

fund to national defences. I know the sincerity of the Senator in making this proposition; and let me assure him I fully concur with him in the propriety of strengthening our national arm of defence. We only differ as to the funds out of which that preparation shall be made. I contend for this distribution as a necessary measure to enable the people to rise in their strength to the defence of the country. Let this fund be used for the relief of an embarrassed and oppressed people, and supply its place by a levy of imposts, as is now proposed. The duties will be paid, along by those who choose to consume the foreign article, as I have already said, while the distribution will be felt by the humblest citizen in the land, who may never use an article upon which a duty is levied. Do this, and you may rely upon it, whenever the people are required, to come up to the defence of the country, you will find them there, not arrayed in parties; as we are, but as one man. For I trust the time never will come, when we shall refuse on party grounds, at the call of our country, to rally around her standard, and bring to her support our united energies in her just and honorable defence. Sir, the defences of the country will be provided for, whether this bill pass or not. But refuse to distribute it on the ground that it may be needed, and my word for it the necessity will be created.

The Senator from Missouri, (Mr. Benton,) the other day, declared, what every one knows to be true, that there is a continued drain from the West of the precious metals, and no natural return. I have felt that state of the case existing for years, and I have complained of it on this floor without effect; but I now see a prospect of a return, through this bill, of a portion of the money that is drawn from us, and I call upon Western Senators to look at the matter in that light.

Sir, we have been called upon, in a voice clear and audible, to give to the measures in which we have been and are still engaged at this extra session the forms of law. The people have called for them, and we as their agents are bound to carry them out. If they be wise and judicious, as we suppose, such will be the decision of our common constituents; if, however, in this, they as well as ourselves should be mistaken, the error will be corrected by the experience of those affected by our action, and we shall be compelled either to conform our legislation to that corrected public opinion, or surrender the seals and our places here to our political opponents. Let every Whig then come manfully up to the work, and take his share of the responsibility. There is no escape—no special pleading will avail. We must stand or fall upon the wisdom of our measures, and their just and beneficial results upon the interests of the people. The recent revolution effected by public opinion—the condemnation of the last Administration and its sub-Treasury hard-money measures, and the signal overthrow of those in power, present a portion of history entitled to our contemplation. I advert to this to admonish gentlemen not to rely for escape on the absence of a vote, or even a vote against any particular measure. We stand or fall on our policy. If we stand, we all stand together; if we fall, we must and should share the same fate. I claim no exemption. I fully concur with the great majority of the Whigs of the nation in the wisdom of our policy; but, if they should prove otherwise, it is the duty as well as the right of the people to rectify any errors into which we shall have fallen. The Government was formed for them, and it ought to be administered for their benefit.

Before I take leave of this subject, the Senate will excuse me for recurring again to the position assumed that the people are not represented under the last census. This is one of the grounds upon which our political opponents intend to go to the people and demand the repeal of the Bank charter, and it is possible that the same argument may be applied to this bill, should it pass and become a law. Sir, let Senators beware of that sword—it is not a two-edged one, cutting both ways—it cuts those alone who rely upon the popular will as manifested in the elections of 1840, and who profess to rely upon a representation under the last census for the repeal of either the Bank law or of this distribution measure. REPEAL! Ay, that is to be the democratic watchword, say Senators. Contracts are nothing, public faith is nothing, vested rights are nothing. Repeal, repeal, say gentlemen. I confess I utterly abhor the idea; it is *nullification run mad*; and let me tell gentlemen they never will succeed in their unholy purposes until the People are lost to every sense of justice, and are prepared to deny the utility of our present form of government; until established laws shall give place to open anarchy. Nay, more: such doctrines can never be sanctioned until the independence of the Judiciary shall lie prostrate at the feet of a tyrannical and corrupt party, nor until liberty shall be an unmeaning sound. At which period, should it ever arrive, which God forbid—

"Faith shall fly, and Piety in exile mourn,  
And Justice, here oppressed, to Heaven return."

#### VETO MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,  
Returning, with his objections, the bill to incorporate  
the Fiscal Bank of the United States.

