

CASS COUNTY TIMES.

DEVOTED TO NEWS, POLITICS, INTERNAL IMPROVEMENTS, LITERATURE, MORALITY & AMUSEMENT.

JUSTICE AND TRUTH OUR GUIDE—THE PUBLIC GOOD OUR AIM—WILLING TO PRAISE, WHEN PRAISE IS DUE, BUT NOT AFRAID TO BLAME.

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DEBATE IN THE SENATE, ON MR. VAN BUREN'S NOMINATION.

MR. SMITH had spoken in the debate on the nomination of Martin Van Buren several times. The whole of his remarks are, however, embraced in the following Speech.

MR. PRESIDENT.—I have said, “that the secretary of state is not responsible, for instructions given by order of the President;”—that, the President is the only responsible person known to the Constitution. In England, agreeably to its constitution, the King can do no wrong, and his advisers are held responsible to parliament. Our constitution is different, as I understand it. The law which created the state department in 1789, is that under which every secretary has acted and must continue to act. This law says, “the secretary for foreign affairs shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him, by the President of the United States, (agreeably to the constitution) relative to correspondences, commissions or instructions to or with public ministers or consuls from the United States, or to negotiate with public ministers from foreign states as princes, and furthermore, that the said principal officer, (secretary of state) shall conduct the business of the said department, in such manner as the President of the United States, shall from time to time, ‘order or instruct.’”

Such Mr. President, is the law. The secretary can do no act without the direction of the President, and whatever he directs, (if agreeably to the constitution) the secretary, under the oath he takes, must perform. What is the oath? “Well and faithfully to execute the trust committed to him.” What is that trust? Obedience to the instructions of the President in all cases where the constitution is not to be violated.

I have, Mr. President, been thirty-nine years in congress, and this is the first occasion I have ever heard any other construction seriously urged, than “that the instructions given to ministers abroad are the act of the President.” All the instructions I remember commence thus—“I am instructed by the President to give you the following views, &c., &c.,” or words to that effect. I well remember a case in point, which transpired while I was in congress more than thirty years past. I was called from my seat by the then secretary of the navy. He asked me what the house of representatives were doing. I replied that they were discussing the report of Mr. Pickering. Do the house consider it as the report of the President or secretary of State? It is considered as the act of the President, who sent it, and how could it otherwise be considered? I come, said the Secretary, from Mr. Adams, to request you to say, that he disavows it, and trust that the house will consider it as the act of Mr. Pickering, and not as his (Mr. Adams) act.

I returned into the house of representatives, and in the debate, took occasion to comment upon the report, as severely as the report reflected upon Mr. Gerry for remaining in France. I was called to order three times. I then asked the Speaker in what respect I was out of order. He replied, “you must consider the report as the act of the President; for the Executive had made it his by sending it to the house.” I answered, that the President disavowed it, and therefore I could not treat the report as the President’s. I took my seat. An appeal from the Speaker’s decision was had, and the vote of the house sustained the opinion of the Speaker, by a large majority, thus establishing that the President was responsible, and not the Secretary, for acts done under his authority. In the case before us, the President gave his directions: the in-

structions were put into form by the Secretary; the President read and approved them, and they were delivered to Mr. McLane. How do we know but that the paragraph which has offended the delicate sensibilities of gentlemen, had been actually dictated by the President? I do not think it at all improbable, and if so, is it not an act of gross injustice to make Mr. Van Buren responsible for it? The paragraphs so frequently alluded to in debate, are substantially true. I admit, they might as well have been omitted. Some one has said, that he “did not believe that Gen. Jackson had ever read the instructions.” Little does that senator know the President, if he believes so. I can assure that senator, that the President read, and carefully too, the instructions to Mr. McLane, and approved them.* I wish that senator would converse with the President upon any of our national affairs and he will certainly find that the President is as well, and I might say better informed than himself, on any thing done in any, or all, of the departments, and on all matters relating to our foreign affairs. At least I have found him so: in all matters, as well; and in some much better informed than I am. He is known by his friends to be particularly well informed, in every thing that relates to our foreign relations.

