

States have expressly instructed their senators to vote for this expurgation. A very great majority of the States have elected senators and representatives to Congress, upon the express ground of favoring this expurgation. The Bank of the United States, which took the initiative in the accusation against the President, and furnished the material, and worked the machinery which was used against him, and which was then so powerful on this floor, has become more and more odious to the public mind, and musters now but a slender phalanx of friends in the two Houses of Congress. The late Presidential election furnishes additional evidence of public sentiment. The candidate who was the friend of President Jackson, the supporter of his administration, and the avowed advocate for the expurgation, has received a large majority of the suffrages of the whole Union, and that after an express declaration of his sentiments on this precise point. The evidence of the public will, exhibited in all these forms, is too manifest to be mistaken, too explicit to require illustration, and too imperative to be disregarded. Omitting details and specific enumeration of proofs, I refer to our own files for the instructions to expunge,—to the complexion of the two Houses for the temper of the people,—to the denationalized condition of the Bank of the United States for the fate of the imperious accuser,—and to the issue of the Presidential election for the answer of the Union. All these are pregnant proofs of the public will, and the last pre-eminently so: because, both the question of the expurgation, and the form of the process, was directly put in issue upon it. A representative of the people from the State of Kentucky formally interrogated a prominent candidate for the Presidency on these points, and required from him a public answer for the information of the public mind. The answer was given, and published, and read by all the voters before the election; and I deem it right to refer to that answer in this place, not only as evidence of the points put in issue, but also for the purpose of doing more ample justice to President Jackson by incorporating into the legislative history of this case, the high and honorable testimony in his favor of the eminent citizen, Mr. Van Buren, who has just been exalted to the lofty honors of the American Presidency:

"Your last question seeks to know 'my' opinion as to the constitutional power of the Senate or House of Representatives to expunge or obliterate from the journals the proceedings of a previous session.

"You will, I am sure, be satisfied upon further consideration, that there are but few questions of a political character less connected with the duties of the office of President of the United States, or that might not with equal propriety be put by an elector to a candidate for that station, than this. With the journals of neither house of Congress can he properly have any thing to do. But, as your question has doubtless been induced by the pendency of Col. Benton's resolutions, to expunge from the journals of the Senate certain other resolutions touching the official conduct of President Jackson, I prefer to say, that I regarded the passage of Col. Benton's preamble and resolutions to be an act of justice to a faithful and greatly injured public servant, not only constitutional in itself, but imperiously demanded by a proper respect for the well known will of the people."

I do not propose, sir, to draw violent, unwarranted, or strained inferences. I do not assume to say that the question of this expurgation was a leading, or a controlling point in the issue of this election. I do not assume to say, or insinuate, that every individual, and every voter, delivered his suffrage with reference to this question. Doubtless there were many exceptions. Still, the triumphant election of the candidate who had expressed himself in the terms just quoted, and who was, besides, the personal and political friend of President Jackson, and the avowed approver of his administration, must be admitted to a place among the proofs in this case, and ranked among the high concurring evidences of the public sentiment in favor of the motion which I make.

Assuming, then, that we have ascertained the will of the people on this great question, the inquiry presents itself, how far the expression of that will ought to be conclusive of our action here? I hold that it ought to be binding and obligatory upon us! and that, not only upon the principles of representative government, which requires obedience to the known will of the people, but also in conformity to the principles upon which the proceeding against President Jackson was conducted when the sentence against him was adopted. Then every thing was done with especial reference to the will of the people! Their impulsion was assumed to be the sole motive to action; and to them the

ultimate verdict was the whole machinery of engine of political action in motion, and work cite the people again; up meetings, memo committees, and dis him; and each symposium was hailed as an evidence quoted here as proof of the condemnation of legislative assemblies, assemblies, were then of public opinion, but der age, the remonstrances, were ostentatious as the evidence of the constituents. Thus, sir, the thing while that voice, political and pecuniary, verse to the President. was the shrine at which when that will is regular and almost universally ballot boxes, at the variety out to be in favor of the one can disregard it, more than as the solemn verdict ultimate tribunal upon a fully argued, and duly As such verdict, I receive verdict of the sovereign am content. I do not mean to recommence the work to others, if any other it. For myself, I am content with further argument, I ask to have execution happy journal, which the freemen finds guilty of being true, illegal, and unconscionable condemnation against the of the Republic.

But, while declining to enter of this question, and refusing the ground already traversed and a different task to perform approaching termination of administration makes peculiar time, and which it is my primary duty, to execute, as being