

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

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

The resolution of the Senate, as originally framed, and as passed if it refers to these acts, presupposes a right in that body to interfere with this exercise of Executive power.

If the principle be once admitted, it is not difficult to perceive where it may end.

If, by a mere denunciation like this resolution, the President should ever be induced to act, in a matter of official duty, contrary to the honest convictions of his own mind, in compliance with the wishes of the Senate, the constitutional independence of the Executive Department would be as effectually destroyed, and its power as effectually transferred to the Senate, as if that end had been accomplished by an amendment of the constitution.

But if the Senate have a right to interfere with the Executive powers, they have also the right to make the interference effective; and if the assertion of the power implied in the resolution be silently acquiesced in, we may reasonably apprehend that it will be followed, at some future day, by an attempt at actual enforcement.

The Senate may refuse, except on the condition that he will surrender his opinions to theirs and obey their will, to perform their own constitutional functions; to pass the necessary laws; to sanction appropriations proposed by the House of Representatives, and to confirm proper nominations made by the President. It has already been maintained (and it is not conceivable that the resolution of the Senate can be based on any other principle) that the Secretary of the Treasury is the officer of Congress, and independent of the President; that the President has no right to control him, and consequently none to remove him.—With the same propriety, and on similar grounds, may the Secretary of State, the Secretaries of war, and the Navy, and the Postmaster General, each in succession, be declared independent of the President, the subordinates of Congress, and removable only with the concurrence of the Senate. Followed to its consequences, this principle will be found effectually to destroy one co-ordinate Department of the Government, to concentrate in the hands of the Senate the whole Executive power, and to leave the President as powerless as he would be useless—the shadow of authority after the substance had departed.

The time and occasion which had called forth the resolution of the Senate, seem to impose upon me an additional obligation not to pass it over in silence. Nearly forty-five years had the President exercised, without a question as to his rightful authority, those powers for the recent assumption of which he is now denounced. The vicissitudes of peace and war had attended our Government; violent parties, watchful to take advantage of any seeming usurpation on the part of the Executive, had distrusted our councils; frequent removals, or forced resignations, in every sense tantamount to removals, had been made of the Secretary and other officers of the Treasury; and yet, in no one instance is it known, that any man, whether patriot or partisan, had raised his voice against it as a violation of the Constitution. The expediency and justice of such changes, in reference to public officers of all grades, have frequently been the topics of discussion; but the constitutional right of the President to appoint, control, and remove the Head of the Treasury, as well as all other Departments, seems to have been universally conceded. And what is the occasion upon which other principles have been first officially asserted? The Bank of the United States, a great moneyed monopoly, had attempted to obtain a renewal of its charter, by controlling the elections of the People and the action of the Government. The use of its corporate funds and power in that attempt, was fully disclosed; and it was made known to the President that the corporation was putting in train the same course of measures with the view of making another vigorous effort, through an interference in the elections of the People, to control public opinion and force the government to yield to its demands. This, with its corruption of the press, its violation of its charter, its exclusion of the Government Directors from its proceedings, its neglect of duty, and arrogant pretensions, made it, in the opinion of the President, incompatible with the public interest and the safety of our institutions, that it should be longer employed as the fiscal agent of the Treasury. A Secretary of the Treasury, appointed in the recess of the Senate, who had not been confirmed by that body, and whom the President might or might not at his pleasure nominate to them, refused to do what his superior in the Executive Department considered the most imperative of his duties, and became in fact, however innocent his motives, the protector of the Bank. And on this occasion it is discovered, for the first time, that those who framed the constitution misinterpreted it; that the first congress and all its successors have been under a delusion; that the practice of near forty-five years is but a continued usurpation; that the Secretary of the Treasury is not responsible to the President; and that to remove him is a violation of the constitution and laws, for which the President deserves to stand forever dishonored on the journals of the Senate.

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

The two branches of the Legislature of the State

of Maine, on the 25th of January, 1834, passed a preamble, and series of resolutions in the following words:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Resolved also, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to prevent the re-chartering of the Bank of the United States; to sustain the administration in its removal of the public depositories; and to oppose the passage of a land bill containing the principles adopted in the act upon that subject, passed at the last session of Congress."

