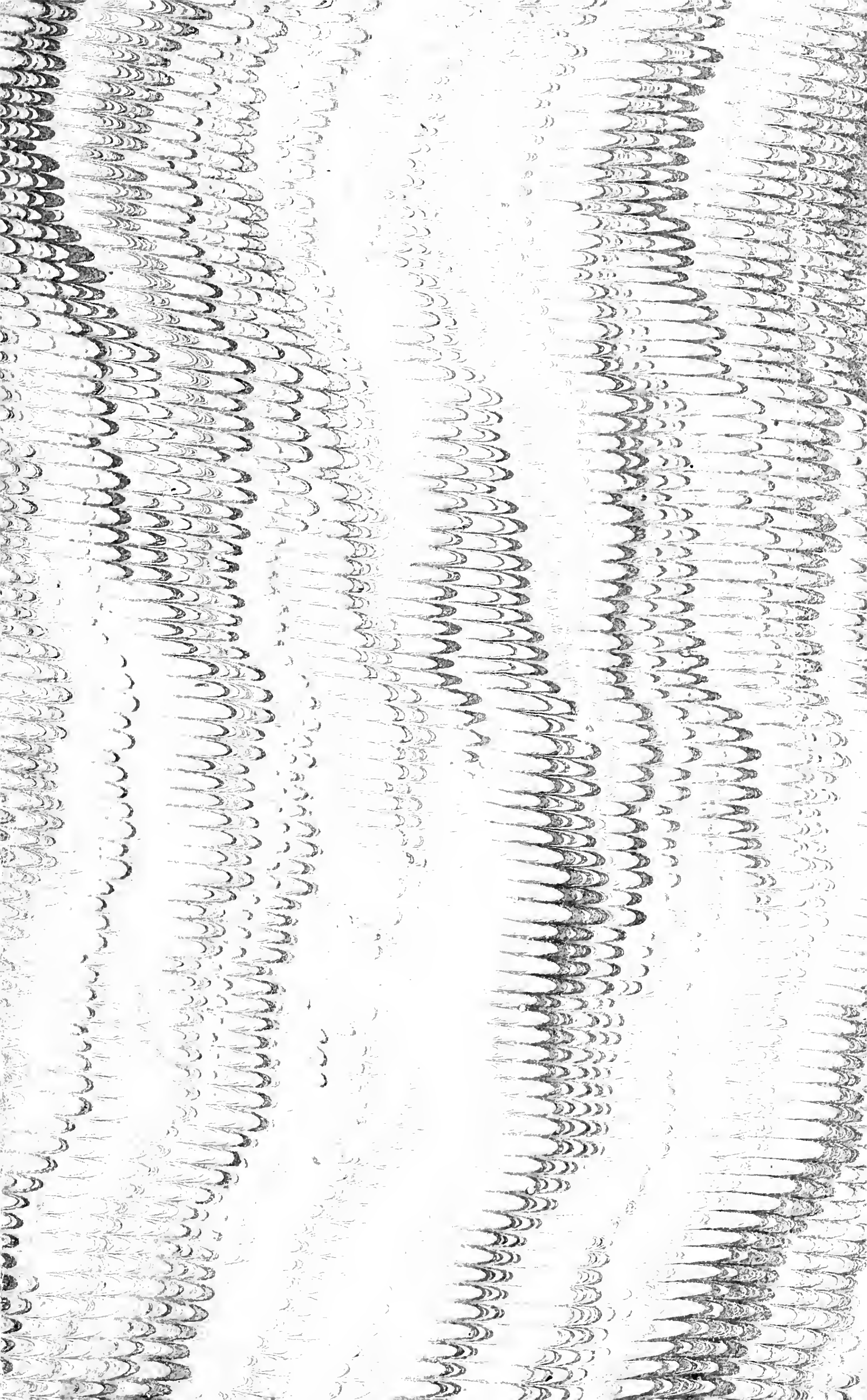

THE NORTHERN MAN

WITH

SOUTHERN PRINCIPLES,

AND

THE SOUTHERN MAN

WITH

AMERICAN PRINCIPLES:

OR,

A VIEW OF THE COMPARATIVE CLAIMS

OF

GEN. WILLIAM H. HARRISON AND MARTIN VAN BUREN, ESQ.,

CANDIDATES FOR THE PRESIDENCY,

TO THE SUPPORT OF CITIZENS OF THE

SOUTHERN STATES.

WASHINGTON:
PRINTED BY PETER FORCE.
1840.

MEMORANDUM.

Office of the Executive Committee of the Republican Committee of Seventy-Six,

Washington, September 24, 1840.

The annexed pages, prepared in pursuance of a resolution of the Republican Committee of Seventy-Six, exhibit the doctrines and conduct of General Harrison and Mr. Van Buren in relation to subjects of peculiar interest to the Southern States, and vindicate General Harrison against some of the slanders with which he has been assailed. The subjects treated of are:

I. The power of the Federal Government over Slavery in the District of Columbia.
II. The Votes and Speeches of Mr. Van Buren on the subject of Negro Suffrage, &c., duly authenticated and verified.
III. Negro Testimony.
IV. The Missouri Question.
V. The Arkansas and Florida Questions.
VI. Abolitionism.
VII. White Slavery.
VIII. The Tariff.
IX. Federalism.
X. The Militia or Standing Army Bill.
XI. A National Bank and a Treasury Bank.
XII. Mr. Van Buren's opposition to James Madison.

P. R. FENDALL,
RICHARD S. COXE,
GEORGE SWEENY,
JACOB GIDEON, Jr.,
DAVID A. HALL,
PEREGRINE WARFIELD,
ROBERT H. MILLER,
} *Executive Committee, &c.*

"THE NORTHERN MAN WITH SOUTHERN PRINCIPLES,"

AND THE

SOUTHERN MAN WITH AMERICAN PRINCIPLES.

The partisans of Mr. VAN BUREN, in order to recommend him to the suffrages of the South, have invented for him the title of "the Northern Man with Southern Principles." Let us try this title by the test of evidence, and compare it with Gen. HARRISON's claims, examined in the same way, to the favor of the South.

I. THE POWER OF THE FEDERAL GOVERNMENT TO ABOLISH SLAVERY IN THE DISTRICT OF COLUMBIA is regarded by all the slaveholding States as a *test question*. What are the opinions of the two candidates on this question?

MR. VAN BUREN'S OPINION.

On the 23d of February, 1836, Messrs. Junius Amis and others, citizens of North-Carolina, addressed a letter to Mr. Van Buren, in which they say:

"A portion of your fellow-citizens in this section, feeling a deep anxiety as to your views on *a topic which most vitally affects our immediate welfare and happiness*, have thought proper to propound to you the following interrogatory, to which we wish an explicit answer:

"Do you or do you not believe that Congress has the constitutional power to interfere with or abolish slavery in the District of Columbia?"

On the 6th of March, 1836, Mr. VAN BUREN answered the question in an argumentative and explanatory letter, in which he says:

"I would not, from the lights now before me, feel myself safe in pronouncing that Congress does not possess the power of interfering with or abolishing slavery in the District of Columbia."

This, though not as explicit in its language as it might have been, is explicit enough in substance. The English of it is, that Mr. VAN BUREN DOES "believe that Congress HAS the constitutional power to interfere with or abolish slavery in the District of Columbia."

In a subsequent part of the same letter he says, if elected,

"I must go into the Presidential chair the inflexible and uncompromising opponent of any attempt, on the part of Congress, to abolish slavery in the District of Columbia, against the wishes of the slaveholding States; and also with the determination, equally decided, to resist the slightest interference with the subject in the States where it exists."

GEN. HARRISON'S OPINION.

On the 30th of September, 1836, Judge John M. Berrien, of Georgia, addressed a letter to Gen. HARRISON, in which the following question is asked:

"Can the Congress of the United States, consistently with the Constitution, abolish slavery either in the States or in the District of Columbia?"

Gen. HARRISON answers:

"I do not think that Congress can abolish, or in any manner interfere with slavery, as it exists in the States, but upon the application of the States, nor abolish slavery in the District of Columbia, without the consent of the States of Virginia and Maryland, and the people of the District. The first would be, in my opinion, a palpable violation of the Constitution, and the latter a breach of faith towards the States I have mentioned, who would certainly not have made the cession, if they had supposed that it would ever be used for a purpose so different from that which was its object, and so injurious to them as the location of a free colored population in the midst of their slave population of the same description. Nor do I believe that Congress could deprive the people of the District of Columbia of their property, without their consent. It would be reviving the doctrine of the tories of Great Britain, in relation to the powers of Parliament over the Colonies, before the revolutionary war, and in direct hostility to the principle advanced by Lord Chatham, that 'what was a man's own was absolutely and exclusively his own, and could not be taken from him without his consent, given by himself or his legal representative.'"

To a similar question, put by Thomas Sloo, Jun., of New-Orleans, Gen. HARRISON answers, November 25th, 1836:

"First. I do not believe that Congress can abolish slavery in the States, or *in any manner interfere with the property of the citizens in their slaves*, but upon the application of the States; in which case, and in no other, they might appropriate money to aid the States so applying to get rid of their slaves. These opinions I have always held, and this was the ground upon which I voted against the Missouri restriction in the Fifteenth Congress. The opinions given above are precisely those which were entertained by Mr. Jefferson and Mr. Madison.

"Second. I do not believe that Congress can abolish slavery in the District of Columbia, without the consent of Virginia and Maryland, and the people of the District."

In his speech at Vincennes, Indiana, July 4th, 1835, Gen. HARRISON says that the efforts of the abolitionists are "weak, injudicious, presumptuous, and *unconstitutional*," and are in conflict with the rights of the States. When that speech was delivered, the halls of Congress were flooded with petitions for abolishing slavery in the District of Columbia.

In a letter to Harmar Denny, dated December 2, 1838, Gen. HARRISON states, as a principle "proper to be adopted by any Executive sincerely desirous to restore the Administration to its original simplicity and purity;" "that, in the exercise of the veto power, he should limit his rejection of bills to, 1st, such as are in his opinion *unconstitutional;* 2d, such as tend to encroach on the rights of the States or of individuals; such as, involving deep interests, may in his opinion require more mature deliberation, or reference to the will of the people, to be ascertained at the succeeding elections."

It thus appears that Mr. VAN BUREN believes that a bill abolishing slavery in the District of Columbia will be CONSTITUTIONAL, but would veto it because he thinks that it would be INEXPEDIENT; and that Gen. HARRISON would veto such a bill, on the ground of its being UNCONSTITUTIONAL. On which pledge can the South more safely rely? On Gen. HARRISON'S pledge, founded on a confessed *want of power and of right;* or on Mr. VAN BUREN'S pledge, *asserting the power and the right*, but waiving the exercise of them on considerations of expediency, which may be one thing to-day and another thing to-morrow? Gen. HARRISON'S pledge meets the question at the threshold, and settles it; Mr. VAN BUREN'S pledge keeps the question perpetually open to the influence of ever-varying circumstances.

In estimating the value of this pledge, we should also consider the probabilities for and against its being kept. In the year 1827, Mr. VAN BUREN denounced a proposition to extend a general bankrupt law to corporations, as an *invasion of State rights;* and said that "his idea of a bankrupt system was, that it could not be applied to any but *individuals* or principals, and that it was not *capable* of being made to operate on *associations*, or on the subordinate agents either of individuals or corporations."—[*See Gales & Seaton's Register of Debates, vol. 3, pp.* 286, 287.] This was Mr. VAN BUREN'S opinion, "from the lights before" him, on the 6th of February, 1827. But, afterwards, he urged upon Congress "the propriety and importance of a uniform *law concerning bankruptcies of* CORPORATIONS and other bankers!"—[*President Van Buren's Message, September* 4, 1837, *to Congress, at its special session.*] Should that most improbable of all contingencies ever arrive, when the South is to seek shelter under Mr. VAN BUREN'S *veto* on a bill abolishing slavery in the District of Columbia, without the consent of Virginia and Maryland and the people of the District, who can tell what new "lights" may then be before him?

II. VOTES AND SPEECHES OF MR. MARTIN VAN BUREN, ON THE ELECTIVE FRANCHISE AND NEGRO SUFFRAGE, DULY AUTHENTICATED AND VERIFIED.

Extracts from the Journal of the Convention of the State of New-York, begun and held at the Capitol in the City of Albany, on the 28th day of August, 1821:

[Page 90.] "Thursday, ten o'clock, A. M., September 20, 1821.

"The Convention met pursuant to adjournment. On motion of Mr. N. Sandford, the Convention then resolved itself into a Committee of the Whole on the Report of the Committee on the right of suffrage, and the qualifications of persons to be elected; and after some time spent thereon, Mr. President resumed the chair, and Mr. N. Williams, from the said Committee, reported, that in further proceeding on the said Report, the first amendment proposed by the Select Committee was again read, in the words following, to wit:

"Every white male citizen, of the age of twenty-one years, who shall have resided in this State six months next preceding any election, and shall, within one year preceding the election, have paid

any tax assessed upon him, or shall, within one year preceding the election, have been assessed to work on a public road, and shall have performed the work assessed upon him, or shall have paid an equivalent in money therefor, according to law, or shall, within one year preceding the election, have been enrolled in the militia of this State, and shall have served therein according to law, shall be entitled to vote at such election in the town or ward in which he shall reside, for Governor, Lieutenant-Governor, Senators, Members of the Assembly, and all other officers who are or may be elected by the people.

"That Mr. Jay made a motion to strike out the word "*white*," in the first line of the said amendment.

"That debates were had thereon; and the question having been put, whether the Committee would agree to the said motion, it was carried in the affirmative.

"That the yeas and nays being called for by Mr. R. Clarke, seconded by Mr. Tallmadge, and having been required by ten members, were as follows, to wit: Ayes 63, Nays 59.

FOR THE AFFIRMATIVE.

Mr. Bacon,	Mr. Eastwood,	Mr. Park,	Mr. Tallmadge,
Baker,	Edwards,	Paulding,	Tuttle,
Barlow,	Ferris,	Pitcher,	VAN BUREN,
Beckwith,	Fish,	Platt,	Van Ness,
Birdseye,	Hallock,	Reevo,	J. R. Van Rensselaer,
Brinckerhoff,	Hees,	Rhinelander,	S. Van Rensselaer,
Brooks,	Hogeboom,	Richards,	Van Vechten,
Buel,	Hunting,	Rogers,	Ward,
Burroughs,	Huntington,	Rosebrugh,	A. Webster,
Carver,	Jay,	Sanders,	Wendover,
R. Clarke,	Jones,	N. Sandford,	Wheaton,
Collins,	Kent,	Seaman,	E. Williams,
Cramer,	King,	Steele,	Woodward,
Day,	Moore,	D. Southerland,	Wooster,
Dodge,	Munro,	Swift,	Yates.
Duer,	Nelson,	Sylvester,	

FOR THE NEGATIVE.

Mr. Bowman,	Mr. Hunt,	Mr. Radcliff,	Mr. Starkweather,
Breese,	Hunter,	Rockwell,	J. Sutherland,
Briggs,	Hurd,	Root,	Taylor,
Carpenter,	Knowles,	Rose,	Ten Eyck,
Case,	Lansing,	Ross,	Townley,
Child,	Lawrence,	Russell,	Townsend,
D. Clark,	Lefferts,	Sage,	Tripp,
Clyde,	A. Livingston,	R. Sandford,	Van Fleet,
Dubois,	P. R. Livingston,	Schenck,	Van Horne,
Dyckman,	McCall,	Seeley,	Verbryck,
Fairlie,	Millikin,	Sharpe,	E. Webster,
Fenton,	Pike,	Sheldon,	Wheeler,
Frost,	Porter,	J. Smith,	Woods,
Howe,	Price,	R. Smith,	Young.
Humphrey,	Pumpelly,	Spencer,	

"STATE OF NEW-YORK, *Secretary's Office.*

"I certify that I have compared the foregoing extracts with the original passages contained in the Journal of the Convention of the State of New-York, begun and held at the Capitol, in the City of Albany, on the twenty-eighth day of August, 1821, printed by the Printers to the State, and deposited in this office, and now in my custody, and that the same are correct transcripts therefrom, and of the whole of the said original passages.

"In testimony whereof, I have hereunto set my hand and affixed my seal of office, at Albany, this twenty-third day of June, 1840.

"JOHN C. SPENCER, *Secretary of State.*"

Extracts from Carter and Stone's Reports of the proceedings and debates in the Convention of 1821, assembled for the purpose of amending the Constitution of the State of New-York.

Extract from proceedings of Thursday, September 27, 1821—page 277.

RIGHT OF SUFFRAGE.

"Mr. VAN BUREN felt himself called on to make a few remarks in reply to the gentleman from Delaware. He observed that it was evident, and, indeed, some gentlemen did not seem disposed to disguise it, that the amendment, proposed by the honorable gentleman from Delaware, contemplated nothing short of universal suffrage. Mr. Van Buren did not believe that there were twenty members of that Committee who, were the bare naked question of universal suffrage put to them, would vote in its favor; and he was very sure that its adoption was not expected, and would not meet the views of their constituents.

"Mr. Van Buren then replied to a statement made yesterday by his honorable and venerable friend from Erie, (Mr. Russell,) in relation to the exclusion of soldiers who had fought at Quebec and Stoney

Point, under the banners of Montgomery and Wayne. And he felt the necessity of doing this, because such cases, urged by such gentlemen as his honorable friend, were calculated to make a deep and lasting impression. But although a regard for them did honor to that gentleman, yet it was the duty of the Convention to guard against the admission of those impressions which sympathy, in individual cases, may excite. It was always dangerous to legislate upon the impulse of individual cases, where the law, about to be enacted, is to have a general operation. With reference to the case of our soldiers, the people of this State and Country had certainly redeemed themselves from the imputation that republics are ungrateful; with an honorable liberality they had bestowed the military lands upon them, and to gladden the evening of their days had provided them with pensions. Few of those patriots were now living; and of that few, the number was yearly diminishing. In fifteen years, the grave will have covered all those who now survived. Was it not, then, unwise to hazard a wholesome restrictive provision, lest, in its operation, it might affect these few individuals for a very short time? He would add no more. His duty would not permit him to say less.

"One word on the main question before the Committee. We had already reached the verge of universal suffrage. There was but one step beyond. And are gentlemen prepared to take that step? We were cheapening this invaluable right. He was disposed to go as far as any man in the extension of rational liberty; but he could not consent to undervalue this precious privilege so far as to confer it, with an undiscriminating hand, upon every one, black or white, who would be kind enough to condescend to accept it."

Extract from proceedings of Saturday, October 6, 1821—*page* 366.

The question in order was on the part of the section expressed in the words following:

"And, also, every male citizen, of the age of twenty-one years, who shall have been, for three years next preceding such election, an inhabitant of this State, and for the last year a resident in the town, county, or district, where he may offer his vote, and shall have been, within the last year, assessed to labor upon the public highways, and shall have performed the labor, or paid an equivalent therefor, according to law, shall be entitled to vote in the town or ward where he actually resides, and not elsewhere, for all officers that now are or hereafter may be elective by the people.

"Mr. Van Buren said, that as the vote he should now give, on what was called the highway qualification, would be different from what it had been on a former occasion, he felt it a duty to make a brief explanation of the motives which governed him. The qualifications reported by the first Committee were of three kinds, viz: the payment of a money tax, the performance of military duty, and working on the highway. The two former had met with his decided approbation; to the latter, he wished to add the additional qualification, that the elector should, if he paid no tax, performed no militia duty, but offered his vote on the sole ground that he had labored on the highways, also be a *householder*; and that was the only point in which he had dissented from the report of the Committee. To effect this object, he supported a motion, made by a gentleman from Dutchess, to strike out the highway qualification, with a view of adding "*householder*." That motion, after full discussion, had prevailed by a majority of twenty. But what was the consequence? The very next day, the same gentlemen who thought the highway tax too liberal a qualification, voted that every person of twenty-one years of age, having a certain term of residence, and excluding *actual* paupers, should be permitted to vote for any officer in the Government, from the highest to the lowest—far out-vieing, in this particular, the other States in the Union, and verging from the extreme of restricted, to that of universal suffrage. The Convention, sensible of the very great stride which had been taken by the last vote, the next morning referred the whole matter to a Select Committee of thirteen, whose report was now under consideration. That Committee, though composed of gentlemen, a large majority of whom had voted for the proposition for universal suffrage, had now recommended a middle course, viz: the payment of a money tax, or labor on the highway, excluding militia service, which had, however, been very properly reinstated. The question then recurred, shall an attempt be again made to add that of householder to the highway qualification, and run the hazard of the re-introduction of the proposition of the gentleman from Washington, abandoning all qualifications, and throwing open the ballot-boxes to every body—demolishing, at one blow, the distinctive character of an elector, the proudest and most invaluable attribute of freemen?"

Extract from the proceedings of Monday, October 8, 1821.

QUALIFICATIONS OF COLORED PERSONS.

[Page 374.] Mr. Platt moved to expunge the proviso in the first section, which declares that no person, *other than a white man*, shall vote, unless he have a freehold estate of the value of two hundred and fifty dollars.

[Page 376.] Mr. Van Buren said he had voted against a total and unqualified exclusion, for he would not draw a revenue from them, and yet deny to them the right of suffrage. But this proviso met his approbation. They were exempted from taxation until they had qualified themselves to vote. The right was not denied, to exclude any portion of the community who will not exercise the right of suffrage in its purity. This held out inducements to industry, and would receive his support.

