JOHN TYLER AND THE WHIG LEGISLATION
OF THE TWENTY-SEVENTH CONGRESS

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OF THE TWENTY-SEVENTH CONGRESS

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CHAPTER I

TYLER, TOO

John Tyler, born to John and Mary Tyler on March 29, 1790, was reared among the tidewater aristocracy of Charles City County, Virginia. From his father, a revolutionary patriot, friend and admirer of Thomas Jefferson, governor of Virginia, and judge of a United States District Court, young Tyler learned the states' rights and strict construction doctrines of a southern planter. His education at William and Mary College reinforced his father's teachings. At seventeen Tyler began studies in law, and in 1811, at twenty-one, he began his law practice.¹

In the same year (1811), the young lawyer began his political career by representing Charles City County in the Virginia House of Delegates. In the session following the refusal of Virginia's United States Senators to vote against the recharter of the Bank of the United States as instructed, Tyler for the first time officially expressed his belief

that a national bank was unconstitutional. His service in
the Virginia Assembly ranged over a period of years includ-
ing 1811 to 1815, 1823 to 1826, and 1839. In the years of
1815 and 1816 he was a member of the Privy Council of State,
and in 1826 he was governor of Virginia.

Tyler exhibited his states' rights beliefs in the United
States Congress, where he represented his state in the House
from 1816 to 1821, when he declined re-election because of
ill health, and in the Senate from 1827 until his resignation
in 1836. In the House of Representatives, in 1819, the
Virginian spoke and voted for annulling the charter of the
Second Bank of the United States. In 1820 he stressed that
a protective tariff would hinder both agriculture and foreign
trade. In 1827 Tyler wrote that Congress had the power to

2 Oliver Chitwood, John Tyler: Champion of the Old South
gates of the Commonwealth of Virginia, 1811-1812, p. 77, on
microfilm at the North Texas State University Library, Denton,
Texas.

3 John Tyler: His History, Character, and Position
(author not given) (New York, 1843), pp. 9-10. The Virginia
Assembly elected Tyler to the Privy Council of State. The
eight members of the Council of State served as advisors of
the governor.

4 Ibid. Richmond Enquirer, January 18, 1821. Register
of Debates in Congress, 24th Congress, 1st Session, XII, 636.

5 Annals of Congress, 15th Congress, 2nd Session, II,
1309-1328, 1412-1413. 16th Congress, 1st Session, II, 1952-
1963. John Tyler to Henry Curtis, January 18, 1819, John
Tyler Papers, from Manuscript Collection, Library of Congress,
Washington, D. C., on microfilm at the North Texas State
University Library, Denton, Texas. Hereafter referred to as
Tyler Papers.
lay duties only for revenue, and as a new Senator in 1828 he voiced his objections to nationalism, denouncing federally-supported internal improvements and the protective tariff. He viewed the tariff as an oppressive tax, levied "...not for the sake of revenue, but for the sake of the American System." When speaking on the tariff in 1832, he charged the tariff system with favoring the North at the expense of the South and West. Tyler felt that free trade would help the agriculturists and that to stimulate the premature development of industry was counter to the decrees of nature. Also in 1832 he voted against rechartering the Second Bank of the United States and supported Jackson's veto of the measure. After serving on a Senate committee investigating the Second Bank, he reiterated his position on its unconstitutionality. Tyler considered the bank to be the "original sin against the constitution" and thought an amendment to the Constitution should be submitted so that the authority of Congress to establish a bank could be affirmed or denied in


7 John Tyler to Henry Curtis, March 18, 1828, Tyler Papers.

8 Register of Debates in Congress, 22nd Congress, 1st Session, VIII, 335-367, 1025-1027, 1073. 23rd Congress, 2nd Session, XI, 30-33.
specific terms. Although he had supported Jackson's veto of the bank charter, he ironically found the subject of "... too delicate a character ever to be thrown into the Presidential scale." During the tariff-nullification crisis of 1832-33, Tyler, having shifted from his free trade position, suggested to Henry Clay a system of gradual reductions of the tariff until it reached the point where it only remained for revenue purposes. Eventually the compromise of 1833 embodied a plan similar to Tyler's. He upheld the 1833 compromise, saying that the South was not opposed to moderate duties on articles that were imported in equal amounts to the North and the South. Tyler believed the lowered duties would bring more trade and more revenue.

Tyler was one of the southerners who became so fearful of Jackson's nationalistic tendencies that he left the Democratic Party and cooperated with the opposing Whig Party, which paradoxically contained a strong nationalist element. Tyler's view of government, similar to Calhoun's, was that the sovereign states had formed a compact. Jackson's proclamation of December 10, 1832, answering South Carolina's

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9 John Tyler to Littleton W. Tazewell, June 23, 1834, Tyler Papers.

10 John Tyler to John Floyd, January 10, 1833, William and Mary Historical Quarterly, Series 1, XXI (July, 1912), 3-10. John Tyler to John Floyd, January 16, 1833, Tyler Papers.

11 Richmond Enquirer, February 14, 1839.
attempt to nullify the tariff laws of 1828 and 1832, expounded the idea of a unit government—a national government. Tyler believed the states could constitutionally act as separate communities. The Virginia Senator declared he would live and die believing that the government was federal and not national, a government of parts and not a consolidated community.\(^{12}\) When the other Senators who opposed the Force Bill did not vote, Tyler registered the only nay to Jackson's request.\(^ {13}\)

Tyler viewed Jackson's removal of the deposits from the Second Bank of the United States as a dangerous assumption of power and therefore supported Clay's resolution to censure Jackson. The Virginia Senator also joined the anti-Jacksonians in refusing the President the right to have his protest printed in the Senate Journal. Tyler further aroused the wrath of the Democrats when he served as the chairman of the Senate committee to investigate whether the bank had violated its charter and whether the government funds had been safe. While defending his committee's report, which was generally favorable to the Bank, Tyler declared that he would not falsely charge the Bank with misconduct even though he

\(^{12}\)John Tyler to W. F. Pendleton, January 19, 1833, Tyler, Letters and Times, III, 64. John Tyler to R. Y. Hayne, June 20, 1831, Tyler Papers.

\(^{13}\)Register of Debates in Congress, 22nd Congress, 2nd Session, IX, 688. In the Force Bill Congress gave President Jackson authority to use the Army and Navy to enforce the tariff laws in South Carolina.
believed the Bank to be unconstitutional. When the Virginia legislature instructed its Senators to vote for Benton's resolution to expunge Jackson's censure from the record, Tyler, a believer in the doctrine of instruction, resigned on February 29, 1836, because he would not vote for the measure.

