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# Robert Y. Hayne

## REPLY TO DANIEL WEBSTER <sup>1</sup>

January 21 and 25, 1830

(In the Senate)

“MAKING WAR UPON THE UNOFFENDING SOUTH”

Mr. HAYNE began by saying that when he took occasion, two days ago, to throw out some ideas with respect to the policy of the government in relation to the public lands, nothing certainly could have been further from his thoughts than that he should be compelled again to throw himself upon the indulgence of the Senate. Little did I expect [said Mr. H.] <sup>2</sup> to be called upon to meet such an argument as was yesterday urged by the gentleman from Massachusetts [Mr. WEBSTER.] Sir, I questioned no man's opinions; I impeached no man's motives; I charged no party, or state, or section of country, with hostility to any other; but ventured, I thought in a becoming spirit, to put forth my own sentiments in relation to a great national question of public policy. Such was my course. The gentleman from Missouri, [Mr. BENTON] <sup>3</sup> it is true, had charged upon the eastern states an early and continued hostility towards the West, and referred to a number of historical facts and documents in support of that charge. Now, sir, how have these different arguments been met? The honorable gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England, and, instead of making up his issue with the gentleman from Missouri, on the charges which he had preferred, chooses to consider me as the author of

those charges, and, losing sight entirely of that gentleman, selects me as his adversary, and pours out all the vials of his mighty wrath upon my devoted head. Nor is he willing to stop there. He goes on to assail the institutions and policy of the South, and calls in question the principles and conduct of the state which I have the honor to represent. When I find a gentleman of mature age and experience, of acknowledged talents and profound sagacity, pursuing a course like this, declining the contest offered from the West, and making war upon the unoffending South, I must believe, I am bound to believe, he has some object in view that he has not ventured to disclose. Why is this? [asked Mr. H.] Has the gentleman discovered in former controversies with the gentleman from Missouri, that he is overmatched by that senator? And does he hope for an easy victory over a more feeble adversary? Has the gentleman's distempered fancy been disturbed by gloomy forebodings of “new alliances to be formed,” at which he hinted? Has the ghost of the murdered coalition come back, like the ghost of Banquo, to “sear the eye-balls” of the gentleman, and will it not “down at his bidding?” Are dark visions of broken hopes, and honors lost forever, still floating before his heated imagination? Sir, if it be his object to thrust me between the gentleman from Missouri and himself, in order to rescue the East from the contest it has provoked with the West, he shall not be gratified. Sir, I will not be dragged into the defence of my friend from Missouri. The South shall not be forced into a conflict not its own. The gentleman from Missouri is able to fight his own battles. The gallant West needs no aid from the South to repel any attack which may be made on them from any quarter.

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<sup>1</sup> U.S., Congress, Senate, *Register of Debates in Congress*, 21st Cong., 1st sess., pp. 43-58.

<sup>2</sup> As was often the case with speeches from the 1830's, the *Register of Debates* reported the beginning of Hayne's remarks in the third person. The remainder of the speech is in Hayne's actual words, interspersed with an occasional [said Mr. H.].

<sup>3</sup> Thomas Hart Benton of Missouri (1782-1858) served in the Senate, 1821-1851 (See Speeches No. 10 and 14).

Let the gentleman from Massachusetts controvert the facts and arguments of the gentleman from Missouri—if he can; and if he win the victory, let him wear its honors: I shall not deprive him of his laurels.

The gentleman from Massachusetts, in reply to my remarks on the injurious operation of our land system on the prosperity of the West, pronounced an extravagant eulogium on the paternal care which the government had extended towards the West, to which he attributed all that was great and excellent in the present condition of the new states. The language of the gentleman on this topic fell upon my ears like the almost forgotten tones of the tory leaders of the British Parliament, at the commencement of the American Revolution. They, too, discovered, that the colonies had grown great under the fostering care of the mother country; and, I must confess, while listening to the gentleman, I thought the appropriate reply to his argument was to be found in the remark of a celebrated orator, made on that occasion: "They have grown great in spite of your protection."

The gentleman, in commenting on the policy of the government, in relation to the new States, has introduced to our notice a certain Nathan Dane,<sup>4</sup> of Massachusetts, to whom he attributes the celebrated Ordinance of '87, by which he tells us, "slavery was forever excluded from the new States north of Ohio." After eulogizing the wisdom of this provision, in terms of the most extravagant praise, he breaks forth in admiration of the greatness of Nathan Dane—and great, indeed, he must be, if it be true, as stated by the senator from Massachusetts, that "he was greater than Solon and Lycurgus, Minos, Numa Pompilius, and all the legislators and philosophers of the world," ancient and modern. Sir, to such high authority it is certainly my duty, in a becoming spirit of humility, to submit. And yet, the gentleman will pardon me when I say, that it is a little unfortunate for the fame of this great legislator, that the gentleman from Missouri should have proved that he was not the author of the Ordinance of '87, on which the senator from Massa-

<sup>4</sup> Nathan Dane (1752–1835) was one of the two drafters of the Northwest Ordinance of 1787.

chusetts has reared so glorious a monument to his name. Sir, I doubt not the senator will feel some compassion for our ignorance, when I tell him, that so little are we acquainted with the modern great men of New England, that, until he informed us yesterday, that we possessed a Solon and a Lycurgus in the person of Nathan Dane, he was only known to the South as a member of a celebrated assembly called and known by the name of "the Hartford Convention."<sup>5</sup> In the proceedings of that assembly, which I hold in my hand, (at page 19) will be found, in a few lines, the history of Nathan Dane; and a little further on, there is conclusive evidence of that ardent devotion to the interests of the new states, which, it seems, has given him a just claim to the title of "Father of the West." By the second resolution of the "Hartford Convention," it is declared, "that it is expedient to attempt to make provision for restraining Congress in the exercise of an unlimited power to make new States, and admitting them into the Union." So much for Nathan Dane, of Beverly, Massachusetts.

In commenting upon my views in relation to the public lands, the gentleman insists that it being one of the conditions of the grants, that these lands should be applied to "the common benefit of all the States, they must always remain a fund for revenue," and adds, "they must be treated as so much treasure." Sir, the gentleman could hardly find language strong enough to convey his disapprobation of the policy which I had ventured to recommend to the favorable consideration of the country. And what, sir, was that policy, and what is the difference between that gentleman and myself, on this subject? I threw out the idea, that the public lands ought not to be reserved forever as "a great fund for revenue"; that they ought not to be "treated as a great treasure"; but that the course of our policy should rather be directed

<sup>5</sup> The convention, held from December 15, 1814, to January 5, 1815, was attended by Federalist delegates from several New England states. The meeting grew out of New England resentment at the embargo on trade with Britain during the War of 1812. Among other resolutions adopted was one prohibiting embargoes lasting more than sixty days. Because the convention had met in secret, it was later accused by some of having been a treasonous conspiracy.

towards the creation of new states, and building up great and flourishing communities.

Now, sir, will it be believed, by those who now hear me, and who listened to the gentleman's denunciation of my doctrines yesterday, that a book then lay open before him, nay, that he held it in his hand, and read from it certain passages of his own speech, delivered to the House of Representatives, in 1825, in which speech he himself contended for the very doctrines I had advocated, and almost in the same terms. Here is the speech of the Hon. Daniel Webster, contained in the first volume of Gales and Seaton's *Register of Debates*, (p. 251) delivered in the House of Representatives, on the 18th January, 1825, in a debate on the Cumberland Road—the very debate from which the senator read yesterday. I shall read from this celebrated speech two passages, from which it will appear that, both as to the past and the future policy of the government in relation to the public lands, the gentleman from Massachusetts maintained, in 1825, substantially the same opinions which I have advanced, but which he now so strongly reprobates. I said, sir, that the system of credit sales, by which the West had been kept constantly in debt to the United States, and by which their wealth was drained off to be expended elsewhere, had operated injuriously on their prosperity. On this point the gentleman from Massachusetts, in January, 1825, expressed himself thus: "There could be no doubt, if gentlemen looked at the money received into the treasury from the sale of the public lands to the West, and then looked to the whole amount expended by Government, (even including the whole of what was laid out for the army) the latter must be allowed to be very inconsiderable, and there must be a constant drain of money from the West to pay for the public lands. It might indeed, be said that this was no more than the reflux of capital which had previously gone over the mountains. Be it so. Still its practical effect was to produce inconvenience, if not distress, by absorbing the money of the people."

I contended that the public lands ought not to be treated merely as "a fund for revenue"; that they ought not to be hoarded "as a great treasure." On this point the senator expressed

himself thus: "Government, he believed, had received eighteen or twenty millions of dollars from the public lands, and it was with the greatest satisfaction he adverted to the change which had been introduced in the mode of paying for them; yet he could never think the national domain was to be regarded as any great source of revenue. The great object of the Government in respect to those lands, was not so much the money derived from their sale, as it was the getting of them settled. What he meant to say was, that he did not think they ought to hug that domain as a great treasure, which was to enrich the exchequer."

Now, Mr. President, it will be seen that the very doctrines which the gentleman so indignantly abandons, were urged by him in 1825; and if I had actually borrowed my sentiments from those which he then avowed, I could not have followed more closely in his footsteps. Sir, it is only since the gentleman quoted this book, yesterday, that my attention has been turned to the sentiments he expressed in 1825, and, if I had remembered them, I might possibly have been deterred from uttering sentiments here which, it might well be supposed, I had borrowed from that gentleman.

In 1825, the gentleman told the world, that the public lands "ought not to be treated as a treasure." He now tells us, that "they must be treated as so much treasure." What the deliberate opinion of the gentleman on this subject may be, belongs not to me to determine; but, I do not think he can, with the shadow of justice or propriety, impugn my sentiments, while his own recorded opinions are identical with my own. When the gentleman refers to the conditions of the grants under which the United States have acquired these lands, and insists that, as they are declared to be "for the common benefit of all the States," they can only be treated as so much treasure, I think he has applied a rule of construction too narrow for the case. If, in the deeds of cession, it has been declared that the grants were intended for "the common benefit of all the States," it is clear, from other provisions, that they were not intended merely as so much property: for, it is expressly declared that the object of the grants is the erection of new states; and the United

States, in accepting the trust, bind themselves to facilitate the foundation of the states, to be admitted into the Union with all the rights and privileges of the original states. This, sir, was the great end to which all parties looked, and it is by the fulfilment of this high trust, that "the common benefit of all the States" is to be best promoted. Sir, let me tell the gentleman, that, in the part of the country in which I live, we do not measure political benefits by the money standard. We consider as more valuable than gold—liberty, principle, and justice. But, sir, if we are bound to act on the narrow principles contended for by the gentleman, I am wholly at a loss to conceive how he can reconcile his principles with his own practice. The lands are, it seems, to be treated "as so much treasure," and must be applied to the "common benefit of all the States." Now, if this be so, whence does he derive the right to appropriate them for partial and local objects? How can the gentleman consent to vote away immense bodies of these funds—for canals in Indiana and Illinois, to the Louisville and Portland Canal, to Kenyon College in Ohio, to schools for the deaf and dumb, and other objects of a similar description? If grants of this character can fairly be considered as made "for the common benefit of all the States," it can only be because all the States are interested in the welfare of each—a principle which, carried to the full extent, destroys all distinction between local and national objects, and is certainly broad enough to embrace the principle for which I have ventured to contend. Sir, the true difference between us, I take to be this: the gentleman wishes to treat the public lands as a great treasure, just as so much money in the treasury, to be applied to all objects, constitutional and unconstitutional, to which the public money is now constantly applied. I consider it as a sacred trust, which we ought to fulfil, on the principles for which I have contended.