[Page 377.] The question on striking out the proviso was then taken by ayes and noes, and decided as follows:

FOR THE NEGATIVE.

Mr. Baker,	Mr. Howe,	Mr. Reeve,	Mr. Tallmadge,
Beckwith,	Humphrey,	Richards,	Taylor,
Bowman,	Hunt,	Rockwell.	Ten Eyck,
Breese,	Hunter,	Rose,	Townley,

Briggs,	Hunting,	Ross,	Townsend,
Burroughs,	Hurd,	Russell,	Tripp,
Carpenter,	Lansing,	Sage,	Tuttle,
Carver,	Lawrence,	R. Sanford,	VAN BUREN,
Case,	A. Livingston,	Schenck,	Van Fleet,
D. Clarke,	P. R. Livingston,	Seaman,	Van Horne,
Cramer,	McCall,	Seeley,	Ward,
Dubois,	Moore,	Sharpe,	A. Webster,
Dyckman,	Nelson,	Sheldon,	Wendover,
Edwards,	Park,	I. Smith,	N. Williams,
Fairlie,	Porter,	R. Smith,	Woods,
Fenton,	Price,	Stagg,	Yates,
Ferris,	Pumpelly,	Starkweather,	Young.—71.
Frost,	Radcliff,	Swift,	

FOR THE AFFIRMATIVE.

Mr. Bacon,	Mr. Eastwood,	Mr. Munro,	Mr. Spencer,
Barlow,	Fish,	Paulding,	Sylvester,
Birdseye,	Hees,	Pitcher,	Van Ness,
Brooks,	Hogeboom,	Platt,	J. R. Van Rensselaer,
Buel,	Huntington,	Rhinelander,	S. Van Rensselaer,
Child,	Jay,	Root,	Wheaton,
R. Clarke,	Jones,	Sanders,	E. Williams,
Day,	Kent,	N. Sandford,	Wooster.—33.
Duer,			

I certify that I have carefully compared the foregoing extracts from the printed book entitled "Reports of the Proceedings and Debates of the Convention of 1821, assembled for the purpose of amending the Constitution of the State of New-York, containing all the official documents relating to the subject, and other valuable matter, by Nathaniel H. Carter and William L. Stone, reporters, and Marcus T. C. Gould, stenographer, Albany—printed and published by E. & E. Hosford, 1821"—and that the preceding are faithful copies of the passages extracted, and of the whole of such passages.

Albany, June 23, 1840. JOHN C. SPENCER.

From the foregoing extracts it appears that Mr. VAN BUREN, as a member of the New-York Convention, supported a proposition which made the negro equal to the white man, as to the right of voting: That after settling that principle, he voted to annex the restriction of a freehold qualification to the negro voter: That he was of opinion that the "*invaluable right of suffrage*" would be "CHEAPENED" too much by being allowed to *white* men, who paid no tax and performed no militia duty, but who worked on the highways or public roads, unless they were "*householders*:" That the "*invaluable right of suffrage*" would NOT be "CHEAPENED" at all by being allowed to *negro* freeholders: That some *white* men ARE NOT GOOD ENOUGH, unless they are householders, to VOTE IN ANY ELECTION; but that every *negro*, owning a freehold estate of a given value, IS GOOD ENOUGH TO VOTE IN EVERY ELECTION. And we are asked to believe that these are "SOUTHERN *principles!*"

III. OPINIONS OF MR. VAN BUREN AND GENERAL HARRISON ON THE COMPETENCY OF NEGRO TESTIMONY AGAINST WHITE PERSONS.

MR. VAN BUREN

On the 27th of May, 1839, a Naval General Court-Martial assembled on board the United States Ship Macedonian, lying at Pensacola, to try Lieutenant George Mason Hooe, of Virginia, on certain charges preferred on the information of Commander Uriah P. Levy. In the course of the trial, two negroes were produced as witnesses against him; one the cook, and the other the body servant of his accuser. He objected to their examination; the Court overruled his objection, and allowed them to be examined. Lieutenant Hooe declined to cross-examine them. The proceedings of the Court were approved by the Secretary of the Navy. Lieutenant Hooe addressed a memorial to the President, in which he complained of the outrage. The President endorsed his decision on the papers in the following words:

"THE PRESIDENT FINDS NOTHING IN THE PROCEEDINGS IN THE CASE OF LIEUTENANT HOOE WHICH REQUIRES HIS INTERFERENCE.

M. V. B."

On the 12th of June, 1840, this subject was brought to the notice of Congress by the Hon. JOHN M. BOTTS, a member of the House of Representatives from Virginia, and that body adopted a resolution calling on the Secretary of the Navy for a copy of the

record and of the subsequent proceedings. On the 24th of June the copy was transmitted, being *Document No.* 244, 26*th Congress*, 1*st Session*, *House of Representatives*, *Navy Department.*

The following are extracts from the Document:

[Page 22.] "*James Mitchell*, Captain's Steward of the United States Ship Vandalia, called and sworn.

"The accused objected to the examination of the witness, upon the ground that he was a colored man.

"The Court, after deliberation, did not consider the objection a valid one, and ordered the examination to proceed.

"The accused then offered a paper writing, of which the following is a copy, and desired that the same be spread upon the record:

"'The accused begs leave to state to the Court most distinctly that he solemnly protests against the evidence of this witness being received and recorded. It is far from the wish of the accused to object to any evidence which the Court may deem legal; but the witness is a colored man, and therefore, in the opinion of the accused, is not a competent witness, even before this tribunal.

"'G. M. HOOE, *Lieutenant U. S. Navy.*'"

[Page 23.] "The accused presented a paper writing, of which the following is a copy, and requested that the same be spread upon the record, which was ordered by the Court:

"'The accused having protested against the evidence of this witness, on the ground that he conceives his testimony to be altogether illegal, that he knows it would be so considered before the civil tribunals of this Territory, the forms and customs of which, he humbly thinks, should be as closely followed by a martial court as possible; therefore asks leave to spread upon the record the fact that he cannot consent to, and has totally declined cross-examining this witness.

"'GEORGE MASON HOOE, *Lieut. U. S. Navy.*"

[Page 25.] "*Daniel Waters* Captain's Cook of the United States Ship Vandalia, called and sworn.

"The accused presented a paper writing, of which the following is a copy, and requested that the same be spread upon the record, which was ordered:

"'The Court having decided to receive and record the testimony of colored persons, the accused, in regard to this witness, can only reiterate his objections as set forth in the case of Mitchell, the Captain's Steward. The accused will pursue the same course with this witness that he decided to take with the other colored man.

"'GEORGE MASON HOOE, *Lieut. U. S. Navy.*'"

[Page 42.] "At the close of the proceedings of the Court is the approval of the Secretary of the Navy, in these words:

"'Approved. J. K. PAULDING.'"

[Page 60–61.] *Extract from the Letter or Memorial of Lieutenant Hooe to the President of the United States.*

"There is one other point in the proceedings of the Court (touching their legality) to which I invite the particular attention of your Excellency. It respects a matter as to which all Southern men are deeply sensitive; and, if not overruled by your Excellency, will assuredly drive many valuable men from the Navy. In the progress of the proceedings of this Court, two negroes—one the cook, the other the private steward of Commander Levy—were introduced as witnesses against me. I protested against their legal competency to be witnesses in the Territory of Florida, on the ground that they were negroes. The Court disregarded my exception, and, as the record shows, they were allowed to be examined and to testify on my trial. This I charge as a proceeding illegal and erroneous on the part of the Court; and, if so, according to established law and precedent, must vitiate and set aside their whole proceedings."

[Page 61.] *Letter from the Secretary of the Navy to the President.*

"NAVY DEPARTMENT, *December* 14, 1839.

"SIR: In obedience to your directions, I have the honor to transmit a report in the case of Lieutenant George Mason Hooe, and to return the memorial addressed to you by him, in relation to the proceedings of the Court on his trial.

"I am, very respectfully, your obedient servant, J. K. PAULDING."

Endorsement on the above Letter by Martin Van Buren, President of the United States, with his own hand.

"THE PRESIDENT FINDS NOTHING IN THE PROCEEDINGS IN THE CASE OF LIEUTENANT HOOE WHICH REQUIRES HIS INTERFERENCE. "M. V. B."*

ANOTHER CASE.—CASE OF MR. MURCH.

The following letter is from OLIVER K. BARRELL, Esq., a highly respectable citizen of Newcastle, Del., to THOMAS ALLEN, Esq., Editor of the Madisonian. In a subsequent

* While this decision of the President was *unknown to the public*, the Secretary of the Navy wrote a letter, dated April 15, 1840, which has since been published in Mr. Ritchie's "Crisis" of June 20, 1840. In this letter the Secretary, *after justifying the examination of the negroes*, and the sentence of the Court, says, "*The President had* NOTHING TO DO *with the Court or* ITS PROCEEDINGS!!!!"

letter, addressed to another gentleman, Mr. BARRELL says: "Since the appearance of the article in the Madisonian, the counsel for Mr. Murch, ANDREW C. GRAY, Esq., *who is a supporter of Mr. Van Buren's administration*, has publicly vouched for its correctness, in all its essential particulars."

NEWCASTLE COUNTY, DEL., *August* 3, 1840.

DEAR SIR: That the South may be informed correctly, in regard to Mr. Van Buren, I send you for publication certain facts in relation to his approval of negro testimony, in the trial of an officer in the revenue service, before the Collector of this District, in June, 1839.

At that time charges and specifications of them were preferred by a certain Henry D. Nones, a Captain in the revenue cutter service, against Josiah Murch, then First Lieutenant in the same service. The Collector of the District, Henry Whiteley, Esquire, was ordered by the Secretary of the Treasury to conduct the examination. Mr. Murch was defended by counsel, and the prosecution in behalf of the Captain carried on by counsel employed by himself. The character of the testimony, on the part of the complainant, generally, was such, that the counsel for Mr. Murch deemed it unnecessary to enter upon any defence; it was composed entirely of the crew and officers under the immediate command of the complainant, (Nones,) and of negroes, his own servants, employed in the ward-room. Five negroes, if I am correctly informed, were brought forward to testify. The moment the first was called to the stand, Mr. Murch and his counsel (protesting against such evidence, it not being competent in the Courts of this State for negroes to testify against white persons) left the room. The Collector proceeded, however, to take the testimony, and, after closing the same, forwarded it to Washington; the whole of which I presume you can find in the office of the Secretary of the Treasury. A copy of one of the negro depositions I now have before me. Mr. Murch had his commission taken from him; the testimony having been laid before the President and "approved by him." So unexpected was this decision to Mr. Murch, and indeed to every one who knew the character of the testimony adduced against him, that Mr. Murch thought it proper to appeal directly to the President for reinstatement. He did so both personally and by letter. To impress more fully upon the minds of the powers that be at Washington the injustice done to him, Mr. Murch forwarded to the Secretary of the Treasury a deposition of one of the negroes, taken at the negro's own request, after his discharge from the cutter, by a magistrate of the town of Newcastle, in which he states that what he testified to before Colonel Whiteley, the Collector, was false, "that he was compelled, by threats made by Captain Nones, to give such testimony," &c., &c. Upon the receipt of this deposition by Mr. Woodbury, the Secretary of the Treasury, he informed Mr. Murch, in substance, by letter, "that this testimony of the negro could not go to rebut his first deposition, but might be made the groundwork of new proceedings against Captain Nones"—(I have not the letter before me, and therefore merely give the substance)—to which Mr. Murch, under date of September 10, 1839, made the following reply, after acknowledging the receipt of Mr. Woodbury's letter of the 6th instant. He says: "I have to say that the affidavit of William Kork [negro] was sent to the Department not for the purpose of commencing new proceedings against Captain Nones, or any other person, but with the object of showing to the Department the character of the evidence on which my dismissal has been founded." Several letters were written to the Department and to the President, by the friends of Mr. Murch, and, I think, a formal remonstrance sent by his counsel to the Treasury Department. On the 4th of January, 1840, the Secretary of the Treasury wrote to me (who had addressed a letter directly to the President in regard to Mr. Murch) as follows: "Sir, in reply to your letter of the 27th ultimo, to the President of the United States, which has been referred to this Department, I would inform you that Lieutenant Murch was dismissed from the revenue service by the President, *on satisfactory evidence* of improper conduct, which, though the charges and proof have been once or twice re-examined, has never been satisfactorily rebutted or explained."

These proceedings are now matter of record, or ought to be, in the Treasury Department; copies of most of which I took the precaution at the time to retain. If you think any good can be had by publishing it, please do so, and make whatever remarks you may think proper. I will only add that no officer, however high or honest, is safe for a moment, if the Government is to tolerate negroes, under the immediate control of an officer, to give testimony against another whom he has thought proper to prefer charges against.

P. S. You will perceive that Woodbury was willing for Murch to make the deposition of the negro Kork sufficient ground to commence proceedings upon against Nones.

Copies of letters from and to the Secretary of the Treasury, in relation to Mr. Murch's case.

TREASURY DEPARTMENT, SEPTEMBER 6, 1839.

SIR: Your letter of the 2d instant, enclosing the affidavit of William Kook, is this day received. I have to observe, in reply, that the affidavit of a person who admits he has been guilty of perjury cannot be made the ground of new proceedings, unless it is taken over again, with notice to the Collector and Captain Nones to appear before the magistrate and cross-examine that witness, as well as rebut his testimony by other evidence.

I am, very respectfully, your ob't serv't, LEVI WOODBURY.

NEWCASTLE, SEPT'R 10, 1839.

SIR: I have had the honor to receive your favor of the 6th instant this day, and, in reply, have to say that the affidavit of William Kork was sent to the Department, not for the purpose of commencing

new proceedings against Captain Nones, or any other person, but with the object of showing to the Department the character of the evidence on which my dismissal has been founded.

I have the honor to be, Sir, very respectfully, your obed't servant, JOSIAH MURCH.

The Hon. Levi Woodbury, Secretary of the Treasury, U. S. of America.

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Treasury Department, Sept'r 9, 1839.

Sir: The papers in your case having been submitted to the President, I have to inform you that he does not yet feel satisfied that the public interest would be promoted by your reappointment.

I am, very respectfully, your ob't serv't, LEVI WOODBURY,
Sec'y of the Treas'y.

Josiah Murch, Esq., Newcastle, Delaware.

—

Treasury Department, January 4, 1840.

Sir: In reply to your letter of the 27th ultimo, to the President of the United States, which has been referred to this Department, I would inform you that Lieutenant Murch was dismissed from the revenue service by the President, on satisfactory evidence of improper conduct, which, though the charges and proofs have been once or twice re-examined, has never been satisfactorily rebutted or explained.

I am, very respectfully, your obedient servant, LEVI WOODBURY,
Secretary of the Treasury.

Oliver K. Barrell, Esq., Newcastle, Del.

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I, Ignatius Mudd, a citizen of Washington, in the District of Columbia, do hereby certify, that I have examined the foregoing printed copies of three letters from the Hon. Levi Woodbury, and that I have carefully compared the same with the originals, and also that I have examined the foregoing printed copy of a letter signed Josiah Murch, and have compared the same with a manuscript purporting to be a copy of a letter from said Murch to said Woodbury, and that the said four printed letters are true copies of said originals and said manuscript copy.

I further certify, that in the letter from said Woodbury, dated Treasury Department, January 4, 1840, the same being one of the aforesaid four letters, a horizontal line is drawn through the word "*satisfactory,*" and there is an appearance on the face of the word of a purpose to erase it, though it still remains perfectly legible. IGNATIUS MUDD.

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District of Columbia, County of Washington, *to wit:*

Be it remembered, that on this 23d day of September, 1840, Ignatius Mudd, well known to me as a respectable citizen of Washington, appeared before me, a Justice of the Peace in and for the said County, and made oath to the truth of the facts contained in the foregoing statement.

DAVID A. HALL, *Justice of the Peace.*

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United States of America—Department of State.

To all to whom these presents shall come, greeting;

I certify, that D. A. Hall, whose name is subscribed to the paper hereunto annexed, is now, and was at the time of subscribing the same, a Justice of the Peace for the County of Washington, in the District of Columbia, duly commissioned; and that full faith and confidence are due to his acts, as such.

In testimony whereof, I, John Forsyth, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

[SEAL.] Done at the City of Washington, this twenty-fourth day of September, A. D. 1840, and of the Independence of the United States of America the sixty-fifth.

JOHN FORSYTH.

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Mr. Van Buren *then thinks it perfectly proper that* NEGROES SHOULD BE EXAMINED AS WITNESSES AGAINST WHITE MEN!!!

Not so General Harrison. In the Laws of the Indiana Territory, printed at Vincennes, Indiana, by Messrs. Stout & Smoot, in 1807, and in the Library of the State Department, Washington City, is the following:

[Chapter 46, page 311.] "*An Act regulating the Practice in the General Court and Court of Common Pleas, and for other purposes.*

"Section 24. No negro, mulatto, or Indian, shall be a witness, except in pleas of the United States against negroes, mulattoes, or Indians, or in civil pleas where negroes, mulattoes, or Indians alone shall be parties. JESSE B. THOMAS, *Speaker of the House of Representatives.*

"B. CHAMBERS, *President of the Council.*

"Approved, *September* 17, 1807. WILLIAM HENRY HARRISON."

IV. MISSOURI QUESTION.

Akin to the topics just mentioned is the conduct of the two candidates on the Missouri Question.

MR. VAN BUREN'S COURSE.

RUFUS KING was elected a member of the Senate of the United States for six years from March 4, 1813, by the votes of the old Federal party in New-York. During the last year of his term, a bill was sent to the Senate, from the House of Representatives, entitled "An act to authorize the people of the Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union, *on an equal footing with the original States.*" A proposition was introduced into the Senate to amend it by a clause prohibiting slavery, which proposition was sustained throughout by Rufus King. "The substance" of two elaborate speeches from him, in favor of it, may be found in Niles's Register, vol. 17, pp. 215–221.

In a letter dated April 22, 1820, to John Holmes, on the Missouri Question, Mr. Jefferson says:

"I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident they were in good hands, and content to be a passenger in our bark to the shore from which I am not distant. But this momentous question, *like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union.*"—[*Jefferson's Writings, vol. 4, p. 323.*]

In the winter of 1819–'20, Mr. VAN BUREN, then a member of the Legislature of New-York, published a pamphlet in support of Mr. KING's re-election, entitled "Considerations in favor of the appointment of RUFUS KING to the Senate of the United States." He also addressed a letter to a friend, in which he says:

"I should *sorely regret to find any flagging on the subject of Mr.* KING. *We are committed to his support. It is both wise and honest; and we must have no fluttering in our course.* Mr. King's views towards us are honorable and correct. The Missouri Question conceals, *so far as he is concerned*, no plot, and we shall give it a true direction. You know what the feelings and views of our friends were when I saw you, and you know what we then concluded to do. My '*Considerations*,' &c., and the aspect of the Albany Argus, will show you that we have entered on the work in earnest. We cannot, therefore, look back. *Let us not, then, have any halting. I will put my head on its propriety.*"*

RUFUS KING was accordingly re-elected to the Senate. The following preamble and resolution were adopted by both Houses of the Legislature of New-York:

"Whereas the inhibiting of the further extension of slavery in these United States is a subject of deep concern to the people of this State; and whereas we consider slavery as an evil much to be deplored, and that every constitutional barrier should be interposed to prevent its further extension; and that the Constitution of the United States clearly giving Congress the right to require of new States, not comprehended within the original boundaries of the United States, the prohibiting of slavery as a condition of their admission into the Union; therefore,

"*Resolved*, (if the honorable Senate concur therein,) That our Senators be instructed, and our Representatives in Congress be requested, to oppose the admission, as a State, into the Union, of any Territory not comprised as aforesaid, making the prohibition of slavery therein an indispensable condition of admission."

On the 29th January, 1820, the *Senate* took up the resolution, and passed the same unanimously, the following Senators being present:

"Messrs. Adams, Austin, Barnum, Bartow, Browne, Childs, Dudley, Dayton, Ditmiss, Evans, Forthington, Hammond, Hart, Livingston, Loundsberry, McMartin, Moons, Mallory, Moore, Noyes, Paine, Ross, Rosencrantz, Skinner, Swan, VAN BUREN, Wilson, Young—29."

The *Globe* says that the resolution, which had passed the House of Assembly, "was sent to the Senate, of which *Mr. Van Buren* was a member, and was there also passed, but without division or debate. Mr. Van Buren had no agency in bringing the sub-

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* This extract will be found in page 111 of a life of Mr. VAN BUREN, (published in 1835,) written by William H. Holland, with the aid, he tells us in the preface, of "the Hon. James Vanderpoel" and "the Hon. Benjamin F. Butler," two well-known partisans of Mr. Van Buren. The authenticity of Holland's work is admitted by Mr. *Van Buren*. Messrs. W. Fithian, J. C. Alexander, and others, in a letter to him, dated Danville, Illinois, May 23, 1840, put several questions, one of which is: "Have you examined Holland's life of Van Buren, of date of 1835; and, if so, is it a faithful and true history of your political opinions?" Mr. VAN BUREN answers the letter, June 22, 1840, and says, in reference to Holland's life of him: "It has been suggested to me that spurious copies of this work have been put in circulation in Illinois; it is therefore desirable that you should send me the copy to which your question relates, before I answer it. This I will thank you to do at your earliest convenience. When inspected, it shall be returned to you."—Niles's Register, vol. 58, page 364. On the 29th of August, 1840, Mr. VAN BUREN sends a further answer; at the close of which he says: "*The publication sent to me by Mr. Alexander is a genuine copy of the first edition of Professor Holland's work.* I herewith return it, with the remark that it was written without communication with me, but contains, as far as it goes, *a substantially correct history of my political course.*"

The extract given in the text is published also in Niles's Register, vol. 19, page 93; the word "sorely" being omitted, and the word "committed" being printed "submitted."

ject before the Legislature. He was present when it passed, but did not participate further in the matter than is here stated."—(*Extra Globe*, *June* 16, 1840.) The *Richmond Enquirer* (June 23 1840,) says: "Upon these resolutions he gave no vote, *for the Legislature was unanimous.* They *passed* without a division or count."