In 1836 Tyler's name appeared as a Whig Vice-Presidential candidate on the ballots of both Hugh Lawson White and William Henry Harrison in a number of southern states. The Whigs of Maryland, Virginia, North Carolina, and Georgia endorsed John Tyler. Francis Granger, a former Antimason from New York, was the Whig Vice-Presidential nominee in the North. Besides White and Harrison, Henry Clay and Daniel Webster were on the Whig ticket as Presidential aspirants. Tyler claimed that the election did not trouble him, and he professed to be in the hands of the "States' Rights Party." He declared that he would war against the "Consolidationists" until the end of his life with the battle cry, "Virginia, a free and independent State, a voluntary member of a great confederacy." Tyler carried the states of Maryland, South Carolina, Tennessee, and Georgia, receiving forty-seven

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electoral votes. Being third in the race, he was eliminated from the only contest for the Vice-Presidency to be settled by the Senate. With a vote of thirty-three to sixteen, Democrat Richard Mentor Johnson was chosen over Francis Granger.\textsuperscript{16}

After 1836 party lines continued to shift. A number of the states' rights politicians returned to the Democratic Party because they believed the nationalists were in control of the Whig Party. John C. Calhoun was among the southerners who found his approval of the Sub-Treasury\textsuperscript{17} a vehicle to re-admit him to the Democratic Party. Another group of Democrats, called Conservatives favored the state bank deposit system over the Sub-Treasury and gravitated toward the Whig Party. John Tyler, along with a number of other southerners who opposed the Sub-Treasury, remained in the Whig camp during the political realignments of the late 1830's.\textsuperscript{18}


\textsuperscript{17}Democrats under Martin Van Buren's leadership sponsored the Sub-Treasury, or Independent Treasury, plan which provided government funds be kept in government vaults in Washington and in sub-treasuries in other cities. The federal treasury was to be independent of banks, with payments and receipts to the federal treasury in gold and silver only.

Tyler's personal choice for the Whig nomination for the Presidential campaign of 1840 was Henry Clay. Tyler acknowledged both Harrison and Clay to be patriots and said he would await the decision of the convention. However, he admitted he had always admired Clay. The compromise tariff of 1833, in particular, had endeared "Prince Hal" to southerners. Tyler promoted Clay on the basis of the latter's opposition to Jackson's proclamation, the Force Bill, and Jackson's spoils policy. Asking Clay if he had been correct in his assumptions, Tyler told the Kentuckian that he considered him "... a republican of the old school on principle—who had indulged, when public good seemed to require it, somewhat too much in a broad interpretation to suit our Southern notions." Clay replied that his only disagreements with Tyler were over obsolete questions of policy, and these should not keep them from uniting to wrest power from the Democrats.\(^\text{19}\)

From reading the *Richmond Whig and Public Advertiser*, Tyler must have decided that the problems of the bank, tariff, and internal improvements were the "obsolete questions of policy." As early as January, 1839, the *Whig* reported that Clay had given up the bank and was pledged to abide by the tariff of 1833. The *Whig* in March, 1839, again claimed

\[^{19}\text{John Tyler to Henry Wise, December 26, 1838; John Tyler to Henry Clay, September 18, 1839, Tyler, Letters and Times, III, 73-76. Henry Clay to John Tyler, October 10, 1839, Washington, Daily Madisonian, April 28, 1845.}\]
that Clay had relinquished the bank and that the tariff would be adjusted to suit the South when the compromise expired. The Democrats had been claiming the national bank, the tariff, and internal improvements were practical issues, but in April, 1839, the Richmond Whig charged them with deception. This party mouthpiece viewed the bank as unnecessary and inexpedient, internal improvements as not needing federal support because of energetic application of state resources, and the tariff as settled by the compromise of 1833.  

Harrisburg, Pennsylvania, was the scene of the Whig nominating convention in December, 1839. The Virginia Whig convention had earlier adopted a resolution naming Henry Clay and Nathaniel Tallmadge of New York as its nominees. John Tyler was named the delegate from the Richmond area to the national convention and served as one of the thirteen vice-presidents of the convention. Clay, at first the leading contender, lost the nomination to William Henry Harrison. On the final ballot the vote was 148 for Harrison, 90 for Clay, and 16 for Scott. The Vice-Presidential nomination had not received much attention and probably was not considered very important. Hugh Lawson White and Tyler were

20 Richmond Whig and Public Advertiser, January 8 and 16, March 5, April 5, 1839.

mentioned for the post according to the Richmond Whig. The Richmond Enquirer reported "... the office seems to have gone a-begging. We trust the Governor [Tyler] has had the discretion to decline the empty honor." After receiving all thirty-one ballots cast for Vice-President, Tyler accepted the nomination. The Whigs of Virginia did not vote. Benjamin W. Leigh of Virginia believed that if the nomination were entirely the act of other delegates it would place Tyler on a more elevated ground before the whole country.

Another Virginian and a close friend of Tyler's, Henry Wise, later claimed that Tyler's nomination was the result of a deal between Tyler and Clay as early as 1838-39. Tyler was one of the Whig candidates for the United States Senate, and his friends in the state legislature, the "Impracticables," had blocked the election of William C. Rives to the Senate post. Since Rives was one of the leaders of the conservative revolt from the Democratic Party, Clay wanted to use Whig support for Rives' election to secure the Whig-conservative alliance. Wise maintained that if Tyler's friends yielded to Rives' election, then Tyler would be

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23 Richmond Whig and Public Advertiser, December 13, 1839; Benjamin W. Leigh to the editors, December 3, 1841, published December 7, 1841.
nominated on the Whig ticket for Vice-President. Wise intimated that Tyler had accepted the agreement. However, it is not certain whether Tyler even knew of the deal. He and his friends did not cooperate with Clay's plan and continued to block Rives' election. After Tyler had been nominated and elected, Rives finally gained the Senate post when the "Impracticables" did not vote.

Later a number of Whigs maintained that Tyler was nominated for the Vice-Presidency only as a last resort, but there was no agreement as to who was asked first. Some Whigs asserted Tallmadge was the first choice, while others claimed John J. Crittenden, Clay's "lieutenant" from Kentucky, was the first to decline. The various accounts name different combinations of men who were approached or considered before Tyler. John Bell of Tennessee, William C. Preston of South Carolina, Samuel L. Southard of New Jersey, Benjamin W. Leigh of Virginia, and Willie P. Mangum of North Carolina were cited in these reports.


