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Extracts from Mr. Garland's Speech in reply to Mr. Bell.

The honorable gentleman from Tennessee, (Mr. Bell) in assigning the reasons which have induced him to abandon *"the party"* now sustaining the Administration, charges, 1st. That the Administration came into power upon the profession of one set of principles, and practices upon another. 2d. That the Administration has been grossly derelict in its duty in recommending proper measures and providing for the defence of the country. 3d. That its practices are prodigal and corrupt in the employment and disbursement of the public funds used in dispensating the patronage of the Government. And 4th. That it has attempted to delude the People, and produce public excitement upon subjects which they recommend, and never intended to carry out into practice. Before, however, I proceed to answer these charges, I propose to ascertain the true point of responsibility, if they be found true. The honorable gentleman from Tennessee says he attaches but a slight degree of responsibility to the President, for the practices and neglect which he charges upon the Administration; but holds his *lieutenants*, as he calls them, responsible, and thinks the Vice President himself should be held somewhat responsible; that he ought, to some extent, to examine into the practices of the Government, and correct abuses. I do not, Mr. Chairman, concur with the honorable gentleman in his views upon this subject. I hold the President himself responsible for all and every abuse of Executive neglect of duty or abuse of power. The Constitution charges him with the whole Executive duty; he appoints to office and removes at his will; if abuses exist, the Constitution has placed in his hands the corrective power; and if he fails, whenever he has knowledge of abuse, to apply the corrective, I hold him responsible to the country. I will not separate between the President and Executive officers, because all his duties consist in controlling their action and correcting their malpractices. It is here abuses may sometimes exist for a time without his detection; but when he does detect them; it is his duty to correct; and, if he fails, he is deeply responsible. But upon what principle the Vice President is to be held responsible, I confess I cannot discern. He is charged by the Constitution simply with the duty of presiding over the deliberations of the Senate; he can neither appoint nor remove an Executive officer, nor can he constitutionally do a single Executive act, unless he is charged with the duties of the office of President, by the death, removal, or resignation, or disability of the President. Sir, the Vice President is upon no principle responsible for any abuses of the Government, however glaring or corrupt, for the simple reason that he has no constitutional power to correct them. It is obvious, however, that he is to be held responsible by his opponents, with a view to affect him in the coming Presidential election.

I come now, Mr. Chairman, to consider the charges of the honorable gentleman from Tennessee against the Administration; in doing so, I shall attempt to defend the Administration by fact and reason. I shall not employ opprobrious party epithets, or impeach the motives of any man upon this floor. Conscious of the integrity of my own opinions, I shall extend to others with whom I differ as much credit for integrity of opinion as I claim for myself. Knowing, as I do, the liability of the human mind, and its proneness to err, and being unwilling to claim to myself infallibility, if facts and reasons cannot be found to sustain my opinions, I am sure denunciation will not. The first charge that I propose to consider is, that the Administration came into power professing one set of principles, and that it practices upon another. The first specification made by the gentleman from Tennessee, which I shall discuss, is the subject of "Internal Improvement." He charges that the present Administration came into power professing opposition to this system, and in practice had expended more money than in the same period of any pre-existing Administration. First, then, sir, as to the profession, and then the practice. And here I might rest the defence of the Administration against the charge, by simply quoting from the speech of the gentleman from Kentucky (Mr. Allen) the charge that the President came into power *favoring the system of Internal Improvements*, while his practice has overthrown it. This gentleman read an extract from a letter from the President to the Governor of Indiana, in which the President refers to his votes as a member of the Senate upon this subject, and asserts his opinions to be unaltered. This letter, the gentleman from Kentucky says, deluded the West into the support of the President. He says: 'This letter, throughout the West, was considered as removing every doubt, and *the vote of that country was given upon the faith of the positive pledge it contained.*" The gentleman sarcastically says that this pledge was redeemed *by the veto* of the Maysville bill, and that the veto of the bill for the benefit of the Louisville canal, in the latter of which the President expressed this sound and orthodox opinion: *"Positive experience, and a more thorough consideration of the subject, have convinced me* [the President] *of the impropriety as well as inexpediency of such investments."* After the gentleman had spoken of the shock and disappointment which the Maysville and Louisville canal had produced in the West, and their tendency to weaken the ties which bind together representative and constituent, and denying the right of a representative to change his *pledged opinion*, he says: *"But it was necessary to break the shock which this disappointment caused in the West."*