We are willing to take, as true history, either of these official expositions; to admit with the Globe that Mr. Van Buren had *only the same* agency, in passing the resolutions, which every body else had who voted for them; or to agree with the more ingenious Enquirer, that Mr. Van Buren voted, not as an individual, but only as a Senator.

In "*Holland's Life of Van Buren*," edition 1835, page 146–147, *authenticated*, as has been already shown, by Mr. Van Buren, the writer, after referring to a recommendation of Governor Clinton, at the opening of the session, in January, 1820, of the Legislature of New-York, says:

"In compliance with this recommendation, the House of Representatives adopted a resolution, instructing their Senators, and requesting the Representatives of the State, in Congress, 'TO OPPOSE THE ADMISSION, AS A STATE, IN THE UNION, OF ANY TERRITORY NOT COMPRISED WITHIN THE ORIGINAL BOUNDARY OF THE UNITED STATES, WITHOUT MAKING THE PROHIBITION OF SLAVERY THEREIN AN INDISPENSABLE CONDITION OF ADMISSION.'"

"The Senate concurred in this resolution without division or debate, and AMONG THEM MR. VAN BUREN; though it was not brought before the Legislature by his agency, still HE MUST BE REGARDED AS HAVING CONCURRED, at that time, IN THE SENTIMENT OF THE RESOLUTION THUS ADOPTED BY THE LEGISLATURE."

It thus appears that Mr. VAN BUREN was the champion of the re-election of the great champion of the Missouri restriction; staked his head on its "*propriety;*" denounced any "*flagging*," "*fluttering*," or "*halting*," in sending Mr. King to the Senate again, to ring the "KNELL OF THE UNION;" and after having procured the re-election of Mr. King, to make assurance doubly sure, joined in *instructing* him to peal that fearful alarm.

What, on this subject, was GENERAL HARRISON's course? When the Missouri question was agitated in the House of Representatives, at the session of 1818–1819, (second session, fifteenth Congress,) he was a member of that House from Ohio, a non-slaveholding State. The agitation of that question shook, as is well known, the Union to its centre. On reference to the Journal of the House of Representatives, (page 271–274, &c., &c.,) it will be found that on the motion to prohibit the further introduction of slavery into Missouri, and on the other questions growing out of that motion, GENERAL HARRISON voted with the *South.* His course, on this momentous subject, prevented his re-election to Congress, when he again became a candidate. The National Intelligencer, of October 20, 1822, says:

"It is confirmed to us that Mr. Gazely is elected, in opposition to GENERAL HARRISON. A friend informs us, which we are sorry to learn, that he was opposed particularly on account of his adherence to that principle of the Constitution which secures to the people of the South their pre-existing rights."

V. THE ARKANSAS AND FLORIDA QUESTIONS.

GENERAL HARRISON'S COURSE ON THE ARKANSAS QUESTION.

On the 18th of February, 1819, a bill for establishing a separate Territorial Government in the southern part of the Territory of Missouri, was, with certain amendments which had been made thereto, taken up in the House of Representatives. Mr. Taylor, of New-York, moved a further amendment, "that neither slavery nor involuntary servitude shall be introduced into the said Territory, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted."

On this amendment, GENERAL HARRISON voted with the *South.*—[*See Journal House of Representatives, 2d Session 15th Congress*, 1818–'19, *page* 283–'4.]

MR. VAN BUREN'S COURSE ON THE FLORIDA QUESTION.

On the 6th of February, 1822, a bill was reported to the Senate of the United States for the establishment of a Territorial Government in Florida. On the 6th of March, 1822, after various intervening proceedings, the Senate resumed, as in Committee of the Whole, the consideration of the bill for the establishment of a Territorial Government in Florida; and, the bill having been amended, it was reported to the House accordingly. It was moved to strike out a provision which prohibited the introduction of slaves into the Florida Territory, except by citizens of the United States removing thither, and owning

such slaves at the time of removal, or by citizens of the United States, travelling in the Territory with not more than two servants. Mr. VAN BUREN voted in the negative.

It thus appears that Mr. VAN BUREN voted *against* striking out the restriction on slavery in the Territory of Florida. The principle of this restriction, and of the restriction in the case of Arkansas, was the same as that involved in the Missouri question.

Certified copies of the Votes of Gen. HARRISON *and Mr.* VAN BUREN, *referred to in the two foregoing sections.*

On the 16th February, 1819, "the House took up and proceeded to consider the amendments reported from the Committee of the Whole, to the bill to authorize the people of the Territory of *Missouri* to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States; and the said amendments, being read, were concurred in by the House, with the exception of that to the end of the 4th section, which prohibits slavery or involuntary servitude in the proposed State; which said amendment being amended to read as follows:

"And provided, also, *That the further introduction of slavery or involuntary servitude be prohibited, except for the punishment of crimes, whereof the party shall be duly convicted; and that all children of slaves, born within the said State, after the admission thereof into the Union, shall be free, but may be held to service until the age of twenty-five years.*

"Mr. Beecher moved further to amend the said amendment, by striking out all thereof after the word *convicted;* which motion was rejected.

"A division of the question to agree to the said amendment was then called for, and the question was put to agree to so much thereof as is contained within the same, to the word *convicted*, inclusive, and passed in the affirmative: Yeas 87, Nays 76.

"The yeas and nays being required by one-fifth of the members present, those who voted in the affirmative are—

"Messrs. Adams, Allen, Anderson, *Pa.*, Barber, *O.*, Bateman, Beecher, Bennett, Boden, Campbell, Clagett, Comstock, Crafts, Cushman, Darlington, Drake, Ellicott, Folger, Fuller, Gage, Gilbert, Hale, Hall, *Del.*, Hasbrouck, Hendricks, Herkimer, Herrick, Heister, Hitchcock, Hopkinson, Hostetter, Hubbard, Hunter, Huntington, Irving, *N. Y.*, Kinsey, Kirtland, Lawyer, Lincoln, Linn, Livermore, W. Maclay, W. P. Maclay, Marchand, Mason, *R. I.*, Merrill, Mills, Robert Moore, Samuel Moore, Morton, Moseley, Murray, Jer. Nelson, Ogle, Orr, Palmer, Patterson, Pawling, Pitkin, Rice, Rich, Richards, Rogers, Ruggles, Sampson, Savage, Schuyler, Scudder, Sergeant, Sherwood, Silsbee, Southard, Spencer, Tallmadge, Taylor, Terry, Tompkins, Townsend, Upham, Wallace, Wendover, Westerlo, Whiteside, Wilkin, Williams, *Con.*, Williams, *N. Y.*, Wilson, *Mass.*, Wilson, *Pa.*—87.

"Those who voted in the negative are—

"Messrs. Abbott, Anderson, *Ken.*, Austin, Ball, Barbour, *Va.*, Bassett, Bayley, Bloomfield, Blount, Bryan, Burwell, Butler, *Lou.*, Cobb, Colston, Cook, Cruger, Culbreth, Davidson, Desha, Edwards, Ervin, *S. C.*, Fisher, Garnett, Hall, *N. C.*, HARRISON, Holmes, Johnson, *Va.*, Johnson, *Ken.*, Jones, Lewis, Little, Lowndes, McLane, *Del.*, McLean, *Ill.*, McCoy, Marr, Mason, *Mass.*, Middleton, H. Nelson, T. M. Nelson, Nesbitt, New, Newton, Ogden, Owen, Parrott, Pegram, Peter, Pindall, Pleasants, Poindexter, Reed, Rhea, Ringgold, Robertson, Sawyer, Settle, Shaw, Simkins, Slocumb, S. Smith, Bal. Smith, Alexander Smyth, J. S. Smith, Speed, Stewart, *N. C.*, Storrs, Stuart, *Md.*, Terrell, Trimble, Tucker, *Va.*, Tucker, *S. C.*, Tyler, Walker, *N. C.*, Walker, *Ken.*, Williams, *N. C.*—76.

"The question was then put upon agreeing to the residue of the said amendment, and also passed in the affirmative: Yeas 82, Nays 78.

"The yeas and nays being required by one-fifth of the members present, those who voted in the affirmative are—

"Messrs. Adams, Allen, *Mass.*, Anderson, *Pa.*, Barber, *O.*, Bateman, Bennett, Boden, Clagett, Comstock, Crafts, Cushman, Darlington, Drake, Ellicott, Folger, Fuller, Gage, Gilbert, Hale, Hall, *Del.*, Hasbrouck, Hendricks, Herkimer, Herrick, Heister, Hitchcock, Hopkinson, Hostetter, Hubbard, Hunter, Huntington, Irving, *N. Y.*, Kinsey, Kirtland, Lawyer, Lincoln, Livermore, W. Maclay, W. P. Maclay, Marchand, Merrill, Mills, Robert Moore, Samuel Moore, Morton, Moseley, Murray, Jer. Nelson, Ogle, Orr, Palmer, Patterson, Pawling, Pitkin, Rice, Rich, Richards, Rogers, Ruggles, Sampson, Savage, Scudder, Sergeant, Sherwood, Silsbee, S. Smith, Southard, Spencer, Tallmadge, Taylor, Terry, Tompkins, Townsend, Upham, Wallace, Wendover, Whiteside, Wilkin, Williams, *Con.*, Williams, *N. Y.*, Wilson, *Mass.*, Wilson, *Pa.*—82.

"Those who voted in the negative are—

"Messrs. Abbott, Anderson, *Ken.*, Austin, Ball, Barbour, *Va.*, Bassett, Bayley, Beecher, Bloomfield, Blount, Bryan, Burwell, Butler, *Lou.*, Campbell, Cobb, Colston, Cook, Cruger, Culbreth, Davidson, Desha, Edwards, Ervin, *S. C.*, Fisher, Garnett, Hall, *N. C.*, HARRISON, Holmes, Johnson, *Va.*, Johnson, *Ken.*, Jones, Lewis, Linn, Little, Lowndes, McLean, *Ill.*, McCoy, Marr, Mason, *Mass.*, Mason, *R. I.*, Middleton, H. Nelson, T. M. Nelson, Nesbitt, New, Newton, Ogden, Owen, Parrott, Pegram, Peter, Pindall, Pleasants, Poindexter, Reed, Rhea, Ringgold, Robertson, Sawyer, Settle, Shaw, Simkins, Slocumb, Bal. Smith, Alexander Smyth, J. S. Smith, Speed, Stewart, *N. C.*, Storrs, Stuart, *Md.*, Terrell, Trimble, Tucker, *Va.*, Tucker, *S. C.*, Tyler, Walker, *N. C.*, Walker, *Ken.*, Williams, *N. C.*—78. [House Journal 1818–'19, pp. 271–274.]

On the 18th of February, 1819, the following proceedings, in regard to the Territory of *Arkansas*, were had in the House of Representatives:

"The House took up and proceeded to consider the amendments reported from the Committee of the Whole, to the bill establishing a separate Territorial Government in the southern part of the Territory of Missouri; and the said amendments, having been read, were concurred in by the House.

"Mr. Taylor then moved further to amend the said bill, by inserting the following as the second section thereof:

"*And be it further enacted*, That neither slavery nor involuntary servitude shall be introduced into the said Territory, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted. And all children born of slaves, within the said Territory, shall be free, but may be held to service until the age of twenty-five years.

"A division of the question, to agree to the said amendment, was called for; and the question was put on so much thereof as is contained within the same, down to the word *convicted*, inclusive, and determined in the negative: Yeas 70, Nays 71.

"The yeas and nays being required by one-fifth of the members present, those who voted in the affirmative are—

"Messrs. Adams, Allen, *Mass.*, Anderson, *Pa.*, Barber, *O.*, Bateman, Bennett, Boden, Boss, Comstock, Crafts, Cushman, Darlington, Drake, Folger, Fuller, Hall, *Del.*, Hasbrouck, Hendricks, Herrick, Hiester, Hitchcock, Hostetter, Hubbard, Hunter, Huntington, Irving, *N. Y.*, Lawyer, Lincoln, Linn, Livermore, W. Maclay, W. P. Maclay, Marchand, Mason, *R. I.*, Merrill, Robert Moore, Samuel Moore, Morton, Moseley, Murray, Jer. Nelson, Ogle, Orr, Palmer, Patterson, Pawling, Rice, Rich, Richards, Rogers, Ruggles, Sampson, Savage, Scudder, Seybert, Sherwood, Southard, Spencer, Tallmadge, Tarr, Taylor, Terry, Tompkins, Townsend, Wallace, Wendover, Whiteside, Williams, *Con.*, Williams, *N. Y.*, Wilson, *Pa.*—70.

"Those who voted in the negative are—

"Messrs. Anderson, *Ken.*, Austin, Ball, Barbour, *Va.*, Bassett, Bayley, Beecher, Bloomfield, Blount, Bryan, Burwell, Butler, *Lou.*, Cobb, Cook, Crawford, Culbreth, Desha, Earl, Edwards, Garnett, Hall, *N. C.*, HARRISON, Hogg, Holmes, Johnson, *Va.*, Johnson, *Ken.*, Jones, Kinsey, Lewis, Little, Lowndes, McLane, *Del.*, McLean, *Ill.*, McCoy, Marr, Mason, *Mass.*, H. Nelson, T. M. Nelson, New, Newton, Ogden, Owen, Parrott, Pegram, Peter, Pindall, Pleasants, Porter, Quarles, Reed, *Ga.*, Rhea, Robertson, Sawyer, Settle, Shaw, Simkins, Slocumb, S. Smith, Alexander Smyth, J. S. Smith, Speed, Stewart, *N. C.*, Storrs, Stuart, *Md.*, Terrell, Trimble, Tucker, *Va.*, Tucker, *S. C.*, Tyler, Walker, *N. C.*, Williams, *N. C.*—71.

"The question was then put to agree to the residue of the said amendment, and passed in the affirmative: Yeas 75, Nays 73.

"The yeas and nays being required by one-fifth of the members present, those who voted in the affirmative are—

"Messrs. Adams, Anderson, *Pa.*, Barber, *Ohio*, Bateman, Bennett, Boden, Boss, Comstock, Crafts, Cushman, Darlington, Drake, Ellicott, Folger, Fuller, Gilbert, Hall, *Del.*, Hasbrouck, Hendricks, Herrick, Hiester, Hitchcock, Hostetter, Hubbard, Hunter, Huntington, Irving, *N. Y.*, Kitland, Lawyer, Lincoln, Linn, Livermore, W. Maclay, W. P. Maclay, Marchand, Merrill, Mills, Robert Moore, Samuel Moore, Morton, Moseley, Murray, Jeremiah Nelson, Ogle, Orr, Palmer, Patterson, Pawling, Rice, Rich, Richards, Rogers, Ruggles, Sampson, Savage, Schuyler, Scudder, Seybert, Sherwood, Southard, Spencer, Tallmadge, Tarr, Taylor, Terry, Tompkins, Townsend, Wallace, Wendover, Westerlo, Whiteside, Williams, *Con.*, Williams, *N. C.*, Williams, *N. Y.*, Wilson, *Pa.*—75.

"Those who voted in the negative are—

"Messrs. Abbott, Anderson, *Ky.*, Austin, Ball, Barbour, *Va.*, Bassett, Bayley, Beecher, Bloomfield, Blount, Bryan, Burwell, Butler, *La.*, Cobb, Cook, Crawford, Cruger, Culbreth, Desha, Earl, Edwards, Garnett, Hall, *N. C.*, HARRISON, Hogg, Holmes, Johnson, *Va.*, Johnson, *Ky.*, Jones, Kinsey, Lewis, Little, Lowndes, McLane, *Del.*, McLean, *Ill.*, McCoy, Marr, Mason, *Mass.*, Middleton, H. Nelson, T. M. Nelson, Nesbitt, New, Ogden, Owen, Parrott, Pegram, Peter, Pindall, Pleasants, Quarles, Reed, *Md.*, Reed, *Ga.*, Rhea, Robertson, Sawyer, Settle, Shaw, Simkins, Slocumb, S. Smith, Alex. Smyth, J. S. Smith, Speed, Stewart, *N. C.*, Storrs, Stuart, *Md.*, Terrell, Trimble, Tucker, *Va.*, Tucker, *S. C.*, Tyler, Walker, *N. C.*—73."

OFFICE, HO. REPS. OF THE U. S., WASHINGTON, *September* 9, 1840.

This is to certify that the foregoing writing, on seven pages of paper, is a true extract from the Journal of the House of Representatives of the United States on the 16th and 18th days of February, 1819. This certificate is given at the request of the Hon. John C. Clark, now a member of the House of Representatives from the State of New-York.

H. A. GARLAND, *Clerk Ho. Reps. U. S.*

Extract from the Journal of the Senate at the First Session of the Seventeenth Congress, Wednesday, March 6, 1822.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the establishment of a Territorial Government in Florida; and the bill having been amended, it was reported to the House accordingly; and,

On the question to concur in the amendment to the 11th section, to strike out, after the word "freedom," in the 14th line thereof, the residue of said section, as follows:

"No slave or slaves shall, directly or indirectly, be introduced into the said Territory, except by a citizen of the United States removing into the said Territory for actual settlement, and being, at the time of such removal, *bona fide* owner of such slave or slaves; or any citizen of the United States travelling into the said Territory with any servant or servants, not exceeding two; and every slave imported or brought into the said Territory, contrary to the provisions of this act, shall thereupon be entitled to and receive his or her freedom."

It was determined in the affirmative: Yeas 23, Nays 20.

On motion of Mr. Mills,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are:

Messrs. Barbour of Va., Benton, Brown of La., D'Wolf, Eaton, Elliott, Gaillard, Holmes of Miss., Johnson of Ky., Johnson of La., King of Ala., Lloyd, Macon, Noble, Pleasants, Smith, Southard, Stokes, Van Dyke, Walker, Ware, Williams of Miss., Williams of Tenn.

Those who voted in the negative are:

Messrs. Barton, Boardman, Brown of Ohio, Chandler, Dickerson, Findlay, Holmes of Me., King of N. Y., Knight, Lanman, Lowrie, Mills, Morril, Otis, Palmer, Parrot, Ruggles, Seymour, Thomas, VAN BUREN.

OFFICE OF THE CLERK OF THE H. R. OF THE U. S., WASHINGTON, *September* 11, 1840.

I do hereby certify that the foregoing, purporting to be an extract from the Journal of the Senate of the United States, has been truly and correctly copied therefrom.

HORATIO N. CRABB, *Ass't Clerk Ho. Reps. U. S.*

VI. ABOLITIONISM.

Enough appears in the foregoing pages to show that GENERAL HARRISON is not an abolitionist. The following remarks were made by him *before* he was a candidate for the Presidency:

Extracts of General Harrison's speech at Cheviot, Ohio, July 4, 1833.

There is, however, a subject now beginning to agitate them, [the Southern States,] in relation to which, if their alarm has any foundation, the relative situation in which they may stand to some of the States will be the very reverse to what it now is. I allude to a supposed disposition in some individuals in the non-slaveholding States to interfere with the slave population of the other States, for the purpose of forcing their emancipation. *I do not call your attention to this subject, fellow-citizens, from the apprehension that there is a man among you who will lend his aid to a project so pregnant with mischief, and still less that there is a State in the Union which could be brought to give it any countenance.* But such are the feelings of our Southern brethren upon this subject—such their views, and their just views, of the evils which an interference of this kind would bring upon them, that long before it would reach the point of receiving the sanction of a State, the evil of the attempt would be consummated, as far as we are concerned, by a dissolution of the Union. *If there is any principle of the Constitution of the United States less disputable than any other, it is, that the slave population is under the exclusive control of the States which possess them.* If there is any measure likely to rivet the chains and blast the prospects of the negroes for emancipation, it is the interference of unauthorized persons. Can any one who is acquainted with the operations of the human mind doubt this? We have seen how restive our Southern brethren have been, from a supposed violation of their political rights. *What must be the consequence of an acknowledged violation of these rights, (for every man of sense must admit it to be so,) conjoined with an insulting interference with their domestic concerns?*

Shall I be accused of want of feeling for the slave, by these remarks? A further examination will elucidate the matter. *I take it for granted that no one will say that either the Government of the United States or those of the non-slaveholding States can interfere in any way with the right of property in the slaves.* Upon whom, then, are the efforts of the misguided and pretended friends of the slaves to operate? It must be either on the Governments of the slaveholding States, the individuals who hold them, or upon the slaves themselves. What are to be the arguments, what the means, by which they are to influence the two first of these? Is there a man vain enough to go to the land of Madison, of Macon, and of Crawford, and tell them that they either do not understand the principles of the moral and political rights of man; or that, understanding, they disregard them? Can they address an argument to the interest or fears of the enlightened population of the slave States, that has not occurred to themselves a thousand and a thousand times? To whom, then, are they to address themselves but to the slaves? And what can be said to them, that will not lead to an indiscriminate slaughter of every age and sex, and ultimately to their own destruction? *Should there be an incarnate devil who has imagined with approbation such a catastrophe to his fellow-citizens as I have described, let him look to those for whose benefit he would produce it.* Particular sections of the country may be laid waste, all the crimes that infuriated man, under the influence of all the black passions of his nature, can commit, may be perpetrated for a season; the tides of the ocean, however, will no more certainly change, than that the flood of horrors will be arrested, and turned upon those who may get it in motion.