However, another Whig who later disapproved of Tyler's conduct as President did not think it fair to have erroneous views of his nomination presented. Benjamin W. Leigh, admitting Tyler was not his choice and that no one expected him to become President, remembered that from his private conversations with the members of the general committee he received the impression Tyler was the choice of the majority. Leigh recalled the understanding that if Clay were nominated the Vice-President would come from the non-slaveholding area, and if General Harrison or General Scott were nominated then the Vice-President would be chosen from a slaveholding state. At the time of the balloting for Vice-President, Leigh declined nomination, and Tyler received a majority of the votes. A later ballot gave Tyler all the votes.  

A Virginia delegate, Henry W. Hilliard, who had traveled to Harrisburg with Tyler, claimed to have cast the first ballot for Tyler, since he had voted for both Clay and Tyler when voting for the presidential nominee. Hilliard thought that Tyler had gained sizable strength by the time the Vice-Presidency was considered. Whether John Tyler was accepted as a last resort or not is not easily determined, but it is obvious that the Vice-Presidency was not regarded as important.

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27 Benjamin W. Leigh to the editors, December 3, 1841, Richmond Whig and Public Advertiser, December 7, 1841.

28 Henry W. Hilliard, Politics and Pen Pictures at Home and Abroad (New York, 1892), pp. 4-5.
The standard interpretation of Tyler's nomination is that he was selected to attract the states' rights votes. The Maryland Whig delegates to Harrisburg felt Tyler had been nominated to lead the southern division into the ranks. Wise of Virginia declared the friends of strict construction wanted Tyler as Vice-President so he would break the tie votes in the Senate in their favor, and Hilliard believed Tyler's name held a charm for southern people. The Madisonian commented that "... he has been distinguished as a firm, consistent, and uniform republican. A straighter disciple of the school of the great Jefferson, Virginia has not known in his day." Tyler had not expected the nomination, but he believed he had been chosen because of his "... uniform opposition to a broad construction of the Constitution," and his "known advocacy of the principles of a good, old, honest, Republican party." After 1841, when Tyler had incurred the wrath of many Whigs, they charged him with securing the nomination by implying support for a national bank. Daniel Webster, however, considered Tyler's opposition to a national bank as being well-known to the convention delegates. The Maryland


30 Madisonian, February 4, 1840. John Tyler to a committee, Brunswick County, North Carolina, June 6, 1842, Daily Madisonian, July 27, 1842.
delegates believed Tyler was nominated because of his opposition to a bank. Caleb Cushing, a Massachusetts Whig, asserted that Tyler had not been nominated because of a pledge concerning a bank. The Richmond Whig admitted that Tyler's ideas had been canvassed no further than to ascertain a general conformity with those of Harrison. Just what were Harrison's ideas was another problem. Tyler denied that he (Tyler) had given any indication at the Harrisburg Convention that he favored a United States Bank. In fact, Tyler recalled that he "... was perfectly and entirely silent in that Convention."  

In the campaign of 1840 party principles were not chief concerns. The Whigs, capitalizing on Democratic difficulties caused by the Panic of 1837, pictured Van Buren as an aristocrat and identified Harrison with ordinary people. The party managers tried to keep Harrison and Tyler from committing themselves on controversial subjects. The Madisonian answered the "Loco-Foco" complaint that the Whig Party had


32 John Tyler to a committee in Brunswick County, North Carolina, June 6, 1842, Daily Madisonian, July 27, 1842.

33 Loco-Foco was the term applied derisively to the Democratic Party by its opponents from 1837 to 1860. The Loco-Focos were originally a radical faction of the Jacksonian
no platform by declaring it was time for action and not addresses. When the administration press grumbled that Harrison would not repeat his opinions, the Madisonian reminded them that Van Buren had yet to disclose his opinions on all issues. 34

Among Harrison's speeches and letters there is some indication of his ideas about the roles of the federal government and the President. In his famous 1836 letter to Sherrod Williams, a Kentucky Whig Representative, Harrison wrote that he was reconciled to the distribution of the proceeds of the sales of public lands and believed federal money should be given to internal improvements only when they were strictly national. "Old Tippecanoe" pointed to his votes in Congress against the Bank of the United States, but he thought that if the public interest would suffer without one and if there were a public demand for one, the experiment should be tried. In a speech at Dayton, Ohio, in September, 1840, Harrison reiterated his position on the bank. He said he found no grant of power in the Constitution for the purpose of chartering a bank, and he would sign a charter only if

34 Madisomian, May 12 and 30, 1840.
the revenues of the Union could be collected and disbursed by no other means than a bank and if the majority of the people desired such an institution. Concerning the tariff, Harrison supported the compromise act of 1833 and did not want it altered or repealed. He denied the Democratic charge that he was an abolitionist. After referring to his anti-federalist upbringing, Harrison warned that the great power of the executive could prostrate the country. He opposed the Sub-Treasury because it gave the President more power. Harrison many times repeated his belief that the executive should not forestall the action of the national legislature. Observing the newspaper coverage of the campaign, however, one can easily see that more attention was given to recounting Harrison's military career than reporting his views.

The Whig campaign of 1840 showed the Whigs had accepted the necessity of appealing to the masses. They utilized stump speakers and popular newspapers. Songs about Tippecanoe, parades with mobile log cabins and campaign balls, 

35 William H. Harrison to Sherrod Williams, May 1, 1836, Madisonian, January 11, 1840. Cincinnati Gazette (no date given) cited in the Madisonian, September 29, 1840.

barrels of hard cider, and slogans provided entertainment and emotional release for the people.\textsuperscript{37}

During the campaign Tyler's comments, like Harrison's, were kept at a minimum. Having been reared in the gentleman's school of politics, Tyler was not at home in a boisterous campaign and made few appearances. The Madisonian asserted that by not engaging personally in the contest Tyler exhibited an example to be followed by the candidates for the highest offices. At St. Clairsville, Ohio, the Whig Vice-Presidential nominee said he was a Jeffersonian Republican which, according to the Democratic reporter, "... made some old bluelights stare, who hate the name of Jefferson and his principles." Answering questions from the Democratic club, Tyler claimed his opinion on the constitutionality of a national bank was similar to Harrison's. Tyler said he thought a bank would be constitutional whenever it was necessary and proper for carrying out the fiscal affairs of the government, but declared it was not expedient to charter one. He viewed the Sub-Treasury as constitutional but inexpedient. On the question of a discriminating (protective) tariff as opposed to a tariff for revenue, Tyler really hedged by giving his definition of "discriminating." He answered that Congress had the power to lay heavier duties