This purpose was accomplished, says the gentleman, in the message of 1829. Sir, this is certainly a most singular state of things. The force of the shock and disappointment created by the Maysville veto message of May, 1830, in the West, is broken by the annual message of December, 1829. Most singular—*the force of a shock which took place in May, 1830, is broken by a message delivered about six months before!* I leave the gentleman to make the best of this argument he can; for it is, I admit, greatly beyond my comprehension. In addition to this testimony; I will offer that of Mr. Clay, who pronounced, I think in 1834, the death of his favorite system of internal improvement under the blow given it by the Maysville veto. Every member knows the particular solicitude with which that gentleman watched over his favorite system, and that, from his public or private relations with the President, he would not be disposed to do him more than justice; yet, as late as 1834, he pronounced the system crushed beneath the power of the veto. Now, sir, this gentleman, or the gentleman from Tennessee, is mistaken. But, sir, as to the protested principles of the President upon this subject when he came into office; independent of this testimony, I think I shall be able satisfactorily to prove that the President, in the administration of the Government, has been consistent with himself, in profession and practice, in relation to this subject. The Maysville veto was the first occasion upon which the President made a particular avowal of his opinions upon this all important question of constitutional power, in which he denies the right of this Government to construct works of internal improvement within the boundaries of a State, or to appropriate money in aid of such works, by subscriptions for stock or otherwise. He avows also the opinion that this Government has the power to appropriate money for removing obstacles from, and imrpoving the navigable rivers within, the limits of a State, or where it is the boundary between States, and for constructing works of improvement in the Territories; in all of which he distinguishes between works of a *national* and those of a mere local character. The President, however, in the veto message, expresses himself doubtfully of what is the true boundary line, within which the Government may appropriate money, and recommends such an amendment of the Constitution as will place the exercises of this important power upon its true ground, defining the line over which the Government shall not go, and putting to rest forever this vexed question. The President repeated in each of his succeeding messages the difficulty under which he labored, and the recommendation of a constitutional amendment, to relieve the Executive from the difficulty. This recommendation of his, merely to define by constitutional declaration this power, has not been responded to by the representatives of the People, and the responsibility for its failure rests upon them.

It cannot be forgotten that the Maysville veto was hailed with enthusiastic delight by the opponents of this power, as cutting off the whole system of local improvements within the limits of the States, and though not achieving the whole, yet achieving much very much, for the principle of *strict construction*. All the public journals so regarded it, and this was the view which was taken by the whole nation. This, sir, is the principle which the Administration professed; and I contend that in all the appropriations for works of internal improvement, none have been constructed of a local character, incompatible with the principles avowed in the Maysville veto and subsequent messages. If there is one, sir, it has escaped my memory, and I should like to know the truth.

[Mr. Wise rose and said, that *understanding* his honorable colleague (Mr. Garland) to inquire or to ask for a specification of any act of approbation by the Executive of the principle of internal improvement since his veto of the Maysville road bill, he would, with his colleague's permission, specify a single instance during the last Congress.