I will not stop to inquire into the motives of those who are engaged in this fatal and unconstitutional project. There may be some who have embarked in it without properly considering its consequences, and who are actuated by benevolent and virtuous principles. But, if such there are, I am very certain that, should they continue their present course, their fellow-citizens will, ere long, 'curse the virtues which have undone their country.'

Should I be asked if there is no way by which the General Government can aid the cause of emancipation, I answer, that it has long been an object near my heart to see the whole of its surplus

revenue appropriated to that object. With the sanction of the States holding the slaves, there appears to me to be no constitutional objection to its being thus applied; embracing not only the colonization of those that may be otherwise freed, but the purchase of freedom of others. By a zealous prosecution of a plan formed upon that basis, we might look forward to a day, not very distant, when a North American sun would not look down upon a slave. To those who have rejected the plan of colonization, I would ask, if they have well weighed the consequences of emancipation without it? How long would the emancipated negroes remain satisfied with that? Would any one of the Southern States then (the negroes armed and organized) be able to resist their claims to a participation in all their political rights? Would it even stop there? Would they not claim admittance to all the social rights and privileges of a community in which, in some instances, they would compose the majority? Let those who take pleasure in the contemplation of such scenes as must inevitably follow, finish out the picture.

If I am correct in the principles here advanced, I support my assertion, that the discussion on the subject of emancipation in the non-slaveholding States, is equally injurious to the slaves and their masters, and that it has no sanction in the principles of the Constitution. I must not be understood to say, that there is any thing in that instrument which prohibits such discussion. I know there is not. But the man who believes that the claims which his fellow-citizens have upon him are satisfied by adhering to the letter of the political contract that connect them, must have a very imperfect knowledge of the principles upon which our glorious Union was formed, and by which alone it can be maintained. I mean those feelings of regard and affection which were manifested in the first dawn of our Revolution, which induced every American to think that an injury inflicted upon his fellow-citizen, however distant his location, was an injury to himself; which made us, in effect, one people, before we had any paper contract; which induced the venerable Shelby, in the second war for independence, to leave the comforts which age required, to encounter the dangers and privations incident to a wilderness war; which drew from the same quarter the innumerable battalions of volunteers which preceded and followed him; and from the banks of the distant Appamattox, that band of youthful heroes, which has immortalized the appellation by which it was distinguished. Those worthy sons of immortal sires did not stop to inquire into the alleged injustice and immorality of the Indian war. It was sufficient for them to learn their fellow-citizens were in danger, that the tomahawk and scalping-knife were suspended over the heads of the women and children of Ohio, to induce them to abandon the ease, and, in many instances, the luxury and splendor by which from infancy they had been surrounded, to encounter the fatigues and dangers of war, amidst the horrors of a Canadian winter.

In 1835, *after* he was nominated for the Presidency, GENERAL HARRISON delivered the speech at Vincennes, Indiana, which we have before cited, and which the Abolitionists call "*infamous.*" The following is extracted from it:

Extracts from General Harrison's speech at Vincennes, Indiana, July 4, 1835.

I have now, fellow-citizens, a few words more to say on another subject, and which is, in my opinion, of more importance than any other that is now in the course of discussion in any part of the Union. I allude to the societies which have been formed, and the movements of certain individuals, in some of the States, in relation to a portion of the population in others. The conduct of these persons is the more dangerous, because their object is masked under the garb of disinterestedness and benevolence; and their course vindicated by arguments and propositions which, in the abstract, no one can deny. But however fascinating may be the dress with which their schemes are presented to their fellow-citizens, with whatever purity of intention they may have been formed and sustained, they will be found to carry in their train mischief to the whole Union, and horrors to a large portion of it, which it is probable some of the projectors and many of their supporters have never thought of; the latter, the first in the series of evils which are to spring from this source, are such as you have read of to have been perpetrated on the fair plains of Italy and Gaul by the Scythian hordes of Attila and Alaric; and such as most of you apprehended upon that memorable night, when the tomahawks and war-clubs of the followers of Tecumseh were rattling in your suburbs. I regard not the disavowals of any such intention on the part of the authors of these schemes, since, upon examination of the publications which have been made, they will be found to contain every fact and every argument which would have been used if such had been their objects. I am certain that there is not in this assembly one of these deluded men, and that there are few within the bounds of the State. If there are any, I would earnestly entreat them to forbear, to pause in their career, and deliberately consider the consequences of their conduct to the whole Union, to the States more immediately interested, and to those for whose benefit they profess to act. That the latter will be the victims of the weak, injudicious, presumptuous, and unconstitutional efforts to serve them, a thorough examination of the subject must convince them. The struggle (and struggle there must be) may commence with horrors such as I have described, but it will end with more firmly riveting the chains, or in the utter extirpation of those whose cause they advocate. *Am I wrong, fellow-citizens, in applying the terms weak, presumptuous, and unconstitutional, to the measures of the emancipators?* A slight examination will, I think, show that I am not. In a vindication of the objects of a convention which was lately held in one of the towns of Ohio, which I saw in a newspaper, it was said that nothing more was intended than to produce a state of public feeling which would lead to an amendment of the Constitution, authorizing the abolition of slavery in the United States. Now, can an amendment of the Constitution be effected without the consent of the Southern States? What, then, is the proposition to be submitted to them? It is this: The present provisions of the Constitution secure to you the right (a right which you held before it was made, and which you have never given

up to manage your domestic concerns in your own way; but as we are convinced that you do not manage them properly, we want you to put in the hands of the General Government, in the councils of which we have the majority, the control over these matters, the effect of which will be virtually to transfer the power from yours into our hands. Again, in some of the States, and in sections of others, the black population far exceeds that of the white. Some the emancipators propose an immediate abolition. What is the proposition, then, as it regards those States and parts of States, but the alternatives of amalgamation with the blacks, or an exchange of situations with them? Is there any man of common sense who does not believe that the emancipated blacks, being a majority, will not insist upon a full participation of political rights with the whites, and, when possessed of these, that they will not contend for a full share of social rights also? What but the extremity of weakness and folly could induce any one to think that such propositions as these could be listened to by a people so intelligent as those of the Southern States? Further, the emancipators generally declare that it is their intention to effect their object (although their acts contradict the assertion) by no other means than by convincing the slaveholders that the immediate emancipation of the slaves is called for both by moral obligation and sound policy. An unfledged youth at the moment of his leaving (indeed, in many instances before he has left it) his Theological Seminary, undertakes to give lectures upon morals to the countrymen of Wythe, Tucker, Pendleton, and Lowndes, and lessons of political wisdom to States whose affairs have so recently been directed by Jefferson and Madison, Macon and Crawford. Is it possible that instances of greater vanity and presumption could be exhibited?

But the course pursued by the emancipators is unconstitutional. I do not say that there are any words in the constitution which forbid such discussions as they say they are engaged in. I know that there are not. And there is even an article which secures to the citizens the right to express and publish their opinions without restriction. But in the construction of the constitution it is always necessary to refer to the circumstances under which it was framed, and to ascertain its meaning by a comparison of its provisions with each other, and with the previous situation of the several States who were parties to it. In a portion of these slavery was recognised, and they took care to have the right secured to them to follow and reclaim such of them as were fugitives to other States. The laws of Congress passed under this power have provided punishment to any who shall oppose or interrupt the exercise of this right. Now, can any one believe that the instrument which contains a provision of this kind, which authorizes a master to pursue his slave into another State, take him back, and provides a punishment for any citizen or citizens of that State who should oppose him, should at the same time authorize the latter to assemble together, to pass resolutions and adopt addresses, not only to encourage the slaves to leave their masters, but to cut their throats before they do so? I insist that, if the citizens of the non-slaveholding States can avail themselves of the article of the constitution which prohibits the restriction of speech or of the press, to publish any thing injurious to the rights of the slaveholding States, they can go to the extreme that I have mentioned, and effect any thing further which writing or speaking could effect. But, fellow-citizens, these are not the principles of the constitution. Such a construction would defeat one of the great objects of its formation, which was that of securing the peace and harmony of the States which were parties to it. The liberty of speech and of the press were given as the most effectual means to preserve to each and every citizen their own rights, and to the States the rights which appertained to them at the time of its adoption.

It could never have been expected that it would be used by the citizens of one portion of the States for the purpose of depriving those of another portion of the rights which they had reserved at the adoption of the constitution, and in the exercise of which none but themselves have any concern or interest. If slavery is an evil, (and no one more readily acknowledges it than I do,) the evil is with them. If there is guilt in it, the guilt is theirs, not ours, *since neither the States where it does not exist, nor the Government of the United States, can, without usurpation of power and the violation of a solemn compact, do any thing to remove it without the consent of those who are immediately interested.* With that consent, there is not a man in the whole world who would more willingly contribute his aid to accomplish it than I would. If my vote could effect it, every surplus dollar in the Treasury should be appropriated to that object. But they will neither ask for aid nor consent to be aided, so long as the illegal, persecuting, and dangerous movements are in progress of which I complain; the interest of all concerned requires that these should be immediately stopped. This can only be done by the force of public opinion, and that cannot too soon be brought into operation. Every movement which is made by the abolitionists in the non-slaveholding States is viewed by our Southern brethren as an attack upon their rights, and which, if persisted in, must in the end eradicate those feelings of attachment and affection between the citizens of all the States which were produced by a community of interests and dangers in the war of the Revolution, which was the foundation of our happy Union, and by a continuance of which it alone can be preserved. I entreat you, then, fellow-citizens, to frown upon the measures which are to produce results so much to be deprecated. The opinions which I have now given, I have omitted no opportunity for the last two years to lay before the people of my own State. I have taken the liberty to express them here, knowing that, even if they should unfortunately not accord with yours, they would be kindly received.

If additional evidence of GENERAL HARRISON'S hostility to abolitionism were wanted, we need only look to the facts that he is denounced, in terms of unsparing vituperation, by the Abolition presses; and that the Abolitionists, at a Convention held in Albany on the first of April last, nominated JAMES G. BIRNEY, of New-York, as their candidate for the Presidency, and THOMAS EARLE, of Pennsylvania, (*a zealous partisan of Mr. Van Buren,*) as their candidate for the Vice-Presidency. Mr. GERRITT SMITH, the pride and

boast of the Abolitionists, is now a candidate, and, as is well understood, the *Van Buren* candidate, for the office of Governor of the State of New-York. Let Southern men listen to another partisan of Mr. Van Buren, and one of his right-hand men in the Senate of the United States—the notorious BENJAMIN TAPPAN. This man published a book of Reports, entitled "Tappan's Reports." One of the cases reported is that of Barrett *vs.* Jarvis, page 212. It was a slander suit. The slander charged was, that one man had said of another, that he was "akin to negroes." Tappan, in delivering the opinion of the Court, said:

"If the action does not lie for imputing a want of moral virtue, can it lie for imputing a consanguinity with any particular race of men? for saying of another, that he has a drop of African blood in his veins? that he is of kin, in some degree, remote or near, to the negroes—to that race of men who have been, for ages, the victims of a bloody and unrelenting avarice, and who are bound down to the ground, and trodden under foot by oppression, so wide and so enormous, that no man can for a moment contemplate their situation without the deepest commiseration and horror—commiseration for their sufferings, and horror at the immense mass of wickedness and crime which holds them in subjection?

"I know of no principle of ethics or law which would forbid a descendant of the fair-haired and ruddy Teutone from marrying the swarthy native of Africa."

The following is an extract of a letter from Mr. JAMES COLLIER, of Steubenville, Ohio:

"In the conversation alluded to, JUDGE TAPPAN observed, 'that as he was returning from Columbus, he was waited upon at Zanesville, by a Committee from the State Abolition Society, then in session at Putnam, with a request that he would accept some appointment, or some office, (what particular office I do not now recollect,) from the Society.' The Judge stated that he declined, and assigned as a reason, that he disapproved of the course they were taking; 'but,' said he, 'I told them if they wanted five hundred dollars to purchase arms and ammunition, to put into the hands of the blacks, that they might free themselves, I would give them the money.' I then asked him if he had reflected upon the consequences of such a step; that insurrection would be the inevitable result, and that he might thereby put in peril the lives of his connexions and neighbors. He inquired how? To which I replied, that the President was bound, by his oath of office, to suppress insurrections, and, to do that, was authorized to call out the whole armed force of the country. He remarked, that the President would do no such thing. To this I replied, that the President had ordered the troops to Southampton, and would do it again, if necessary. I then said, 'Judge, I think I can put you a case where you would go yourself.' 'Let me hear your case, Colonel,' said he. 'Suppose sir,' I observed, 'that the County of Brooke, opposite to us, in Virginia, contained a dense population of slaves; that they should rise up against their masters, and that you should be standing with your neighbors on one side of the river, and see them marching down on the other side, burning and destroying every thing within their reach, and murdering, without distinction, men, women, and children, and that our friends and acquaintances should call upon us for assistance, would not you go?' 'No, by God,' said he, 'I would not, and would disinherit any child I have that would go!'"

Mr. J. H. HALLOCK, in a letter, says:

"He [Tappan] habitually denounced slavery and slaveholders. His expressions were very strong, such as—'that the slaves ought to rise and cut their masters' throats;' 'if they [the slaves] should rise, he would not aid in subduing them, but would rather aid them.'"

Mr. D. S. COLLIER, in a letter dated March 6, 1840, confirms the statements of Mr. Hallock and Mr. James Collier. D. S. COLLIER says:

"In a conversation between the Judge [Tappan] and a gentleman then resident of this place, but now of Baltimore, on the subject of slavery, this case was presented to the Judge: 'Suppose, sir, we should see the slaves rising against their masters, on the opposite side of the river, (Virginia,) and about to succeed in subduing them, or in cutting their throats, would you not interfere to prevent this, and save their lives?' To which he replied, in substance, 'that if he interfered at all, it would be to supply the slaves with ammunition.'"

Mr. STANLY, a Representative in Congress from North-Carolina, in a speech delivered by him in the House of Representatives on the 13th April, 1840, said that he had in his possession the original letters of the Messrs. Colliers and Mr. Hallock, and "dared any supporter of this Administration to contradict them." No contradiction was made. In confirmation of the statements of those gentlemen, Mr. Stanly read an extract of a letter, published in September, 1837, (before Tappan was in Congress,) written by Mr. JAMES MEARS, "*a Van Buren man.*" The extract is as follows:

"There is another thing. I consider him the worst kind of an abolitionist, as he holds to doctrines the most mischievous and absurd on the subject of slavery. I believe it could be proved that he has said he would give five hundred dollars to purchase arms to put in the hands of the slaves to free themselves; and that they ought to cut their masters' throats. He has also said, if the slaves were butchering men, women, and children, on the opposite side of the river, he would not lift a finger to rescue them; and that he would disinherit a son who would offer to go to their relief. Now, although not an advocate for slavery, I would not support any man for office, who entertains such inhuman feelings and opinions as these.'

Let us now hear ALEXANDER DUNCAN, a rabid Van Burenite, and the Tappan of the House of Representatives. This man, in a letter dated September 15, 1838, and published in the Globe, says of slavery:

"It is an evil that has, *does now, and will, in all time to come, while it exists, involve in it, as well in its* PRESENT POSSESSION *as in its future operations, crime, fraud,* THEFT, ROBBERY, MURDER, *and death.*"

Among the expedients resorted to, in order to excite prejudices at the South against GENERAL HARRISON, Mr. Senator Grundy, the Globe, and other mouth-pieces of Mr. VAN BUREN, have published the following:

"TO THE PUBLICK.

"FELLOW-CITIZENS: Being called suddenly home, to attend to my sick family, I have but a moment to answer a few of the calumnies which are in circulation against me.

"I am accused of being friendly to slavery. From my earliest youth, up to the present moment, I have been the ardent friend of human liberty. At the age of eighteen, I became a member of an Abolition Society, established at Richmond, the object of which was to ameliorate the condition of slaves, and procure their freedom by every legal means. My venerable friend, Judge Gatch, of Clermont County, was also a member of this Society, and has lately given me a certificate that I was one. The obligations I came under, I have faithfully performed.

"WILLIAM HENRY HARRISON."

This publication is made as if it had appeared, for the first time, in the Cincinnati Gazette of February 14, 1840; thus affecting to show that GENERAL HARRISON is an Abolitionist of the present day, and also that the publication is an entire letter.

The misrepresentation is both fraudulent and foolish. The publication is only a few sentences of an address published by GENERAL HARRISON, when he was a candidate for Congress, in 1822, EIGHTEEN YEARS AGO, at which time abolition was as different from what it is now, as light is from darkness. The true paper is as follows:

"TO THE PUBLICK.

"FELLOW-CITIZENS: Being called suddenly home, to attend my sick family, I have but a moment to answer a few of the calumnies which are in circulation concerning me.

"I am accused of being friendly to slavery. From my earliest youth, to the present moment, I have been the ardent *friend of human liberty.* At the age of eighteen, I became a member of an Abolition Society, established at Richmond, Virginia, the object of which was to ameliorate the condition of slaves, and *procure their freedom by every legal means.* My venerable friend, Judge Gatch, of Clermont County, was also a member of that Society, and has lately given me a certificate that I was one. The obligations which I then came under, I have faithfully performed. I have been the means of liberating many slaves, but never placed one in bondage. I deny that my votes in Congress, in relation to Missouri and Arkansas, are in the least incompatible with these principles. *Congress had no more legal or constitutional right to emancipate the negroes in those sections of Louisiana, without the consent of their owners, than they have to free those of Kentucky.* These people were secured in their property by a solemn covenant with France, when the country was purchased from that power. To prohibit the emigration of citizens of the Southern States to the part of the country the situation and climate of which was peculiarly suited to them, would have been highly unjust, as it had been purchased out of the common fund; particularly, too, when it is recollected that all the immense territory, to the northwest of the Ohio, had been ceded by Virginia, and that, with an unexampled liberality, she had herself proposed, by excluding slavery from it, to secure it for the emigration of those States which had no slaves. Was it proper, then, when her reserved territory was, in a great measure, filled up, to exclude her citizens from every part of the territory purchased out of the common fund. I was the first person to introduce into Congress the proposition that all the country above Missouri, (which, having no inhabitants, was free from the objection made to Missouri and Arkansas,) should never have slavery admitted into it. *I repeat what I have before said, that, as our Union was only effected by mutual concession, so only can it be preserved.*

My vote against the restriction of Missouri, in forming her constitution, was not a conclusive one. There would have been time enough, had I continued to be a member, before the question was decided, for my constituents to have instructed me, and *I should have rejoiced in any opportunity of sacrificing my seat to my principles, if they had instructed me in opposition to my construction of the Constitution.* Like many other members from the non-slaveholding States, of whom I mention Shaw, Holmes, Mason, of Massachusetts, Lanman, of Connecticut, and Baldwin, of Pennsylvania, I could see nothing in the Constitution, which I had sworn to support, to warrant such an interference with the rights of the States, and which had never before been attempted. And where is the crime in one set of men not being able to interpret the Constitution as other men interpret it? *As we had all sworn to support it, the crime would have been in giving it a construction which our consciences would not sanction.* And, let me ask, for what good is this question again brought up? It has been settled, as all our family differences have been settled, on the firm basis of mutual compromise; and patriotism, as well as prudence, devoted the effects of that *awful discussion* to eternal oblivion. Is it not known that from that cause the great fabric of our Union was shaken to its foundation?! Is it not known that Missouri would not have submitted to the restriction, and that the other slaveholding States had determined to support her? But for this compromise, the probability is, that at this moment we might look upon the opposite shore of Ohio, not for an affectionate sister State,

but an armed and implacable rival. What patriotic man would not join the gallant *Eaton* in execrating the *head and the hand* that could devise and execute a scheme productive of a calamity so awful?

Upon the whole, fellow-citizens, our path is a plain one; it is that marked out as well by humanity as duty. We cannot emancipate the slaves of the other States, without their consent, but by producing a convulsion which would undo us all. For this much to be desired event, we must wait the slow but certain progress of those good principles which are every where gaining ground, and which assuredly will ultimately prevail.

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WILLIAM HENRY HARRISON.

MR. T. W. PLEASANTS'S LETTER.

[FROM THE RICHMOND WHIG.]