"THE FRIENDSHIP MANIFESTED BY NEW ENGLAND TOWARD  
THE WEST"

The senator from Massachusetts has thought proper to present in strong contrast the friendly feelings of the East towards the West, with sentiments of an opposite character displayed

by the South in relation to appropriations for internal improvement. Now, sir, let it be recollected that the South have made no professions; I have certainly made none in their behalf, of regard for the West. It has been reserved to the gentleman from Massachusetts, while he vaunts his own personal devotion to western interests, to claim for the entire section of country to which he belongs, an ardent friendship for the West, as manifested by their support of the system of internal improvement, while he casts in our teeth the reproach that the South has manifested hostility to western interests in opposing appropriations for such objects. That gentleman, at the same time, acknowledged that the South entertains constitutional scruples on this subject. Are we then, sir, to understand, that the gentleman considers it a just subject of reproach, that we respect our oaths, by which we are bound "to preserve, protect, and defend, the constitution of the United States?" Would the gentleman have us manifest our love to the West by trampling under foot our constitutional scruples? Does he not perceive, if the South is to be reproached with unkindness to the West, in voting against appropriations, which the gentleman admits, they could not vote for without doing violence to their constitutional opinions, that he exposes himself to the question, whether, if he was in our situation, he could vote for these appropriations, regardless of his scruples? No, sir, I will not do the gentleman so great injustice. He has fallen into this error from not having duly weighed the force and effect of the reproach which he was endeavoring to cast upon the South. In relation to the other point, the friendship manifested by New England towards the West in their support of the system of internal improvement, the gentleman will pardon me for saying that I think he is equally unfortunate in having introduced that topic. As that gentleman has forced it upon us, however, I cannot suffer it to pass unnoticed. When the gentleman tells us that the appropriations for internal improvement in the West would, in almost every instance, have failed, but for New England votes, he has forgotten to tell us the when, the how, and the wherefore, this new-born zeal for the West sprung up in the bosom of New England. If we

look back only a few years, we will find, in both houses of Congress, an uniform and steady opposition, on the part of the members from the eastern states, generally, to all appropriations of this character. At the time I became a member of this house, and for some time afterwards, a decided majority of the New England senators were opposed to the very measures which the senator from Massachusetts tells us they now cordially support. Sir, the journals are before me, and an examination of them will satisfy every gentleman of that fact.

It must be well known to everyone whose experience dates back as far as 1825, that, up to a certain period, New England was generally opposed to appropriations for internal improvements in the West. The gentleman from Massachusetts may be himself an exception, but if he went for the system before 1825, it is certain that his colleagues did not go with him. In the session of 1824 and 1825, however, (a memorable era in the history of this country) a wonderful change took place in New England, in relation to the western interests. Sir, an extraordinary union of sympathies and of interests was then effected, which brought the East and the West into close alliance. The book from which I have before read contains the first public announcement of that happy reconciliation of conflicting interests, personal and political, which brought the East and West together, and locked in a fraternal embrace the two great orators of the East and West. Sir, it was on the 18th of January, 1825, while the result of the presidential election, in the House of Representatives, was still doubtful, while the whole country was looking with intense anxiety to that legislative hall where the mighty drama was so soon to be acted, that we saw the leaders of two great parties in the House and in the nation "taking sweet counsel together," and in a celebrated debate on the Cumberland Road fighting side by side for western interests. It was on that memorable occasion that the senator from Massachusetts held out the white flag to the West, and uttered those liberal sentiments, which he, yesterday, so indignantly repudiated. Then it was that that happy union between the members of the celebrated coalition was consummated, whose immediate issue was a president

from one quarter of the Union, with the succession (as it was supposed) secured to another. The "American System,"<sup>6</sup> before, a rude, disjointed, and misshapen mass, now assumed form and consistency; then it was, that it became "the settled policy of the Government" that this system should be so administered as to create a reciprocity of interests, and a reciprocal distribution of government favors—East and West, (the tariff and internal improvements)—while the South—yes, sir, the impracticable South, was to be "out of your protection." The gentleman may boast as much as he pleases of the friendship of New England for the West, as displayed in their support of internal improvement; but, when he next introduces that topic, I trust that he will tell us when that friendship commenced, how it was brought about, and why it was established. Before I leave this topic, I must be permitted to say, that the true character of the policy now pursued by the gentleman from Massachusetts and his friends, in relation to appropriations of land and money, for the benefit of the West, is, in my estimation, very similar to that pursued by Jacob of old towards his brother Esau; "it robs them of their birthright for a mess of pottage."

The gentleman from Massachusetts, in alluding to a remark of mine, that, before any disposition could be made of the public lands, the national debt (for which they stand pledged) must be first paid, took occasion to intimate "that the extraordinary fervor which seems to exist in a certain quarter (meaning the South, sir) for the payment of the debt, arises from a disposition to weaken the ties which bind the people to the Union." While the gentleman deals us this blow, he professes an ardent desire to see the debt speedily extinguished. He must excuse me, however, for feeling some distrust on that subject until I find this disposition manifested by something stronger than professions. I shall look for acts, decided and unequivocal acts: for the performance of which an opportunity will very soon (if I am not greatly mistaken) be afforded. Sir, if I were at liberty to judge of the course which that gentleman

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<sup>6</sup> See Speech No. 3.

would pursue, from the principles which he has laid down in relation to this matter, I should be bound to conclude that he will be found acting with those with whom it is a darling object to prevent the payment of the public debt. He tells us he is desirous of paying the debt, "because we are under an obligation to discharge it." Now, sir, suppose it should happen that the public creditors, with whom we have contracted the obligation, should release us from it, so far as to declare their willingness to wait for payment for fifty years to come, provided only the interest shall be punctually discharged. The gentleman from Massachusetts will then be released from the obligation which now makes him desirous of paying the debt; and, let me tell the gentleman, the holders of the stock will not only release us from this obligation, but they will implore, nay, they will even pay us not to pay them. But, adds the gentleman, "so far as the debt may have an effect in binding the debtors to the country, and thereby serving as a link to hold the States together, he would be glad that it should exist forever." Surely then, sir, on the gentleman's own principles, he must be opposed to the payment of the debt.

Sir, let me tell that gentleman that the South repudiates the idea that a pecuniary dependence on the federal government is one of the legitimate means of holding the states together. A moneyed interest in the government is essentially a base interest; and just so far as it operates to bind the feelings of those who are subjected to it to the government; just so far as it operates in creating sympathies and interests that would not otherwise exist; is it opposed to all the principles of free government, and at war with virtue and patriotism. Sir, the link which binds the public creditors, as such, to their country, binds them equally to all governments, whether arbitrary or free. In a free government, this principle of abject dependence, if extended through all the ramifications of society, must be fatal to liberty. Already have we made alarming strides in that direction. The entire class of manufacturers, the holders of stocks, with their hundreds of millions of capital, are held to the government by the strong link of pecuniary interests; millions of people, entire sections of country, interested, or believ-

ing themselves to be so, in the public lands, and the public treasure, are bound to the government by the expectation of pecuniary favors. If this system is carried much further, no man can fail to see that every generous motive of attachment to the country will be destroyed, and in its place will spring up those low, grovelling, base, and selfish feelings which bind men to the footstool of a despot by bonds as strong and as enduring as those which attach them to free institutions. Sir, I would lay the foundation of this government in the affections of the people; I would teach them to cling to it by dispensing equal justice, and, above all, by securing the "blessings of liberty to themselves and to their posterity."

"INFLUENCE OF SLAVERY ON INDIVIDUAL AND NATIONAL CHARACTER"

The honorable gentleman from Massachusetts has gone out of his way to pass a high eulogium on the state of Ohio. In the most impassioned tones of eloquence, he described her majestic march to greatness. He told us that, having already left all the other states far behind, she was now passing by Virginia, and Pennsylvania, and about to take her station by the side of New York. To all this, sir, I was disposed most cordially to respond. When, however, the gentleman proceeded to contrast the state of Ohio with Kentucky, to the disadvantage of the latter, I listened to him with regret; and when he proceeded further to attribute the great, and, as he supposed, acknowledged superiority of the former in population, wealth, and general prosperity, to the policy of Nathan Dane, of Massachusetts, which had secured to the people of Ohio (by the Ordinance of '87) a population of freemen, I will confess that my feelings suffered a revulsion, which I am now unable to describe in any language sufficiently respectful towards the gentleman from Massachusetts. In contrasting the state of Ohio with Kentucky, for the purpose of pointing out the superiority of the former, and of attributing that superiority to the existence of slavery, in the one state, and its absence in the other, I thought I could discern the very spirit of the Missouri question intruded into this debate, for objects best known to the gentleman himself.

Did that gentleman, sir, when he formed the determination to cross the southern border, in order to invade the state of South Carolina, deem it prudent, or necessary, to enlist under his banners the prejudices of the world, which, like Swiss troops may be engaged in any cause, and are prepared to serve under any leader? Did he desire to avail himself of those remorseless allies, the passions of mankind, of which it may be more truly said, than of the savage tribes of the wilderness, "that their known rule of warfare is an indiscriminate slaughter of all ages, sexes, and conditions?" Or was it supposed, sir, that, in a premeditated and unprovoked attack upon the South, it was advisable to begin by gentle admonition of our supposed weakness, in order to prevent us from making that firm and manly resistance due to our own character, and our dearest interest? Was the significant hint of the weakness of slaveholding states, when contrasted with the superior strength of free states—like the glare of the weapon half drawn from its scabbard—intended to enforce the lessons of prudence and of patriotism, which the gentleman has resolved, out of his abundant generosity, gratuitously to bestow upon us? [said Mr. H.] The impression which has gone abroad, of the weakness of the South, as connected with the slave question, exposes us to such constant attacks, has done us so much injury, and is calculated to produce such infinite mischiefs, that I embrace the occasion presented by the remarks of the gentleman from Massachusetts, to declare that we are ready to meet the question promptly and fearlessly. It is one from which we are not disposed to shrink, in whatever form or under whatever circumstances it may be pressed upon us. We are ready to make up the issue with the gentleman, as to the influence of slavery on individual and national character—on the prosperity and greatness, either of the United States, or of particular states. Sir, when arraigned before the bar of public opinion, on this charge of slavery, we can stand up with conscious rectitude, plead not guilty, and put ourselves upon God and our country. Sir, we will not consent to look at slavery in the abstract. We will not stop to inquire whether the black man, as some philosophers have contended, is of an inferior race, nor

whether his color and condition are the effects of a curse inflicted for the offences of his ancestors. We deal in no abstractions. We will not look back to inquire whether our fathers were guiltless in introducing slaves into this country. If an inquiry should ever be instituted in these matters, however, it will be found that the profits of the slave trade were not confined to the South. Southern ships and southern sailors were not the instruments of bringing slaves to the shores of America, nor did our merchants reap the profits of that "accursed traffic." But, sir, we will pass over all this. If slavery, as it now exists in this country, be an evil, we of the present day found it ready made to our hands. Finding our lot cast among a people, whom God had manifestly committed to our care, we did not sit down to speculate on abstract questions of theoretical liberty. We met it as a practical question of obligation and duty. We resolved to make the best of the situation in which Providence had placed us, and to fulfil the high trust which had devolved upon us as the owners of slaves, in the only way in which such a trust could be fulfilled, without spreading misery and ruin throughout the land. We found that we had to deal with a people whose physical, moral, and intellectual habits and character, totally disqualified them from the enjoyment of the blessings of freedom. We could not send them back to the shores from whence their fathers had been taken; their numbers forbade the thought, even if we did not know that their condition here is infinitely preferable to what it possibly could be among the barren sands and savage tribes of Africa; and it was wholly irreconcilable with all our notions of humanity to tear asunder the tender ties which they had formed among us, to gratify the feelings of a false philanthropy. What a commentary on the wisdom, justice, and humanity, of the southern slave owner is presented by the example of certain benevolent associations and charitable individuals elsewhere. Shedding weak tears over sufferings which had existence only in their own sickly imaginations, these "friends of humanity" set themselves systematically to work to seduce the slaves of the South from their masters. By means of missionaries and political tracts, the scheme was in a

great measure successful. Thousands of these deluded victims of fanaticism were seduced into the enjoyment of freedom in our northern cities. And what has been the consequence? Go to these cities now, and ask the question. Visit the dark and narrow lanes, and obscure recesses, which have been assigned by common consent as the abodes of those outcasts of the world—the free people of color. Sir, there does not exist, on the face of the whole earth, a population so poor, so wretched, so vile, so loathsome, so utterly destitute of all the comforts, conveniences, and decencies of life, as the unfortunate blacks of Philadelphia, and New York, and Boston. Liberty has been to them the greatest of calamities, the heaviest of curses. Sir, I have had some opportunities of making comparisons between the condition of the free Negroes of the North and the slaves of the South, and the comparison has left not only an indelible impression of the superior advantages of the latter, but has gone far to reconcile me to slavery itself. Never have I felt so forcibly that touching description, “the foxes have holes, and the birds of the air have nests, but the son of man hath not where to lay his head,” as when I have seen this unhappy race, naked and houseless, almost starving in the streets, and abandoned by all the world. Sir, I have seen in the neighborhood of one of the most moral, religious, and refined cities of the North, a family of free blacks, driven to the caves of the rock, and there obtaining a precarious subsistence from charity and plunder.