To the Senate of the United States:

The bill entitled "An act to incorporate the subscribers to the Fiscal Bank of the United States," which originated in the Senate, has been considered by me, with a sincere desire to conform my action in regard to it, to that of the two Houses of Congress. By the Constitution it is made my duty either to approve the bill by signing it, or to return it with my objections, to the House in which it originated. I cannot conscientiously give it my approval, and I proceed to discharge the duty required of me by the constitution—to give my reasons for disapproving.

The power of Congress to create a National Bank to operate *per se* over the Union, has been a question of dispute from the origin of our Government. Men most justly and deservedly esteemed for their high intellectual endowments, their virtue, and their patriotism, have, in regard to it, entertained different and conflicting opinions. Congresses have differed. The approval of one President has been followed by the disapproval of another. The People, at different times, have acquiesced in decisions both for and against. The country has been, and still is, deeply agitated by this unsettled question. It will suffice for me to say, that my own opinion has been uniformly proclaimed to be against the exercise of any such power by this Government. On all suitable occasions, during a period of twenty five years, the opinion thus entertained has been unreservedly expressed. I declared it in the Legislature of my native State. In the House of Representatives of the United States it has been openly vindicated by me. In the Senate Chamber, in the presence and hearing of many who are at this time members of that body, it has been affirmed and re-affirmed, in speeches and reports there made, and by votes there recorded. In popular assemblies I have unhesitatingly announced it; and the last public declaration which I made, and that but a short time before the late Presidential election, I referred to my previously expressed opinions as being those then entertained by me. With a full knowledge of the opinions thus entertained, and never concealed, I was elected by the People Vice President of the United

States. By the occurrence of a contingency provided for by the Constitution, and arising under an impressive dispensation of Providence, I succeeded to the Presidential office—Before entering upon the duties of that office, I took an oath that I would "preserve, protect, and defend the Constitution of the United States." Entertaining the opinions alluded to, and having taken this oath, the Senate and the country will see that I could not give my sanction to a measure of the character described, without surrendering all claim to the respect of honorable men—all confidence on the part of the People—all self-respect—all regard for moral and religious obligations, without an observance of which no government can be prosperous, and no people can be happy. It would be to commit a crime which I would not wilfully commit to gain any earthly reward, and which would justly subject me to the ridicule and scorn of all virtuous men.

I deem it entirely unnecessary at this time to enter upon the reasons which have brought my mind to the conviction I feel and entertain on this subject. They have been over and over again repeated. If some of those who have preceded me in this high office have entertained and avowed different opinions, I yield all confidence that their convictions were sincere. I claim only to have the same measure meted out to myself. Without going further into the argument, I will say that, in looking to the powers of this government to collect, safely keep, and disburse the public revenue, and incidentally to regulate the commerce and exchanges, I have not been able to satisfy myself that the establishment by this Government of a bank of discount, in the ordinary acceptance of that term, was a necessary means, or one demanded by propriety, to execute those powers. What can the local discounts of the bank have to do with the collecting, safe-keeping, and disbursing of the revenue? So far as the mere discounting of paper is concerned, it is quite immaterial to this question whether the discount is obtained at a State bank or a United States Bank. They are both equally *local*—both beginning and both ending in a local accommodation. What influence have local discounts, granted by any form of bank, in the regulating of the currency and the exchanges? Let the history of the late United States Bank aid us in answering this inquiry.

For several years after the establishment of that institution, it dealt almost exclusively in local discounts; and during that period the country was, for the most part, disappointed in the consequences anticipated from its incorporation. A uniform currency was not provided, exchanges were not regulated, and little or nothing was added to the general circulation; and in 1820 its embarrassments had become so great, that the directors petitioned Congress to repeal that article of the charter which made its notes receivable every where in payment of the public dues. It had, up to that period, dealt to but a very small extent in exchanges, either foreign or domestic, and as late as 1823 its operations in that line amounted to a little more than seven millions of dollars per annum. A very rapid augmentation soon after occurred, and in 1823 its dealings in the exchanges amounted to upwards of one hundred millions of dollars, including the sales of its own drafts; and all these immense transactions were effected without the employment of extraordinary means. The currency of the country became sound, and the negotiations in the exchanges were carried on at the lowest possible rates. The circulation was increased to more than 22,000,000, and the notes of the bank were regarded as equal to specie all over the country; thus showing, almost conclusively, that it was the capacity to deal in exchanges, and not in local discounts, which furnished these facilities and advantages. It may be remarked, too, that notwithstanding the immense transactions of the bank in the purchase of exchange, the losses sustained were merely nominal; while in the line of discounts the suspended debt was enormous, and proved most disastrous to the bank and the country. Its power of local discount has, in fact, proved to be a fruitful source of favoritism and corruption, alike destructive to the public morals and to the general

weal.