The real object of the society in Richmond of which Gen. Harrison became a member, is explained in the following letter from Tarlton Woodson Pleasants, now of the county of Goochland, but then a citizen of Richmond, and a member of the society. It completely dissipates the charge against Gen. Harrison, so far as his letter, quoted in Mr. Garland's letter, was relied upon as evidence to sustain it, and establishes that the views of the society were principally directed to the extirpation of the African slave trade—a trade which we presume not one man in the United States could at this day be brought to defend. The whole mistake was in Gen. Harrison's calling that an Abolition Society which was wholly different:

"In the year 1798* I was a member of a society in Richmond, called the 'Humane Society.' Robert Pleasants, of Curles, was President of the society. The object of this association was, in conjunction with the parent society in Philadelphia, *to aid in abolishing the slave trade, and to assist negroes who were illegally held in bondage, to obtain their rights through the courts of justice.* I was once a delegate from the society in Richmond to a convention in Philadelphia, and there were delegates from the different societies of Pennsylvania, New-York, New-Jersey, and Delaware. Dr. Benjamin Rush, James Todd, William Rawle, Dr. Wister, Thomas P. Cope, and others, were from Pennsylvania; Mr. Boyd, from New-York; Richard Hartshorn, from New-Jersey; Cæsar A. Rodney, from Delaware; and many others, whose names I do not recollect. A very lengthy discussion took place upon the slave trade, in which William Rawle, Drs. Rush and Wister, particularly distinguished themselves. Dr. Rush made one of the most elegant speeches I ever heard. This was the principal subject before the convention. If the abolition of slavery in the United States was alluded to at all, I do not recollect it. Thomas P. Cope and Timothy Paxton were the secretaries to the convention; and I have no doubt either of them, if living, would furnish a copy of the constitution, if written to by yourself. I have no recollection that Gen. Harrison was a member of the Richmond 'Humane Society;' but I have no doubt this was the very society of which he was a member, about which so much has latterly been said in the public journals. I should have stated that Gov. James Wood was Vice President of the Richmond society.

"You can make what use you please of this, except that I do not wish my name to be made public, as I wish to live and die in obscurity.

"Yours, TARLTON W. PLEASANTS.

"P. S. I was twenty-two years old in 1798, and Gen. H. must have been twenty-five: he had consequently gone to the West, and must have been a member of this society six or seven years before, as it is said he was only eighteen years old at the time he became a member. The society existed for some years."

[We publish the name, nevertheless, upon our "own responsibility." It is certain that this "Humane Society" *was* the same to which Gen. Harrison alluded—for when in this city, in 1836, he said Robert Pleasants, of Curles, was its President. If its journals could be found, they would undoubtedly show that numbers of Virginia's most distinguished sons of that day were members.—*Ed. Whig.*]

Gen. HARRISON, in his letter to Mr. James Lyons, says, on this subject:

"In answer to the inquiry why I used the word 'abolition,' in designating a society of which I was a member in Richmond, in the year 1791, instead of the word 'humane,' which is known to be the one by which the society was really distinguished, all that I can say upon the subject is, that if I did really term it an abolition society—a fact which I can hardly believe, for I have not been able to see the paper containing my address to the people of the District in 1822—it must have been from forgetfulness, which might easily happen after a lapse of twenty-one years. At any rate, the word 'abolition' was not understood to mean, in 1822, what it now means. There can be no doubt that the society of which Mr. Tarlton Pleasants was a member, and which, in his publication in the Richmond Whig, he calls the 'Humane Society of Richmond,' (and by this title Judge Gatch, who gave me the certificate in 1822, also designated it) was the same of which I was a member. Mr. Pleasants was a member in 1797, I in 1791. Mr. Robert Pleasants was the President at the former period, as he was when I was admitted."

This society, whatever was its name, was in the city of Richmond, in Virginia, a slaveholding State, and was composed of slaveholders!—a sufficient guaranty, one would think, of its harmlessness, and that its objects were purely "*humane.*" Modern "ABOLITION" was then not dreamed of. *Robert Pleasants* was its President, and *James Wood* was

* I am pretty confident this was the year.

Vice President. Mr. STANLY, now a Representative in Congress from the *slaveholding State of North-Carolina*, and one of the most strenuous and formidable foes of the modern abolitionists that can be found in the whole South, in his speech, delivered in the House of Representatives, April 13, 1840, says:

"I am able to throw additional light upon this subject. I have obtained a copy of the 'minutes of the proceedings' of the convention of delegates which assembled at Philadelphia in 1797. I have looked through these proceedings, and there is not the slightest evidence of any design of interfering with the rights of the slaveholding States. The proceedings of this convention fully sustain Mr. Tarlton Woodson Pleasants in his statement. Delegates were in attendance from the States of New-York, New-Jersey, and Pennsylvania, from *Baltimore*, *Richmond*, and *Alexandria*. No man can be foolish enough to suppose that societies could be formed in Baltimore, Richmond, and Alexandria, in the midst of slaveholders, and appoint delegates to consult upon the propriety of abolishing slavery, as abolitionists now propose.

"At this convention, in 1797, a committee was appointed, 'to whom was referred the several communications made to the convention, and who were directed to consider what objects are proper for the attention of the convention.'

"The committee, of which the delegates from Baltimore, Richmond, and Alexandria, were members, recommended to the convention 'to address a letter, or memorial, to the Secretary of State of the United States,' 'and to inform him of the attempts made, by citizens of the United States, to evade the law prohibiting our citizens from supplying foreign countries with slaves, by clandestinely using the Danish flag and registers, and praying such aid and interference of the Government of the United States, with the Court of Denmark, or with other Governments under whose authority such practices now obtain, as may consist with propriety,' &c. The convention, in this, was sustained by the Southern members. They asked nothing in this which it would be wrong to ask at this day. The principal object the convention had in view was, to put a stop to the slave trade, which was forbidden by the laws of the United States, and to aid, *by suits in courts of justice*, the emancipation of such slaves as had once been liberated, and were afterwards unjustly and unlawfully reduced to slavery. This seems to have been the 'very head and front of their offending.'

"There is another fact which explains most satisfactorily their proceedings, and affords a justification to this convention. They were entirely different in their objects and feelings from abolitionists of the present day. They did not assemble, officiously and impertinently, to devise ways and means for taking away their neighbor's property; nor did they propose or intend, by issuing inflammatory pamphlets, to excite insurrection. At this time, as appears from the pamphlet to which I have referred, the States of New-York, Connecticut, Pennsylvania, and New-Jersey, were *slaveholding States*. Whatever measures, therefore, were adopted by this convention must have operated on themselves—must have affected their own rights, and the welfare of their own neighbors, kindred, and friends."

VII. CHARGE AGAINST GENERAL HARRISON OF HAVING VOTED IN FAVOR OF SELLING WHITE MEN FOR DEBT.

In support of this ridiculous calumny, the palace slaves refer to the following extract from the Laws of the Indiana Territory, printed at Vincennes, by Messrs. Stout & Smoot, in 1807, and now in the Library of the State Department, Washington City:

CHAPTER VI. *An Act respecting Crimes and Punishments.*

SEC. 30. When *any* person or persons shall, *on conviction* of any crime or breach of any penal law, be sentenced to pay a fine or fines, with or without the costs of prosecution, it shall and may be lawful for the court before whom such conviction shall be had to order the sheriff to sell or hire the person or persons so convicted to service to any person or persons who will pay the said fine and costs, *for such term of time as the said court shall judge reasonable.*

And if such person or persons, so sentenced and hired or sold, shall abscond from the service of his or her master or mistress before the term of such servitude shall be expired, he or she so absconding shall, on conviction before a justice of the peace, be whipped with thirty-nine stripes, and shall, moreover, serve two days for every one so lost.

SEC. 31. The judges of the several courts of record in this Territory shall give this act in charge to the grand jury at each and every court in which a grand jury shall be sworn.

JESSE B. THOMAS, *Speaker of the House of Representatives,*
B. CHAMBERS, *President of the Council.*
Approved, September 17, 1807. WILLIAM HENRY HARRISON.

It has even been said, that in approving this law, GENERAL HARRISON approved a law for selling white persons to free negroes! This is about as true as the rest of the story. At page 343, chap. 48, sec. 9, of the book already cited, is the following:

No negro, mulatto, or Indian, shall at any time purchase any servant *other than of their own complexion*, and if any of the persons aforesaid shall, nevertheless, presume to purchase a white servant, such servant *shall immediately become free*, and shall be so held, deemed, and taken.

Signed as follows: JESSE B. THOMAS, *Speaker of the House of Representatives,*
B. CHAMBERS, *President of the Council.*
Approved, September 17, 1807. WILLIAM HENRY HARRISON.

Mr. Van Buren's partisans also pretend to rely on a vote given by General Harrison in the Legislature of Ohio. The following is an authentic and concise statement of facts relating to the charge against General Harrison of "voting to sell white men for debt:"

The vote which has been the subject of so much misrepresentation was given by General Harrison in the Senate of Ohio, at the session of 1820–'21. Previous to that time, a law "For the punishment of certain offences therein specified," passed February 11, 1815, had been in force.* This act defined and punished crimes or offences considered less heinous than crimes which were punishable by imprisonment in the penitentiary, such as petty larceny, house breaking, rescuing prisoners, and offences of the like grade. These offences were, by this law, made punishable by fine and imprisonment in the county jail. This law also provided that if the offender refused to pay the fine imposed on him by the court, and costs of *prosecution*, and the sheriff could find no property of the offender that he could levy on and sell, to pay the fine and costs, then he should imprison the offender in the county jail until the fine and costs should be paid. But it also provided that the county commissioners might order the sheriff or jailer to discharge the offender imprisoned for the non-payment of such fine and costs from prison, if they were satisfied that he was unable to pay the fine and costs.† It was found in practice that the conviction and punishment of offenders under the act added greatly to the expenses of the counties, and consequently served to increase the burden of taxation on the people.

Most of these petty criminals had little or no property, or adopted means to keep it out of the hands of the sheriff, so as to prevent effectually his collection of the fines and costs imposed on them for the violation of the law. The result was, that, in a majority of cases, the counties had to pay the costs of prosecuting these offenders, and of sustaining them in prison; thus compelling the innocent to pay for the conviction and punishment of the guilty. At the session of 1820–'21, a select committee was raised in the House of Representatives to examine this subject and report to the House what amendments, if any, were necessary and proper.‡ This committee reported a bill supplementary to the act above referred to, the principal object of which seems to have been to diminish the expenses imposed on the counties by the prosecution and punishment of these offenders.‖

This supplementary bill was recommitted to the Committee on the Judiciary, and was afterwards reported back to the House by Mr. Morris, (late Senator in Congress,) with sundry amendments, containing provisions for the punishment of certain additional offences not contained in the original act, and containing also the obnoxious section authorizing the sheriff to sell offenders to such persons as would pay the fine and costs for which the offenders were in prison, for the shortest period of service of such offenders. The bill passed the House, with this obnoxious section in it, by a vote of forty-two ayes to twenty-one noes—Thomas Morris, late Senator in Congress, Thomas Shannon, now Senator in the Ohio Legislature, brother to Governor Shannon, M. T. Williams, late Surveyor-General of the United States, E. Whittlesey, late member of Congress, among others, voting in the affirmative.§

When this bill was under consideration in the Senate, Mr. Fithian moved to strike out the nineteenth section of the bill, as it came from the House. This section, as has been previously stated, authorized the sheriff to sell the services of the offender who was imprisoned for the non-payment of the fine imposed on him by the court, and the costs of conviction, to the person who would pay such fine and costs, for the shortest term of service, and secured the offender from cruelty or abuse from the purchaser, during the term of service, by giving him the same remedies as are provided, by law, in the "case of master and apprentice."¶

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* See Ohio Laws, vol. 13, page 249.

† See section 37 of same act.

‡ See Journal H. R., page 182.

‖ See sections 11, 12, and 14, of supplementary act, Ohio Laws, vol. I., page 197.

§ See Journal H. R., page 320.

¶ The section proposed to be stricken out is, at length, in these words: "*Be it further enacted*, That when any person shall be imprisoned, either upon execution or otherwise, for the non-payment of a fine or costs, or both, it shall be lawful for the sheriff of the county to sell out such person as a servant to any person within this State who will pay the whole amount due for the shortest period of service, of which sale public notice shall be given at least ten days; and upon such sale being effected the sheriff shall give to the purchaser a certificate thereof, and deliver over the prisoner to him, from which time the relation between such purchaser and the prisoner shall be that of master and servant, until the time of service expires; and for injuries done by either, remedy shall be had in the same manner as is or may be provided by law in the case of master and apprentice. But nothing herein contained shall be construed to prevent persons being discharged from imprisonment according to the provisions of the thirty-seventh section of the act to which this is supplementary, if it shall be considered expedient to grant such discharge. *Provided*, That the court, in pronouncing sentence upon any person or persons convicted under this act, or the act to which this is supplementary, may direct such person or persons to be detained in prison until the fine be paid, or the person or persons otherwise disposed of, agreeably to the provisions of this act."—*Senate Journal, page* 304, *sec.* 19.

The thirty-seventh section of the act for the punishment of certain offences therein specified, which is here referred to, is as follows:

"Sec. 37. *Be it further enacted*, That when any person shall be confined in jail for the payment of any fine or costs that may be inflicted agreeably to the provisions of this act, the county commissioners may, if it be made to appear to their satisfaction that the persons so confined cannot pay such fine and costs, order the sheriff or jailer of such county to discharge such person from imprisonment,

This section was stricken out in the Senate, by a vote of twenty ayes to twelve noes; General HARRISON, ELI BALDWIN, late Van Buren candidate for Governor of Ohio, with others, voting in the negative.* In addition to the privilege secured to the imprisoned offender who should be unable to pay his fine and costs, of being liberated by the county commissioners, if they considered it expedient, the bill contained, when this vote on striking out the selling section was taken, a section providing that the offender might discharge his fine by labor on the public highways, at such rates as might be prescribed by the court passing sentence on the convicted offender.†

From this statement of facts it clearly appears—

First. That the selling, so much complained of, was only the selling of the services of the convicted offender for a limited period of time.

Second. That the offender, during the period of his service, was secured from injustice, cruelty, or abuse, in the same manner as apprentices are secured against abuse from their masters.

Third. That if the offender was able and willing to labor, he might discharge the fine imposed on him for his violation of the law, by labor on the public highways, and thus avoid being sold out to service.

Fourth. That if he was unable to labor on the highways, and so poor as to be unable to pay his fine and costs, he might, in such a case, be discharged by the county commissioners without either paying or being sold for the payment of his fine and costs.

Fifth, and last. That the selling had no reference to honest men or to debtors, in the ordinary acceptation of the term, but only to *convicted offenders against the penal laws of the State.* And, even in these cases, it was only substituting temporary service, in lieu of imprisonment for an indefinite length of time, in the noisome cells of a county jail, where the offender could earn nothing to pay his fine nor to support himself or family.

This bill was under consideration at a time of great pecuniary embarrassment in the State of Ohio. So difficult was it for the people to raise money for the payment of taxes, that the collections were inadequate to meet the ordinary expenses of the Government. The Legislature were engaged during a large part of the session in considering various plans for reducing the current expenses of the State, and a law was passed authorizing the Governor to borrow the sum of $20,000, in aid of the proceeds of taxation. During the pendency of the supplementary act for the punishment of offenders, above referred to, attempts were made in both branches of the Legislature to substitute *whipping* for *imprisonment in the county jail*, as a method of punishing offences less expensive to the counties; and the plan of selling the services of the convicted offender, for a limited period, to pay the fine and costs imposed on him as a punishment for violating the laws of his country, was advocated by many respectable members of both branches of the General Assembly, as a mode of punishment less expensive to the public than that of imprisonment, and less barbareus than that of whipping the offender at the post.

COLUMBUS, *April* 6, 1840.

DEAR SIR: Agreeably to your request, I have carefully examined the journals of the General Assembly for the session when the proposed measure "*of selling out the services of convicted offenders against the penal laws of the State, for a limited time, to pay the fines imposed on them by the court and costs of conviction*" was under consideration, as well as the statute laws of the State in relation to the subject, and have given you, above, a correct statement of all the material facts and circumstances in the case.

At my request, WILLIAM MINER, Esq., Clerk of the United States Courts for Ohio, and LYNE STARLING, Junior, Clerk of the Superior Court and Court of Common Pleas for Franklin County, have examined and compared the statement with the laws and journals, and added their certificate of its correctness.

Very respectfully, ALFRED KELLY.

To the Hon. THOMAS CORWIN.

At the request of ALFRED KELLY, Esq., we have carefully examined the foregoing statement, and compared the same with the laws and journals therein referred to, and find the same to be fairly and correctly set forth.

WILLIAM MINER,
LYNE STARLING, JUN.

I have often examined the laws, as above set forth, and I know they are accurately copied, and their effect, if the proposed bill had passed, is truly stated.

April 14, 1840. THOMAS CORWIN.

When the votes of Gen. HARRISON, and those who voted with him on the foregoing subject, were first made the subject of misrepresentation, he published the following triumphant defence:

To the Cincinnati Advertiser:

SIR: In your paper of the 15th instant I observed a most violent attack upon eleven other members of the late Senate and myself, for a *supposed vote*, given at the last session, for the passage of a law

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and the sheriff or jailer, upon receiving such order, in writing, shall discharge such person accordingly. *Provided*, That the commissioners may, at any time thereafter, order and cause to be issued an execution against the body, lands, goods, or chattels of the person so discharged from imprisonment, for the amount of such fine and costs."—[*See Ohio Laws, vol.* 13, *page* 239.]

* See Senate Journal, page 30.

† See section 16 of the supplementary act, Ohio Laws, vol. 19, page 197.

to "*sell debtors in certain cases.*" If such had been our conduct, I acknowledge that we should not only deserve the censure which the writer has bestowed upon us, but the execration of every honest man in society. An act of that kind is not only opposed to the principles of justice and humanity, but would be a palpable violation of the Constitution of the State, which every legislator is sworn to support; and, sanctioned by a House of Representatives and twelve Senators, it would indicate a state of depravity which would fill every patriotic bosom with the most alarming anticipations. But the fact is, that no such proposition was ever made in the Legislature, or even thought of. The act to which the writer alludes has no more relation to the collection of "debts," than it has to the discovery of longitude. It was an act for the "punishment of offences" against the State; and that part of it which has so deeply wounded the feelings of your correspondent was passed by the House of Representatives, and voted for by the twelve Senators, under the impression that it was the most mild and humane mode of dealing with the offenders for whose cases it was intended. It was adopted by the House of Representatives as a part of the general system of the criminal law, which was then undergoing a complete revision and amendment. The necessity of this is evinced by the following facts: For several years past it had become apparent that the penitentiary system was becoming more and more burdensome at every session; a large appropriation was called for, to meet the excess of expenditure above the receipts of the establishment. In the commencement of the session of 1820, the deficit amounted to near twenty thousand dollars.

This growing evil required the immediate interposition of some vigorous legislative measure. Two were recommended, as being likely to produce the effect: first, placing the institution under better management; and, secondly, lessening the number of convicts who were sentenced for short periods, and whose labor was found, of course, to be most unproductive. In pursuance of the latter principle, thefts to the amount of fifty dollars or upwards were subjected to punishment in the penitentiary, instead of ten dollars, which was the former minimum sum. This was easily done. But the great difficulty remained—to determine what should be the punishment of those numerous *larcenies* below the sum of fifty dollars. By some, whipping was proposed; by others, punishment by hard labor in the county jails; and by others it was thought best to make them work on the highways. To all these there appeared insuperable objections. Fine and imprisonment were adopted by the House of Representatives, as the only alternative; and, as it is well known these vexatious pilferings were generally perpetrated by the more worthless vagabonds in society, it was added, that when they could not pay the fines and costs, which are always part of the sentence and punishment, their services should be sold out to any person who would pay their fines and costs for them. This was the clause that was passed, as I believe, by a unanimous vote of the House, and stricken out in the Senate, in opposition to the twelve who have been denounced. A little further trouble in examining the journals would have shown your correspondent that this was considered as a substitute for whipping, which was lost only by a single vote in the Senate, and in the House by a small majority, after being once passed.

I think, Mr. Editor, I have said enough to show that this obnoxious law would not have applied to "unfortunate debtors of sixty-four years," but to infamous offenders, who depredate upon the property of their fellow-citizens, and who, by the Constitution of the State, as well as the principle of existing laws, were subject to involuntary servitude. I must confess I had no very sanguine expectations of a beneficial effect from this measure, as it would apply to convicts who had attained the age of maturity; but I had supposed that a woman or a youth who, convicted of an offence, remained in jail for the payment of the fine and costs imposed, might with great advantage be transferred to the residence of some decent, virtuous private family, whose precept and example would gently lead them back to the paths of rectitude.

I would appeal to the candor of your correspondent to say whether, if there were an individual confined under the circumstances I have mentioned, for whose fate he was interested, he would not gladly see him transferred from the filthy enclosure of a jail, and the still more filthy inhabitants, to the comfortable mansion of some virtuous citizen, whose admonitions would check his vicious propensities, and whose authority over him would be no more than is exercised over thousands of apprentices in our country, and those bound servants which are tolerated in our as well as in every other State in the Union. *Far from advocating the abominable principles attributed to me by your correspondent, I think that imprisonment for debt, under any circumstances but that where fraud is alleged, is at war with the best principles of our Constitution, and ought to be abolished.*

I am, Sir, your humble servant,

WM. H. HARRISON.

North Bend, *December* 21, 1821.

In 1836, the charge was revived, and while Gen. Harrison was in Virginia the following correspondence took place:

Richmond, *September* 15, 1836.

Dear Sir: Your political opponents in the State of Maryland have for some time been actively urging against you a new charge—that of *selling white men*—which probably had no inconsiderable effect in the recent elections in that State, and which is evidently much relied upon to influence the approaching elections throughout the United States. I enclose you a paper (the Baltimore Republican) containing the charge in full; and I beg of you, as an act of justice to yourself and your friends, to enable me to refute a charge against the uniform tenor of your life, which, I am well aware, has been replete with instances of distinguished private liberality and public sacrifice.

With the highest respect, I have the honor to be your fellow-citizen,

JOHN H. PLEASANTS.