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

It is thus seen that four Senators have declared by their votes that the President, in the late Executive proceedings in relation to the revenue, had been guilty of the impeachable offence of "assuming up-

on himself authority and power not conferred by the constitution and laws, but in derogation of both;" whilst the Legislatures of their respective States had deliberately approved those very proceedings, as consistent with the constitution, and demanded by the public good. If these four votes had been given in accordance with the sentiments of the Legislatures, as above expressed, there would have been but twenty-two votes out of the forty-six for censuring the President, and the unprecedented record of his conviction, could not have been placed upon the journals of the Senate.

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

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

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

The honest differences of opinion which occasionally exist between the Senate and the President, in regard to matters in which both are obliged to participate, are sufficiently embarrassing. But if the course recently adopted by the Senate, shall hereafter be frequently pursued, it is not only obvious that the harmony of the relations between the President and the Senate, will be destroyed, but that other and low-citizens, to the world, and to all posterity, I respectfully request that this Message and Protest may be entered at length on the Journals of the Senate.

ANDREW JACKSON.

April 15th, 1834.

The following Message from the President of the United States, was communicated to the Senate by his private Secretary, on the 21st ult.

To the Senate of the United States:

Having reason to believe that certain passages contained in my Message and Protest, transmitted to the Senate on the 17th instant, may be misinterpreted, I think it proper to state that it was not my intention to deny, in the said Message, the power and right of the Legislative Department to provide by law for the custody, safe keeping, and disposition of the public money and property of the United States.

Although I am well satisfied that such a construction is not warranted by any thing contained in that Message, yet aware, from experience, that detached passages of an argumentative document, when disconnected from their context, and considered without reference to previous limitations, and the particular positions they were intended to refute or to establish, may be made to bear a construction varying altogether from the sentiments really entertained and intended to be expressed; and deeply solicitous that my views on this point should not, either now or hereafter, be misinterpreted, I have deemed it due to the gravity of the subject, to the great interest it involves, and to the Senate, as well as to myself, to embrace the earliest opportunity to make this communication.

I admit, without reserve, as I have before done, the constitutional power of the Legislature to provide by law the place or places in which the public money or other property is to be deposited, and to make such regulations concerning its custody, removal or disposition, as they may think proper to enact. Nor do I claim for the Executive any right to the possession or disposition of the public property or treasure, or any authority to interfere with the person entrusted with such property or treasure, unless he be an officer whose appointment, under the Constitution and laws, is devolved upon the President alone, or in conjunction with the Senate, and for whose conduct he is constitutionally responsible.

As the Message and Protest referred to may appear on the Journal of the Senate and remain among the recorded documents of the nation, I am unwilling that opinions should be imputed to me, even through misconstruction, which are not contained in it; and more particularly am I solicitous that it may not be supposed to claim for myself, or my successors, any power or authority not clearly granted, by the Constitution and laws, to the President. I have, therefore, respectfully requested that this communication may be considered a part of that Message and that it may be entered thereon with the Journals of the Senate.

April 21, 1834. ANDREW JACKSON.

Georgetown, Ohio, April 9.

**Destructive Fire.** Mr. James Dickinson, a peaceable and industrious farmer of this county, and long a resident of Clark township, met, on Saturday night last, with a severe misfortune. About ten o'clock in the evening, he discovered his barn to be on fire. The alarm was instantly given, and himself and family together with some neighbors, rushed to the rescue. But in vain. It was impossible to arrest the rapid progress of the devouring element. In two hours (says our informant) after the fire was discovered, the barn together, with all its contents, with the exception of one colt, lay a bed of ruin. In it was consumed, as near as can be estimated, seventy-five bushels of wheat, forty of oats, ten tons of hay, and three head of horses. Mr. Dickinson himself, in trying to save his horses, was considerably burned, and after all his exertions, was unable to rescue but one horse, which was in a shed adjacent to the barn, and colt, which was as fortunate or rather unfortunate, as to escape after being much injured by the fire. The damage he has sustained is estimated at about eight hundred dollars, or the real value of the property lost, thought was worth this sum. The fire originated, in the part of the barn where the horses were, and must have been communicated by human agency.—There was no possible chance for it to have caught accidentally. Some heart steeled with the most atrocious baseness, prompted beyond a doubt, this horrible deed, and some villain's hand applied the fatal torch. No discovery however, has yet been made to the detection of the one who committed this deed of darkness. **Democrat.**

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