When the gentleman from Massachusetts adopts and reiterates the old charge of weakness as resulting from slavery, I must be permitted to call for the proof of those blighting effects which he ascribes to its influence. I suspect that when the subject is closely examined, it will be found that there is not much force even in the plausible objection of the want of physical power in slaveholding states. The power of a country is compounded of its population and its wealth; and, in modern times, where, from the very form and structure of society, by far the greater portion of the people must, even during the continuance of the most desolating wars, be employed in the cultivation of the soil, and other peaceful pursuits, it may

be well doubted whether slaveholding states, by reason of the superior value of their productions, are not able to maintain a number of troops in the field, fully equal to what could be supported by states with a larger white population, but not possessed of equal resources.

It is a popular error to suppose, that, in any possible state of things, the people of a country could ever be called out *en masse*, or that a half, or a third, or even a fifth part of the physical force of any country could ever be brought into the field. The difficulty is not to procure men, but to provide the means of maintaining them; and in this view of the subject, it may be asked whether the southern states are not a source of strength and power, and not of weakness, to the country? whether they have not contributed, and are not now contributing, largely, to the wealth and prosperity of every state in this Union? From a statement which I hold in my hand, it appears that, in ten years (from 1818 to 1827 inclusive) the whole amount of the domestic exports of the United States was \$521,811,045. Of which, three articles, the product of slave labor, namely, cotton, rice, and tobacco, amounted to \$339,203,032; equal to about two-thirds of the whole. It is not true, as has been supposed, that the advantages of this labor is confined almost exclusively to the southern states. Sir, I am thoroughly convinced that, at this time, the states North of the Potomac actually derive greater profits from the labor of our slaves, than we do ourselves. It appears, from our public documents, that, in seven years, (from 1821 to 1827 inclusive) the six southern states exported to the amount of \$190,337,281; and imported to the value of \$55,646,301. Now, the difference between these two sums, near \$140 million, passed through the hands of the northern merchants, and enabled them to carry on their commercial operations with all the world. Such part of these goods as found its way back to our hands, came charged with the duties, as well as the profits of the merchant, the ship owner, and a host of others, who found employment in carrying on these immense exchanges; and, for such part as was consumed at the North, we received in exchange northern manufactures, charged with an increased price, to cover all the taxes which the



northern consumer had been compelled to pay on the imported article. It will be seen, therefore, at a glance, how much slave labor has contributed to the wealth and prosperity of the United States; and how largely our northern brethren have participated in the profits of that labor. Sir, on this subject I will quote an authority which will, I doubt not, be considered by the senator from Massachusetts as entitled to high respect. It is from the great father of the American System—honest Mathew Carey; no great friend, it is true, at this time, to southern rights and southern interests, but not the worst authority, on that account, on the point in question.

Speaking of the relative importance to the Union of the southern and the eastern states, Mathew Carey, in the sixth edition of his "*Olive Branch*,"<sup>7</sup> page 278, after exhibiting a number of statistical tables, to show the decided superiority, of the former, thus proceeds:

But I am tired of this investigation. I sicken for the honor of the human species. What idea must the world form of the arrogance of the pretensions on the one side, [the East] and of the folly and weakness of the rest of the Union, to have so long suffered them to pass without exposure and detection? The naked fact is, that the demagogues in the Eastern States, not satisfied with deriving all the benefit from the Southern section of the Union that they would from so many wealthy colonies; with making princely fortunes by the carriage and exportation of its bulky and valuable productions, and supplying it with their own manufactures, and the productions of Europe, and the East and West Indies, to an enormous amount, and at an immense profit, have uniformly treated it with outrage, insult, and injury. And, regardless of their vital interests, the Eastern States were lately courting their own destruction, by allowing a few restless, turbulent men, to lead them blindfold to a separation, which was pregnant with their certain ruin. Whenever that event takes place they sink into insignificance. If a separation were desirable to any part of the Union, it would be to the Middle and Southern States, particularly the latter, who have been so long harassed with the complaints, the restlessness, the turbulence, and the ingratitude, of the Eastern States, that their patience has been tried almost beyond endurance. 'Jeshurun waxed fat and kicked'; and he will be severely punished for his kicking, in the event of a dissolution of the Union.

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<sup>7</sup> Mathew Carey (1760-1839) immigrated to Philadelphia from Ireland. He published *Olive Branch* in 1814 in an effort to reconcile the Federalist and Republican parties after the breach caused by the War of 1812.

Sir, I wish it to be distinctly understood that I do not adopt these sentiments as my own. I quote them to show that very different sentiments have prevailed in former times, as to the weakness of the slaveholding states, from those which now seem to have become fashionable in certain quarters. I know it has been supposed, by certain ill-informed persons, that the South exists only by the countenance and protection of the North. Sir, this is the idlest of all idle and ridiculous fancies that ever entered into the mind of man. In every state of this Union, except one, the free white population actually preponderates; while in the British West India islands, where the average white population is less than 10 percent of the whole, the slaves are kept in entire subjection. It is preposterous to suppose that the southern states could ever find the smallest difficulty in this respect. On this subject, as in all others, we ask nothing of our northern brethren but to "let us alone"; leave us to the undisturbed management of our domestic concerns, and the direction of our own industry, and we will ask no more. Sir, all our difficulties on this subject have arisen from interference from abroad, which has disturbed, and may again disturb, our domestic tranquility, just so far as to bring down punishment upon the heads of the unfortunate victims of a fanatical and mistaken humanity.

There is a spirit, which, like the father of evil, is constantly "walking to and fro about the earth, seeking whom it may devour." It is the spirit of false philanthropy. The persons whom it possesses do not indeed throw themselves into the flames, but they are employed in lighting up the torches of discord throughout the community. Their first principle of action is to leave their own affairs, and neglect their own duties, to regulate the affairs and the duties of others. Theirs is the task to feed the hungry and clothe the naked, of other lands, whilst they thrust the naked, famished, and shivering beggar from their own doors; to instruct the heathen, while their own children want the bread of life. When this spirit infuses itself into the bosom of a statesman, (if one so possessed can be called a statesman) it converts him at once into a visionary enthusiast. Then it is that he indulges in golden dreams of national great-

ness and prosperity. He discovers that "liberty is power"; and not content with vast schemes of improvement at home, which it would bankrupt the treasury of the world to execute, he flies to foreign lands, to fulfil obligations to "the human race," by inculcating the principles of "political and religious liberty," and promoting the "general welfare" of the whole human race. It is a spirit which has long been busy with the slaves of the South, and is even now displaying itself in vain efforts to drive the government from its wise policy in relation to the Indians. It is this spirit which has filled the land with thousands of wild and visionary projects, which can have no effect but to waste the energies and dissipate the resources of the country. It is the spirit, of which the aspiring politician dexterously avails himself, when, by inscribing on his banner the magical words "liberty and philanthropy," he draws to his support that entire class of persons who are ready to bow down at the very names of their idols.

But, sir, whatever difference of opinion may exist as to the effect of slavery on national wealth and prosperity, if we may trust to experience, there can be no doubt that it has never yet produced any injurious effect on individual or national character. Look through the whole history of the country, from the commencement of the Revolution down to the present hour; where are there to be found brighter examples of intellectual and moral greatness, than have been exhibited by the sons of the South? From the Father of his Country, down to the distinguished chieftain who has been elevated, by a grateful people, to the highest office in their gift, the interval is filled up by a long line of orators, of statesmen, and of heroes, justly entitled to rank among the ornaments of their country, and the benefactors of mankind. Look at "the Old Dominion," great and magnanimous Virginia, "whose jewels are her sons." Is there any state in this Union which has contributed so much to the honor and welfare of the country? Sir, I will yield the whole question; I will acknowledge the fatal effects of slavery upon character, if any one can say that, for noble disinterestedness, ardent love of country, exalted virtue, and a pure and holy de-

votion to liberty, the people of the southern states have ever been surpassed by any in the world. I know, sir, that this devotion to liberty has sometimes been supposed to be at war with our institutions; but it is in some degree the result of those very institutions. Burke<sup>8</sup>, the most philosophical of statesmen, as he was the most accomplished of orators, well understood the operation of this principle, in elevating the sentiments and exalting the principles of the people in slaveholding states. I will conclude my remarks on this branch of the subject, by reading a few passages from his speech "on moving his resolutions for conciliations with the colonies, the 22d of March, 1775."

There is a circumstance attending the Southern colonies, which makes the spirit of liberty still more high and haughty than in those to the Northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case, in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, as in countries where it is a common blessing, and as broad and general as the air, that it may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks among them like something more noble and liberal. I do not mean, sir, to commend the superior morality of this sentiment, which has, at least, as much of pride as virtue in it; but I cannot alter the nature of man. The fact is so, and these people of the Southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty, than those to the Northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such, in our days, were the Poles; and such will be all masters of slaves who are not slaves themselves. In such a people, the haughtiness of domination, combined with the spirit of freedom, fortifies it, and renders it invincible.

#### CONSOLIDATION OF GOVERNMENT: A GREAT EVIL

In the course of my former remarks, I took occasion to deprecate, as one of the greatest of evils, the consolidation of this government. The gentleman takes alarm at the sound. "Consolidation," like the "tariff," grates upon his ear. He tells us, "we have heard much, of late, about consolidation; that it is the rallying word for all who are endeavoring to weaken the Union by adding to the power of the States." But consolidation, says the gentleman, was the

<sup>8</sup> Edmund Burke (1729-1797), was a British statesman.

very object for which the Union was formed; and in support of that opinion, he read a passage from the address of the president of the convention to Congress (which he assumes to be authority on his side of the question.) But, sir, the gentleman is mistaken. The object of the framers of the Constitution, as disclosed in that address, was not the consolidation of the government, but "the consolidation of the Union." It was not to draw power from the states, in order to transfer it to a great national government, but, in the language of the constitution itself, "to form a more perfect union"; and by what means? By "establishing justice," "promoting domestic tranquility," and "securing the blessings of liberty to ourselves and our posterity." This is the true reading of the Constitution. But, according to the gentleman's reading, the object of the Constitution was to consolidate the government, and the means would seem to be, the promotion of injustice, causing domestic discord, and depriving the states and the people "of the blessings of liberty" forever. The gentleman boasts of belonging to the party of National Republicans. National Republicans! a new name, sir, for a very old thing. The National Republicans of the present day were the Federalists of '98, who became Federal Republicans during the war of 1812, and were manufactured into National Republicans somewhere about the year 1825. As a party, (by whatever name distinguished) they have always been animated by the same principles, and have kept steadily in view a common object—the consolidation of the government.