The capital invested in banks of discount in the United States, created by the States, at this time exceeds 350,000,000; and if the discounting of local paper could have produced any beneficial effects, the United States ought to possess the soundest currency in the world; but the reverse is lamentably the fact.

Is the measure now under consideration, of the objectionable character to which I have alluded? It is clearly so, unless by the 18th fundamental article of the 11th section, it is made otherwise. That article is in the following words:

"The directors of the said corporation shall establish one competent office of discount and deposit in any State in which two thousand shares shall have been subscribed, or may be held, whenever, upon application of the Legislature of such State, Congress may by law require the same. And the said directors may also establish one or more competent offices of discount and deposit in any Territory or District of the United States, and in any State, with the assent of such State; and when established, the said office or offices shall be only withdrawn or removed by the said directors prior to the expiration of this charter, with the previous assent of Congress: Provided, in respect to any State which shall not, at the first session of the Legislature thereof, held after the passage of this act, by resolution, or other usual legislative proceeding, unconditionally assent or dissent to the establishment of such office or offices within it, such assent of said State shall be thereafter presumed."

The assent or dissent is to be expressed *unconditionally* at the first session of the Legislature, by some formal legislative act; and if not so expressed, its assent is to be implied, and the directors are therupon invested with power, at such time thereafter as they may please, to establish branches; which cannot afterwards be withdrawn, except by resolve of Congress. No matter what may be the cause which may operate with the Legislature, which either prevents it from speaking, or addresses itself to its wisdom, to induce delay, its assent is to be implied. This iron rule is to give way to no circumstances—it is unbinding and inflexible. It is the language of the master to the vassal—an unconditional answer is claimed forthwith, and delay, postponement, or incapacity to answer, produces an implied assent, which is ever after irrevocable. Many of the State elections have already taken place, without any knowledge, on the part of the Peo-

ple, that such a question was to come up. The representatives may desire a submission of the question to their constituents preparatory to final action upon it, but this high privilege is denied; whatever may be the motives and views entertained by the Representatives of the people to induce delay, their assent is to be presumed, and is ever afterwards binding, unless their dissent shall be unconditionally expressed at their first session after the passage of this bill into a law. They may, by formal resolution, declare the question of assent or dissent to be undecided and postponed; and yet, in opposition to their express declaration to the contrary, their assent is to be implied. Cases innumerable might be cited to manifest the irrationality of such an inference. Let one or two in addition suffice. The popular branch of the Legislature may express its dissent by an unanimous vote, and its resolution may be defeated by a tie vote of the Senate, and yet the assent is to be implied. Both branches of the Legislature may concur in a resolution of decided dissent, and yet the Governor may exert the *veto* power conferred on him by the State Constitution, and their legislative action be defeated; and yet the assent of the legislative authority is implied, and the directors of this contemplated institution are authorized to establish a branch or branches in such State whenever they may find it conducive to the interest of the stockholders to do so; and having once established it they can under no circumstances withdraw it, except by act of Congress. The State may afterwards protest against such inference, but its authority is gone. Its assent is implied by its failure or inability to act at its first session, and its voice can never afterwards be heard. To inferences so violent, and, as they seem to me, irrational, I cannot yield my consent. No court of justice would or could sanction them, without reversing all that is established in judicial proceeding, by introducing presumptions at variance with fact, and inferences at the expense of reason. A State in a condition of distress would be presumed to speak, as an individual, manacled and in prison, might be presumed to be in the enjoyment of freedom. Far better to say to the States boldly and frankly—Congress wills, and submission is demanded.