\textsuperscript{37}Robert Gunderson, \textit{The Log-Cabin Campaign} (Lexington, Kentucky, 1957), pp. 7-12, 74, 124-129.
on some articles than others, for promoting their growth and production.\textsuperscript{38}

In pro-tariff territory at Pittsburgh, Pennsylvania, and Steubenville, Ohio, Tyler admitted he favored the compromise tariff of 1833. When he realized that he had not replied to the printed inquiry on the bank handed him at Steubenville, Tyler answered with a letter for publication which quoted Harrison's Dayton speech. Questions from the Democratic Committee of Henrico County, Virginia, were also answered by quotations from the same speech. Tyler said that if as Vice-President he were called upon to vote on a bill to incorporate a national bank he would do as he had done in 1819 and 1832. Whether or not he would use the veto, Tyler would not say, as he never expected to be a candidate for President. Regarding the tariff, he declared duties should be laid with reference to revenue, except when they were laid to counteract the policy of a foreign government and to regulate trade. He considered the compromise law as obligatory on the country. For his stand on internal improvements, Tyler referred the Democrats to his votes in Congress.\textsuperscript{39}

\textsuperscript{38} Madisonian, September 22, 1840. St. Clairsville (Ohio) Gazette, October 3, 1840, cited in the Richmond Enquirer, October 13, 1840.

In reply to a Democratic committee in Pittsburgh, Tyler expressed his beliefs that a Bank of the United States was unconstitutional and that unless the Constitution were altered, he could not sanction the incorporation of a bank. Tyler's answer was sent to Henry Wise to be shown to the Whigs in Washington. The leading Whigs of Congress decided it would be unwise to publish the letter because it would arouse those who favored a bank. Also they considered the Vice-Presidential nominee's opinions were already too well-known. In order to keep the various factions together, Tyler did as the Whig leaders wanted and answered in rather vague terms. Although he said he considered a bank unconstitutional and inexpedient, his listeners could still have deduced his acceptance of a bank in case of dire necessity, especially if they did not know his record. In his own mind Tyler probably did not consider he had represented himself other than as a strict constructionist. Yet by yielding to expediency and dealing in ambiguities, he opened himself to the criticism that plagued him during his Presidency.

The Whig position on the bank issue varied according to who was speaking and in which section of the country they were campaigning. The Democratic organ, the Washington Globe, warned the people that the Whigs were planning to charter a national bank, but the Richmond Whig claimed they

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40Wise, Seven Decades of Union, p. 177.
wanted no federal bank and were the true Republican Party. In Virginia Clay disclosed his willingness to let public opinion decide whether stability of currency would be achieved by selected state banks or a national bank. Although he declared the ends more important than the means, he expressed his belief that the country could not dispense with the services of a Bank of the United States. Clay proclaimed that the power to establish such a bank was a settled question, but he told the Virginians he respected the opposite opinion so predominant in their state. In the North Daniel Webster campaigned for a bank. He thought the national government should take responsibility for the currency and that a national fiscal agency with defined limits would give the most security. In Virginia Webster spoke against the Independent Treasury but for government regulation of money, not venturing any plan for carrying out the regulation. In the South Henry Wise campaigned against the bank. George Badger, later Secretary of Navy under Harrison and Tyler, speaking in his home state of North Carolina declared it was untrue that Harrison favored a national bank. Thomas Ewing of Ohio, later Secretary of Treasury under Harrison and

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42 Madisonian, July 18, 1840.
43 Herald, August 28, September 23, 24, 25, and 29, 1840. Madisonian, September 2 and 8, 1840.
Tyler, wrote that he did not consider the issue between the parties to be the bank, but restriction versus extension of executive power. Ewing asserted the Whigs considered the bank a mere matter of convenience, a useful article of furniture. The New York Herald saw the campaign in Pennsylvania as a struggle for or against the United States Bank.  

Following the campaign the Richmond Whig denied that either the bank or Sub-Treasury had been a controlling issue in Virginia. It believed the bank to be unconstitutional and thought most Virginians disapproved of it. Caleb Cushing of Massachusetts declared the Whig Party had not come to power by virtue of a pledge promising a national bank. The Madisonian asserted that the people could not have received the impression the bank was the leading object of the Whigs by reading its columns or by listening to stump speakers or the Whigs in Congress. It asked pointedly, "If a bank was the leading object, why was not a bank candidate selected?" Thus the Whig victory could not really be interpreted as a mandate for a bank.

The Whig triumph in the elections of 1840 gave the party control of Congress and the executive branch. Harrison

44 Seager, p. 139. Madisonian, August 26, 1841; September 2, 1841, citing the Marietta (Ohio) Intelligencer, July 30, 1840. Herald, October 16, 1840.

and Tyler received 234 electoral votes to 60 for Van Buren and the Democratic Vice-Presidential nominees, Johnson, Tazewell, and Polk. As a result of the elections, the Whig majority in the Senate was seven, with one vacancy from Tennessee, and in the House the majority was near fifty.

The Vice-President-elect believed that if Harrison formed his Cabinet of the proper material he could silence the voices of faction. Tyler thought the Cabinet should not engage in intrigue and should not be concerned with the next Presidential campaign. Since Harrison intended to serve only one term and seemed to acquiesce to the Whigs' demand for a weak executive, Clay declined a Cabinet post, believing he could better direct the administration as Whig leader in the Senate. Senator William C. Rives of Virginia described John J. Crittenden, who was named Attorney General,

46 Richard Johnson had been Vice-President under Van Buren, but his renomination was opposed by southern Democrats. Many northern Democrats supported Johnson, but the Democratic national nominating convention left the Vice-Presidential nomination to the state party organizations. When the electoral ballots were cast, Johnson received 48 votes. The South Carolina legislature voted for Littleton Tazewell, and one Virginia elector voted for James Polk. Roseboom, pp. 117, 123.


as the "alter ego" of Clay in the Cabinet. Daniel Webster accepted the position of Secretary of State and seems to have influenced Harrison in his choice of other members. Although Webster had prevailed over Clay in picking Cabinet members, some of the members were more favorably disposed toward Clay than Webster. Other than Crittenden--John Bell of Tennessee, the Secretary of War, and Thomas Ewing of Ohio, the Secretary of the Treasury, were inclined toward Clay. What influence Clay might have over George Badger of North Carolina, the Secretary of the Navy, and Postmaster General Francis Granger (a former Antimason) was an unknown factor when the Cabinet was formed. 49