Mr. Garland gave way, and Mr. Wise proceeded to state that during last Congress there was a bill of appropriation for the construction of certain *harbors* on the lakes, in the States of New York and Ohio. That when that bill came up for consideration, his colleague (Mr. Mercer) moved to amend it, by adding an item of thirty thousand dollars or thereabout, for *surveys for works* of internal improvement. This sum has been for several years annually appropriated for internal improvement, and had ever been considered *the foundation of the whole system.* It was the *nucleus* the *nest egg* of works of internal improvement; for without previous surveys no works whatever could be constructed. It involved the whole *principle* of the system without limitation, without the refined distinction ever involved in the word *"national."* So viewed, when this amendment was offered to this harbor bill, a few strict constructionists from the South of whom I was one, determined to make one more effort to resist the principle of internal improvement, and to strike a blow at the very foundation of the system. Accordingly, when the bill came up, several gentlemen and myself appealed to the gentlemen of "the party," particularly from New York, to aid us in resisting this amendment of my colleague, (Mr. Mercer.) My honorable colleague (Mr. Archer,) when the amendment was offered, called for the yeas and nays, and, to our gratification, *it was rejected by the votes of "the party" from New York, united with the strict constructionists of the South.* We congratulated ourselves upon the triumph; and I remember well that I was cordially congratulated by several gentlemen from New York upon the evidence which they had given us that they were with the South on the question of internal improvements. I relied upon their evidences and their smiles, but was doomed to disappointment, and, in turn, to defeat. My colleague (Mr. Mercer) and the National Republicans, as they are called, generally, seeing the manner in which their favorite appropriation for *surveys* had been defeated, turned around and united with the strict constructionists in voting *against the harbors of New York and Ohio.* Thus we, in fact, defeated the whole bill; but the rejection lasted only *twenty-four hours*, for the moment *"the party"* of New York saw their harbors fail, *they forgot they were against the principles of internal improvement, which they admitted, and all admit, is involved in the appropriation for surveys,* came in the next day, moved a reconsideration of the vote rejecting the amendment of my colleague—it was moved by Mr. Beardsley, of New York. The amendment, then, was passed *by their votes.* The vote rejecting the harbors was then reconsidered; the bill, containing surveys and harbors was passed, *and the President of the United States signed and sanctioned the act with all its features of Internal improvement in every form.*]

Mr. Garland resumed. I do not doubt at all the truth of the statement of my honorable friend from Virginia. I know he would make no intentional misstatement; nor is it material to my argument to vindicate or defend the course of members on this floor, who may act inconsistently with themselves: that is their own business; with which I have no concern, and with which I shall not meddle; but I do not think the $30,000, referred to by my colleague, at all conflicts with the truth of the assertion; for there is nothing in it, nor has there been any practice under it, incompatible with the principles of the Maysville veto. The first appropriation for plans and surveys was made on the 30th of April, 1824, and is in these words: *"Be it enacted &c.* That the President of the United States is hereby authorised to cause the necessary surveys, plans, and estimates to be made of the routes of such roads and canals as he may deem of national importance in a commercial or a military point of view, or necessary for the transportation of the public mail; designating in the case of each canal, what points may be made capable of sloop navigation," &c.; in which the surveys to be made are to be for works of *"national importance;"* and in its execution restricted to such works as are of *national importance in a commercial or military point of view, or necessary for the transportation of the public mail.* The first appropriation for this object during this Administration is in these words: For 'defraying the expenses incidental to making examinations and surveys for *national works* under the act of 30th April, 1824, &c. thirty thousand dollars'—Act of May 3d, 1830; in which the appropriation directly refers to the surveys, &c. contemplated by the act of 1824, and only incorporates the principles of that act. Every appropriation since is in the same language, and is made to procure the surveys, plans, &c. contemplated by the act of 1824; and is expressly restricted to the objects named in that act. Whatever, then, is wrong in the annual appropriation referred to by my friend from Virginia, is to be traced to the act of 1824, for which the republican Administration of Mr. Monroe is responsible. In that act, the distinction is taken between local and national works, and is the distinction taken in the Maysville veto and running throughout the messages of President Jackson. I admit, sir, for I never will disguise truth for any consideration, that this annual appropriation of 30,000 dollars contains within it *a principle* of internal improvement, not an unrestricted and unlimited principle, such as was claimed by the preceding Administration, but a restricted principle, restricted to *national works*, the very principle of the veto. Yet, sir, I am free to confess that this principle is broader than my own notion of constitutional power, and incompatible with the strict doctrine of the Virginia school upon this subject. I disagree with the President as to the power which he asserts over rivers within a State, or where the jurisdiction of two States extends over it. I am not attempting to prove that the doctrines of the President are entirely in accordance with the Virginia doctrines upon this subject; I know they are not, and he never pretended that they were. I am only contending that he is consistent with himself in principle and practice in relation to this subject; and in this practice he has done much, very much, to restore the practice of the Government to the true constitutional standard for which he has my sincere thanks.