It may be said that the directors may not establish branches under such circumstances. But this is a question of power, and this bill invests them with full authority to do so. If the Legislature of New York, or Pennsylvania, or any other State, should be found to be in such condition as I have supposed, could there be any security furnished against such a state on the part of the directors? Nay, is it not to be presumed that this proviso was introduced for the sole purpose of meeting the contingency referred to? Why else should it have been introduced? And I submit to the Senate, whether it can be believed that any State could be likely to sit quietly down under such a state of things? In a great measure of public interest their patriotism may be successfully appealed to; but to infer their assent from circumstances at war with such inference, I cannot but regard as calculated to excite a feeling of fatal enmity with the peace and harmony of the country. I must, therefore, regard this clause as asserting the power to be in Congress to establish offices of discount in a State, not only without its assent, but against its dissent; and so regarding it, I cannot sanction it. On general principles, the right in Congress to prescribe terms to any State, implies a superiority of power and control, deprives the transaction of all pretence to compact between them, and terminates, as we have seen, in the total abrogation of freedom of action on the part of the States. But further, the State may express, after the most solemn form of legislation, its dissent, which may from time to time thereafter be repeated, in full view of its own interest, which can never be separated from the wise and beneficent operation of this Government; and yet Congress may, by virtue of the last proviso, overrule its law, and upon grounds which, to such State, will appear to rest on a constructive necessity and propriety, and nothing more. I regard the bill as asserting for Congress the right to incorporate a United States Bank with power and right to establish offices of discount and deposit in the several States of this Union, with or without their consent; a principle to which I have always heretofore been opposed, and which can never obtain my sanction. And waiving all other considerations growing out of its other provisions, I return it to the House in which it originated, with these my objections to its approval.

JOHN TYLER.

WASHINGTON, August 16, 1841.

#### THE VETO.

The suspense in which both city and country has been kept for some days as to the fate of the Bank Bill, which passed both Houses of Congress more than a week ago, is at last ended. The President yesterday returned it to the Senate, in which branch it originated, with his objections. A copy of the Message containing them will be found in the preceding columns.

We regret exceedingly that such should have been the fate of the Bank Bill: not that we had any partiality for its particular form or structure, or had much confidence in its winning the necessary confidence of capitalists. But we approved the principles of the bill, and calculated upon amendments being made to it by a supplementary act which would have obviated the principal objections to it.

We confess ourselves also to be disappointed by this result. We had supposed the measure of a National Bank to be as clearly indicated, by the popular suffrages in November last, as the repeal of the sub-Treasury, or any other Whig principle supposed to be sanctioned by that vote.

We knew, it is true, that the President had, in times past, in both branches of Congress, by his speeches and votes, declared his personal conviction of the unconstitutionality of a National Bank. But we flattered ourselves that he would draw the distinction, which we thought we perceived, between the Legislative and the Executive character, which would allow of his signing an act in the one capacity which he would vote against in the other. Our impression, in this particular, was strengthened by a passage in his Address to the People of the United States, which we construed into an intimation that he would follow the example of Mr. MADISON, and consider the power to establish a Bank as settled by adjudication and acquiescence.

We therefore felt justified in predicting to our readers, with some confidence, that we should have a Bank. For the moment, at least, that prediction has signally failed of accomplishment. The President has refused to sign the bill, for reasons which we feel bound to respect. The freedom of conscience is with us too sacred to be profaned: and we cannot deny to the President the privilege which we shall always claim for ourselves.

What is now to be done? is the question which naturally presents itself.

We are not of the temper of those, who, after experiencing a disappointment in one thing, would fold our arms and attempt nothing more. "The plough goes on after a barren year; and, while the ashes are yet warm, we raise a new house upon the ruins of a former." Such is the course which, if our counsels could weigh with our friends in Congress, would now prevail. There are among them, we know, proud hearts and excitable minds, who might, on the

impulse of the moment, decide upon a different course. Of such, we would ask, what good can be expected to result from vehemence and outbreak? So far from effecting any good, such a course would weaken, disunite, and finally perhaps destroy the power of the Whig party, and with it the best hopes of the country. Shall such a catastrophe as this be allowed to follow the Veto? Would such be the suitable remedy for the pain of the moment?