Sir, the party to which I am proud of having belonged from the very commencement of my political life to the present day, were the Democrats of '98. Anarchists, Antifederalists, revolutionists, I think they were sometimes called. They assumed the name of Democratic Republicans in 1812, and have retained their name and their principles up to the present hour. True to their political faith, they have always, as a party, been in favor of limitations of power; they have insisted that all powers not delegated to the federal government are reserved, and have been constantly struggling, as they are now struggling, to preserve the rights of the states, and prevent them from being

drawn into the vortex, and swallowed up by one great consolidated government. Sir, anyone acquainted with the history of parties in this country will recognize in the points now in dispute between the senator from Massachusetts and myself, the very grounds which have, from the beginning, divided the two great parties in this country, and which (call these parties by what names you will, and amalgamate them as you may) will divide them forever. The true distinction between those parties is laid down in a celebrated manifesto issued by the convention of the Federalists of Massachusetts, assembled in Boston, in February, 1824, on the occasion of organizing a party opposition to the reelection of Governor Eustis.<sup>9</sup> The gentleman will recognize this as "the canonical book of political scripture," and it instructs us, that "when the American colonies redeemed themselves from British bondage, and became so many independent nations, they proposed to form a national union." (Not a federal union, sir, but a national union.) "Those who were in favor of a union of the States in this form became known by the name of federalists; those who wanted no union of the States, or disliked the proposed form of union, became known by the name of anti-federalists. By means which need not be enumerated, the anti-federalists became, after the expiration of twelve years, our national rulers; and, for a period of sixteen years, until the close of Mr. Madison's administration in 1817, continued to exercise the exclusive direction of our public affairs." Here, sir, is the true history of the origin, rise, and progress, of the party of National Republicans, who date back to the very origin of the government, and who, then, as now, chose to consider the Constitution as having created not a federal but a national union; who regarded "consolidation" as no evil, and who doubtless consider it "a consummation devoutly to be wished," to build up a great "central Government," "one and indivisible." Sir, there have existed, in every age and every country, two distinct orders of men—the lovers of freedom,

<sup>9</sup> William Eustis (1753-1825) served in the House of Representatives, 1801-1805 and 1820-1823; he was governor of Massachusetts from 1823 until his death in 1825.

and the devoted advocates of power. The same great leading principles, modified only by peculiarities of manners, habits, and institutions, divided parties in the ancient republics, animated the Whigs and Tories of Great Britain, distinguished in our own times the liberals and ultras of France, and may be traced even in the bloody struggles of unhappy Spain. Sir, when the gallant Riego,<sup>10</sup> who devoted himself, and all that he possessed, to the liberties of his country, was dragged to the scaffold, followed by the tears and lamentations of every lover of freedom throughout the world, he perished amidst the deafening cries of "Long live the absolute King!" The people whom I represent are the descendants of those who brought with them to this country, as the most precious of their possessions, "an ardent love of liberty"; and while that shall be preserved, they will always be found manfully struggling against the consolidation of the government, as the worst of evils.

"THE ACCURSED TARIFF"

The senator from Massachusetts, in alluding to the tariff, becomes quite facetious. He tells us that "he hears of nothing but tariff! tariff! tariff! and if a word could be found to rhyme with it, he presumes it would be celebrated in verse, and set to music." Sir, perhaps the gentleman, in mockery of our complaints, may be himself disposed to sing the praises of the tariff in doggerel verse to the tune of "Old Hundred." I am not at all surprised, however, at the aversion of the gentleman to the very name of tariff. I doubt not that it must always bring up some very unpleasant recollections to his mind. If I am not greatly mistaken, the senator from Massachusetts was a leading actor at a great meeting got up in Boston in 1820, against the tariff. It has generally been supposed that he drew up the resolutions adopted by that meeting, denouncing the tariff system as unequal, oppressive, and unjust; and, if I am not much mistaken, denying its constitutionality. Certain it is that the gentleman made a speech on that

<sup>10</sup> Rafael del Riego y Nuñez (1785-1823) was military leader of the Spanish revolution of 1820 and subsequently executed.

occasion in support of those resolutions, denouncing the system in no very measured terms; and if my memory serves me, calling its constitutionality in question. I regret that I have not been able to lay my hands on those proceedings, but I have seen them, and I cannot be mistaken in their character. At that time, sir, the senator from Massachusetts entertained the very sentiments in relation to the tariff which the South now entertains. We next find the senator from Massachusetts expressing his opinion on the tariff as a member of the House of Representatives from the city of Boston in 1824. On that occasion, sir, the gentleman assumed a position which commanded the respect and admiration of his country. He stood forth the powerful and fearless champion of free trade. He met, in that conflict, the advocates of restriction and monopoly, and they "fled from before his face." With a profound sagacity, a fulness of knowledge, and a richness of illustration that has never been surpassed, he maintained and established the principles of commercial freedom on a foundation never to be shaken. Great indeed was the victory achieved by the gentleman on that occasion; most striking the contrast between the clear, forcible, and convincing arguments by which he carried away the understandings of his hearers, and the narrow views and wretched sophistry of another distinguished orator, who may be truly said to have "held up his farthing candle to the sun." Sir, the senator from Massachusetts, on that, (the proudest day of his life) like a mighty giant bore away upon his shoulders the pillars of the temple of error and delusion, escaping himself unhurt, and leaving its adversaries overwhelmed in its ruins. Then it was that he erected to free trade a beautiful and enduring monument, and "inscribed the marble with his name." It is with pain and regret that I now go forward to the next great era in the political life of that gentleman, when he was found upon this floor, supporting, advocating, and finally voting for the tariff of 1828—that "bill of abominations." By that act, sir, the senator from Massachusetts has destroyed the labors of his whole life, and given a wound to the cause of free trade, never to be healed. Sir, when I recollect the position which that gentleman

once occupied, and that which he now holds in public estimation, in relation to this subject, it is not at all surprising that the tariff should be hateful to his ears. Sir, if I had erected to my own fame so proud a monument as that which the gentleman built up in 1824, and I could have been tempted to destroy it with my own hands, I should hate the voice that should ring "the accursed tariff" in my ears. I doubt not the gentleman feels very much in relation to the tariff as a certain knight did to "instinct," and with him would be disposed to exclaim—

Ah! no more of that Hal, an thou lov'st me.<sup>11</sup>

But, to be serious, what are we, of the South, to think of what we have heard this day? The Senator from Massachusetts tells us that the tariff is not an eastern measure, and treats it as if the East had no interest in it. The senator from Missouri insists it is not a western measure, and that it has done no good to the West. The South comes in, and in the most earnest manner represents to you, that this measure, which we are told "is of no value to the East or the West," is "utterly destructive of our interests." We represent to you, that it has spread ruin and devastation through the land, and prostrated our hopes in the dust. We solemnly declare that we believe the system to be wholly unconstitutional, and a violation of the compact between the states and the Union, and our brethren turn a deaf ear to our complaints, and refuse to relieve us from a system, "which not enriches them, but makes us poor indeed." Good God! has it come to this? Do gentlemen hold the feelings and wishes of their brethren at so cheap a rate, that they refuse to gratify them at so small a price? Do gentlemen value so lightly the peace and harmony of the country, that they will not yield a measure of this description to the affectionate entreaties and earnest remonstrances of their friends? Do gentlemen estimate the value of the Union at so low a price, that they will not even make one effort to bind the states together with the cords of affection? And has it come to this? Is this the spirit in which this government is to be ad-

<sup>11</sup> Shakespeare, *Henry IV*, part 1, act 2, sc. 4.

ministered? If so, let me tell gentlemen the seeds of dissolution are already sown, and our children will reap the bitter fruit.

"SOUTH CAROLINA REPROACHED BY MASSACHUSETTS!"

The honorable gentleman from Massachusetts [Mr. WEBSTER] while he exonerates me personally from the charge, intimates that there is a party in the country who are looking to disunion. Sir, if the gentleman had stopped there, the accusation would "have passed by me as the idle wind which I regard not." But, when he goes on to give to his accusation a local habitation and a name, by quoting the expression of a distinguished citizen of South Carolina, [Dr. Cooper] <sup>12</sup> "that it was time for the South to calculate the value of the Union," and, in the language of the bitterest sarcasm, adds, "surely then the Union cannot last longer than July, 1831," it is impossible to mistake either the allusion or the object of the gentleman. Now I call upon every one who hears me to bear witness that this controversy is not of my seeking. The Senate will do me the justice to remember, that, at the time this unprovoked and uncalled for attack was made upon the South, not one word has been uttered by me in disparagement of New England, nor had I made the most distant allusion, either to the senator from Massachusetts, or the state he represents. But, sir, that gentleman has thought proper, for purposes best known to himself, to strike the South through me, the most unworthy of her servants. He has crossed the border, he has invaded the state of South Carolina, is making war upon her citizens, and endeavoring to overthrow her principles and her institutions. Sir, when the gentleman provokes me to such a conflict, I meet him at the threshold. I will struggle while I have life, for our altars and our firesides, and if God gives me strength, I will drive back the invader discomfited. Nor shall I stop there. If the gentleman provokes the war, he shall have war. Sir, I will not stop at the border; I will carry the war into the enemy's territory, and not consent to lay down my arms, until I shall have obtained "indemnity for the

<sup>12</sup> Thomas Cooper (1759-1839), president of South Carolina College.

past, and security for the future." It is with unfeigned reluctance that I enter upon the performance of this part of my duty. I shrink almost instinctively from a course, however necessary, which may have a tendency to excite sectional feelings, and sectional jealousies. But, sir, the task has been forced upon me, and I proceed right onward to the performance of my duty; be the consequences what they may, the responsibility is with those who have imposed upon me this necessity. The senator from Massachusetts has thought proper to cast the first stone, and if he shall find, according to a homely adage, "that he lives in a glass house," on his head be the consequences. The gentleman has made a great flourish about his fidelity to Massachusetts. I shall make no professions of zeal for the interests and honor of South Carolina—of that my constituents shall judge. If there be one state in this Union (and I say it not in a boastful spirit) that may challenge comparison with any other for an uniform, zealous, ardent, and uncalculating devotion to the Union, that state is South Carolina. Sir, from the very commencement of the Revolution, up to this hour, there is no sacrifice, however great, she has not cheerfully made; no service she has ever hesitated to perform. She has adhered to you in your prosperity, but in your adversity she has clung to you with more than filial affection. No matter what was the condition of her domestic affairs, though deprived of her resources, divided by parties, or surrounded by difficulties, the call of the country has been to her as the voice of God. Domestic discord ceased at the sound—every man became at once reconciled to his brethren, and the sons of Carolina were all seen crowding together to the temple, bringing their gifts to the altar of their common country. What, sir, was the conduct of the South during the Revolution? Sir, I honor New England for her conduct in that glorious struggle. But great as is the praise which belongs to her, I think at least equal honor is due to the South. They espoused the quarrel of their brethren with a generous zeal, which did not suffer them to stop to calculate their interest in the dispute. Favorites of the mother country, possessed of neither ships nor seamen to create commercial rivalry, they

might have found in their situation a guarantee that their trade would be forever fostered and protected by Great Britain. But trampling on all considerations, either of interest or of safety, they rushed into the conflict, and, fighting for principle, periled all in the sacred cause of freedom. Never was there exhibited, in the history of the world, higher examples of noble daring, dreadful suffering, and heroic endurance, than by the Whigs of Carolina, during that Revolution. The whole state, from the mountains to the sea, was overrun by an overwhelming force of the enemy. The fruits of industry perished on the spot where they were produced, or were consumed by the foe. The "plains of Carolina" drank up the most precious blood of her citizens! Black and smoking ruins marked the places which had been the habitations of her children! Driven from their homes, into the gloomy and almost impenetrable swamps, even there the spirit of liberty survived, and South Carolina (sustained by the example of her Sumpters and her Marions) proved by her conduct, that, though her soil might be overrun, the spirit of her people was invincible.