Even before Harrison named his Cabinet, Calhoun predicted the influence of Clay would prevail. Before Harrison's inauguration, Calhoun detected discord replacing the enthusiasm of the log cabin in the Whig Party. Webster pictured the Whig Party when it came to power as being made up of groups with differing opinions. Within the party Webster found men of extreme states' rights principles, men of

extreme federal principles, men of excessive tariff notions, and men of excessive anti-tariff notions. 50

Shortly after Harrison's inaugural, retiring Whig Congressman Waddy Thompson of South Carolina and John Minor Botts, a Virginia Representative, questioned the Vice-President as to how he would cast his vote in case the bank question came to a tie. Thompson received the impression that Tyler would vote against a bank, while Botts derived the opposite impression. 51

On April 4, 1841, William Henry Harrison died of pneumonia after serving only one month as President. John Quincy Adams and Littleton Tazewell of Virginia were among the few people to have predicted the event. 52 Tyler, not content to


52 Daily National Intelligencer, April 4, 1841. When told of Tyler's nomination for the Vice-Presidency by the Whigs, John Quincy Adams replied that it was amazing no President had died in office since a number of them had been old men. Adams expressed the belief that it was very unlikely Harrison could live through his term. If Tyler succeeded to the Presidency, Adams thought the Whig Party would be prostrated. T. N. Parmelee, "Recollections of an Old Stager," Harper's New Monthly Magazine, XLVIII (January, 1874), 252. From a remark made by Tyler to Tazewell, it is evident Tazewell had speculated Harrison would die in office. John Tyler to Littleton Tazewell, October 11, 1841, Tyler Papers.
be "Vice-President, Acting President" as the Cabinet had addressed him, took the oath of office from William Cranch, chief judge of the United States Circuit Court of the District of Columbia. John Tyler assumed not only the duties of President but the title, powers, and privileges as well. He gave to the ambiguous phrasing of the Constitution the interpretation that when the Chief Executive dies the Vice-President becomes President in fact and name. The precedent he established insured the continuity of a reigning President even if he were an accidental one. John Quincy Adams objected to Tyler's taking the title of President. After Congressional resolutions addressing Tyler as Vice-President failed to pass, the debate on the subject closed except for an occasional comment, typified by The United States Magazine and Democratic Review, addressing an article to Tyler as "Vice-President" in July, 1841.53

John Tyler's rise to the Presidency occasioned many comments from the press. A Whig organ, the Daily National Intelligencer, noted the President's "high character" and unspotted patriotism," declaring "President Tyler is a Whig--a true Whig . . . ." They described him as being polite and

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kind. The Richmond Whig did not despond for the country because Tyler would worthily discharge his responsibilities. The New York Herald believed the President could be relied upon to look after the interests of the country without regard to the wishes of the cliques. The Herald, depicting Tyler as a talented and experienced statesman, put him in a class of "rational and practical Virginia politicians." It believed the chief magistrate to be opposed to the three great Whig measures, the bank, the protective tariff, and distribution and considered him to be unfettered by pledges to any party. The Globe, portraying Tyler as "a Southern man with Southern principles," warned that the President had no alternatives but to give in to all of Clay's schemes or quarrel with him. It intimated that the Democrats and southern Whigs would rally to a man against Federalism. In the same vein, the Democratic Richmond Enquirer held before Tyler the chance to rise above Webster and Clay if he would save the people from "a monied monster" and preserve the union by limiting federal power.54

While the Whig press expressed confidence in the President, individual Whigs privately expressed their fears and uncertainties about the effect of Tyler's ascendancy. John Quincy Adams bitterly sketched the new Chief Executive as

"... a political sectarian, of the slave-driving, Virginian, Jeffersonian school, principled against all improvement... with talents not above mediocrity..." Adams had "... an utter distrust of the principles of John Tyler, a Virginia nullifier..." The ex-President believed Tyler would look exclusively to his own election for the next four years' term as President and that Webster would help him secure it. John Bell, the Secretary of War, saw nothing in Tyler which displeased him but found much in the new President of which he approved. Bell reasoned that the President would try to keep the Whigs on the middle ground between the nationalists and the states' righters. The Secretary of War thought it natural that Tyler would want to increase his own popularity. Although the New York Whig, Philip Hone, judged John Tyler to be an able man and true patriot, he expressed anxiety over the dangers caused by Tyler's being opposed to the restoration of a national bank. Clay admitted, "We are in a painful state of uncertainty as to the effect upon the policy of government." Clay did not suppose Tyler would interpose any obstacles to the adoption of Whig measures. "Prince Hal" conceived of Tyler's administration as a regency and observed that regencies were very apt to engender faction and intrigue. Clay fearfully predicted that if the Executive
did not cordially cooperate in carrying out Whig measures, all would be chaos. 55

Van Buren's Democratic correspondents did not seem to have any hope that Tyler would oppose the Whigs. Joel R. Poinsett of South Carolina supposed the Chief Executive would be the ready tool of Clay and would go along with his party. James K. Paulding, Secretary of the Navy under Van Buren, judged the death of Harrison a greater misfortune to the Democrats than to the Whigs. Paulding believed that Harrison would probably have been restive on occasion, but since Tyler had no personal popularity, he would have to shoulder the whole Whig system. On the other hand, New York Democrat John A. Dix regarded it better for his party that Tyler carry out the Whig policies since he would not have the influence with the people that Harrison had. 56

A number of problems presented themselves to Tyler when he became President. A Democratic paper in Virginia pointed


56Joel R. Poinsett to Martin Van Buren, April 4, June 4, 1841; James K. Paulding to Van Buren, April 11, 1841; John A. Dix to Van Buren, April 12, 1841; Martin Van Buren Papers, from Manuscript Collection, Library of Congress, Washington, D. C., on microfilm at North Texas State University Library, Denton, Texas.
out that since Tyler had not been elected chief magistrate he would not carry into the office the same public confidence and strength. A Whig journal contended that the same vote had elected him to the second office, so he should receive the same public support. Tyler saw himself as the instrument of a new test applied to the institutions of government. He regarded the experiment as taking place when the country was agitated by conflicting views of public policy and the spirit of faction was likely to exist. Because he had been nominated to attract votes of one faction of the Whig Party, Tyler had no strong personal following. He described himself as being "... surrounded by Clay-men, Webster-men, Anti-Masons, original Harrisonians, old Whigs, and new Whigs—each jealous of the others, and all struggling for the offices." Although Henry Wise advised Tyler to form a new cabinet, he did not dismiss Harrison's appointees. At the first Cabinet meeting Webster told the new President that Harrison had presided over the Cabinet meetings, presenting the administration problems, and that courses of action were determined by a majority vote, each member of the Cabinet and the President having one vote. Tyler responded that he would avail himself of the Cabinet's advice but would not

