

Substance of Mr. Calhoun's observations on the

GENERAL APPROPRIATION BILL.

MR. CALHOUN called the attention of the Committee to the correspondence between the committee of Ways and Means and the acting Secretary of War. It seemed by that correspondence that besides other instances of transfers of the money appropriated by Congress, from the objects to which it was intended; to some other not contemplated; that the money appropriated to the construction of arsenals had in part been applied to the repairing of arms and erecting accommodations for the quarter masters. These might be proper objections of expenditure. This was not the point of his censure. He objected that the money had not been applied to the objects for which it was appropriated. It was a sheer abuse of power; not justified by existing laws, as lax as they unfortunately are on this point. The law authorized a transfer (under the immediate direction of the president) of the money appropriated, from one object to another object also authorized; and in every instance, in which it is not done by his authority, or in which it is applied to an object not authorized or where there has been a transfer of appropriation from an object, without their being a surplus of the sum appropriated to that object, he conceived it to be an abuse. The farther we progress in this business, the more apparent is the necessity of abolishing the whole power of transfers. It has and will continue to introduce confusion and abuses in the disbursements of the public money. He regretted that the committee of Ways and Means had not acted on this resolution, which he introduced on this subject, at an early period of the session; and as late as it was, he hoped that they would report before its termination.

Every one, said he, who has been a member of this house, long enough to make the observation; must be struck with the different degree of attention, which an appropriation and a tax bill excites. To the latter there is all attention, while the former excites less than most others; in fact there are few bills that excite less. What produces this difference? It is not because one is less important than the other. If in this respect there is any difference, he conceived that the former was most important. In laying a tax, there might indeed be danger of oppression, but, if the money is well applied, an adequate return is made to the country; but, if the appropriation is made to useless objects, or, what is worse, if the public officers are permitted to abuse their trust, and squander the public money, it is lost to the community. Why then the difference of interest which they excite? It is generally unpopular to lay them, and popular to repeal. Stimulated by these motives, there are many who are ready to prove their zeal in this particular service; and move their repeal whenever they can be spared, and even when they cannot without manifest detriment to the public. Very different is the case of the disbursements of the public money. Whether that is done with a due regard to the public interest, or whether it is fairly and honestly applied, are facts that excite in the people far less interest, because they are not so open to public observation. If the member who devoted his labor to the examination of the public accounts, and the correcting of abuses, was as certain to reap the reward of popular favor, as he who voted the repeal of taxes, there would not exist so many abuses as there now are. If the member from North Carolina (Mr. Williams) really wishes to render the public essential service, let him turn his attention to the bill now before the house, and not to the repealing of the taxes, before he knows whether they can be spared or not. This is the real path of patriotism; and, as the path of duty usually is, rugged and steep. It is in the disbursements of the public money that those dangerous disorders first strike, which finally end in the destruction of liberty. Abuses of this kind cannot be permitted, without endangering the principles of our constitution. It is in their nature to grow; and what was embezzlement at first, becomes right in a few years. It is thus, if tolerated, an interest will grow in favor of abuses, which, from its nature must ever be opposed to the power and reputation of this house. They who fatten on the public, will be persuaded that by destroying your political weight, they not only render themselves secure, in their lawless gain, but that they may be greatly enlarged. Such an interest is ever in favor of the power of a single ruler. Hence is the necessity, on our part, as the guardians of the community, to be vigilant, to suppress the first symptoms of abuse. We have the sole power to raise, and apply money. It is the sinew of our strength. Not a cent of money ought to be applied but by our direction, and under our control. How stands the fact? We are told that most extensive and superb stone barracks, sufficient to receive 2000 troops; have the last year, been erected near Sackett's Harbor, though not a cent was appropriated to

shall be a new election by the people? As a representative I cannot say a construction which vests the whole term in the lieutenant governor, is one which the people ought to regard. In considering the question, we ought not so much to examine the letter of the constitution, as its spirit and principles. Those who advocate the lieutenant governor's prerogative, should show not only from the spirit and substance of that instrument by what authority he is to continue in the exercise of that office. We are not to be called upon to show where the people have reserved the dear and sacred right of electing their own rulers—they do not derive the power from the constitution; but it is inherent and everlasting. Neither do we derive our powers from that instrument, but from the people themselves, the only legitimate source. They have made and prescribed that law to us to preserve certain essential rights from legislative touch. The constitution does not give us power, which as the representatives of the people, we should otherwise possess.