But, sir, our country was soon called upon to engage in another revolutionary struggle, and that too was a struggle for principle—I mean the political revolution which dates back to '98, and which, if it had not been successfully achieved, would have left us none of the fruits of the Revolution of '76. The revolution of '98 restored the Constitution, rescued the liberty of the citizen from the grasp of those who were aiming at its life, and in the emphatic language of Mr. Jefferson, "saved the constitution at its last gasp." And by whom was it achieved? By the South, sir, aided only by the democracy of the North and West.

I come now to the War of 1812—a war which I well remember was called, in derision, (while its event was doubtful) the southern war, and sometimes the Carolina war; but which is now universally acknowledged to have done more for the honor and prosperity of the country, than all other events in our history put together. What, sir, were the objects of that war? "Free trade and sailors' rights!" It was for the protection of northern shipping and New England seamen that the country flew to arms.

What interest had the South in that contest? If they had sat down coldly to calculate the value of their interests involved in it, they would have found that they had everything to lose and nothing to gain. But, sir, with that generous devotion to country so characteristic of the South, they only asked if the rights of any portion of their fellow citizens had been invaded; and when told that northern ships and New England seamen had been arrested on the common highway of nations, they felt that the honor of their country was assailed; and, acting on that exalted sentiment, "which feels a stain like a wound," they resolved to seek, in open war, for a redress of those injuries which it did not become freemen to endure. Sir, the whole South, animated as by a common impulse, cordially united in declaring and promoting that war. South Carolina sent to your councils, as the advocates and supporters of that war, the noblest of her sons. How they fulfilled that trust let a grateful country tell. Not a measure was adopted, not a battle fought, not a victory won, which contributed in any degree to the success of that war, to which southern counsels and southern valor did not largely contribute. Sir, since South Carolina is assailed, I must be suffered to speak it to her praise, that, at the very moment when, in one quarter, we heard it solemnly proclaimed, "that it did not become a religious and moral people to rejoice at the victories of our army or our navy," her legislature unanimously

*Resolved,* That we will cordially support the Government in the vigorous prosecution of the war, until a peace can be obtained on honorable terms; and we will cheerfully submit to every privation that may be required of us, by our Government, for the accomplishment of this object.

South Carolina redeemed that pledge. She threw open her treasury to the government. She put at the absolute disposal of the officers of the United States all that she possessed—her men, her money, and her arms. She appropriated half a million of dollars, on her own account, in defence of her maritime frontier; ordered a brigade of state troops to be raised; and when left to protect herself by her own means, never suffered the enemy to touch her soil,

without being instantly driven off or captured. Such, sir, was the conduct of the South—such the conduct of my own state in the dark hour "which tried men's souls."

When I look back and contemplate the spectacle exhibited, at that time, in another quarter of the Union, when I think of the conduct of certain portions of New England, and remember the part which was acted on that memorable occasion by the political associates of the gentleman from Massachusetts—nay, when I follow that gentleman into the councils of the nation, and listen to his voice during the darkest period of the war, I am indeed astonished that he should venture to touch upon the topics which he has introduced into this debate. South Carolina reproached by Massachusetts! And from whom does the accusation come? Not from the democracy of New England: for they have been, in times past, as they are now, the friends and allies of the South. No, sir, the accusation comes from that party whose acts, during the most trying and eventful period of our national history, were of such a character, that their own legislature, but a few years ago, actually blotted them out from their records, as a stain upon the honor of the country. But how can they ever be blotted out from the recollections of any one who had a heart to feel, a mind to comprehend, and a memory to retain, the events of that day! Sir, I shall not attempt to write the history of the party in New England, to which I have alluded—the war party in peace, and the peace party in war. That task I shall leave to some future biographer of Nathan Dane, and I doubt not it will be found quite easy to prove that the peace party of Massachusetts were the only defenders of their country, during the war, and actually achieved all our victories by land and sea.

In the meantime, sir, and until that history shall be written, I propose, with the feeble and glimmering lights which I possess, to review the conduct of this party, in connexion with the war, and the events which immediately preceded it. It will be recollected, sir, that our great causes of quarrel with Great Britain were her depredations on northern commerce, and the impressment of New England seamen. From every quarter we were called upon for protec-

tion. Importunate as the West is now represented to be, on another subject, the importunity of the East on that occasion was far greater. I hold in my hands the evidence of the fact. Here are petitions, memorials, and remonstrances, from all parts of New England, setting forth the injustice, the oppressions, the depredations, the insults, the outrages, committed by Great Britain against the unoffending commerce and seamen of New England, and calling upon Congress for redress. Sir, I cannot stop to read these memorials. In that from Boston, after stating the alarming and extensive condemnation of our vessels by Great Britain, which threatened "to sweep our commerce from the face of the ocean," and "to involve our merchants in bankruptcy," they called upon the government "to assert our rights and to adopt such measures as will support the dignity and honor of the United States."

From Salem, we heard a language still more decisive; they call explicitly for "an appeal to arms," and pledge their lives and property in support of any measures which Congress might adopt. From Newburyport, an appeal was made "to the firmness and justice of the Government to obtain compensation and protection." It was here, I think, that, when the war was declared, it was resolved "to resist our own Government, even unto blood!"<sup>13</sup>

In other quarters, the common language of that day was, that our commerce and our seamen were entitled to protection, and that it was the duty of the government to afford it at every hazard. The conduct of Great Britain, we were then told, was "an outrage upon our national independence." These clamors, which commenced as early as January, 1806, were continued up to 1812. In a message from the governor of one of the New England states, as late as the 10th of October, 1811, this language is held: "A manly and decisive course has become indispensable—a course to satisfy foreign nations that, while we desire peace, we have the means and the spirit to repel aggression. We are false to ourselves, when our commerce or our territory is invaded with impunity."

<sup>13</sup> *Olive Branch*, page 101. [Hayne note]

About this time, however, a remarkable change was observable in the tone and temper of those who had been endeavoring to force the country into a war. The language of complaint was changed into that of insult, and calls for protection, converted into reproaches. "Smoke, smoke"; (says one writer) "my life on it our Executive have no more idea of declaring war, than my grandmother." "The Committee of Ways and Means" (says another) "have come out with their Pandora's Box of taxes, and yet nobody dreams of war." "Congress do not mean to declare war; they dare not." But why multiply examples? An honorable member of the other House, from the city of Boston, [Mr. Quincy]<sup>14</sup> in a speech delivered on the 3d April, 1812, says, "neither promises, nor threats, nor asseverations, nor oaths, will make me believe that you will go to war. The navigation states are sacrificed, and the spirit and character of the country prostrated by fear and avarice"; "you cannot," said the same gentleman on another occasion, "be kicked into a war."

"LESSONS OF PATRIOTISM MUST COME FROM A DIFFERENT  
QUARTER"

Well, sir, the war at length came, and what did we behold! The very men who had been for six years clamorous for war, and for whose protection it was waged, became at once equally clamorous against it. They had received a miraculous visitation; a new light suddenly beamed upon their minds; the scales fell from their eyes, and it was discovered that the war was declared from "subserviency to France"; and that Congress and the executive "had sold themselves to Napoleon"; that Great Britain had, in fact, "done us no essential injury"; that she was "the bulwark of our religion"; that where "she took one of our ships, she protected twenty"; and that, if Great Britain had impressed a few of our seamen, it was because "she could not distinguish them from her own." And so far did this spirit extend, that a committee of the Massachusetts legislature actually fell to calculation, and discovered, to their infi-

<sup>14</sup> Josiah Quincy (1772-1864) served in the U.S. House of Representatives, 1805-1813, and as president of Harvard College, 1829-1845.



nite satisfaction, but to the astonishment of all the world beside, that only eleven Massachusetts sailors had ever been impressed. Never shall I forget the appeals that had been made to the sympathies of the South, in behalf of the "thousands of impressed Americans" who had been torn from their families and friends, and "immured in the floating dungeons of Britain." The most touching pictures were drawn of the hard condition of the American sailor, "treated like a slave," forced to fight the battles of his enemies, "lashed to the mast to be shot at like a dog." But, sir, the very moment we had taken up arms in their defence, it was discovered that all these were mere "fictions of the brain," and that the whole number of the state of Massachusetts was but eleven; and that even these had been "taken by mistake." Wonderful discovery! The secretary of state had collected authentic lists of no less than six thousand impressed Americans. Lord Castlereagh<sup>15</sup> himself acknowledged sixteen hundred. Calculations on the basis of the number found on board of the *Guerriere*, the *Macedonian*, the *Java*, and other British ships, (captured by the skill and gallantry of those heroes whose achievements are the treasured monuments of their country's glory) fixed the number at seven thousand; and yet, it seems, Massachusetts had lost but eleven! Eleven Massachusetts sailors taken by mistake! A cause of war, indeed! Their ships, too, the capture of which had threatened "universal bankruptcy," it was discovered that Great Britain was their friend and protector; "where she had taken one, she had protected twenty." Then was the discovery made, that subserviency to France, hostility to commerce, "a determination on the part of the South and the West to break down the Eastern States," and especially, (as reported by a committee of the Massachusetts legislature,) "to force the sons of commerce to populate the wilderness," were the true causes of the war.<sup>16</sup> But let us look a little further into the conduct of the peace party of New England, at that important crisis. What-

<sup>15</sup> Robert Stewart, 2d Marquis of Londonderry, known as Viscount Castlereagh, (1769-1822) was British foreign secretary, 1812-1822.

<sup>16</sup> *Olive Branch*, pages 134, 291. [Hayne note]

ever difference of opinion might have existed as to the causes of the war, the country had a right to expect that, when once involved in the contest, all America would have cordially united in its support. Sir, the war effected, in its progress, a union of all parties at the South. But not so in New England; there, great efforts were made to stir up the minds of the people to oppose it. Nothing was left undone to embarrass the financial operations of the government, to prevent the enlistment of troops, to keep back the men and money of New England from the service of the Union, to force the president from his seat. Yes, sir, "the Island of Elba! or a halter!" were the alternatives they presented to the excellent and venerable James Madison. Sir, the war was further opposed by openly carrying on illicit trade with the enemy, by permitting that enemy to establish herself on the very soil of Massachusetts, and by opening a free trade between Great Britain and America, with a separate custom house. Yes, sir, those who cannot endure the thought that we should insist on a free trade in time of profound peace, could without scruple claim and exercise the right of carrying on a free trade with the enemy in a time of war; and, finally, by getting up the renowned "Hartford Convention," and preparing the way for an open resistance to the government, and a separation of the states. Sir, if I am asked for the proof of those things, I fearlessly appeal to contemporary history, to the public documents of the country, to the recorded opinions and acts of public assemblies, to the declaration and acknowledgements, since made, of the executive and legislature of Massachusetts herself.<sup>17</sup>

<sup>17</sup> In answer to an address of Governor Eustis, denouncing the conduct of the peace party, during the war, the House of Representatives of Massachusetts, in June, 1823, says: "The change of the political sentiment evinced in the late elections forms indeed a new era in the history of our Commonwealth. It is the triumph of reason over passion, of patriotism over party spirit. Massachusetts has returned to her first love, and is no longer a stranger in the Union. We rejoice that, though, during the last war, such measures were adopted in this State, as occasioned double sacrifice of treasure and of life; covered the friends of the nation with humiliation and mourning, and fixed a stain on the page of our history; a redeeming spirit has at length arisen to take away our reproach, and restore to us our good name, our rank among our sister States, and our just influence in the Union.

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Sir, the time has not been allowed me to trace this subject through, even if I had been disposed to do so. But, I cannot refrain from referring to one or two documents which have fallen in my way since this debate began. I read, sir, from the *Olive Branch* of Mathew Carey, in which are collected "the actings and doings" of the peace party of New England, during the continuance of the embargo and the war. I know the senator from Massachusetts will respect the high authority of his political friend and fellow laborer in the great cause of "domestic industry."