57 Richmond Enquirer, April 6, 1841. Richmond Whig and Public Advertiser, April 9, 1841.
58 John Tyler to William C. Rives, April 9, 1841; John Tyler to N. Beverly Tucker, July 28, 1841; Tyler Papers.
consent to being dictated to. As President, he intended to be responsible for his administration. 59

To give an indication of the principles he would use as a guide, Tyler addressed the nation on April 9, 1841. He pleased the Whigs by saying he opposed the "union of the purse and sword." Tyler thought that as long as the President could appoint and remove the agents in custody of the public monies "... the Commander in Chief of the Army and Navy is in fact the treasurer." Disapproving of Jackson's and Van Buren's fiscal policies, he indicated that he would sanction a constitutional measure for restoring sound currency. The President gave notice that he would use the "... fathers of the great republican school for advice and instruction." 60 Just what this phrase meant, Tyler did not say. The Whigs assumed Tyler would support a national bank. The editors of the Daily National Intelligencer thought the message was perfectly clear and needed no elaboration. They reported that it embraced most of the leading articles of the Whig creed, while it repudiated none of them. They deduced that the Chief Executive intended to follow Madison's principles. In a later issue they decided that "fathers of the great republican school" meant Jefferson, Monroe, and

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60Richardson, IV, 36-39.
Madison. The Madisonian depicted the address as a concise and explicit exposition of Tyler's republican opinions. The Richmond Whig pictured Tyler as a Whig champion who would lead a reform movement to establish the republic on the basis of simplicity, economy, and virtue. The Whig press in general congratulated the country on the guarantees which they had received in the address, believing Whig reform principles would be carried out.

As has been noted, Tyler in his speech did not say which of the Republican "fathers" he planned to emulate. In fact, he did not say which particular ideas of these men he would adopt. Madison had shifted his position on the national bank issue. The clue to what Tyler intended to do is found in a letter in which he declared that he would act upon the principles he had long espoused and which he had derived from Jefferson's and Madison's teachings. Among the principles Tyler had always upheld was the unconstitutionality of a national bank. The Globe remembered that the Virginian had "declared himself against a National Bank a hundred times, both as unconstitutional and inexpedient." The New York Herald, after reading Tyler's message, and in view of his

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61 Daily National Intelligencer, April 12, 14, and 17, 1841.  
62 Madisonian, April 13, 1841. Richmond Whig and Public Advertiser, April 13 and 14, 1841.  
63 John Tyler to William C. Rives, April 9, 1841, Tyler Papers.
former political history and conduct, understood him as being opposed to a national bank as previously organized, the creation of a national debt, a high protective tariff, distribution of the sales of public lands, federal appropriations for internal improvements, and the Independent Treasury. 64

A few weeks after the message, Tyler wrote that life would be tranquil without the currency question. He observed that the Whigs had never exhibited a conciliatory spirit and expressed the fear that nothing short of a national bank based upon the Second Bank of the United States would meet the expectations of the prominent men of the party. The Chief Executive himself contemplated a fiscal system organized under the states, coordinated by a central board, but he did not intend to present such a plan to Congress, reserving his right to veto its plan if necessary. 65 At this point the signs were not completely clear that a storm was approaching.

64 Globe, April 10, 1841. Herald, April 12, 1841.
65 John Tyler to William C. Rives, April 25, 1841, Tyler Papers.
CHAPTER II

BANK OR NO BANK

When Congress convened for the special session called by the late President Harrison, it received on June 1, 1841, Tyler's message calling attention to several items. Included among his comments on the condition of the country and government, the new President mentioned the need for a "suitable fiscal agent," which would facilitate the collection and disbursement of the public revenues, render the public money more secure, and promote economy. Tyler declared the national bank, pet banks, and the Sub-Treasury had been rejected by the people. He told the Congressmen:

To you, then, who have come more directly from the body of our common constituents, I submit the entire question, as best qualified to give a full exposition of their wishes and opinions. I shall be ready to concur with you in the adoption of such system as you may propose, reserving to myself the ultimate power of rejecting any measure which may, in my view of it, conflict with the Constitution or otherwise jeopardize the prosperity of the country—a power which I could not part with even if I would, but which I will not believe any act of yours will call into requisition.

To limit the creation of too many state banks, Tyler suggested the states might form a compact among themselves with the consent of Congress.¹

¹Richardson, IV, 42-47.
Tyler's message received various interpretations. The Democratic Richmond Enquirer joyfully observed that the Whig press was at a loss as what to say about the President's statements. The Enquirer reported that some Whig papers praised the message highly, some damned it with "faint praise," and still others expressed their disappointment. Another Democratic paper sneered that the "Under President" had not made any proposals because he intended to adopt whatever fiscal agent Clay and his friends created. Philip Hone commented that if Tyler did not intend a national bank should be chartered it was difficult to say what he did intend. The New York Herald saw that the President committed himself to nothing in a decided manner but concluded that he would sign a national bank bill he considered constitutional. The Richmond Whig deduced that Tyler, like Jackson, believed a fiscal agent could be established that did not infringe upon the Constitution. The administration organ found the message sufficiently explicit with reference to a financial institution. In spite of the vagueness of Tyler's message and his history of opposition to a national bank, many Whigs concluded he would approve such a bank. Actually the President was hinting that a "Bank of States" might be formed, an

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2 Richmond Enquirer, June 8, 1841. Globe, June 1, 1841.
3 Nevins, II, 545-546.
idea he had acquired from N. Beverly Tucker, a professor of law at William and Mary. That no one gleaned this interpretation from his message can be attributed partly to the novelty and obscurity of the idea and partly to the willingness of everyone to read into the message what they wished.