Gen. William H. Harrison.

RICHMOND, *September* 15, 1836.

DEAR SIR: I acknowledge the receipt of your favor of this date. I have before heard of the accusation to which it refers. On my way hither, I met yesterday with a young gentleman of Maryland, who informed me that a vote of mine in the Senate of Ohio had been published, in favor of a law to sell persons imprisoned under a judgment for debt, for a term of years, if unable otherwise to discharge the execution. I did not for a moment hesitate to declare that I had never given any such vote; and that, if a vote of that description had been published and ascribed to me, it was an infamous forgery. Such an act would have been repugnant to my feelings, and in direct conflict with my opinions, public and private, through the whole course of my life. No such proposition was ever submitted to the Legislature of Ohio; none such would, for a moment, have been entertained, nor would any son of hers have dared to propose it.

So far from being willing to sell men for debts which they are unwilling to discharge, I am, and ever have been, opposed to all imprisonment for debt. Fortunately, I have it in my power to show that such has been my established opinion, and that, in a public capacity, I avowed and acted upon it. Will those who have preferred the unfounded and malicious accusation refer to the journals of the Senate of the United States, 2d session, 19th Congress, page 325? *It will there be seen that I was one of the Committee which reported a bill to abolish imprisonment for debt. When the bill was before the Senate, I advocated its adoption, and, on its passage, voted in its favor.* [See Senate Journal, 1st session, 20th Congress, pages 101 and 102.]

It is not a little remarkable, that if the effort I am accused of having made to subject men to sale for the non-payment of their debts, had been successful, I might, from the state of my pecuniary circumstances at the time, have been the first victim. I repeat, the charge is a vile calumny. At no period of my life would I have consented to subject the poor and unfortunate to such a degradation; nor have I omitted to exert myself, in their behalf against such an attempt to oppose them.

It is sought to support the charge by means of garbled extracts from the journals of the Senate of Ohio. The section of the bill which is employed for that purpose had no manner of reference to the relation of creditor and debtor, and could not by possibility subject the debtor to the control of his creditor. None know better than the authors of the calumny that the alleged section is utterly at variance with the charge which it is attempted to found upon it; and that, so far from a proposition to invest a creditor with power over the liberty of his debtor, it had respect only to the mode of disposing of public offenders, who had been found guilty, by a jury of their fellow-citizens, of some crime against the laws of their State. That was exclusively the import and design of the section of the bill, upon the motion to strike out which, I voted in the negative. So you perceive, that in place of voting to enlarge the power of creditors, the vote which I gave concerned alone the treatment of malefactors of crimes against the public.

It would extend this letter to an inconvenient length to go fully into the reasons which led me at the time to an opinion in favor of the proposed treatment of that class of offenders who would have fallen within its operations, nor is such an exposé called for. The measure was by no means of novelty in other parts of the country. In the State of Delaware, there is an act now in force in similar words with the section of the bill before the Ohio Senate, which has been made of late the pretext of such insidious invective. Laws with somewhat similar provisions may probably be found in many other of the States. In practice, the measure would have ameliorated the condition of those who were under condemnation. As the law stood, they were liable under the sentence, to confinement in the common jail, where offenders of various degrees of profligacy—of different ages, sex, and color, were crowded together. Under such circumstances, it is obvious that the bad must become worse, whilst reformation could hardly be expected in respect to any. The youthful offender, it might be hoped, would be reclaimed under the operation of the proposed system, but there was great reason to fear his still greater corruption amid the contagion of a common receptacle of vice. Besides, the proposed amendment of the law presupposed that the delinquent was in confinement for the non-payment of a fine and costs of prosecution—(the payment of which was a part of the sentence:) *it seemed, therefore, humane, in respect to the offender, to relieve him from confinement which deprived him from the means of discharging the penalty, and to place him in a situation in which he might work out his deliverance, even at a loss, for a time, of his personal liberty.*

But I forbear to go further into the reasons which led me, sixteen years ago, as a member of the Ohio Senate, to entertain a favorable opinion of an alteration which was proposed in the criminal police of the State. It is certain that neither in respect to myself, or those who concurred with me, was the opinion at the time considered as the result of unfriendly bias towards the poor or unfortunate. Nay, the last objection which I could have anticipated, even from the eager and reckless desire to assail me, was a charge of unfriendliness to the humble and poor of the community.

I am, my dear Sir, with great respect, your humble servant,

WM. H. HARRISON.

J. H. PLEASANTS, Esq.

Penal laws, like those of Indiana and Ohio, which have been made the ground of absurd clamor against GENERAL HARRISON, exist in many States of the Union. Take for example the following:

MARYLAND.—*Law of* 1793, *Chap.* 57, *Sec.* 16.

SEC. 16. *And be it enacted*, If any person committed for non-payment of any penalty, fine, or forfeiture, shall remain in prison above thirty days, and shall not, within that time, enter into recognizance with such security as any one of the said justices may approve, for the payment of such penalty, fine or forfeiture, and costs, within six months thereafter, that IT SHALL BE LAWFUL FOR THE SHERIFF

OF THE SAID COUNTY TO SELL SUCH PERSON AT AUCTION AS A SERVANT, FOR A TERM NOT EXCEEDING ONE YEAR, or such less time as will produce the penalty, fine or forfeiture, and costs, or, if so directed by any two of the said justices, for any term not exceeding two years, or such less time as will produce the penalty, fine or forfeitures, and costs; and the money arising from the sale shall be applied to the payment of such penalty, fine or forfeiture, and costs.

VIRGINIA.—*Vagrants.*

Act of February 10th, 1819—January 1, 1820, R. C. ch. 239.

I. SEC. 43. Any able-bodied man, who, not having wherewithal to maintain himself, shall be found *loitering*, and shall have a wife and children, without means for their subsistence, whereby they may become burdensome to their county or town; and any able-bodied man, without a wife or child, who, not having wherewithal to maintain himself, shall wander abroad, or be found loitering, without betaking himself to some honest employment, or shall go about begging, shall be deemed and treated as a vagrant. (1787, c. 48; 1792, c. 102, R. C.)

4. SEC. 36. The overseers of the poor, or any one of them, shall be, and are hereby empowered, upon discovering any vagrant or vagrants, within their respective districts or corporations, to make information thereof to any magistrate of their county or corporation, and to require a warrant for apprehending such vagrant or vagrants, to be brought before him or some other magistrate; and if, upon due examination, it shall appear that the person or persons are within the true description of a vagrant, such magistrate shall, by warrant under his hand, order such vagrant or vagrants to be delivered to some one of the overseers of the poor of the district or corporation in which such vagrant or vagrants shall have been apprehended, to be employed in labor for any term not exceeding three months, and, by the said overseer of the poor, hired out for the best wages that can be procured, to be applied to the use of the poor. If any such vagrants shall, during such term of service, run away from the person so employing him or them, he or she shall be dealt with in the same manner as other runaway servants. (1787, c. 48; 1792, c. 102, R. C.)

This law against vagrants still stands on the statute book of Virginia, and was voted for, in 1787, by such men as John Marshall, James Monroe, Patrick Henry, George Mason, George Nicholas, Bushrod Washington, Paul Carrington, Ludwell Lee, Archibald Stuart, Daniel Browne, Charles M. Thurston, and William Fitzhugh.

The two sections just cited are, respectively, sections 17 and 13, of the act of 1787, ch. 48. (See Henry's Statutes at large, vol. 12, pages 579, 577.) They were re-enacted at the revision of 1819, and are still in force. They operate not on the honest poor, but on the unworthy, whether rich or poor. They were enforced, several years ago, in Alexandria, against a gambler, who had plenty of money. In 1810, white men were sold out to service in Virginia for gambling. In Berkley County, an instance is recollected to have occurred, in which the offence was playing billiards.

The true description of the votes of GENERAL HARRISON which have been so much misrepresented, is, that they were votes to allow convicted criminals to regain their liberty by working out their time. A similar law exists in NORTH-CAROLINA. It is an old law of the State, and was re-enacted in 1836–'37.

VIII.—THE TARIFF.

MR. VAN BUREN voted for the Tariff of 1824. (See Senate Journal, May 13th, 1824, page 401.) At a meeting held at Albany, July 10th, 1827, to send Delegates to a Tariff Convention, he advocated a Tariff, not only for revenue, but for "PROTECTION." He said:

That having now stated, as fully as the time would admit, his general views upon the subject, his opinion of the *settled policy* of the State, as to the propriety and expediency of affording legislative *protection* to the manufacturing interests of the country, by temperate and wise, and therefore salutary laws, and *his readiness to aid in the passage of all such laws*, he would trespass for a few moments, &c.

He also said:

He owed many thanks to the meeting for the very kind attention with which he had been listened to by gentlemen, between many of whom and himself there had, upon public matters, been differences of opinion of long standing. His situation, in reference to the wool-growing interest, was well known to most of them. He had, at present, invested more than *twenty thousand dollars in sheep*, and farms devoted, and which he meant to devote, to that business. *He felt all proper concern for his own interest*, and would, OF COURSE, *cheerfully unite in* ALL *suitable measures for its advantage.*

MR. VAN BUREN voted also for the Tariff Act of 1828, and sustained it throughout, as will appear from the following extract of the Senate Journal, May 13, 1828:

The amendments to the bill entitled "An Act in alteration of the several Acts imposing duties on imports," having been reported by the Committee, correctly engrossed, the bill was read the third time, as amended; and,

On motion of Mr. Hayne, that the said bill be postponed indefinitely, it was determined in the negative. Yeas, 20, Nays, 27.

Those who voted in the affirmative are—

Messrs. Berrien, Bouligny, Branch, Chambers, Chandler, Cobb, Ellis, Hayne, Johnston, of Louisiana, King, McKinley, Macon, Parris, Smith, of Maryland, Smith, of South-Carolina, Tazewell, Tyler, White, Williams, Woodbury.

Those who voted in the negative are—

Messrs. Barnard, Barton, Bateman, Benton, Chase, Dickerson, Eaton, Foot, Harrison, Hendricks, JOHNSON, of Kentucky, Kane, Knight, McLane, Marks, Noble, Ridgely, Robbins, Rowan, Ruggles, Sanford, Seymour, Silsbee, Thomas, VAN BUREN, Webster, Willey.

On the question, "Shall the bill pass as amended," it was determined in the affirmative. Yeas, 26, Nays, 21.

Those who voted in the affirmative are—

Messrs. Barnard, Barton, Bateman, Benton, Bouligny, Chase, Dickerson, Eaton, Foot, Harrison, Hendricks, JOHNSON, of Kentucky, Kane, Knight, McLane, Marks, Noble, Ridgely, Rowan, Ruggles, Sanford, Seymour, Thomas, VAN BUREN, Webster, Willey.

Those who voted in the negative are—

Messrs. Berrien, Branch, Chambers, Chandler, Cobb, Ellis, Hayne, Johnston, of Louisiana, King, McKinley, Macon, Parris, Robbins, Silsbee, Smith, of Maryland, Smith, of South-Carolina, Tazewell, Tyler, White, Williams, Woodbury.

So it was resolved, that the bill do pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.—(Senate Journal, 1827–'28, pages 409, 410.)

Mr. VAN BUREN's apology to the South, for having voted for the tariff bill of 1828, is, that he voted under *instructions*. The apology is on its face insufficient; because, if he really thought that the bill was a "*bill of abominations*," he might have *resigned his seat* without voting, and no good instruction man would have blamed him. This is just what Mr. RIVES did, on a similar occasion, and his constituents sustained him in the act. It is what GENERAL HARRISON would have done, as he expressly says, in his letter before cited, to the Cincinnati editor, published in 1822, if he had considered that by voting for instructions "he would violate the constitution," though he was an unflinching believer in the right of the people to instruct their representative, when elected; "in such case he would," he says, "have thought it his duty to resign, and give them an opportunity of electing another representative, whose opinions would accord with their own."

But what were these *instructions*, on the strength of which Mr. VAN BUREN so clamorously begs pardon of the South? They are contained in the following resolutions, passed by the Legislature of New-York on the 30th and 31st of January, 1828:

Resolved, (if the Senate concur herein,) That the Senators of this State, in the Congress of the United States, be, and they are hereby instructed, and the Representatives of this State are requested, to make every proper exertion to effect such a revision of the tariff as will afford a sufficient protection to the growers of wool, hemp, and flax, and the manufacturers of iron, woollens, and every other article, so far as the same may be connected with the interest of manufactures, agriculture, and commerce.

Resolved, as the sense of this Legislature, That the provisions of the woollen bill, which passed the House of Representatives at the last session of Congress, whatever advantages they may have promised to the manufacturers of woollen goods, did not afford adequate encouragement to the agriculturist and growers of wool.

It is plain that these instructions did not bind Mr. VAN BUREN to any given rate of duties. They only instructed him to obtain, if he could, "a *sufficient* protection" for certain articles, and left him to judge of the sufficiency. And yet he resorts to these instructions as a shelter from the apprehended consequences of his vote for the tariff law of 1828.

Again: What is the history of these instructions? A Senator, from Mr. VAN BUREN's own State, has recently charged him, on the floor of the Senate, with having himself got up these instructions, and offered to bring proof of the fact, should it be denied. It has not been denied. It had been made before, and not denied. Mr. Tazewell, Senator from Virginia, is known to have said to him, "Sir, you have deceived me once, that was *your* fault; if you deceive me again, the fault will be mine." About that time, Mr. VAN BUREN was held out at Albany as a friend of the tariff, while he represented himself to the southern Senators as reluctantly supporting it, contrarily to his own convictions, but compelled by his instructions. His present opinions are equivocal. We shall presently cite GENERAL HARRISON's direct, straight-forward avowal of his determination to support the "Compromise Act." No distinct opinion on this measure could be traced to Mr. VAN BUREN till very recently. In a long, argumentative, electioneering letter, under date of July 31, 1840, in answering the question, "Are you in favor of preserving, entire, the

tariff compromise?" he says: "I was seriously friendly to the passage of the Compromise Bill, and have always been and still am disposed to carry it into full and fair effect." The Globe says that "seriously" is a misprint for "sincerely." Be it so.

GENERAL HARRISON voted for the tariff of 1828, and he voted for it openly and like a man; but he has distinctly pledged himself to abide by the Compromise Act, which is entirely satisfactory to the whole South.

In his letter to Messrs. Dort, Taylor, and others, dated Zanesville, November 2, 1836, he says:

I regret that my remarks of yesterday were misunderstood in relation to the tariff system. What I meant to convey was, that I *had* been a warm advocate for that system, upon its first adoption; that I still believed in the benefits it had conferred upon the country; but I certainly never had, nor ever could have, any idea of reviving it. What I said was, that I would not agree to the repeal as it *now stands;* in other words, I am for supporting the Compromise Act, and never will agree to its being altered or repealed.

And so in his letter of November 4, 1836, to Judge Berrien, GENERAL HARRISON says:

Good faith, and the peace and harmony of the Union, do, in my opinion, require that the compromise of the tariff, known as Mr. Clay's bill, should be carried out according to its spirit and intention.

In opposition to these explicit declarations, GENERAL HARRISON is held up by his enemies at the South as having said that he would adhere to the tariff "until the streets of our cities were covered with grass." This charge is founded on a fraudulent perversion of a passage in his Address to the Hamilton County Agricultural Society of Ohio, held upon the 15th and 16th of January, 1831. The reader will find, on reading the speech, that GENERAL HARRISON expressly denies such a consequence to the tariff; and that his sentiments, in the passage relied on, are such as every American patriot, whether for or against the tariff, must cordially approve. In referring to a speech made in 1821, by JAMES M. GARNETT, President of the Agricultural Society of Fredericksburg, GENERAL HARRISON said:

Mr. GARNETT is a man of the finest talents, and as conspicuous for the excellence of his character. He is a farmer; and the products of his farm, and those of his district of the country, are, perhaps, precisely such as ours, corn and wheat being the staples. In a previous or subsequent address, Mr. Garnett denominates the tariff "political quackery," the effects of which had been to cover the streets of Norfolk with grass! That this was the case at Norfolk, there was no doubt, as Mr. Garnett says so; *but it is impossible that it should have been caused by the tariff, unless it operated retrospectively*; for its direct operation could not have been felt, for good or for evil, until long subsequent to the delivery of the speech.

In a subsequent part of this same speech, GENERAL HARRISON said:

It may be asked whether, under any circumstances, I would be willing to abandon the tariff. I answer, without hesitation, IN THE AFFIRMATIVE. *Whenever the streets of Norfolk and Charleston shall be covered with grass, and our southern friends find no market for their produce, and this state of things can be distinctly traced to the tariff, I would then instantly give my voice for its modification or entire repeal, even if I should still think that its continuance would be beneficial to a majority of the American people.* The first principle of a republic is the rule of the majority. This, however, presupposes the possession by the majority of sufficient intelligence and virtue to prevent them from inflicting unnecessary injuries upon the minority. Indeed, there is another principle of our Government no less sacred than the one I have mentioned, and not to be found in any other code, except in relation to *privileged minority*—that *the minority have rights which are not only intangible by the majority, but unalienable by themselves.* But in this conflict of interest, which is to decide? The majority, certainly; but upon the *principle of strict justice.*

In the same speech, GENERAL HARRISON said:

No American statesman would have avowed it to be his object to make this exclusively a manufacturing nation, *to give that interest a preponderance over the agricultural.* It was necessity, dire necessity, that induced the Government to transfer the workshops of Europe to our own shores. The collection of such immense masses of human beings, within such narrow limits as manufacturing establishments require, cannot be favorable to our institutions. And, for myself, I have as much aversion to converting our hardy, active, clean-limbed husbandmen into bandy-legged Spitalfield weavers, as the great American philosopher himself. Protecting duties being therefore given for the purpose, exclusively, of aiding agriculture, *wherever one of these duties comes in conflict with the interests of agriculture, it ought to be abolished.*

IX. FEDERALISM.

GEN. HARRISON has been charged by the partisans of the Administration with being a Federalist, because he was twice appointed to office by President John Adams, and because

the same charge had been made against him by John Randolph, in the Senate of the United States.

It is true that GEN. HARRISON was appointed to office by John Adams. And so too was THE FATHER OF HIS COUNTRY. At page 232, vol. 1, of the Executive Journal is the following passage:

Gentlemen of the Senate: I nominate GEORGE WASHINGTON, of Mount Vernon, to be Lieutenant General and Commander-in-Chief of all the armies raised or to be raised in the United States.

UNITED STATES, *July* 2, 1798. JOHN ADAMS.

But Gen. Harrison was appointed to office by Presidents WASHINGTON, JEFFERSON, and MADISON, as well as by President John Adams.

On the 31st October, 1791, he was nominated by President Washington to the Senate, as Ensign in the First Regiment of Infantry; and (*Executive Journal, vol.* 1, *p.* 86, 88,) on the 22d February, 1793, as a Lieutenant of Cavalry.

At *p.* 441, *of vol.* 1, *Executive Journal*, is a message, dated February 4, 1803, of which the following is an extract:

I nominate William Henry Harrison to be Governor of Indiana Territory, from the 13th day of May next, when his present commission as Governor will expire.

William Henry Harrison, of Indiana, to be Commissioner to enter into any treaty or treaties, which may be necessary, with the Indian tribes, northwest of the Ohio, and within the territory of the United States, on the subject of their boundaries or lands.

THOMAS JEFFERSON.

General Harrison, therefore, received both these important appointments at the same time. On the 15th December, 1806, General Harrison was appointed Governor of Indiana by Mr. Jefferson.—*See 2d vol. Executive Journal, page* 44.

On the 19th of December, 1809, General Harrison was appointed Governor of Indiana Territory by Mr. Madison.—*See vol.* 2, *Executive Journal, page* 130.

On the 9th November, 1812, General Harrison was appointed Brigadier-General, and, on the 27th February, 1813, Major-General, by Mr. Madison.—*See vol.* 2, *Executive Journal, pages* 296, 300, 329.

It thus appears that GENERAL HARRISON was twice appointed Governor of Indiana Territory, and Commissioner to make all necessary treaties with the Indian tribes northwest of the Ohio—a more important appointment than that of Governor—by Mr. Jefferson; and once appointed Governor, and, also, Brigadier-General, and Major-General, by Mr. Madison; making, in all, six appointments by Jefferson and Madison, and but two by John Adams.

As to John Randolph's charge, made in a debate in the Senate in 1826:

Mr. Randolph said: Now, Sir, the only difference between the gentleman from Ohio and myself is this, and it is vital: that gentleman and myself differ fundamentally and totally, and did differ when we first took our seats in Congress; he, as a Delegate from the Territory Northwest of the river Ohio, I as a member of the other House from the State of Virginia; he was an open, zealous, frank supporter of the sedition-law and black-cockade Administration; and I was as open, zealous, and frank an opponent of the black-cockade and sedition-law Administration. We differ fundamentally and totally. We never can agree about measures or about men. I do not mean to dictate to the gentleman: let us agree to differ as gentlemen ought to do, especially natives of the same State, who are antipodes to each other in politics.