I call on gentlemen to show how, and in what part of that constitution, the freemen of Kentucky have abandoned and surrendered one of the most sacred rights of every free people. Gentlemen attempt to show this by implication, and so important, so inestimable a right is torn from them by construction and implication. When the constitution says that the executive power shall be vested in a governor—what shall we say? Where is our governor now? He who should have been our governor, whom we elected to fill that office, sleeps in the cold and silent grave. Has his office become vacant by this mournful event, or have his powers and dignities, by a kind of illegitimate construction, slid over and settled upon the lieutenant governor? Sir, I have an objection to this mode of obtaining power. There should be the reciprocity of election and service between rulers and those who are ruled.—It is the misfortune of most countries, that the absence of this principle gives to rulers a power despotic and uncontrolled.

We are restrained—we have a constitution which permits us to go so far, and tells us we shall go no farther.—When doubts arise in the construction of this instrument, reason, justice, and liberty command us to lean to the side of the people. In the executive and legislative power there may be danger; but in the people there is safety. The moment we see our rulers set up and hunt for constructive powers in the constitution to strengthen their authority and establish their prerogatives, our liberties are in danger. I, sir, am opposed to all destructive power. I have just entered upon active life, and my existence may extend to 70 years, the common term allowed to man.—Give me that office for seven years; with its power, and its favor, and its patronage, and I should think myself weak indeed if I could not secure a re-election.

Where now is the executive power of this state? It is in the lieutenant governor, in a subaltern, who was never intended for that office. If that man, whom we had elected to fill that important office, had lived and discharged its duties for four years, he would have been ineligible for the succeeding seven; but this subaltern who has stepped into power over the grave of the beloved Madison, may hold the office four years as lieutenant governor and be eligible for the next four as governor. Is it not remarkable, that the constitution should give a power to the subaltern which it withholds from the principal?—should permit the lieutenant governor to be eligible to the office of governor, after exercising all its powers for four years, and withhold that privilege from the governor? Mr. Chairman, I do not stand here to cast reflections.—When I speak of subaltern, I have no allusion to the present incumbent in that office. When I say a subaltern, I mean a subordinate officer, a lieutenant governor whom the people elect to fill the inferior office, because he is not fit for governor. Yes, sir, the people generally vote for a man as lieutenant governor because he is not fit for governor. And will you, will the constitution extend to this man a privilege which it denies to his principal?—Will the people listen to such doctrines—will they be with you? Gentlemen take much pains to hunt out nice distinctions of words and syllables; is this the way to interpret our constitution? It is a course which Mr. Lingo might think correct; but is unworthy of those who should regard the sense and substance rather than the letter and shadow. With the political spectacles they hunt each article, section and word, and by strained analogies and forced constructions, endeavor to establish the right of the lieutenant governor. Does it become us to stick to the letter and neglect the principle? Is there any principle, is it the principle of the constitution, that any man shall hold that office four years as lieutenant governor and four more as governor? No; that instrument means no such thing. The question is then, whether we shall be governed by this political syntax and remain entangled in grammatical niceties, or soar aloft above these little difficulties and catch at the spirit, principle,

and intention of our constitution.—I recoil at the reflection, that our state should be subjected to the rule of a lieutenant governor for four years. The office does not change his title.—Lieutenant governor is his stile, and no other belongs to him. Why has our constitution made a man ineligible for the next seven years after having been governor for four? The reason is obvious.—There are always a host of insects fluttering in the sunshine of power, who support the head from which they derive their importance, and draw their sustenance from the people. I speak not with allusions; but from the general fact. It was to get rid of these troublesome insects, and scatter them among the people, that the governor was rendered ineligible for the next seven years. What is the difference between a governor and an officer like the present incumbent? One is called governor, the other lieutenant governor.—Their power, their patronage, and influence are the same. But those who framed our constitution were not governed by names. We are told in substance, that he may rule us four years as lieutenant governor, and then four as governor. Thus by verbal niceties, by syllable distinctions, the spirit and intention of the constitution is violated.

The constitution provides, that representatives shall be elected for one year, and for senators four. Suppose there had been no provision for filling vacancies in either of those bodies, would it not have been the duty of the legislature to have interposed? If they did not, if they refused to provide for a new election, the principle of free government would be subverted and our constitution would be gone.

It is necessary for us to look aloft at principles and not under foot for objections. It is much more proper to see what principle we violate, than what word, syllable, or letter may stand in the way of the people's right. But we are told, the office is filled already. Yes, Sir, it is filled with that officer, who was provided by the constitution to supply an interregnum until there can be a new election by the people. The uncertainty of life, and the importance of the office pointed out the necessity of such a provision. It was necessary that some officer should step in, until an appeal could be made to the people, and that duty has been assigned to the lieutenant governor. Mr. Chairman, I did not intend to detain the committee so long I therefore, conclude by observing, that I have not so much examined the word, the syllable and the comma, of the constitution, as its spirit, its principle, and its object.

RELATIONS WITH SPAIN.

In compliance with a resolution of the senate of the U. S. of the 20th February, requesting a copy of the correspondence with the Spanish government, a report was presented from the department of state on the 22d, to the extent of 77 pages. As their length would extend them beyond one paper, we shall give an analysis of them.