As leader of the Whigs, Henry Clay presented to the Senate his plans for legislation, with the repeal of the Sub-Treasury and the incorporation of a bank for the people and the government at the top of the list. "Prince Hal" had high hopes for the passage of his measures. The Whigs, as previously noted, had majorities in both houses of Congress, and Clay's supporters occupied key committee posts. In the Senate Clay was chairman of the Committee on Finance and of the Select Committee on Currency. Senator Oliver Smith of Indiana headed the Committee on Public Lands. In the House John White of Kentucky served as Speaker, and Millard Fillmore of New York chaired the Ways and Means Committee. Two additional Whigs, William Cost Johnson of Maryland and John Sergeant of Pennsylvania presided over the Committee on Public Lands and the Committee on Currency.

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6 Congressional Globe, 27th Congress, 1st Session, X, 22.
respectively. Tyler's retention of Harrison's Cabinet insured Clay's continued influence in the executive branch.

At this point the New York Herald discerned only one obstacle to a fiscal agency—"... Clay's determination to exhibit his power by forcing his own measures regardless of the known sentiments of the President." The newspaper predicted Clay and Tyler would quarrel because the "Lord of Ashland" was overbearing to an extraordinary degree. In reality Clay was bitter toward any man who had gained the office of President, which he had been denied. Clay knew of Tyler's objections to a national bank. Before Congress convened, the President replied to an inquiry from the Kentuckian: "As to a Bank, I design to be perfectly frank with you—I would not have it urged prematurely. The public mind is in a state of great disquietude in regard to it." The Chief Executive warned Clay that the minority would vow to cancel the charter at a future date and, therefore, the capitalists might not subscribe to it. If Clay still believed a financial agent to be necessary, Tyler desired him to frame a bank bill that avoided all constitutional objections.

8 Herald, June 11 and 12, 1841.
9 John Tyler to Henry Clay, April 30, 1841, Tyler, Letters and Times, III, 92-94.
At the time of the opening of the extra session of Congress, the President and Clay discussed possibilities for a fiscal agent. Tyler recommended the plan of Hugh Lawson White, which he felt was free of constitutional objections. The Kentucky Senator then exclaimed that Tyler "... wants a bank located in the District, having no power to branch without the consent of the State where the branch is located. What a bank that would be!" When Clay refused acquiescence to Tyler's suggestions, Tyler is supposed to have said to him, "Go ... to your end of the avenue, where stands the Capitol, and there perform your duty to the country as you shall think proper. So help me God, I shall do mine at this end of it as I shall think proper." Communication between the two men seems to have virtually ceased at this point.

The first item on Clay's agenda was the repeal of the Sub-Treasury. In his message to the extra session, the President had noted the Sub-Treasury had been rejected by "the public." During the campaign of 1840, Tyler had expressed the view that the Independent Treasury was constitutional, but inexpedient since it united "the purse and ..."
sword.\textsuperscript{11} The Senate made short work of the repeal, and on June 9, 1841, the Sub-Treasury was abrogated by a strictly party vote of twenty-nine yeas to eighteen nays. The House, considering other measures, did not vote on the bill until August 9, when 134 yeas to 87 nays were registered. On August 13, 1841, the President signed the bill.\textsuperscript{12} Jubilant Whigs paraded with a coffin labeled "The Sub-Treasury" and proceeded to the White House and Clay's boarding house.\textsuperscript{13} The Whig cheering was to cease shortly.

The key measure of Clay's program was creation of a national bank. Secretary of the Treasury Thomas Ewing reported to Congress that some fiscal agent was necessary. While Ewing did not doubt the power of Congress to create such an institution, he noted that some still questioned the constitutionality of this power. The Secretary wanted to avoid any features that might be considered unconstitutional. Upon request Ewing presented to the Senate a plan for a fiscal agent. Ewing's plan had essentially the features of Hugh Lawson White's plan, which would locate the bank in the District of Columbia and require state assent to establish

\textsuperscript{11}Richardson, IV, 45-46. St. Clairsville (Ohio) Gazette, October 3, 1840, cited in the Richmond Enquirer, October 13, 1840.

\textsuperscript{12}Congressional Globe, 27th Congress, 1st Session, X, 36, 313. United States Statutes at Large, V, 439-440.

\textsuperscript{13}Poore, I, 271-272.
branches within state borders. The Daily National Intelligencer did not approve of Ewing's plan entirely, but did not wish to endanger the passage of the bill by changing it. The Whig organ, acknowledging the differences of opinion among the Whigs, asked that they compromise to help the country. Webster asserted that Ewing's plan received the approbation of the President and Cabinet as the best thing that could be done, but Henry Wise claimed it was objectionable to Tyler. The President wrote to Tucker at William and Mary College that he preferred Tucker's "Bank of States" to the White, or Ewing plan, but it was "... too new and too bold for those around me ... ." While Webster did not consider state assent to branching necessary, he could see no harm in it. Because of the uncertainty of capital subscription, leading merchants were contacted, and they pledged themselves to advance the Ewing plan. Webster surmised that Ewing's bank might on the whole work better than its predecessors. The Secretary of State predicted that either they would have a bank based on the Ewing plan or none at all.

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15 Daily National Intelligencer, June 14, 15 and 17, 1841.

Clay, pushing for speedy consideration of the bank, wanted the extra session finished by July. Democrat William Allen of Ohio denied that the country was pressing for "action, action" on the bank. Allen declared the President said the people had rejected a national bank. The Ohio Democrat feared Clay, "the monarch of a triumphant party," more than the Chief Executive because a President could be impeached but a Senator could not. Clay's resolution for a quick adjournment of the special session failed to pass.\footnote{Congressional Globe, 27th Congress, 1st Session, X, 46-47.}

Henry Clay, as chairman of the Select Committee on Currency, reported it had discarded the Ewing plan. He (Clay) prefaced his report with the assertion that a United States Bank needed to be established with as little delay as possible. Declaring that the power of Congress to charter a bank was a settled question, Clay announced the committee had improved on the bank charter of 1816. The committee did not approve the feature of the Ewing plan which required state assent for establishing branches.\footnote{Ibid., pp. 79-80.} Another member of the currency committee, Silas Wright of New York, forecast that Clay's bill would pass since the Whig caucus had agreed to it. Wright observed that Clay was in full control of his party, very arrogant to his friends, yet mild-mannered with the Democrats. Wright conjectured that Clay had cast aside
the state assent feature to prove to Tyler that Clay's will must govern. Webster regarded the committee's rejection of the Ewing plan as "the commencement of the disastrous dissensions between the President and Congress." The Richmond Whig believed the dispensing of the assent of the states to the establishment of the branches would not meet with general approval. The Whig hoped Clay's compromising spirit would keep him from putting a stumbling block in the path of his friends who had constitutional objections to his plan. That Clay was not yet completely deserving of his title, "The Great Compromiser," may be seen from the manner in which he promoted the bank measure.