Mr. Harrison said, in reply, that he could not refrain from making his acknowledgments to the gentleman from Virginia for the notice he had taken of him. He had been pleased to say that in the administration of Mr. Adams I was a federalist, and he comes to that conclusion from the course pursued by me in the session of 1799–1800. At that session the gentleman and myself met for the first time: he in the station of Representative from Virginia, and I in the more humble one of Delegate from the Northwestern Territory. Having no vote, I did not think it proper to take part in the discussion of any of the great political questions which divided the two parties. My business was to procure the passage of the bills which I had introduced for the benefit of the people I represented. The gentleman had no means of knowing my political principles unless he obtained them in private conversations. As I was upon terms of intimacy with the gentleman, it is very probable that he might have heard me express sentiments favorable to the then Administration. I certainly felt them, so far at least as to the course pursued by it in relation to the Government of France. Nor, said Mr. H., was I unsupported in that opinion by those who had a right to control my actions, if not my opinions. In no part of the country were those measures more decidedly approbated than by my immediate constituents—the Legislature of the Northwestern Territory—as the address of that body to the President during that session will show.

For Mr. Adams, [said Mr. H.,] I entertained at that time, and have ever since entertained, the greatest respect. I believe him to be an honest man and a pure patriot; and his conduct during that session proved him to be such. This opinion, I know, [said Mr. H.,] was entertained by those two

able and upright statesmen, *John Marshall* and *James A. Bayard*. [To the question asked by Mr. Randolph, whether Mr. H. recollected a conversation between Mr. Nicholas and himself, in relation to the negroes and politics of Virginia, Mr. H., answered:] I recollect it perfectly well, but can this be adduced as an evidence of my favoring the sedition law? Mr. Nicholas was my relation and intimate friend; the conversation was entirely jocular, and so considered by that gentleman at the time, and ever after. I will never [said Mr. H.] resort to any one to support an assertion of mine on a matter of fact. But if I choose to do so, the gentleman from Maryland, who sits opposite to me, [General Smith,] and who was the brother-in-law of Mr. Nicholas, knows the undeviating friendship and support which I received from Mr. Nicholas, through his own political life. Mr. Jefferson was at that time Vice President of the United States, and was upon the most intimate terms with Mr. Nicholas. He took his seat as President of the Senate within fifteen minutes after the conversation alluded to had passed If it had been considered in any other light by Mr. Nicholas than as a joke, Mr. Jefferson would certainly have heard of it, and he would as certainly have withheld those evidences of his confidence and regard which I received from him, through the whole course of his subsequent administration. But, Sir, [said Mr. H.,] my opposition to the alien and sedition laws was so well known in the Territory, that a promise was extorted from me by my friends in the Legislature, by which I was elected, that I would express no opinions in Philadelphia, which would be in the least calculated to defeat the important objects with which I was charged. As I had no vote, I was not called on to express my sentiments in the House. The republican party were all in favor of the measures I wished to have adopted. But the federalists were the majority. Prudence, therefore, and my duty to my constituents, rendered it proper that I should refrain from expressing sentiments which would injuriously affect their interests, and which, if expressed, could not have the least influence upon the decisions of Congress.—2 *Gales and Seaton's Register of Debates*, 359, 363, 364.

It thus appears that GENERAL HARRISON limited his approval of the administration of John Adams to "the course pursued by it in relation to the Government of France," assured that his constituents also approved of *that part* of its policy; and expressly denied that he approved of the alien and sedition law. The injuries and insults offered by the Revolutionary Government of France to the United States, and the indignation which they excited in the breasts of the American People, are matters of history. As to the alien and sedition law, GENERAL HARRISON refers to illustrations of his decided opposition to them. In his letter of June 1, 1840, to Mr. Lyons, he says:

In relation to the discussion between Mr. Randolph and myself, in the Senate, of which a statement is annexed to the address, what better evidence could be given, that there is no possibility of satisfying my political enemies, by any thing that I could write, than the garbled account which they have given of that discussion? If the charge made upon me by Mr. Randolph is authentic, taken from a newspaper report, surely my answer to him should be considered so also. It is worthy of remark, too, that Mr. Randolph made no reply to my answer to his attack, and that he was not a man to leave a matter in that situation, if he could avoid it. The truth is, that I believe he really regretted his attack upon me. He repeatedly told me so, and frequently solicited me to bury the hatchet at a friendly dinner with him, which I agreed to do. At the dinner was Mr. Calhoun, Mr. Hayne, and General Hamilton, and many others, all but myself of the Jackson party. Our friendly intercourse was never afterwards interrupted.

It may be added that the SEDITION LAW, which forms a part of Mr. VAN BUREN'S *standing army plan*, is infinitely worse than the sedition law of John Adams, as any one will see on comparing them together.

In his letter to Dr. Brownley, October 11, 1809, on the election of Mr. Madison to the Presidency of the United States, GENERAL HARRISON says:

I rejoice, sincerely, in the triumph of the republicans of Maryland. I have written to my friend, General Smith, to congratulate him on his appointment to the Senate, without having any other evidence of it than the success of the republican ticket.

As the testimony of Mr. John Randolph is adduced by the Richmond Enquirer, and other partisans of Mr. Van Buren, to convict GENERAL HARRISON of federalism, it may be well to see what opinions in regard to this witness were formerly held by his present vouchers:

FROM THE RICHMOND ENQUIRER OF DECEMBER 31, 1814.

MR. RANDOLPH'S LETTER.

* * * * * * * * * Who cares for censures which are given without discrimination? He must be weak, indeed, who regards the opinion of a man who can scatter his venom around him without measure or distinction. Is it a disgrace to be abused by a gentleman who literally abuses his own understanding? Is it a dishonor to provoke the spleen of a man who has so little *justice* in his resentment *as to bind even* JEFFERSON *and* MADISON *to the block?* * * * * * * If we still so much respect the hand that inscribed the Declaration of Independence, and the hand that laid the corner-stone of our Constitution, as to shield them from a *madman's attack*, is it for *him* to raise the yelp of censure and complaint? * * * * * * * * * To say that this letter is a new and *extraordinary composition*, is unnecessary; for every thing which comes from so *extraordinary* a gentleman must be out of the usual track of things. He has so great an itch to be sin-

gular, and his understanding is so completely bewitched by his passions, that it would be wonderful if he were to enjoy a *lucid interval* for more than one moment.

In the Richmond Enquirer of April 5th, 1815, Mr. Ritchie, in announcing the election of Mr. Randolph, exclaimed:

Tories, rejoice! Friends of Great Britain, go joy with him! For he who has turned a deaf ear to the rights and honor of his own country, is again *in*. The apathy, or want of thought of his constituents, permits him once more to stain the floor of Congress! The *snarler* is again *in;* but one consolation is, that his teeth are drawn. Federalists, too, rejoice; because, so intemperate are their feelings, that they would employ Randolph, nay, the very devil himself, "to suit their purposes." If Mr. Randolph thinks with Mr. Garnett, [in *his* late circular letter,] Mr. R. is opposed to a Navy—to any respectable means of defence against the aggressions of an unhinged world! Yet what do the Federalists care for this, so that they can but enlist another snarler in their ranks! Is this the love of country, or is it the blind rage of party?

The charge of federalism was brought against *General Jackson* as well as GENERAL HARRISON. *General Jackson*, in his letter, January 16, 1817, (Niles's Register, vol. 26, page 167,) says:

Permit me to add, that *names, of themselves, are but bubbles, and sometimes used for the most wicked purposes.* I will name one instance. I HAVE, once upon a time, BEEN DENOUNCED AS A FEDERALIST.

"But," say GENERAL HARRISON's enemies, "he called JOHN ADAMS *an honest man and a pure patriot.*" Let us hear another witness on this subject.

While JOHN ADAMS was President of the United States, he was charged, in the presence of his great rival, THOMAS JEFFERSON, with entertaining a concealed purpose of sapping the foundations of the Republic, and supplying its place with a monarchy on the British model. And this was Mr. JEFFERSON's answer:

Gentlemen, you do not know that man; THERE IS NOT UPON THIS EARTH A MORE PERFECTLY HONEST MAN THAN JOHN ADAMS; concealment is no part of his character; of that he is utterly incapable. It is not in his nature to meditate any thing that he would not publish to the world. The measures of the General Government are a fair subject for difference of opinion; but do not found your opinions on the notion that there is the smallest spice of dishonesty, moral or political, in the character of JOHN ADAMS; for I KNOW HIM WELL; and I repeat, THAT A MAN MORE PERFECTLY HONEST NEVER ISSUED FROM THE HANDS OF HIS CREATOR."

This beats GENERAL HARRISON all hollow, and proves, we suppose, that Mr. JEFFERSON was at least twice as much of a *federalist* (!!) as the General is. The passage just extracted will be found at page 54 of "A Discourse on the lives and characters of Thomas Jefferson and John Adams," delivered on the 19th of October, 1826, by the late lamented WILLIAM WIRT. This gentleman is known to have been the intimate personal as well as the political friend of Jefferson. While alive, he had the reputation of being rather a warm democrat, as the term was then understood. But this, according to the Van Buren logic, must have been a mistake; for Mr. WIRT bears such ample testimony to John Adams's *honesty*, that he must henceforth be deemed almost as bitter a *federalist* as *Jefferson* and *Harrison*.

In 1822, GENERAL HARRISON, being a candidate for Congress, published the following letter:

TO THE EDITOR OF THE INQUISITOR.

CINCINNATI, *September* 16, 1822.

SIR: In your last paper you recommend to the candidates, at the ensuing election, to publish their political creeds, that the electors may have a fair opportunity of choosing those whose sentiments best accord with their own. I have ever believed that every elector has a right to make this call upon those who offer their services to the people, and that the candidates are bound to answer it. I might, it is true, avail myself of the kind of exception which you make in favor of those who have had an opportunity of showing their political opinions by their conduct. But I have no reason to dread the most minute investigation of my opinions; and that my fellow-citizens may be enabled to compare my actions with my professions, I offer you the following outline of my political creed, which you may publish if you think it worthy of a place in your paper. The measure is more necessary at this time, as some of my new friends have very kindly, in various handbills and other anonymous publications, undertaken to make one for me, which, if I have a correct knowledge of what I myself believe, is not a very exact likeness of that which I profess. *I deem myself a republican of what is commonly called the old Jeffersonian school, and believe in the correctness of that interpretation of the constitution, which has been given by the writings of that enlightened statesman, who was at the head of the party, and others belonging to it, particularly the celebrated resolutions of the Virginia Legislature, during the Presidency of Mr. Adams.*

I deny, therefore, to the General Government the exercise of any power but what is expressly given to it by the constitution, or what is essentially necessary to carry the powers expressly given into effect.

I believe that the charter given to the Bank of the United States was unconstitutional, it being not one of those measures necessary to carry any of the expressly granted powers into effect; and whilst my votes in Congress will show that I will take any constitutional means to revoke the charter, my vote in the State Legislature will equally show that I am opposed to those which are unconstitutional or violent, and which will bring us in collision with the General Government.

I believe in the tendency of a large public debt to sap the foundations of the constitution, by creating a moneyed aristocracy, whose views and interests must be in direct hostility to those of the mass of the people.

I deem it the duty, therefore, of the representative of the people, to endeavor to extinguish, as soon as possible, by making every retrenchment in the expenditures of the Government, that a proper performance of the public business will allow.

I believe in the right of the people to instruct their representative, when elected; and if he has sufficient evidence that the instructions, which may be given him, come from a majority of his constituents, that he is bound to obey them, unless he considers that by doing it he would violate the constitution; in which case I think it would be his duty to resign, and give them an opportunity of electing another representative whose opinion would accord with their own. * * * * * * * *

WILLIAM HENRY HARRISON.

The following is JUDGE BURNET'S testimony concerning GENERAL HARRISON'S politics:

CINCINNATI, *February* 27, 1840.

MY DEAR SIR: I remark, in reply to your letter of this morning, that during the contest between Mr. Jefferson and the elder Adams, General Harrison and myself were residing in the Northwestern Territory, and, of course, had not the privilege of voting. At that time, I was in habits of great intimacy with General Harrison, although I was a federalist, (honestly so,) and he a republican of the Jefferson school. I supported Adams, warmly, and he, with equal warmth, supported Mr. Jefferson. During the controversy, from 1796, inclusive, I conversed and argued with him times without number—he sustaining Mr. Jefferson, and I Mr. Adams. You may assure your friend that there was not a more consistent, decided supporter of Mr. Jefferson, in the Northwestern Territory, than General Harrison. For the truth of this declaration, I most willingly pledge my reputation.

I state to you what I saw, and heard, and know. When the alien and sedition law passed, the General was not a member of Congress. He neither voted nor had an opportunity of voting on that law.

Your friend,

J. BURNET.

Hon. WILLIAM SOUTHGATE.

At a public dinner given to him on the 2d of July, 1840, at Cincinnati, GENERAL SOLOMON VAN RENSSELAER, speaking of the charge against GENERAL HARRISON, of "*ancient Federalism*," said:

I am a living witness that, at the period to which I refer, the charge was *without the slightest foundation*. The republican principles of HARRISON were as well known as his chivalric spirit, and he had no superior in either. It has been reserved for the politicians of the present day, even while surrounded by the monuments of his civil and military virtues, to question both.

By whom is the charge of "Federalism" brought against GENERAL HARRISON? By the supporters of MARTIN VAN BUREN, who, during the late war, supported DE WITT CLINTON, the candidate of the Federal party, for the Presidency, against JAMES MADISON!

From the time of the Presidency of John Adams till that of James Monroe, the term "Federalist" was understood to indicate an advocate of strong powers in the Federal Government, and of a construction of the Federal Constitution which the Republican party considered latitudinous. On the accession of Mr. Monroe to the Presidency, the "era of good feelings," as it was called, commenced, and the old party lines were obliterated. During the Presidency of John Quincy Adams, they were revived by Mr. Van Buren, to subserve his own interests. Let any candid man compare GENERAL HARRISON'S political creed, as stated in his letter, before cited, to the Editor of the Cincinnati Inquisitor, and as illustrated by his votes, his speeches, and whole conduct, civil and military, with the doctrines and practices of Mr. VAN BUREN. It is true, that Mr. VAN BUREN talks much more than GENERAL HARRISON in favor of Democracy, but is it not all *talk*, and nothing more? Has he not claimed, in the face of Congress and the nation, that the "Executive" is "a component part of the Legislative power?" Has he not, after the Sub-Treasury scheme, for giving him the control of the public purse, had been four times rejected, persisted in it, and at last forced it on the people against their will? Has he not recommended, and said that he cannot recommend too strongly, what is in substance a standing army of two hundred thousand men?

If a man is to be judged of by the company he keeps, Mr. VAN BUREN must be set down as a Federalist of the most virulent type; for his most prominent supporters were leading members of the old Federal party. Witness Senators Buchanan, Williams, Hub-

bard, Wall, Ex-Senator Wilkins, Representatives Thomas, Worthington, &c., Pseudo-Representative Vroom, Ambassador Bleecker, &c., &c., &c.

X. THE ARMY BILL.

Extract from the message of the President of the United States to the two Houses of Congress, December 2, 1839.

The present condition of the defences of our principal seaports and navy yards, as represented by the accompanying report of the Secretary of War, calls for the early and serious attention of Congress; and, as connecting itself intimately with this subject, *I cannot recommend too strongly to your consideration the plan submitted by that officer for the organization of the Militia of the United States.*

Extract from the report of the Secretary of War, dated November 30, 1839, accompanying the message from the President of the United States to the two Houses of Congress, at the commencement of the 1st session of the 26th Congress.

It is proposed to divide the United States into *eight military districts*, and to organize the militia in *each district*, so as to have a body of *twelve thousand five hundred men* in active service, and another of equal number as a reserve. *This would give* AN ARMED MILITIA FORCE OF TWO HUNDRED THOUSAND MEN, so drilled and stationed as to be ready to take their places in the ranks in defence of the country, whenever called upon to oppose the enemy or repel the invader. The age of the recruit to be from 20 to 37; the whole term of service to be *eight years*—four years in the first class, and four in the reserve: one-fourth part, twenty-five thousand men, to leave the service every year, passing, at the conclusion of the first term, into the *reserve*, and exempted from ordinary militia duty altogether at the end of the second. *In this manner twenty-five thousand men will be discharged from militia duty every year, and twenty-five thousand fresh recruits be received into the service.* It will be sufficient for all useful purposes that the remainder of the militia, under certain regulations provided for their government, be enrolled and be mustered at long and stated intervals; for, in due process of time, nearly the whole mass of the militia will pass through the first and second classes, and be either members of the active corps, or of the reserve, or counted among the exempts, who will be liable to be called upon only in periods of invasion or imminent peril. The manner of enrollment, the number of days of service, and the rate of compensation, ought to be fixed *by law;* but the details had better be left subject to regulation—*a plan of which I am prepared to submit to you.*

On the 9th of March, 1840, the House of Representatives passed a Resolution, "that the Secretary of War be requested to communicate his plan, *in detail*," for the reorganization of the militia of the United States. Accordingly, on the 20th of March, that officer submitted to the House a Report, giving his plan "*in detail.*"

On the 8th of April, the Secretary addressed to the Hon. GEORGE M. KEIM, Chairman of the Committee on the Militia, in the House of Representatives, a letter in further explanation of the plan, in compliance with a request to that effect from Mr. KEIM.

On the 11th January, 1840, the Chairman of the Committee on the Militia, in the Senate, addressed to the Secretary of War a letter, of which the Globe of August 26th, furnishes the following extract:

SENATE OF THE UNITED STATES, JANUARY 11, 1840.

SIR: I am instructed by the Committee on the Militia to request of you an exposition of your plan for organizing the militia of the United States. It is desirable that we should be furnished a draught of such a bill as is contemplated in your report accompanying the President's late annual message; and also such "details" as you propose, so far as as they may be necessary to enable the Committee to comprehend the operation of the contemplated measure.

In compliance with this letter, (says the Globe,) as we are informed by the Secretary, he prepared, and, on the 28th of the same month, transmitted the bill referred to direct to the Committee.

The Globe of the 2d of September, 1840, states that "the bill in question was actually prepared for the Committee in conformity with the plan," by *Major Samuel Cooper*, one of the Assistant Adjutants-General of the Army, in conjunction with another officer. Major Cooper makes a similar statement, under date of "Washington, August, 1840," published also in the Globe of September 2, from which it appears that his associate was *Captain De Hart.* Major Cooper adds, "that the plan was not sufficiently completed to be submitted [to the Secretary] before the latter part of January, 1840."

The *Hon. Samuel S. Phelps*, in a letter, dated Harper's Ferry, June 20, 1840, to the Hon. WILLIAM C. RIVES, says:

That, *very early* at the present session of Congress, a bill in form, emanating, as I understood, from

the Secretary of War, was laid before the Committee of the Senate on the Militia, of which Committee I am a member. That bill, which I suppose accompanied the annual communication of the Secretary of War to Congress, was in all its important features identical with the plan communicated by the Secretary to the Committee of the House of Representatives, under date of the 20th March last.

The bill referred to by Mr. PHELPS is doubtless that which the Secretary of War informs the Globe was sent to the Senate Committee on the 28th of January.

On the 12th of June, 1840, Messrs. JOHN B. CARY and others, citizens of Elizabeth City County, in Virginia, addressed a letter to the President, propounding several interrogatories. The President answered the letter on the 31st July, 1840, and the answer was published in the Richmond Enquirer, on the 7th of August. The 5th interrogatory put by Messrs. CARY and others was as follows:

5. Do you approve of Mr. Poinsett's scheme for the organization of the militia?

This question is answered at large by the President. His letter concludes as follows:

It is but lately that my attention has been particularly drawn to this subject; and as there is no doubt that the great men to whom I have alluded contemplated an organization of the militia, and provisions for its better instruction, embracing substantially the principles contained in Mr. Poinsett's plan, *it becomes me, in the face of so much apparent authority, to hesitate before I pronounce definitively upon its constitutionality. I shall, I am confident, in the opinion of all candid minds, best perform my duty by refraining to do so until it becomes necessary to act officially in the matter.* In the mean time, I will content myself with saying that the *inclination of my mind is, that the desired measure cannot be safely accomplished in the form proposed, under the Federal Constitution as it stands.*

Having thus given you the best opinions that I have been able to form of the important subjects to which you have called my attention, you will, I hope, allow me to notice briefly one or two collateral considerations.

Mr. Poinsett's uncontroverted account of the origin and progress of his plan is before you. He shows that it grew out of a request made of him by the Committee on the Militia of the House of Representatives at the close of the session before the last, in contemplation of a possible collision between this country and Great Britain, and that it was matured and drawn forth under a call made upon him by the House at the last session. *Some surprise has been expressed, and doubts appear even to be entertained of the correctness of his declaration, that the plan was not seen by me, or submitted to my consideration before it was communicated to Congress. Those who take this view of the subject entirely overlook the fact, that such is almost invariably the case on all similar occasions; and that, in replying to calls made upon them by either branch of the Legislature, the heads of Departments act for Congress, and not for the President, except only on occasions where his acts are brought in question.* The impracticability of pursuing a different course, if even it were otherwise desirable, will be appreciated, when it is considered how very numerous these calls have recently been, amounting, as they have done, to 220 at a single session, independently of those made on the President himself, and of letters from Committees, requiring great research, and the preparation of voluminous documents. Unfair as these animadversions are shown to be, this has not been even the worst aspect in which they have been presented. *We have been compelled to see, not, I should think, without shame and mortification on the part of every ingenuous mind, whatever may be his political preferences, the names of respectable citizens subscribed to statements that I had, in my annual message, expressed my approbation of a plan which not only never had been submitted to me, but was not even matured until more than three months after the message was sent to Congress, and an attempt to prove the unfounded assumption by the publication of a garbled extract from that document, with its true meaning falsified by the suppression of a material part.* Nor was the avowed object of these extraordinary proceedings less remarkable than the acts themselves, being nothing less than an attempt to fix upon me the design of *establishing a standing army of two hundred thousand men*, for political and personal purposes. If I had been charged with the design of establishing among you, at the public expense, a menagerie of two hundred thousand wild beasts, it would not have surprised me more, nor would it, in my judgment, have been one jot more preposterous.