Much has been said, Mr. Chairman, by all the gentlemen who have preceded me in this debate, about the immense surplus in the Treasury, and its rapid increase. I here summit statements showing the actual amount of the surplus at the close of the last year; and what will be its probable amount at the close of the current year, depends upon the appropriations of the present session.

1. The actual surplus in the Treasury on the 1st of January, 1836, after deducting unavailable funds, and all outstanding appropriations, was about 18,000,000 dollars.

The balance on hand was about 25,731,152 dollars, and the outstanding appropriations near eight millions. This surplus was larger than had been previously estimated, on account of the great importations in the last quarter of the year, made before the apprehended difficulties with France should probably end in commercial restrictions and war; and on account of the unexpected continuance of extravagant speculations in public lands through the months of November and December.

2. The amount of the surplus at the close of 1836, will of course, depend on the receipts during the year, and the expenditures, which have not yet been ascertained, for a single month with entire accuracy.

But, if the estimates made in the last annual report of the receipts should be exceeded by three or four millions of dollars, as seems probable from the large imports to supply the destruction of goods by fire in New York, and from a continuance in January and February of large purchases of public lands, then the whole receipts in the year may be expected to equal about 25,000,000 dollars. The receipts from lands are so uncertain, they may exceeded or fall short of the allowance included in the above computation.

I do not see any indications that the United States Bank intends to pay into the Treasury much, if any, of our capital stock during 1836, so as to swell the surplus from that source.

From this 25,000,000 dollars is to be deducted the expenditure during 1836 of new appropriations, which have been estimated in the annual report about 23,000,000 dollars.

If the expenditures in 1836 of new appropriations should equal that sum, the balance of receipts in the year would exceed the expenditure about 2,000,000 dollars.

But if to those expenditures, as estimated seven months ago, are added the new items for the Florida war, and other incidents, equalling five millions, the balance of expenditures over receipts would be 3,000,000 dollars, and thus what might be deemed a surplus in the Treasury, January, 1837, would be only about 15,000,000 dollars, instead of what it was January 1, 1836, of about 18,000,000 dollars.

Should Congress, however, appropriate still more to the fortifications and Navy, to build custom houses, &c. &c., than was contemplated in the estimates submitted last December, (and it is expected they may to the amount of at least six or seven millions,) all that excess will *pro tanto* reduce the surplus below fifteen millions, and make it not over seven or eight millions. So if the receipts from duties are actually postponed much to subsequent years by the New York fire bill, or are diminished by any large remission of duties, the surplus will be further reduced. On the contrary the receipts from lands &c., may be larger and then it will be increased.

From this statement, there was actually in the Treasury, at the close of the year, about $10,000,000, after deducting actual expenditures and unexpended appropriations, which must be expended. And this, sir, is the immense surplus over which the Executive wields an uncontrolled authority, and with which the nation is to be corrupted! Sir, it is true it is rapidly increasing and will continue to do so, unless we pass the necessary appropriation bills. Sir, this surplus, with the decreasing duties under the act of 1832, will not remain long, although it amounts in calculation almost to $50,000,000, but will be only in calculation, not in *cash.* I am Mr. Chairman, much amused at the change in the state of things. Two years ago we heard nothing but woful prophecies of a bankrupt Treasury and a ruined People. A resort to direct taxation, arising from the folly and usurpations of this Administration, was predicted with great confidence. This very year was the period of fulfilment—when lo! and behold, we are not alarmed on account of a bankrupt Treasury and a ruined country, but, sir, because of an overflowing Treasury and a prosperous People. We are actually alarmed because we have so much money we do not know what to do with it. What a singular fulfilment of prophecy this! There is, Mr. Chairman, a ready way to relieve all our difficulties upon this subject—relieve the taxes of the People by reducing the tariff, and the surplus will soon be reduced. I hold myself under no obligation to abide any compromise of conflicting interests, which shall unnecessarily bunden the great body of the People.