In page 301, et seq. 9 of this work, is a detailed account of the measures adopted in Massachusetts during the war, for the express purpose of embarrassing the financial operations of the government, by preventing loans, and thereby driving our rulers from their seats, and forcing the country into a dishonorable peace. It appears that the Boston banks commenced an operation by which a run was to be made upon all the banks to the South; at the same time stopping their own discounts, the effect of which was to produce a sudden and most alarming diminution of the circulating medium, and universal distress over the whole country—a distress which they failed not to attribute to the "unholy war."

To such an extent was this system carried, that it appears from a statement of the condition of the Boston banks, made up in January, 1814, that with nearly five millions dollars of specie in their vaults, they had but two millions of dollars of bills in circulation. It is added by Carey, that at this very time an extensive trade was carried on in British government bills, for which specie was sent to Canada, for the payment of the British troops then laying waste our northern frontier, and this too at the very moment when New England ships, sailing

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"Though we would not renew contentions, or irritate wantonly, we believe that there are cases, when it is necessary we should 'wound to heal.' And we consider it among the first duties of the friends of our National Government, on this return of power, to disavow the unwarrantable course pursued by this State during the late war; and to hold up the measures of that period as beacons, that the present and succeeding generations may shun that career which must inevitably terminate in the destruction of the individual, or the party who pursues it; and may learn the important lesson that, in all times, to rally around the standard of our country." [Hayne note]

under British licences, (a trade declared to be lawful by the courts both of Great Britain and Massachusetts<sup>18</sup>) were supplying with provisions those very armies destined for the invasion of our own shores. Sir, the author of the *Olive Branch*, with a holy indignation, denounces these acts as "treasonable!" "giving aid and comfort to the enemy." I shall not follow his example. But I will ask with what justice or propriety can the South be accused of disloyalty from that quarter. If we had any evidence that the Senator from Massachusetts had admonished his brethren then, he might with a better grace assume the office of admonishing us now.

When I look at the measures adopted in Boston at that day, to deprive the government of the necessary means for carrying on the war, and think of the success and the consequences of these measures, I feel my pride as an American humbled in the dust. Hear, sir, the language of that day: I read from pages 301 and 302 of the *Olive Branch*: "Let no man who wishes to continue the war, by active means, by vote or lending money, dare to prostrate himself at the altar on the fast day." "Will federalists subscribe to the loan? Will they lend money to our national rulers? It is impossible. First, because of the principle, and secondly, because of principal and interest." "Do not prevent the abusers of their trust from becoming bankrupt. Do not prevent them from becoming odious to the public, and being replaced by better men." "Any federalist who lends money to Government, must go and shake hands with James Madison, and claim fellowship with Felix Grundy. [I beg pardon of my honorable friend from Tennessee; but he is in good company. I had thought it was 'James Madison, Felix Grundy, and the Devil.'] Let him no more call himself a federalist, and a friend to his country; he will be called by others, infamous," etc.

Sir, the spirit of the people sunk under these appeals. Such was the effect produced by them on the public mind, that the very agents of the Government (as appears from their public advertisements, now before me) could not obtain

<sup>18</sup> 2d Dodson's Admiralty Reports, 48.—13th Mass. Reports, 26. [Hayne note]

loans, without a pledge that "the names of the subscribers should not be known." Here are the advertisements: "The names of all subscribers (say Gilbert and Dean, the brokers employed by government) shall be known only to the undersigned." As if those who came forward to aid their country in the hour of her utmost need, were engaged in some dark and foul conspiracy, they were assured "that their names should not be known." Can anything show more conclusively the unhappy state of public feeling which prevailed at that day, than this single fact? Of the same character with these measures was the conduct of Massachusetts, in withholding her militia from the service of the United States, and devising measures for withdrawing her quota of the taxes, thereby attempting, not merely to cripple the resources of the country, but actually depriving the government (as far as depended upon her) of all the means of carrying on the war: of the bone, and muscle, and sinews of war—"of man and steel—the soldier and his sword." But it seems Massachusetts was to reserve her resources for herself; she was to defend and protect her own shores. And how was that duty performed? In some places on the coast neutrality was declared, and the enemy was suffered to invade the soil of Massachusetts, and allowed to occupy her territory, until the peace, without one effort to rescue it from his grasp. Nay, more, while our own government and our rulers were considered as enemies, the troops of the enemy were treated like friends; the most intimate commercial relations were established with them, and maintained up to the peace. At this dark period of our national affairs, where was the senator from Massachusetts? How were his political associates employed? "Calculating the value of the Union?" Yes, sir, that was the propitious moment, when our country stood alone, the last hope of the world, struggling for her existence against the colossal power of Great Britain, "concentrated in one mighty effort to crush us at a blow"—that was the chosen hour to revive the grand scheme of building up "a great Northern Confederacy"—a scheme, which, it is stated in the work before me, had its origin as far back as the year 1796, and which appears never to have been entirely

abandoned. In the language of the writers of that day, (1796) "rather than have a constitution such as the anti-Federalists were contending for, [such as we now are contending for] the Union ought to be dissolved"; and to prepare the way for that measure, the same methods were resorted to then, that have always been relied on for that purpose—exciting prejudice against the South. Yes, sir, our northern brethren were then told "that, if the negroes were good for food, their Southern masters would claim the right to destroy them at pleasure."<sup>19</sup> Sir, in 1814, all these topics were revived. Again, we heard of "a Northern Confederacy." "The slave States by themselves"; "the mountains are the natural boundary"; we want neither "the counsels nor the power of the West," etc. etc. The papers teemed with accusations against the South and the West, and the calls for a dissolution of all connexion with them were loud and strong. I cannot consent to go through the disgusting details. But to show the height to which the spirit of disaffection was carried, I will take you to the temple of the living God, and show you that sacred place (which should be devoted to the extension of "peace on earth and good will towards men," where "one day's truce ought surely to be allowed to the dissensions and animosities of mankind") converted into a fierce arena of political strife, where, from the lips of the priest standing between the horns of the altar, there went forth the most terrible denunciations against all who should be true to their country, in the hour of her utmost need.

"If you do not wish," said a reverend clergyman, in a sermon preached in Boston, on the 23d July, 1812, "to become the slaves of those who own slaves, and who are themselves the slaves of French slaves, you must either, in the language of the day, cut the connexion, or so far alter the national compact as to ensure to yourselves a due share in the Government." (*Olive Branch*, page 319.) "The Union," says the same writer, (page 320) "has been long since virtually dissolved, and it is full time that this

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<sup>19</sup> *Olive Branch*, p. 267. [Hayne note]

part of the disunited States should take care of itself."

Another reverend gentleman, pastor of a church at Medford, (page 321) issues his anathema—"let him stand accursed"—against all, all, who by their "personal services," or "loans of money," "conversation," or "writing," or "influence," give countenance or support to the unrighteous war, in the following terms: "that man is an accomplice in the wickedness; he loads his conscience with the blackest crimes; he brings the guilt of blood upon his soul, and in the sight of God and his law he is a murderer!"

One or two more quotations, sir, and I shall have done. A reverend doctor of divinity, the pastor of a church at Byefield, Massachusetts, on the 7th of April, 1814, thus addresses his flock (321.) "The Israelites became weary of yielding the fruit of their labor to pamper their splendid tyrants. They left their political woes. They separated; where is our Moses? Where the rod of his miracles? Where is our Aaron? Alas! no voice from the burning bush has directed them here."

"We must trample on the mandates of despotism, or remain slaves forever." (P. 322.) "You must drag the chains of Virginian despotism, unless you discover some other mode of escape." "Those Western States, which have been violent for this abominable war, those States which have thirsted for blood—God has given them blood to drink." (323.)—Sir, I can no further. The records of the day are full of such sentiments, issued from the press, spoken in public assemblies, poured out from the sacred desk! God forbid, sir, that I should charge the people of Massachusetts with participating in these sentiments. The South and the West had there, their friends—men who stood by their country, though encompassed all around by their enemies. The senator from Massachusetts [Mr. SILSBEE]<sup>20</sup> was one of them, the senator from Connecticut [Mr. FOOT]<sup>21</sup> was another, and there are others now on this floor. The sentiments I have read were the sentiments of a party embracing the

political associates of the gentleman from Massachusetts. If they could only be found in the columns of a newspaper, in a few occasional pamphlets, issued by men of intemperate feeling, I should not consider them as affording any evidence of the opinions even of the peace party of New England. But, sir, they were the common language of that day; they pervaded the whole land; they were issued from the legislative hall, from the pulpit, and the press. Our books are full of them; and there is no man who now hears me, but knows, that they were the sentiments of a party, by whose members they were promulgated. Indeed, no evidence of this would seem to be required, beyond the fact that such sentiments found their way even into the pulpits of New England. What must be the state of public opinion, where any respectable clergyman would venture to preach and to print sermons containing the sentiments I have quoted? I doubt not the piety or moral worth of these gentlemen. I am told they were respectable and pious men. But they were men, and they "kindled in a common blaze." And now, sir, I must be suffered to remark, that, at this awful and melancholy period of our national history, the gentleman from Massachusetts, who now manifests so great a devotion to the Union, and so much anxiety lest it should be endangered from the South, was "with his brethren in Israel." He saw all these things passing before his eyes—he heard these sentiments uttered all around him. I do not charge that gentleman with any participation in these acts, or with approving of these sentiments; but I will ask why, if he was animated by the same sentiments then, which he now professes, if he can "augur disunion at a distance, and snuff up rebellion in every tainted breeze," why he did not, at that day, exert his great talents and acknowledged influence with the political associates by whom he was surrounded, (and who then, as now, looked up to him for guidance and direction) in allaying this general excitement, in pointing out to his deluded friends the value of the Union, in instructing them, that, instead of looking "to some prophet to lead them out from the land of Egypt," they should become reconciled to their brethren, and unite with them in the support of a just and neces-

<sup>20</sup> Nathaniel Silsbee (1773-1850) served in the Senate, 1826-1835.

<sup>21</sup> Samuel A. Foot (1780-1846) served in the Senate, 1827-1833.

sary war? Sir, the gentleman must excuse me for saying, that, if the records of our country afforded any evidence that he had pursued such a course, then; if we could find it recorded in the history of those times, that, like the immortal Dexter,<sup>22</sup> he had breasted that mighty torrent which was sweeping before it all that was great and valuable in our political institutions; if like him he had stood by his country in opposition to his party; sir, we would, like little children, listen to his precepts and abide by his counsels.

"PEACE PARTY OF NEW ENGLAND"

As soon as the public mind was sufficiently prepared for the measure, the celebrated Hartford Convention was got up; not as the act of a few unauthorized individuals, but by authority of the legislature of Massachusetts; and, as has been shown by the able historian of that convention, in accordance with the views and wishes of the party, of which it was the organ. Now, sir, I do not desire to call in question the motives of the gentlemen who composed that assembly: I know many of them to be in private life accomplished and honorable men, and I doubt not there were some among them who did not perceive the dangerous tendency of their proceedings. I will even go further, and say, that, if the authors of the Hartford Convention believed that "gross, deliberate, and palpable violations of the constitution" had taken place, utterly destructive of their rights and interests, I should be the last man to deny their right to resort to any constitutional measures for redress. But, sir, in any view of the case, the time when, and the circumstances under which, that convention assembled, as well as the measures recommended, render their conduct, in my opinion, wholly indefensible. Let us contemplate, for a moment, the spectacle then exhibited to the view of the world. I will not go over the disasters of the war, nor describe the difficulties in which the government was involved. It will be recollected that its credit was nearly gone; Washington had fallen; the whole coast was blockaded; and an im-

<sup>22</sup> Even though he was a Federalist, Samuel Dexter (1761-1816) of Massachusetts supported the War of 1812. He served in the Senate, 1799-1800.

mense force, collected in the West Indies, was about to make a descent, which it was supposed we had no means of resisting. In this awful state of our public affairs when the government seemed almost to be tottering on its base, when Great Britain, relieved from all her other enemies, had proclaimed her purpose of "reducing us to unconditional submission," we beheld the peace party in New England (in the language of the work before us) "pursuing a course calculated to do more injury to their country, and to render England more effective service than all her armies." Those who could not find it in their hearts to rejoice at our victories, sang *Te Deum* at the King's Chapel in Boston, for the restoration of the Bourbons. Those who could not consent to illuminate their dwellings for the capture of the *Guerriere*, could give visible tokens of their joy at the fall of Detroit. The "beacon fires" of their hills were lighted up, not for the encouragement of their friends, but as signals to the enemy; and in the gloomy hours of midnight, the very lights burned blue. Such were the dark and portentous signs of the times, which ushered into being the renowned Hartford Convention. That convention met, and from their proceedings it appears that their chief object was to keep back the men and money of New England from the service of the Union, and to effect radical changes in the government; changes that can never be effected without a dissolution of the Union.