I am fortunately, gentlemen, not over-sensitive to attacks of this character, and have withal an abiding confidence in the intelligence of the people, which renders them proof against all such attempts to deceive them. If I understand my own feelings, my chief regret in witnessing such degrading exhibitions arises from a consideration of the opinion which foreigners, who have not the same reasons to respect our political institutions that we have, are likely to form of the character of our people, when they see that conspicuous men among us can promise themselves any advantages from attempts to delude their fellow-citizens by means of such monstrous absurdities. This regret is, however, I confess, materially diminished by the conviction that the people will, in the sequel, as they have heretofore done, *convince those who attempt in this manner to operate upon their credulity, of the folly of seeking to accomplish in this country political objects by such discreditable means.*

The American people will decide whether the imputations which the President so lavishly casts upon others are or are not descriptive of his own conduct. He chooses to regard the question which he professes to answer as applying to some plan or other subsequent to that which he had transmitted to Congress in December, as a part of his annual

message, and which, in that message, he says, "*I cannot recommend too strongly to your consideration.*" The "*plan*" of November 30, 1839, which he thus recommends, is the plan which was denounced, as far back as the 15th of February, by Mr. Rives, in a published letter, and which had excited, long before any subsequent plan was broached, so much alarm throughout the State of Virginia, where the gentlemen resided whom the President was addressing. It had been submitted to him, on the 30th of November, by the Secretary of War, and was before him till the 24th of December, when his message was sent to Congress. The Constitution of the United States requires the President to "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.*" The President cannot be presumed to deny that he approved of this plan of November 30, 1839, unless he wishes to be understood as having, in the discharge of a high constitutional duty, recommended a measure as "*necessary and expedient*" which in his conscience he disapproved, or which he had not examined, and knew nothing about. To avoid this dilemma, he affects, in his letter to Messrs. Cary and others, total silence as to this plan of November 30, 1839, and confines his answer to one of the subsequent communications of the Secretary of War—the Report of March 20, 1840. And even, as to this, how does his assertion stand the test of facts? The Secretary's *plan* or report to the President, dated November 30, 1839, says: "The manner of enrollment, the number of days of service, and the rate of compensation, ought to be fixed by law; but the *details* had better be left subject to *regulation—a plan of which I am prepared to submit to you.*" The Secretary tells the President, "*I am prepared to submit*" a plan of details to you; and the Secretary tells Congress that the plan is "*submitted.*"

Again, the President says to *Messrs. Cary* and others, the plan "*not only never had been submitted to me, but was not even matured until more than three months after the message was sent to Congress.*" And the Globe, in defending the President, brings out proof that this "matured" plan was sent to the Senate on the 28th of January—only *five weeks*, instead of "*more than three months, after the message was sent to Congress!*"

The President's charge of "*garbling*" is understood to be meant for the Address, dated May 24, 1840, of Messrs. Alford, Dawson, Habersham, King, Nesbit, and Warren, Representatives from the State of Georgia, to their constituents. In some of the copies first printed of this able and patriotic paper, the writers, in quoting the President's message, had accidentally omitted the words "*to your consideration;*" an omission which, so soon as discovered, was supplied. But the omission was wholly immaterial, either as a matter of philology or of constitutional law. We have seen that the Constitution of the United States makes it the duty of the President to recommend to the "*consideration*" of Congress only "*such measures as he shall judge necessary and expedient.*"

The attitude in which the President has placed himself before the American people, by his defences on the subject of the Army Bill, present a question for their consideration even graver than any arising out of the bill itself, bad as the bill is. But let us now advert to some provisions in the Constitution, and apply them to this "matured" *plan*, of which the President says that he "*cannot pronounce definitively upon its constitutionality.*"

1st. The Constitution of the United States (*art.* 1, *sec.* 8, *clause* 14) gives Congress power "to provide for calling forth the militia *to execute the laws of the Union, suppress insurrections, and repel invasions.*" These three are the only purposes for which the militia can be *constitutionally* called out. According to the "matured *plan*," they may be called out for a purpose not authorized by the Constitution.

2d. The Constitution of the United States (*art.* 1, *sec.* 9, *clause* 15) gives Congress power "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States, respectively, the appointment of officers, and the authority of *training* the militia according to the discipline prescribed by Congress."

The seventeenth section of the "plan" of March 20, 1840, takes from the States the power expressly reserved to them by the Constitution, of "training" the militia, and vests it in the President. The section referred to is as follows:

17th. That the *President of the United States* be authorized to *call forth and assemble such numbers* of the ACTIVE force of the militia, *at such places* within their respective districts, and *at such times*, not exceeding twice, nor —— days in the same year, *as he may deem necessary;* and during such period, including the time when going to and returning from the place of rendezvous, they shall be deemed *in the service of the United States*, and be *subject to such regulations as the Presi-*

dent may think proper to adopt for their instruction, discipline, and improvement in military knowledge.

3d. The Constitution of the United States, (*art.* 3, *sec.* 2, *clause* 3,) is as follows:

The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

The first article of the amendments to the Constitution is as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or *abridging the freedom of speech*, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The fifth article of the amendments is as follows:

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or *in the militia*, WHEN IN ACTUAL SERVICE, IN TIME OF WAR OR PUBLIC DANGER; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

The sixth article of the amendments to the Constitution is as follows:

In all criminal prosecutions, *the accused shall enjoy the right to a speedy and public trial*, BY AN IMPARTIAL JURY of the state and district wherein the crime shall have been committed, (which district shall have been previously ascertained by law,) and to be informed of the nature and cause of the accusation; to be CONFRONTED WITH THE WITNESSES AGAINST HIM; to have compulsory process for obtaining witnesses in his favor; AND TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENCE.

The 17th section, before cited, of the "plan" of March 20, 1840, after providing that the President may "call forth and assemble such numbers of the active force of the militia, at such places within their respective districts, and at such times (not exceeding twice, nor —— days in the same year) as he may deem necessary," declares that "during such period, &c., the militia shall be deemed *in the service of the United States.*"

By the twentieth section of the same "plan," it is declared "that the militia of the United States, or any portion thereof, when employed in the service of the United States, shall be *subject to the same rules and articles of war as the troops of the United States.*" Of these "*rules and articles of war*," (see Act of April 10, 1806, Laws of the United States, vol. 4, pages 13–28,) some are as follows:

Art. 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice President thereof, against the Congress of the United States, or against the Chief Magistrate of any of the United States, in which they may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court-martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court-martial.

Art. 6. Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished, according to the nature of his offence, by the judgment of a court-martial.

Art. 7. Any officer or soldier who shall begin, excite, cause, or join in any mutiny or sedition, in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 8. Any officer, non-commissioned officer, or soldier, who being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or, coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished, by the sentence of a court-martial, with death, or otherwise, according to the nature of his offence.

Art. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court-martial.

Art. 20. All officers and soldiers who have received pay, or have been duly enlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as by the sentence of a court-martial shall be inflicted.

Art. 21. Any non-commissioned officer or soldier who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished, according to the nature of his offence, at the discretion of a court-martial.

Art. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court-martial.

Art. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another,

upon pain, if an officer, of being put in arrest; if a soldier, confined and asking pardon of the offended, in the presence of the commanding officer.

Art. 37. Any non-commissioned officer or soldier who shall be convicted, at a regimental court-martial, of having sold, or designedly or through neglect wasted, the ammunition delivered to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

Art. 41. All non-commissioned officers and soldiers who shall be found one mile from camp, without leave in writing from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court-martial.

Art. 42. No non-commissioned officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon the penalty of being punished, according to the nature of his offence, by the sentence of a court-martial.

Art. 43. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat; in default of which, he shall be punished according to the nature of his offence.

Art. 44. No non-commissioned officer or soldier shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous appointed by his commanding officer, if not prevented by sickness or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished, according to the nature of his offence, by the sentence of a court-martial.

Art. 45. Any commissioned officer who shall be found drunk in his guard party, or other duty, shall be cashiered. Any non-commissioned officer or soldier, so offending, shall suffer such corporal punishment as shall be inflicted by a court-martial.

Art. 46. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by a court-martial.

Art. 50. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished according to the nature of his offence, by the sentence of a court-martial.

Art. 53. Any person belonging to the armies of the United States, who shall make known the watchword to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watchword different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Art. 64. General courts-martial may consist of any number of commissioned officers, from five to thirteen, inclusively; but they shall not consist of less than thirteen, where that number can be convened without manifest injury to the service.

Art. 65. Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts-martial whenever necessary. But no sentence of a court-martial shall be carried into execution, until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court-martial, in time of peace, extending to the loss of life, or the dismission of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution until after the whole proceedings shall have been transmitted to the Secretary of War, to be laid before the President of the United States, for his confirmation or disapproval, and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

Art. 66. Every officer commanding a regiment or corps may appoint for his own regiment or corps, courts-martial, to consist of three commissioned officers, for the trial and punishment of offences not capital, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other places where the troops consist of different corps, may assemble courts-martial, to consist of three commissioned officers, and decide upon their sentences.

Art. 67. No garrison or regimental court-martial shall have the power to try capital cases or commissioned officers, neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier, for a longer time than one month.

Art. 74. On the trial of cases not capital, before courts-martial, the depositions of witnesses, not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence: Provided the prosecutor and the person accused are present at the taking the same, or are duly notified thereof.

The restriction in the 67th article of war applies only to "*garrison* or *regimental* courts-martial." *General* courts-martial *may* try "CAPITAL CASES."

Such is the code which is to be applied, *in a time of profound peace*, to the free citizens of these United States. Let them examine the offences which it creates, the mode of trial which it prescribes, the evidence which it authorizes, and the punishments which it inflicts, and they will see at least *four* clear and palpable violations of the Constitution of the United States. We have before shown that the "*plan*" involved *two* other violations of the Constitution—in all, SIX!

This is the plan of which the President says, even at this late and pressing moment, that he "*cannot pronounce definitively upon its constitutionality*;" and thinks that he shall best perform his "duty, *by refraining to do so until it becomes necessary to act officially in the*

matter!" THIS is the case for hesitation, selected by a Chief Magistrate who is so ready, on convenient occasions, to threaten Congress in advance with the veto!!

XI. NATIONAL BANK AND SUB-TREASURY.

It has been seen that *General Harrison*, in his letter to the Editor of the Cincinnati Inquisitor, expressed his opinion that the charter given to the late Bank of the United States was unconstitutional. When a candidate for the Presidency, in 1836, he was asked by *Mr. Sherrod Williams*, whether he would, if elected, sign a bill incorporating a Bank of the United States. He answered: "I would, if *it were clearly ascertained that the public interest, in relation to the collection and disbursement of the revenue, would materially suffer without one, and there were unequivocal manifestations of public opinion in its favor.*" This is the doctrine of Mr. MADISON. [See his speeches in opposition to the first Bank of the United States, his special message of January 30, 1815, and his annual message of December 5, 1815.]

Mr. Van Buren, who formerly petitioned for the establishment, at Albany, of a branch of the Bank of the United States, has, since he became President, repeatedly threatened to veto any act of Congress creating another Bank of the United States, and in a manner which leaves no room to doubt that his determination would not be changed by the "petitions" of the whole American people, should they think proper to call for such an institution. He has, however, in contempt of their will, over and over again, persevered in pressing his *Sub-Treasury* project—a project worse than a *National* Bank of the worst type, because it is an *Executive Government* Bank. His own confidential partisans had before denounced it as an *usurpation* and *tyranny*, as exposing the public Treasury "*to be plundered by a hundred hands, where one cannot now reach it;*"—[See Globe, 1834]—as increasing, "in so *alarming* a degree, the *patronage*, *power*, and *influence* of the Executive;" as a "*wild* and *dangerous* scheme, establishing two sorts of currency—the *better for the officers of Government*, the *baser one for the people;*" as a "notable scheme," which "will *enlarge the Executive power, already too great for a Republic;*" as having "*no security in it;*" as involving "*heavy* and *unnecessary expense;*" as an "endless *source of patronage*," and "a patronage of the *most dangerous influence;*" and as a "*fruitful source of mischief.*"—[See Richmond Enquirer, 1837.] The journal last cited also said, "temptation will creep in, and *corruption, in every form, following at its heels.*" Such, however, is the *despotism* of *Executive influence*, under the new Administration system, that so soon as the President had forced the Sub-Treasury scheme into a law, the author of the denunciations last cited exclaimed, "*This important measure, so dear to the heart of every patriot*, has now become the law of the land;" "*no one, who has any regard for truth, can now say that it has not received their assent and approbation!*" And branded individuals, who had formerly approved, but who, on further examination, condemned the project, as having "*basely reversed their solemn judgments, and entailed upon themselves an everlasting disgrace!!*"—[See Richmond *Crisis*, July 8, 1840.] Of the *power* of the President, in forcing this scheme on the country, and of the *vassalage* of his partisans, an adequate idea seems to have been formed by a distinguished convert to it. "*The President*," he says, "*should long since have* COMPELLED *his party to carry out the measure.*" This remarkable passage is the closing sentence of a letter of the Hon. *George M. Troup*, of Georgia, published in the *Extra Globe* of *July* 1 and *July* 8, 1840. The date of the letter should, doubtless, be May 16, 1840; but is printed May 16, 1040—a far more suitable date, considering the character of the measure recommended. A "complicated system," of which hard money, hard work, low wages, low prices, no meat, direct taxes, and the perpetual ignorance and depression of the great mass of the people, are elements, is more appropriate to the year *ten* hundred and forty, than to the year *eighteen* hundred and forty; to the darkness and despotism of the eleventh century, than to the enlightened and free spirit of the nineteenth century.

It is well known that the President obtained the authority of law for holding the people's money in his own hands by means even more objectionable than the result—by a COALITION with politicians between whom and himself the relations of only yesterday had been those of a political and personal hostility, which could find no language of crimination bitter enough or low enough to express the hatred and scorn that were felt on both sides.

The moral sense of the country was shocked by the unhallowed union; its first fruits were a litter of spurious legislators, and its next, the "wild and dangerous" Treasury Bank. It was a suitable beginning of a project which gives the President the control, through the people's money, of the people's liberties, that a sovereign State of the Union should be laid prostrate at his feet. That this Sub-Treasury scheme is, in truth, a Treasury Bank, no candid and discriminating inquirer can doubt. The President himself says, in substance, that it is so, as will appear by the following extracts from the President's message to Congress, at the special session, September 4, 1837:

"The various transactions which bear the name of domestic exchanges differ essentially in their nature, operation, and utility. One class of them consists of bills of exchange drawn for the purpose of transferring actual capital from one part of the country to another, or to anticipate the proceeds of property actually transmitted. Bills of this description are highly useful in the movements of trade, and well deserve all the encouragement which can rightfully be given to them. Another class is made up of bills of exchange not drawn to transfer actual capital, nor on the credit of property transmitted; but to create fictitious capital, partaking at once of the character of notes discounted in bank, and of bank notes in circulation, and swelling the mass of paper credits to a vast extent, in a most objectionable manner. These bills have formed, for the last few years, a large proportion of what are termed the domestic exchanges of the country, serving as the means of usurious profit, and constituting the most unsafe and precarious paper in circulation. This species of traffic, instead of being upheld, ought to be discountenanced by the Government and the people."

"In transferring its funds from place to place, the Government is on the same footing with the private citizen, and *may* resort to the same legal means. IT MAY DO SO, THROUGH THE MEDIUM OF BILLS DRAWN BY ITSELF, OR PURCHASED FROM OTHERS; AND IN THESE OPERATIONS, IT MAY, IN A MANNER UNDOUBTEDLY CONSTITUTIONAL AND LEGITIMATE, FACILITATE AND ASSIST EXCHANGES OF INDIVIDUALS FOUNDED ON REAL TRANSACTIONS OF TRADE. THE EXTENT TO WHICH THIS MAY BE DONE, AND THE BEST MEANS OF EFFECTING IT, ARE ENTITLED TO THE FULLEST CONSIDERATION. This has been bestowed by the Secretary of the Treasury, and his views will be submitted to you in his Report."

"If to these considerations be added the facilities which will arise from enabling the Treasury to satisfy the public creditors by its drafts or notes, receivable in payment of the public dues, it may be safely assumed, that no motive of convenience to the citizen requires the reception of bank paper."

XII. MR. VAN BUREN'S OPPOSITION TO MR. MADISON.

Mr. Holland, in his life of Mr. Van Buren, edition of 1835, which we have seen is authenticated by Mr. Van Buren, adopts as his own, the account given in a "Letter of Hon. Benjamin F. Butler to Hugh A. Garland, Esq., of Virginia, in March, 1835," of the course of Mr. Van Buren in regard to the nomination of De Witt Clinton for the Presidency, and his course in relation to the war. At page 90, of the "Life," Mr. Butler, as quoted by Mr. Holland, after stating the fact of Mr. Clinton's nomination to the Presidency, on the 29th of May, 1812, says:

MR. VAN BUREN was not then a member of the Legislature, nor was he in any way connected with these proceedings. He, however, *concurred in the propriety of supporting the* NOMINATION thus made and accepted, and, at the session of the Legislature held in November, 1812, in conjunction with a majority of the Republican members of each branch, HE TOOK A DECIDED PART IN SUPPORT OF PRESIDENTIAL ELECTORS, WHO WERE VOTED FOR AS FRIENDLY TO MR. CLINTON, and who ultimately gave him the vote of the State.

Here we have the historical *fact* admitted, that *Mr. Van Buren "took a decided part"* in support of Mr. Clinton's pretensions to the Presidency. What was the *political character* of the movement is a matter of opinion; and, on this head, Mr. Butler differs widely from some other political critics. The Washington Globe, a journal whose loyalty to the President is not less fervid than Mr. Butler's, expresses, under date of August 8, 1840, the following opinion:

In 1812, these Federalists had another remarkable vision. It was revealed to them, in a dream, that JAMES MADISON had involved the country in a "wicked and ruinous war;" that the Democrats who supported him were all "war hawks;" and that none were true patriots and friends of their country but those who took sides against it, and favored Great Britain, the "bulwark of our religion." They also dreamed that MADISON "deserved a halter," and ought to be "sent to the Isle of Elba," and that DE WITT CLINTON, who had previously compared them to the "fallen angels, who had rather rule in Hell than serve in Heaven," was destined to take his place. From this dream they were awakened on the ides of November, and, to their great astonishment, found that only eighty-nine to one hundred and twenty-seven of the people had been dreaming.

APPENDIX.

GENERAL HARRISON'S ELECTION MORALLY CERTAIN.

In 1836, the votes for Harrison as President were as follows:

Vermont,	7 votes.	Ohio,	21 votes.
New-Jersey,	8	Indiana,	9
Delaware,	3	Kentucky,	15
Maryland,	10		— 73 votes.

The two last-named States have recently answered, in the most convincing manner, two of the most prominent slanders against Gen. HARRISON. One of these slanders charged him with having been willing to sell the white citizens of Indiana into slavery. NO! says Indiana, with **62,934** voices! The other slander was, that Gen. HARRISON had sacrificed in battle the blood of Kentuckians. NO! says Kentucky, with **54,999** voices! No candid man doubts, though Administration Chapmans may "crow" to the contrary, that General HARRISON will receive the 73 electoral votes of these seven States in this year of 1840. The following States voted for Mr. VAN BUREN at the Presidential election in 1836. Elections held in them since the re-nomination of Gen. HARRISON clearly indicate that they will vote for Gen. HARRISON at the approaching election:

Connecticut,	8 votes.	Louisiana,	5 votes.
Rhode-Island,	4	North-Carolina,	15
Virginia,	23	Maine,	10.....65
Add Harrison's vote in 1836,.....			73

In addition to these votes, the following may be regarded as also reasonably certain for Harrison, viz:

New-York,	42 votes.	Mississippi,	4 votes.
Tennessee,	15	Michigan,	3
Georgia,	11	Massachusetts,	14.....119
Pennsylvania,	30		
		Total,.....	257

Whole number of votes, 294; necessary to a choice, 148. So that, on the foregoing calculation of **257** votes as reasonably certain for Gen. Harrison, he will have enough, and **109** to spare. We believe that every one of these 257 votes for Harrison and Tyler may be secured, if proper exertions be made by the friends of the Constitution; to say nothing of our prospects in Alabama, Arkansas, Illinois, Missouri, South-Carolina, and New-Hampshire, the only States in which Mr. VAN BUREN has, according to present appearances, any chance of support. It is highly important, as a terror to evil-doers, that the present party should go out of power by as large a vote in the electoral colleges as can be obtained. If the progress of public opinion, in resolving to purge the national councils, continues at its present rate, there would be no cause for surprise if the Administration now in power should be ejected, in November next, by the UNANIMOUS VOICE of the electors of the American People!

But our friends should not allow this prospect to relax their exertions. They should remember that they are contending with the IMMENSE PATRONAGE of the Government, wielded by unscrupulous and desperate agents. Let each Whig and Conservative act as if believing that the result of the election depends on his own exertions and vote; and such a victory must follow as will render SELFISH DEMAGOGUES POWERLESS IN THIS COUNTRY FOR AT LEAST A CENTURY TO COME.