I come now, Mr. Chairman, to consider the subject of the deposite banks. It is said by the gentleman from Tennessee (Mr. Bell) that the deposite of the public money in the State banks, extending as they do over the whole nation, secures to the Executive an extensive and dangerous influence over the moneyed concerns of the country, to an extent dangerous to public virtue and liberty; that the deposite banks will be entirely subservient to its views. Sir, the public money must either be concentrated at one point, in the Treasury Department, which would be unsafe and dangerous or in the hands of individuals which would also be unsafe, or in banks; and the question is, which would be the most judicious deposite? Mr. Gallatin, for whose opinions I entertain very high respect, in a report to Congress in 1811, when the charter of the old United States Bank was under consideration, used this language: "The banking system is now firmly established, and in its ramifications extends to every part of the United States. Under that system, the assistance of banks appears to me necessary for the punctual collection of the revenue, and for the safe keeping and transmission of public moneys. That the punctuality of payments is principally due to banks, is a fact generally acknowledged," &c. This argument is used merely to prove the necessity of using banks, because the system is firmly incorporated into our system. He then goes on to argue the advantages of a national, over State banks; but says: "If, indeed the Bank of the United States could be removed without affecting either its numerous debtors, the other moneyed institutions, or the circulation of the country, the ordinary fiscal operations of the Government would not be materially deranged and might be carried on by means of another general bank, *or of State banks.*" This concedes the whole ground I desire; and that State banks can be effectively and safely employed, is already proved by actual experiment. The concession comes, too, from a man favoring a national bank.

The reasons, under existing circumstances, of selecting State banks, by the Executive, are manifest; it was an act of necessity. There is no law directing where the public money should be deposited, in case of the expiration of the U. S. Bank charter, or in case the Secretary, under the discretion with which he was vested, should deem it expedient to remove them: the State banks were the only safe places which could be selected. At the opening of the session of Congress succeeding the removal of the public deposites, the President in his message notified Congress to make suitable regulations. He said, "the attention of Congress is earnestly invited to the regulation of the deposites in the State banks, by law. Although the power now exercised by the Executive Department in this behalf is only such as was uniformly exercised through every Administration, from the origin of the Government up to the establishment of the present bank, yet it is one which is susceptible of regulation by law, and therefore ought to be so regulated. *The power of Congress to direct in what places the Treasurer shall keep the moneys in the Treasury, and to impose restrictions upon the Executive authority, in relation to their custody and removal, is unlimited,*" and Congress from that time to this, has failed to do so. The reason is obvious. The bill regulating this matter was embarrassed in its progress with clogs and restrictions, which might induce the State banks to refuse to receive the deposites, and thus to bring about the necessity of renewing the charter of the United States Bank, or chartering a new national bank. Sir, we should cease to assail the Executive about its influence and control over the State banks, and of the public money. The Executive has earnestly invited and urged you to regulate the deposites, and restrict its control over the public money.

Gentlemen complain of the influence which the Executive will exert over the community—an influence, they say, dangerous to liberty—through the medium of the deposite banks. I submit it to the country to decide whether there be less danger from a connexion with a national bank of $35,000,000, having its branches in the capital of every State, controlled by a single board of directors, or the same number of State banks, having each its independent board of directors, controlled by the vigilance of 24 State Governments, each interested for its own security in restraining any undue influence over State institutions by the National Government, even with $50,000,000, of capital. I am, myself, Mr. Chairman, no friend of banking institutions: the whole system is corrupt in its tendency, and is as successfully building up aristocracy in this country as the laws of primogeniture and succession sustain it in Great Britain.

But, sir, gentlemen not only profess to be alarmed at the influence possessed by the Government over these institutions, and the dangerous tendency of that influence but they strike up another panic, and assert that the deposite banks are not safe; that the public money will all, or nearly all, be lost. I here exhibit a table showing the true condition of the deposite banks up to the 1st February, by which it will be seen that all the demands against them amount to $86,844,736 36, and their means to meet them $128,074,570 15; leaving a sum over and above all demands of $41,229,833 79.