The Bank, or Fiscal Agent, is a question of great interest, it is true; but there are questions of greater importance than that depending in Congress, which the People confidently expect the Whigs to carry out, and in which there is no doubt of the cordial co-operation of the PRESIDENT. He is not less convinced, we feel assured, than the Whigs in Congress, that nothing else can restore the prosperity of the country. We may gather, indeed, from the Veto Message itself, that the PRESIDENT is now ready to sanction a Bank, such as, though short of what we should prefer, shall adapt itself to essential wants of the country.

We trust, therefore, that calmness, considerateness, and patriotism, will be the prevailing spirit of the occasion, and that Congress will not only carry out all its other great measures, but will also make a further trial for a Bank, at this Session. Possibly that object may not be accomplished till the next Session, but it seems to us to be worth a trial. The House of Representatives has shown how much important work may be done in a short time, when men are both resolved and firm. Where there is a will, there is a way. There is nothing so difficult (not being impossible) that stout hearts and willing hands cannot accomplish it.

Let union and confidence, then, animate the Whig party. Above all, let not the miscarriages of a single measure defeat the high raised hopes of the country in regard to others.—*Nat. Intelligencer.*

#### SEMI-WEEKLY JOURNAL. INDIANAPOLIS:

WEDNESDAY, AUGUST 25, 1841.

#### THE VETO.

The President has returned the Bank bill, with his objections to its becoming a law of the land, to the Senate of the United States, the House in which it originated. From the remarks of the Madisonian and the tenor of letters from Washington, since the bill went into his possession, we were prepared for the unwelcome, and we may add, aggravating intelligence. It came, however upon most of our citizens unexpectedly; and it has cast over the community, almost as much gloom, but of a different nature, as did the intelligence of the death of the lamented Harrison. The people sorrowed for the departure to the world of spirits of a great and good man—now they sorrow and regret for the disappointment of their just and reasonable expectations. From some, deep and indignant bursts of censure and condemnation escape; by others, who were more conversant with Mr. Tyler's opinions as expressed years ago, poignant regret is manifested that he could not see in the situation of the country and the necessities of the people something that would enable him to permit the bill to become a law. All deplore that such an end awaited the wise and wholesome proceedings of those "fresh from the ranks of the people" during the extra session.

President Tyler has no doubt been actuated by pure and patriotic motives, and by what he considered a strict regard for his oath to support the Constitution of the United States. But that the Whig party, that the people, had a right to expect with much certainty that he would approve a bill chartering a United States Bank, no one we presume will hardly deny. In the Convention at Harrisburgh he warmly supported Mr. Clay, the open, the avowed, and the prominent friend to such an institution, in preference to General Harrison, who it was known would veto a bill providing for a Bank, unless he was convinced that it was *clearly* the will of the people that one should be established. He did not, when he permitted himself to be run for the second office in the Government, by a political party, and when he was fully aware of the opinions entertained by that party, and when he must have known that that party supposed that his and their opinions coincided on *all* leading measures—he did not, we say, define his position, but suffered that party to vote for him, under erroneous impressions in regard to him. 'Tis true that once he entertained an opinion adverse to a National Bank; it is also true that once he belonged to the Jackson party, but it is equally true that he changed his opinions of that party and their measures, and connected himself with the Whig party.—Just so did thousands of others who belonged to the Jackson party. They became convinced of the utility and necessity of a National Bank, quit their own party that were known to be opposed to a Bank, joined a party whose great aim was the establishment of such an institution, and are now the most decided and open friends of a Bank. Taking the opinions of these old Jackson men as a criterion, it was fair to presume that President Tyler was also a Bank man. Under this belief thousands of Whigs voted for him in '36, and hundreds of thousands in '40. We will not say that they have been betrayed, for the President is an honorable man, but they have been disappointed, sadly and deeply disappointed. It has not been their fault, but if they are ever similarly disappointed they will be to blame.

What will be the duty of the Whigs in this momentous crisis? is a question generally asked. We say, let them remain unshaken and united. The President has only differed from them on