A Senator from Maine [Mr. Holmes] has said that “Mr. McLane was sent to bow and cringe at the feet of the British Minister.” That Senator knows little of Mr. McLane! What! a native American, the son of a distinguished officer of the Revolution, bow and cringe at the feet of any man? I can assure that Senator that Mr. McLane is not made of such pliant materials. No, Sir, Mr. McLane came to the point at once. He asked for what was right. He set up no silly pretensions. The Ministry tried to avoid a negotiation as they did with Mr. Gallatin. But, Sir, his firmness and frankness conquered the reluctance of the Ministry to enter into a negotiation. He convinced them that they had departed from a rigid construction of the Act of Parliament of July, 1825, in two cases of France, Russia and Spain: they could not, therefore, in justice, he asserted, refuse a similar departure, in the demand of equal justice to the United States. He frankly told them that he had come for the sole purpose of opening the Colonial trade, and that if not indulged in a negotiation he would return home.—Call you this bowing and cringing at the feet of the British Ministry? Is there any cringing in the despatches of Mr. McLane? No one will say there is. The truth is, Mr. President, & it ought to be known to the people, that the front of the offence is, the negotiation has completely succeeded under the instructions given by Mr. Van Buren, and as completely failed under those of another—a crime that never can be forgiven by the opponents of Gen. Jackson. They will never pardon him for his succeeding in that what had completely failed. For instance, the late administration had attempted and failed, in all the following important objects, namely:—In the claims on France:—In the opening of the Black Sea to our commerce:—In making a treaty with Mexico:—In obtaining from Colombia a reduction of the duties on our produce and manufactures, and in equalizing the duties charged upon our trade, with those charged to England. In all these matters, there was a complete failure by the one, and complete success by the other administration. The successful negotiations were under the instructions of Mr. Van Buren. How then can Mr. Van Buren be pardoned by those who had failed? It is true, that the Convention with Denmark and Brazil for seizures, had been closed, or nearly so, when the present administration came into office. Payment by

*Since the above speech was delivered, I have conversed with the President, and have been authorized to say, “that the objectionable paragraphs alluded to in the debate, were dictated by him to Mr. Van Buren, that they were his act, and not the act of Mr. Van Buren;” and I have been subsequently informed, by a Senator from Tennessee; that prior to his leaving home, to assume his station in the Senate, the President had told him, he (Gen. Jackson) would, on all occasions of consequence, require the opinion of his cabinet in writing, thus (as the Senator understood him) dispensing with Cabinet meetings. The fact, then, of not calling his cabinet together, was the President’s own act, and not in consequence of the advisement of Mr. Van Buren, as has been so repeatedly affirmed.

Sweeden was effected by Mr. Conwell, the agent of the claimants, without any instructions having been received by the Charge des Affaires.—The Charge acted, he told me, as a private friend of the agent, and succeeded.

[The Senator from Kentucky, (Mr. Clay,) in a subsequent speech, remarked, that he had himself instructed Mr. Hughes, the Charge des Affaires to Sweeden, to attend to the claims of our merchants against Sweeden, and that the Senator from Maryland, (Mr. Smith,) was either mistaken or misinformed. Mr. Smith made no reply, but addressed a note to the Secretary of State, for information, whether Mr. Clay, when Secretary of State, had ever given the instructions which he asserted had been given by him to Mr. Hughes. The reply of the Secretary of State, contradicts the averment of Mr. Clay on this point.]†

The Senator from Kentucky (Mr. Clay) has charged Mr. McLane with having done injury to the navigating interest, by the opening of the St. Lawrence, and the northern ports to our free intercourse,—thus transferring, as he said, the carrying of the produce of Michigan, Indiana, Ohio, New York, Vermont and Maine, to British ships, which would otherwise have been carried by our own ships. I believe the farmers of those states do not complain.—They know that their produce sold in Montreal, is received there free from duty, and is carried to England, Ireland and the West Indies, as if it were the produce of Canada. It is of little importance to them who is the carrier, provided they get an additional market, and a better price for their produce. I regret, Mr. President, that I cannot give the credit of the important act to Mr. McLane. He, however, had nothing to do with it. It formed no part of his arrangement. The opening of that intercourse for certain articles of our produce had been done gratuitously by the British government in 1826, prior even to the attempt at negotiation by Mr. Gallatin. Now that act must have been known—it could not fail to have been known to the senator (Mr. Clay) then the Secretary of State. Why, then, does he now charge it as a fault committed by Mr. McLane, who had no more to do with it than the man in the moon? Nor had Mr. McLane, any thing to do with the act of Great Britain passed subsequently to the arrangement made by him, by which other articles of our produce are admitted free of duty into the northern colonies, and thence are received in England and the West Indies, as if they were the produce of the Canadas. The Senator [Mr. Clay] complains that the produce of our farmers, bordering on Canada is received in England on equal terms with those of Canada, thus giving a new market to a part of these articles, without which other markets might be overstocked.—The Senator [Mr. Clay:] has truly said, that the wheat of the States bordering on the

†(NOTE.) The following letter, and accompanying extract from another letter, on the same subject, have been received from the Secretary of State.