It appears that the immediate liabilities of all the deposite banks are as follows:

Owing to other banks,	$14,879,161 45
Circulation to be redeemed	26,243,688 36
Private deposites,	15,043,033 61
Public deposites	30,768,879 91
Aggregate	$86,844,763 36

Their immediate means to meet their immediate liabilities were:

Due from other banks	$15,712,977 35
Specie on hand	10,198,659 24
Notes of specie-paying banks	9,573,089 53
Aggregate	$35,484,726 12

So that their immediate means were as 1 to about 2 1-2 of their immediate liabilities.

This is a proportion larger than most of the other banks in the United States; larger than the United States Bank itself used generally to have when a public depository, and larger than the Bank of England usually has. (See supplemental report, 1834, table AA, Doc. No. 27, Ho. of Reps.)

But beside these immediate means, the deposite banks had also other means to secure the Government and other depositors and the holders of their notes, of about 50 per cent. more than the amount of all their immediate liabilities.

Thus, beside the above immediate means, they have bills of exchange, in many cases as available as specie, amounting to $27,149,935 39

They have due to them on notes and obligations discounted the sum of 65,439,000 00

And add to this their immediate means of 35,484,726 12

And they have, in all, the sum of $128,073,670 15 to pay and secure their immediate debt of 86,844,763 dollars 36 cents.

In addition to this, the Treasury holds collateral security of most of these banks, to secure what is due to the United States, as suggested in annual report, page 21.

The reports up the 1st of March, vary this view but little. It is manifest, therefore, Mr. Chairman, that so much alarm for the safety of the public money is totally unfounded. It is easy to discover that all these fears and alarms about the deposite banks, this irresistible influence of the Executive over the public mind, through their agency, are intended to effect some other favorite object—*they squint at another national bank.* I do not allude to any gentleman on this floor. But, sir, does it not occur to gentlemen, if these deposite banks are all broke, that they can exercise no deleterious influence upon the country, and that these fears are entirely visionary?

The next subject of complaint on the part of the honorable gentleman from Tennessee (Mr. Bell) to which I shall advert is the subject of Executive patronage, the increase and dangerous tendency of which seem to excite so much apprehension for the virtue and safety of the nation, on the part of that gentleman. In discussing this question, Mr. Chairman, I shall not stop to inquire what friend of the Administration may or may not be involved in inconsistency; that is immaterial to me. I shall present my own views upon this as upon all other questions which shall come under consideration, without regard to the consequences to others. The question is, what are the principles of this Administration upon this subject? not what is, or what has been, the opinion of this or that individual friend; and whether, upon this subject, the profession and practice of the Administration have been consistent. The honorable gentleman says the bill now before the House, sent hither by the Senate, is intended to restrict and cut off improper Executive patronage. This bill provides that the limitation of four years to the duration of the term of the public officers, to whose offices it now applies, shall be repealed, and that, in case of removal from office before the nomination of a successor is acted upon, the President shall assign *to the Senate* his reasons for the removal. Now, sir, I deny that this bill is in accordance with the professed opinions of the Administration. The views of the President upon this subject were announced in his first annual message to Congress, in which he says:

"There are perhaps few men who can for any great length of time enjoy office and power, without being more or less under the influence of feelings unfavorable to a faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves, but they are not to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised mind would revolt. Office is considered as a species of property, and Government rather as a means of promoting individual interests, than as an instrument created solely for the service of the People. Corruption in some, and in others a perversion of correct feelings and principles, divert Government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or at least admit of being made so plain and simple that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. *I submit, therefore, to your consideration whether the efficiency of the Government would not be promoted, and official industry and integrity better secured, by a general extension of the law which limits appointments to four years.*

"In a country where offices are created solely for the benefit of the People, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men, at the public expense. No individual wrong is therefore done by removal, since neither appointment to, nor continuance in, office is matter of right. The incumbent became an officer with a view to public benefits; and when these require his removal, they are not to be sacrificed to private interests. It is the People, and they alone, who have a right to complain when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living, that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property, now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system."

If any man can discern in these views of the President the slightest accordance with the principles of the bill from the Senate, he has more acuteness than I have. The Senate's bill proposes to repeal the limitation of four years entirely, while the President recommends an enlargement of the limitation of four years to nearly all the offices under the Government; certainly a very material difference. The Senate's bill requires the President to assign his reasons for removal; the President nowhere intimates the propriety of such a requisition!