The papers in succession are classed under three heads, A. B. and C. and the letters of each class proceed in their chronological order.—

A. No. I.—Secretary Monroe to Don Onis, dated January 14, 1817, says:

That having understood in their last conference, he would agree to no arrangement in regard to limits or territory, but that of a cession of all territory west of the Mississippi to Spain in consideration of a cession of all territory east of that river to the west side, and that this could not be done even but under the condition of a recommendation to the Spanish court, the secretary of state closes the negotiation on that subject; and requests to know if he is now prepared to enter upon the negotiation to make compensation for spoliations on property of the United States, &c.

No. II.—Don Onis to the Secretary of State.

Repeats the substance of the secretary's note. makes great professions of liberal views; and thanks the secretary for his liberality; that aggrandizement on either side is out of the question, that resentments and complaints on each side be sacrificed, and limits fixed good to faith. He says that in their conversations the secretary had proposed to don Onis on the part of the United States the following basis; that in consideration of the relinquishment by Spain of the whole of the Floridas, the United States would relinquish to Spain its claim to that part of Louisiana which lies between the rivers del Norte and the Colorado. [This is a distance of about 80 French leagues on the coast, and about four degrees broad in the interior; the Rio del Norte is the ancient boundary of Louisiana at its mouth, and for some miles upward to its junction with Apaches, when that river becomes the separating line between New Mexico and Louisiana;] but Don Onis insists that not only those lands, but all that lie between Colorado and Cape North, drawing a line by the river Mermento or Mermento, towards the Presideo of Adais, and thence by Arroyo Rondo towards Natchitoches, are part of the provinces of Texas; the only dispute ever being, that the French unjustly

raised a fort at Natchitoches, on the territory of Spain; that therefore the secretary's proposition was only an offer of extinguishment of claim to a territory that did not belong to the United States for other territory that did not belong to the United States; that what the United States required, embraced Pensacola, the key of the Gulf of Mexico, and the best port on that gulf; which was too great a sacrifice; but that if the secretary would propose to make the Mississippi the frontier, he would recommend it to his majesty's consideration.

He then enters into diplomatic cobweb making, suggesting an *uti possidetis* from the year 1793, which he *obliquely* hints is the period from which the *delimiters* of Europe had fixed territorial arrangements; or that of 1763!

No. III. is of 25th January, 1817, from secretary Monroe to Don Onis:

He says that as it appears he had not misunderstood their private conversation, he could only repeat, that no motive existed to continue the negotiation, which surprised him that, on subjects amply discussed so long ago as 1805, there should be now a proposition to refer any of them to Spain; and the more particularly, as the intercourse and understanding between Mr. Erving, at Madrid, and Don Cevallos, there appeared to be a desire there to bring the matter to a short and amicable issue; that as there was no prospect of agreeing upon the terms suggested by Don Onis, he had felt some surprise, after his declarations, and each party had made up its mind, that an exhausted subject should be again unnecessarily introduced; he now wished it to be closed; and that the subject of Spanish spoliations and indemnity should be taken up and decided.

No. IV. is from Don Onis to Mr. Monroe:

This begins with more cobweb making, and lugs in a new subject, the arming of vessels in ports of the United States, under an *unknown flag*; that owing to those vessels, he has not received his dispatches from his court, only a duplicate by the American messenger, Mr. Brent; flatters Mr. Monroe, in the oriental style, on the knowledge his majesty had of the justice of the august spouse of king Ferdinand gave him *so much occupation*, as to delay other business, and therefore he is not so well instructed as he otherwise would be. That he would *offend his own delicacy* not to suppose that he had not *sufficiently explained himself*, when Mr. Monroe rejected his overtures; and that he would therefore endeavor to be more plain—and in order to make it more plain, he goes into an obscure supposititious case of a difference between two persons about an estate; the main purpose of which however amounts to this, that notwithstanding his *disinclination to offend his own delicacy*, he does not make any ceremony to insinuate that this private estate is a sort of *stolen goods*, that the thief sold it, and that the receiver is as bad as the thief, and this he obviously points out as analogous to the case of our purchase of Louisiana; this is your Spanish idea of delicacy.

He then reverts, in the same stile, to the spoliation affair, upon which he says he is ready to enter upon negotiations, subject, however, to certain reclamations; and that in the arranging of it, arrangements may be made as to territorial limits not fixed with exactness in the first instance, but to be settled by boundaries were ever fixed in lands north of the Missouri, between France and Spain, those commissioners ought to settle them. He then begs a *real and true* statement of the compensations proposed by the United States, for the Floridas, no doubt.

No. V. Mr. Monroe to Don Onis—22d Feb. 1817.