Let us now, sir, look at their proceedings. I read from "A short account of the Hartford Convention," (written by one of its members) a very rare book, of which I was fortunate enough a few years ago to obtain a copy. [Here Mr. H. read from the proceedings.]<sup>23</sup>

<sup>23</sup> It appears at p. 6, of "The Account," that by a vote of the House of Representatives of Massachusetts [260 to 90] delegates to this convention were ordered to be appointed to consult upon the subject "of their public grievances and concerns," and upon "the best means of preserving their resources," and for procuring a revision of the Constitution of the United States, "more effectually to secure the support and attachment of all the people, by placing all upon the basis of fair representation."

The convention assembled at Hartford, on the 15th December, 1814. On the next day it was

*Resolved*, That the most inviolable secrecy shall be observed by each member of this convention, including the Secretary, as to  
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It is unnecessary to trace the matter farther, or to ask what would have been the next chapter in this history, if the measures recommended had been carried into effect; and if, with the men and money of New England withheld from the government of the United States, she had been withdrawn from the war; if New Orleans had fallen into the hands of the enemy; and if, without troops, and almost destitute of money, the southern and the western states had been thrown upon their own resources for the prosecution of the war, and the recovery of New Orleans? Sir, whatever may have been the issue of the contest, the Union must have been dis-

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all propositions, debates, and proceedings thereof, until this injunction shall be suspended or altered.

On the 24th December, the committee appointed to prepare and report a general project of such measures as may be proper for the convention to adopt, reported, among other things:

1. That it was expedient to recommend to the Legislatures of the States, the adoption of the most effectual and decisive measures to protect the militia and the States from the usurpations contained in these proceedings." [The proceedings of Congress and the Executive in relation to the Militia and the War.]

2. That it was expedient also to prepare a statement exhibiting the necessity which the improvidence and inability of the General Government have imposed upon the States of providing for their own defence, and the impossibility of their discharging this duty, and at the same time fulfilling the requisitions of the General Government, and also to recommend to the Legislatures of the several States to make provision for mutual defence, and to make an earnest application to the Government of the United States, with a view to some arrangement whereby the States may be enabled to retain a portion of the taxes levied by Congress, for the purposes of self-defence, and for the reimbursement of expenses already incurred on account of the United States.

3. That it is expedient to recommend to the several State Legislatures certain amendments to the constitution, viz: That the power to declare or make war by the Congress of the United States be restricted.

That it is expedient to attempt to make provision for restraining Congress in the exercise of an unlimited power to make new States and admit them into the union.

That an amendment be proposed respecting slave representation and slave taxation.

On the 19th December, 1814, it was proposed "that the capacity of naturalized citizens to hold offices of trust, honor, or profit, ought to be restrained," etc.

The subsequent proceedings are not given at large. But it seems that the report of the committee was adopted, and also a recommendation of certain measures (of the character of which we are not informed) to the states for their mutual defence, and having voted that "the injunction of secrecy, in regard to all the debates and proceedings of the convention (except so far as relates to the report finally adopted) be continued," the convention adjourned sine die, but (as it was supposed) to meet again when circumstances should require it. [Hayne note]

solved. But a wise and just Providence, which "shapes our ends, rough-hew them as we will," gave us the victory, and crowned our efforts with a glorious peace. The ambassadors of Hartford were seen retracing their steps from Washington, "the bearers of the glad tidings of great joy." Courage and patriotism triumphed; the country was saved; the Union was preserved. And are we, who stood by our country then; who threw open our coffers; who bared our bosoms; who freely periled all in that conflict, to be reproached with want of attachment to the Union? If, sir, we are to have lessons of patriotism read to us, they must come from a different quarter. The senator from Massachusetts, who is now so sensitive on all subjects connected with the Union, seems to have a memory forgetful of the political events that have passed away. I must, therefore, refresh his recollection a little farther on these subjects. The history of disunion has been written by one, whose authority stands too high with the American people to be questioned—I mean Thomas Jefferson. I know not how the gentleman may receive this authority. When that great and good man occupied the presidential chair, I believe he commanded no portion of that gentleman's respect.

I hold in my hand a celebrated pamphlet on the embargo, in which language is held in relation to Mr. Jefferson, which my respect for his memory will prevent me from reading, unless any gentleman should call for it. But the senator from Massachusetts has since joined in singing hosannas to his name; he has assisted at his apotheosis, and has fixed him as "a brilliant star in the clear upper sky"; I hope, therefore, he is now prepared to receive with deference and respect the high authority of Mr. Jefferson. In the fourth volume of his memoirs, which has just issued from the press, we have the following history of disunion, from the pen of that illustrious statesman: "Mr. Adams called on me pending the embargo, and while endeavors were making to obtain its repeal; he spoke of the dissatisfaction of the Eastern portion of our confederacy with the restraints of the embargo then existing, and their restlessness under it. That there was nothing which might not be attempted to rid themselves of it. That he had in-

formation of the most unquestionable certainty, that certain citizens of the Eastern States, (I think he named Massachusetts particularly) were in negotiation with agents of the British Government, the object of which was an agreement that the New England States should take no further part in the war, [the commercial war, the "war of restrictions," as it was called] then going on, and that, without formally declaring their separation from the Union, they should withdraw from all aid and obedience to them, etc. From that moment [says Mr. J.] "I saw the necessity of abandoning it, [the embargo] and, instead of effecting our purpose by this peaceful weapon, we must fight it out, or break the Union." In another letter Mr. Jefferson adds: "I doubt whether a single fact known to the world will carry as clear conviction to it of the correctness of our knowledge of the treasonable views of the federal party of that day, as that disclosed by this the most nefarious and daring attempt to dis sever the Union, of which the Hartford Convention was a subsequent chapter; and both of these having failed, consolidation becomes the fourth chapter of the next book of their history. But this opens with a vast accession of strength from their younger recruits, who having nothing in them of the feelings and principles of '76, now look to a single and splendid Government, etc., riding and ruling over the plundered ploughman and beggared yeomanry." (4 vol. 419, 422.)

The last chapter, says Mr. Jefferson, of that history, is to be found in the conduct of those who are endeavoring to bring about consolidation: ay, sir, that very consolidation for which the gentleman from Massachusetts is contending—the exercise, by the federal government, of powers not delegated in relation to "internal improvements," and "the protection of manufactures." And why, sir, does Mr. Jefferson consider consolidation as leading directly to disunion? Because he knew that the exercise by the federal government, of the powers contended for, would make this "a Government without limitation of powers," the submission to which he considered as a greater evil than disunion itself. There is one chapter in this history, however, which Mr. Jefferson has not filled up, and I must therefore supply the deficiency.

It is to be found in the protest made by New England against the acquisition of Louisiana. In relation to that subject the New England doctrine is thus laid down by one of her learned political doctors of that day, now a doctor of laws, at the head of the great literary institution of the East—I mean Josiah Quincy, president of Harvard College. I quote from the speech delivered by that gentleman on the floor of Congress, on the occasion of the admission of Louisiana into the Union.

Mr. Quincy repeated and justified a remark he had made, which, to save all misapprehension, he had committed to writing, in the following words: If this bill passes, it is my deliberate opinion that it is virtually a dissolution of the Union; that it will free the States from their moral obligation; and as it will be the right of all, so it will be the duty of some, to prepare for a separation, amicably if they can, violently if they must.

I wish it to be distinctly understood [said Mr. H.] that all the remarks I have made on this subject, are intended to be exclusively applied to a party, which I have described as "the peace party of New England"—embracing the political associates of the senator from Massachusetts—a party which controlled the operations of that state during the embargo and the war, and who are justly chargeable with all the measures I have reprobated. Sir, nothing has been further from my thoughts than to impeach the character or conduct of the people of New England. For their steady habits and hardy virtues, I trust I entertain a becoming respect. I fully subscribe to the truth of the description given before the Revolution, by one whose praise is the highest eulogy, "that the perseverance of Holland, the activity of France, and the dexterous and firm sagacity of English enterprise, have been more than equalled by this 'recent people.' " Hardy, enterprising, sagacious, industrious, and moral, the people of New England of the present day, are worthy of their ancestors. Still less has it been my intention to say anything that could be construed into a want of respect for that party, who, trampling on all narrow, sectional feelings, have been true to their principles in the worst of times—I mean the democracy of New England.

Sir, I will declare that, highly as I appreciate the democracy of the South, I consider even

higher praise to be due to the democracy of New England—who have maintained their principles “through good and through evil report,” who at every period of our national history have stood up manfully for “their country, their whole country, and nothing but their country.” In the great political revolution of '98, they were found united with the democracy of the South, marching under the banner of the Constitution, led on by the patriarch of liberty, in search of the land of political promise, which they lived not only to behold, but to possess and to enjoy. Again, sir, in the darkest and most gloomy period of the war, when our country stood singlehanded, against “the conqueror of the conquerors of the world,” when all about and around them was dark, and dreary, disastrous and discouraging, they stood a Spartan band in that narrow pass, where the honor of their country was to be defended, or to find its grave. And in the last great struggle, involving, as we believe, the very existence of the principle of popular sovereignty, where were the democracy of New England? Where they always have been found, sir, struggling side by side with their brethren of the South and the West for popular rights, and assisting in that glorious triumph by which the man of the people was elevated to the highest office in their gift.

“SUBMISSION TO A GOVERNMENT OF UNLIMITED POWERS”:  
THE GREATEST CALAMITY

Who, then, are the friends of the Union? [asked Mr. H.] Those who would confine the federal government strictly within the limits prescribed by the Constitution; who would preserve to the states and the people all powers not expressly delegated; who would make this a federal and not a national Union, and who, administering the government in the spirit of equal justice, would make it a blessing, and not a curse. And who are its enemies? Those who are in favor of consolidation; who are constantly stealing power from the states, and adding strength to the federal government. Who, assuming an unwarrantable jurisdiction over the states and the people, undertake to regulate the whole industry and capital of the country. But, sir, of all description of men I consider those as

the worst enemies of the Union, who sacrifice the equal rights which belong to every member of the Confederacy to combinations of interested majorities, for personal or political objects. But the gentleman apprehends no evil from the dependence of the states on the federal government; he can see no danger of corruption from the influence of money or patronage. Sir, I know that it is supposed to be a wise saying “that patronage is a source of weakness,” and in support of that maxim, it has been said, that “every ten appointments make a hundred enemies.” But I am rather inclined to think, with the eloquent and sagacious orator now reposing on his laurels on the banks of the Roanoke, that “the power of conferring favors creates a crowd of dependents”; he gave a forcible illustration of the truth of the remark, when he told us of the effect of holding up the savory morsel to the eager eyes of the hungry hounds gathered around his door. It mattered not whether the gift was bestowed on Towzer or Sweetlips, “Tray, Blance, or Sweetheart”; while held in suspense, they were all governed by a nod, and when the morsel was bestowed, the expectation of the favors of tomorrow kept up the subjection of today.

The senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea that a state has any constitutional remedy, by the exercise of its sovereign authority, against “a gross, palpable, and deliberate violation of the constitution.” He calls it “an idle” or “a ridiculous notion,” or something to that effect, and added, it would make the Union “a mere rope of sand.” Now, sir, as the gentleman has not condescended to enter into any examination of the question, and has been satisfied with throwing the weight of his authority into the scale, I do not deem it necessary to do more than to throw into the opposite scale the authority on which South Carolina relies, and there, for the present, I am perfectly willing to leave the controversy. The South Carolina doctrine, that is to say, the doctrine contained in an exposition reported by a committee of the legislature in December, 1828, and published by their authority, is the good old Republican doctrine of '98; the doctrine of the celebrated “Vir-



ginia Resolutions" of that year, and of "Madison's Report of '99."<sup>24</sup> It will be recollected that the legislature of Virginia, in December, '98, took into consideration the alien and sedition laws, then considered by all Republicans as a gross violation of the Constitution of the United States, and on that day passed, among others, the following resolution:

The General Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties, appertaining to them.

In addition to these resolutions, the general assembly of Virginia, "appealed to the other States, in the confidence that they would concur with that Commonwealth that the acts aforesaid [the alien and sedition laws] are unconstitutional, and that the necessary and proper measures would be taken by each for cooperating with Virginia in maintaining unimpaired the authorities, rights, and liberties, reserved to the States, respectively, or to the people."

The legislatures of several of the New England states having, contrary to the expectation of the legislature of Virginia, expressed their dissent from these doctrines, the subject came up again for consideration, during the session of 1799, 1800, when it was referred to a select committee, by whom was made that celebrated report which is familiarly known as "Madison's Report," and which deserves to last as long as the Constitution itself. In that report, which was subsequently adopted by the legislature, the whole subject was deliberately reexamined, and the objections urged against the Virginia doctrines carefully considered. The result was, that the legislature of Virginia reaffirmed all the principles laid down in the resolutions of 1798, and issued to the world that admirable report

which has stamped the character of Mr. Madison as the preserver of that Constitution which he had contributed so largely to create and establish. I will here quote, from Mr. Madison's report, one or two passages which bear more immediately on the point in controversy.

The resolution, having taken this view of the federal compact, proceeds to infer "that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them."

It appears to your Committee to be a plain principle, founded on common sense, illustrated by common practice, and essential to the nature of compacts, that, where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be rightful judges, in the last resort, whether the bargain made has been pursued or violated. The constitution of the United States was formed by the sanction of the States, given by each, in its sovereign capacity. It adds to the stability and dignity, as well as to the authority of the constitution, that it rests on this legitimate and solid foundation. The States, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows, of necessity, that there can be no tribunal, above their authority, to decide, in the last resort, whether the compact made by them be violated; and, consequently, that, as the parties to it, they must, themselves, decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition.

The resolution has guarded against any misapprehension of its object, by expressly requiring, for such an interposition, "the case of a deliberate, palpable, and dangerous breach of the constitution, by the exercise of powers not granted by it." It must be a case, not of a light and transient nature, but of a nature dangerous to the great purposes for which the constitution was established.

But the resolution has done more than guard against misconstruction, by expressly referring to cases of a deliberate, palpable, and dangerous nature. It specifies the object of the interposition, which it contemplates to be, solely, that of arresting the progress of the evil of usurpation, and of maintaining the authorities, rights, and liberties, appertaining to the States, as parties to the constitution.

From this view of the resolution, it would seem inconceivable that it can incur any just disapprobation from those who, laying aside all momentary impressions, and recollecting the genuine source and object of the federal constitution, shall candidly and accurately interpret the meaning of the General Assembly. If the deliberate exercise of dangerous powers, palpably withheld by the constitution, could not justify the parties to it in interposing, even so far as to arrest the progress of the evil, and thereby to preserve the constitution itself, as well as to provide for the safety of the parties to it, there would be an end to all relief from usurped power, and a direct subversion of the rights

<sup>24</sup> James Madison, "Virginia Resolution," December 24, 1798.

specified or recognized under all the State constitutions, as well as a plain denial of the fundamental principles on which our independence itself was declared.

But, sir, our authorities do not stop here. The state of Kentucky responded to Virginia, and, on the 10th of November, 1798, adopted those celebrated resolutions, well known to have been penned by the author of the Declaration of American Independence. In those resolutions, the legislature of Kentucky declare "that the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions, as of the mode and measure of redress."

At the ensuing session of the legislature, the subject was reexamined, and, on the 14th of November, 1799,<sup>25</sup> the resolutions of the preceding year were deliberately reaffirmed, and it was, among other things, solemnly declared,

"that, if those who administer the General Government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the State Governments, and the erection, upon their ruins, of a General consolidated Government, will be the inevitable consequence. That the principle and construction contended for, by several of the State Legislatures, that the General Government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the discretion of those who administer the Government, and not the constitution, would be the measure of their powers. That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and, that a nullification, by those sovereignties, of all unauthorized acts, done under color of that instrument, is the rightful remedy.

Time and experience confirmed Mr. Jefferson's opinion on this all-important point. In the year 1821, he expressed himself in this emphatic manner: "It is a fatal heresy to suppose that either our State Governments are superior to the Federal, or the Federal to the State; neither

<sup>25</sup> The dates of the Kentucky Resolutions were actually November 16, 1798, and November 22, 1799.

is authorized literally to decide which belongs to itself or its co-partner in Government; in differences of opinion, between their different sets of public servants, the appeal is to neither, but to their employers, peaceably assembled by their representatives in convention." The opinions of Mr. Jefferson, on this subject, have been so repeatedly and so solemnly expressed, that they may be said to have been the most fixed and settled convictions of his mind.

In the protest prepared by him for the legislature of Virginia, in December, 1825, in respect to the powers exercised by the federal government in relation to the tariff and internal improvements, which he declares to be "usurpations of the powers retained by the States, mere interpolations into the compact, and direct infractions of it," he solemnly re-asserts all the principles of the Virginia resolutions of '98, protests against "these acts of the Federal branch of the Government as null and void, and declares that, although Virginia would consider a dissolution of the Union as among the greatest calamities that could befall them, yet it is not the greatest. There is one yet greater: submission to a Government of unlimited powers. It is only when the hope of this shall become absolutely desperate, that further forbearance could not be indulged."

In his letter to Mr. Giles,<sup>26</sup> written about the same time, he says:

I see as you do, and with the deepest affliction, the rapid strides with which the Federal branch of our Government is advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic, and that, too, by constructions which leave no limits to their powers, etc. Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, etc. Under the authority to establish post roads, they claim that of cutting down mountains for the construction of roads and digging canals, etc. And what is our resource for the preservation of the constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them, etc. Are we then to stand to our arms, with the hot-headed Georgian? No—[and I say no, and South Carolina has said no]—that must be the last resource. We must have patience and long endurance with our brethren, etc. and separate from our companions only when the sole alternatives left

<sup>26</sup> William Branch Giles of Virginia (1762-1830) served in the Senate, 1804-1815.

are a dissolution of our Union with them, or submission to a Government without limitation of powers. Between these two evils, when we must make a choice, there can be no hesitation.

Such, sir, are the high and imposing authorities in support of the "Carolina doctrine," which is, in fact, the doctrine of the Virginia resolutions of 1798.

Sir, at that day the whole country was divided on this very question. It formed the line of demarcation between the federal and republican parties, and the great political revolution which then took place turned upon the very question involved in these resolutions. That question was decided by the people, and by that decision the constitution was, in the emphatic language of Mr. Jefferson, "saved at its last gasp." I should suppose, sir, it would require more self-respect than any gentleman here would be willing to assume, to treat lightly doctrines derived from such high sources. Resting on authority like this, I will ask gentlemen whether South Carolina has not manifested a high regard for the Union, when, under a tyranny ten times more grievous than the alien and sedition laws, she has, hitherto, gone no further than to petition, remonstrate, and solemnly to protest against a series of measures which she believes to be wholly unconstitutional, and utterly destructive of her interests? Sir, South Carolina has not gone one step further than Mr. Jefferson himself was disposed to go, in relation to the very subject of our present complaints; not a step further than the statesmen from New England were disposed to go under similar circumstances; no further than the senator from Massachusetts himself once considered as within "the limits of a constitutional opposition." The doctrine that it is the right of a state to judge of the violations of the Constitution on the part of the federal government, and to protect her citizens from the operation of unconstitutional laws, was held by the enlightened citizens of Boston, who assembled in Faneuil Hall, on the 25th of January, 1809. They state, in that celebrated memorial, that "they looked only to the State Legislature, who were competent to devise relief against the unconstitutional acts of the General Government. That your power [say they] is adequate to that

object is evident from the organization of the confederacy."

A distinguished senator from one of the New England states, [Mr. HILLHOUSE]<sup>27</sup> in a speech delivered here, on a bill for enforcing the embargo, declared: "I feel myself bound in conscience to declare, lest the blood of those who shall fall in the execution of this measure shall be on my head, that I consider this to be an act which directs a mortal blow at the liberties of my country; an act containing unconstitutional provisions, to which the people are not bound to submit, and to which, in my opinion, they will not submit."

And the senator from Massachusetts, himself, in a speech delivered on the same subject, in the other house, said, "This opposition is constitutional and legal; it is, also, conscientious. It rests on settled and sober conviction, that such policy is destructive to the interests of the people, and dangerous to the being of the Government. The experience of every day confirms these sentiments. Men who act from such motives are not to be discouraged by trifling obstacles nor awed by any dangers. They know the limit of constitutional opposition; up to that limit, at their own discretion, they will walk, and walk fearlessly." How "the being of the Government" was to be endangered by "constitutional opposition to the embargo," I leave to the gentleman to explain.

Thus, it will be seen, [said Mr. H.] that the South Carolina doctrine is the republican doctrine of '98; that it was first promulgated by the fathers of the faith; that it was maintained by Virginia and Kentucky in the worst of times; that it constituted the very pivot on which the political revolution of that day turned; that it embraces the very principles the triumph of which, at that time, saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt, when they believed themselves to be the victims of unconstitutional legislation. Sir, as to the doctrine that the federal government is the exclusive judge of the extent, as well as the limitations of its powers, it seems to me to be utterly subversive

<sup>27</sup> James Hillhouse of Connecticut (1754-1832) served in the Senate, 1796-1810.

of the sovereignty and independence of the states. It makes but little difference, in my estimation, whether Congress or the Supreme Court are invested with this power. If the federal government, in all or any of its departments, are to prescribe the limits of its own authority, and the states are bound to submit to the decision, and are not to be allowed to examine and decide for themselves, when the barriers of the Constitution shall be over-leaped, this is practically "a government without limitation of powers." The states are at once reduced to mere petty corporations, and the people are entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union, by the only means by which she believes it can be long preserved—a firm, manly, and steady resistance against usurpation. The measures of the federal government have, it is true, prostrated her interests, and will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest—a principle which, substituting the discretion of

Congress for the limitations of the Constitution, brings the states and the people to the feet of the federal government, and leaves them nothing they can call their own. Sir, if, the measures of the federal government were less oppressive, we should still strive against this usurpation. The South is acting on a principle she has always held sacred—resistance to unauthorized taxation. These, sir, are the principles which induced the immortal Hampden<sup>28</sup> to resist the payment of a tax of twenty shillings. Would twenty shillings have ruined his fortune? No; but the payment of half twenty shillings, on the principle on which it was demanded, would have made him a slave. Sir, if, in acting on these high motives, if, animated by that ardent love of liberty which has always been the most prominent trait in the Southern character, we should be hurried beyond the bounds of a cold and calculating prudence, who is there, with one noble and generous sentiment in his bosom, that would not be disposed, in the language of Burke, to exclaim, "You must pardon something to the spirit of liberty!"

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<sup>28</sup> John Hampden (1594–1643) was an English member of Parliament.