DEPARTMENT OF STATE,
WASHINGTON, Jan. 30th, 1832.
Samuel Smith, Esq. Senate of the United States:

Sir. I have the honor to state, in answer to your enquiry of yesterday, that the records containing the instructions of the Department to Mr. Christopher Hughes, when formerly chargé d’ Affaires of the United States in Sweeden, have been carefully examined, and that all which is found in them, in relation to the then claims of our citizens upon the government of that country, is given, in the subjoined extract of a letter from Mr. Adams to him, dated the 17th June, 1819.—I am, Sir, very respectfully, your obedient servant.

(Signed.) EDWARD LIVINGSTON.

Extract of a letter from Mr. Adams’ Secretary of State, to Mr. Hughes, chargé d’ Affaires of the United States at Stockholm:

DEPARTMENT OF STATE,
17th June, 1819.

“The President has been absent from the seat of government, on a tour to the south & west since the 30th March. His return to this place in the course of two or three weeks is expected. Since his departure Mr. Russell’s latest correspondence with the Swedish government, in withholding the indemnity, so justly and indisputably due to our fellow citizens, who suffered by those seizures, for which not even a plausible pretext is alleged. It is still more painful to find this denial of justice, accompanied by insinuations, neither candid nor friendly, and by allegations utterly destitute of foundation. Earnestly desirous of maintaining, with Sweeden, the most friendly and harmonious relations, I shall reserve, until after the President’s return all further remarks on the subject.”

Canadas, passes into Canada, is there demand which they have heretofore made of the admission of their products into British colonies, at the same and no higher rate of duty, as similar articles are chargeable with, when imported from one into another British colony, with the exception of our produce descending the St. Lawrence and the Sorel.” Now, Sir, whatever difference there may be between the words “waiver” and “abandonment” in common parlance, it is in this case, a *complete abandonment* in diplomatic language, what in simple truth, is after all, the great ground of objection? It is this—*Mr. McLane has made an arrangement conformably to the preceding instructions from Mr. Adams to Mr. Gallatin. Hence illogical.*

The dissolution of the late cabinet Mr. President, has been charged upon Mr. Van Buren; and what is there at home or abroad that we have not heard charged to him? The elder Adams charged all his cabinet, except the Secretary of the Navy. The change was approved by the aristocracy of the day. A change of the cabinet is therefore, nothing new. We now grieve and lament over the late change, and yet never was a cabinet more traduced than the late one, by the whole of the opposition throughout the Union. The cabinet certainly was such an one, as did not meet the views or approbation of the friends of the administration. They regret in silence the selections which the President had made. The gentlemen selected were honest and honorable men. They were my political friends, and I may say, some of them were personal intimates. Their dismissal has done no harm to the nation. The new cabinet is (I believe) more acceptable to all parties. The members of it are known to be competent to the special duties of their several departments, and equally so, as advisers in the great affairs of the nation. What is it to the people whether A., B., C., or D., be at the head of affairs? All the people ask, is, that their duties shall be well performed, and that they act in harmony. But the present President has held no cabinet councils for two years, and Mr. Van Buren is charged as being the adviser of the President to that course—is this mode new? I believe not—I think General Washington held no cabinet councils during the first two years of his administration, and I remember well, a discussion in strong terms, against the President’s holding them, on the ground of their being unconstitutional. I think that General Jackson was at that time a member of congress, and perhaps he then imbibed the opinion, that cabinet councils were not conformable to the constitution. Reasoning thus, I must believe, the not assembling his cabinet was *his own act*, and not in consequence of the representations of Mr. Van Buren. The unpardonable crime of this gentleman has always been, that the President has great confidence in his talents and abilities, which all will admit he possesses in an eminent degree.

The senator from Massachusetts, (Mr. Webster,) says that “instructions showing a difference of opinion in the dominant party, with that of the defeated party, have never been given by any government.” I ask, Mr. President, on what grounds does the senator make that assertion? Few nations, if any, except our own, have ever published their instructions to their Ministers—We, therefore, what has been done, But, I hardly think it possible that such instructions never have been given. They are natural, and from Mr. McLane alone and never shewn by him to any person. But, I infer from Mr. Hartley’s language to our commissioners at Paris, when treating for a peace, that he must have had some such instructions as he would not otherwise have talked of a change of ministry as holding out a fair prospect of ultimately leading to a general peace.

Mr. Van Buren, has also been charged, with what has been improperly called the “proscriptive system”—or in other and more appropriate language, “the removal from office.”—Where is the proof? None can be produced—all is surmise and conjecture. I act on such ground. When an assertion, such as this, is made, I want proof of its being well founded. But I absolutely deny the charge, and will offer unquestionable proof of the correctness of the denial. The charge cannot possibly be substantiated, unless the senator who made