Observes, that although he expects instructions at an early date, yet he does not consider himself at liberty to negotiate before he receives them; in that case though the delay is to be regretted, it is useless to enter upon any discussion without any power to determine upon the results.

No. VII. Don Onis to Mr. Monroe:

They might begin to discuss, so to have in forwardness a knowledge of the business when instructions arrive.

The second series under the letter B. commences with

B. No. I. Don Onis to Mr. Monroe—22d Feb. 1817:

Is a resumption of the propositions for a negotiation in which he enters a new, but in a less palavering manner, into the topics in dispute between the two nations; he appears to have felt that the secretary saw through the flattery and artifice of the preceding correspondence, and instead of the insidious and mawkish style pursued before, he now affects to be barely the complainant, and enters minutely into the subject of territorial right and boundary; instead of a remote comparison of the purchase of Louisiana to a private purchase, he comes out explicitly, and disputes the title—and the bounds; and then proceeds abruptly to a complaint against the government of the United States for permitting Toledo (who it has been lately seen was an agent of Spain) to arm and e-

quip themselves in the United States to aid the South Americans.

No. II. (B.) Is Mr. Monroe's reply: In which he shews the evasive, and equivocating character of the Spanish negotiator; and places the question of Louisiana, on foundations not to be shaken; it is indeed the most explicit and satisfactory statement of the geographical question we have seen. On the subject of aiding the South Americans he gives evidence unhappily too satisfactory, if that which is not creditable can be called satisfactory, that the government has instead of aiding, been very active in obstructing the independence of South America, as far as the laws would indeed authorize; of which a letter from the attorney of the United States for Louisiana, subjoined to the letter gives unequivocal testimony.

The third series of papers under the letter C. consists of the correspondence of G. W. Erving, Esq. the United States Minister at Madrid, with the secretary of state and the Spanish minister of state, Don Pedro Cevallos; the whole amount of which demonstrates the equivocating and insincere character of the politics of Spain: one is struck with the contrast between the boasting of Don Onis about the proverbial honor and good faith of Spain, and his practical insincerity and meanness. It is pleasing, however, to perceive that the American ambassador was not the dupe of the Spanish prime minister, and that his acquaintance with the character of the court near which he is placed, enabled him to fix the precise value to their professions, and to detect duplicity in the very eagerness of their professions of good faith.

This correspondence being accompanied by no report of circumstances arising out of it, the conclusion to be inferred is that Don Onis's negotiations are closed, either through the disposition of his court to postpone justice and wait for events; or that through the distractions of weak counsels and an unsettled policy, perhaps through the retirement of Don Pedro Cevallos, from a station which the correspondence plainly shows presented too great a burden for any but a great mind they are unable to proceed with.

If we may judge from the relations of Spain and her revolted colonies, it will be more advantageous to the American policy, to let negotiations with Spain alone. The South Americans are passing through an ordeal necessary to the success of their independence. Half the war of North American independence continued three or four years longer, it is the opinion of many great men that liberty would have had fewer enemies, and more friends. The change from colonists under a government like Spain, requires trials and the experience of the vicissitudes of revolution, even much greater; their habits must be totally changed, the whole frame of colonial subjections, must be broken up, and the consciousness of freedom and virtue which grow out of dangers and hazards will reward South America for its present sufferings.

From the National Intelligencer.

THE SENATE.

According to the theory of our government, and the general impressions on that subject, the Senate of the United States, whose Members are chosen for six years, should be the most permanent and least changeable of the branches of the government. On this ground hostility to the Senate has been entertained by many good men, as possessing greater power, and being more permanent in its character, than is consistent with the democratic principles of our government. A few facts on this subject will shew what, in practice, is the character of this branch of the government.

It is well known that the Senators are arranged into three classes; one of which goes out of office at the end of each Congress. Of the class whose term of service expires on the 3d of March next, but one will take a seat in the Senate on the 4th of March next, (Mr. Williams, of Tennessee) and that one temporarily appointed by the Executive of the state which he represents.

Of those who composed the Senate on the 4th day of March, 1813, four years ago, but *five* will take their seats as Senators on the 4th day of next month.

From the 4th day of March, 1813, to the 4th March, 1817, inclusive, there will have been the number of persons which follow in the office of Senator from the respective states, each state being entitled to two Representatives, in the Senate. There will have been, for example, from

Table listing Senators by state: New Hampshire 4, Maryland 5, Vermont 4, Virginia 5, Massachusetts 4, North Carolina 4, Rhode Island 4, South Carolina 4, Connecticut 3, Georgia 3, New York 4, Tennessee 4, New Jersey 4, Kentucky 5, Pennsylvania 4, Ohio 5, Delaware 4, Louisiana 5.

It is presumed our readers will find in these facts the evidence of a more frequent renovation of the Senate, of a more continued rotation in office in that body, than any of them without inquiring would have supposed.