Clay demanded immediate consideration of his bill, even though it had been before the Senate only a few days. The Kentuckian claimed that a large portion of the people were for a national bank, including both Whigs and some Democrats. Refuting the assertion about the Democrats, Calhoun countered with the statement that not all Whigs were for the bank. The feeling that there had not been enough time to study the bill prevailed, and consideration of the Fiscal Bank Bill was postponed.

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20 Richmond Whig and Public Advertiser, June 25, 1841.

21 Congressional Globe, 27th Congress, 1st Session, X, 103.
Silas Wright doubted the prediction that Tyler would not sign Clay's bill but believed the President would try to change Clay's measure back to Ewing's, which he would sign.\textsuperscript{22} William C. Rives of Virginia, whom Tyler had opposed for the Senate seat (but now his friend), offered an amendment to Clay's bill retaining the feature of Ewing's plan requiring state assent for branching.\textsuperscript{23} Senator Rufus Choate of Massachusetts favored the Rives amendment because he thought that there would be no bank without this provision. Clay, infuriated, demanded to know how Choate found out from the Chief Executive that the Rives amendment was necessary. Choate replied that he had not talked to the President, but merely stated his own convictions. Privately the Kentucky Senator complained that Tyler's opinions about a bank were troublesome, a threat to the measure, and a danger to the ascendancy of the Whig cause. The Rives amendment failed by a vote of ten to thirty-eight.\textsuperscript{24} Representative Caleb Cushing later claimed that if the Rives amendment had passed, the nation would have had a bank. Most of the Democrats voted against the amendment, probably because they believed

\textsuperscript{22}Silas Wright, Jr., to Van Buren, June 26, 1841, Van Buren Papers.


\textsuperscript{24}Congressional Globe, 27th Congress, 1st Session, X, 140-141, 152. Henry Clay to Francis Brooke, July 4, 1841, Colton, IV, 454.
that without it Tyler would veto the bill. Silas Wright had heard rumors that Tyler wanted to veto Clay's bill, and then have his own (Tyler's) bill originated, passed, and signed.\textsuperscript{25}

Clay, finally realizing that the bill would not pass in its original form, offered on July 27 a compromise amendment conceived by John Minor Botts, a Virginia Representative. According to Tyler, Botts presented his idea to the President, promising to destroy it if Tyler did not agree to it. Although Tyler was not satisfied with the amendment, Botts claimed the President approved it. The Botts, or Clay, amendment provided that state assent for branching be assumed if, within the first session of the legislature following the passage of the bank charter, the state legislature did not unconditionally dissent. The plan also provided that if Congress ever felt it to be its constitutional duty to establish a branch in any state, it could do so without the state's assent. John C. Calhoun, William C. Rives, James Buchanan, and Robert Walker protested that the amendment was not really a compromise. They contended the measure did not give the states any more power over branching than in the original Clay bill. The Botts amendment passed the Senate by a slim margin of twenty-five to twenty-four, with both Virginia Senators, William Archer and William C.

\textsuperscript{25}Niles' National Register, October 16, 1841. William L. Marcy to Van Buren, July 20, 1841; Robert McClellan to Van Buren, July 22, 1841; Silas Wright, Jr., to Van Buren, July 10, 1841; Van Buren Papers.
Rives, the only Whigs to vote nay. At first Webster seems to have believed that Tyler would accept the bank bill with the Botts amendment, but after the measure passed Webster dared not ask himself whether the President would approve the bill. The New York Herald reported the Botts amendment was the result of an all-night caucus. The Herald, depicting the amendment as a "pretended compromise," a "trap," and a "subterfuge," believed the Whigs considered the President a "gull" (dupe) and the people, "fools." The Herald saw the amendment as a plan to drive Tyler to a veto.

In spite of the Herald's warning, the Fiscal Bank Bill was passed by both houses of Congress. In the Senate on July 28, 1841, the vote registered was twenty-six yeas to twenty-three nays, with the Virginia Senators again being the only Whigs to vote with the minority party. The New York Herald asserted that Clay had control of nine-tenths of Congress, a claim that hardly seems credible in view of the slim majority given the bill by the Senate. The Herald further commented that Clay had predominated over the Whigs with despotic sway and that his wish was paramount law in his


28 Herald, July 30, 1841.
party. A Whig caucus determined the bill would not be amended by the House; therefore, an amendment sponsored by Thomas Marshall of Kentucky and John Quincy Adams to strike out the Botts amendment and provide for unlimited branching failed along with all other attempts to modify the bill. The House, which had taken up the bill on August 2, passed it on August 6 by a vote of 128 to 97.\footnote{Congressional Globe, 27th Congress, 1st Session, X, 260, 299, 300, 303. Herald, July 30, 1841. Adams, X, 524.}

Several days before the House gave its approval, speculation over the possibility of a presidential veto had reached immense proportions. The Washington correspondent of the New York Herald observed, "Nothing is thought of, talked of, dreamed upon, or sworn about now, but the fact of the bank bill--Politicians discuss it morning, noon, and at night. . . . the ladies talk of it on all occasions to the gentlemen, and among themselves . . . ."\footnote{Herald, August 5, 1841.} Although Calhoun had earlier believed that Tyler would take the middle ground, the South Carolinian expected a veto now that the bill was in the President's hands. However, Calhoun feared Tyler would leave an opening for compromise on another bank charter in his message.\footnote{John Calhoun to Thomas Clemson, June 13, August 8, 1841, Jameson, pp. 478, 486.} Webster wrote his wife that the President kept his own counsel as to whether he would approve or
disapprove the bank bill, but he surmised Tyler would sign the bill. Webster believed the President was greatly troubled by the Fiscal Bank Bill, wanting to please his friends and, at the same time, trying to do justice to his own opinions.  

The President's brother-in-law, John B. Christian, did not know what course Tyler would take but suspected he would veto the bill. Christian forecast that if there were enough indignation against the President because of the veto Clay would allow adjournment, otherwise another attempt for a bank would be made. Clay, he said, had decided to destroy Tyler and that the President and his friends knew it. When it seemed Clay might compromise with Tyler, some of the President's friends did not desire it. Christian believed that Clay's followers had first wanted Tyler to veto the bill, but were now fearful of a split in the party. When "Prince Hal" was told Tyler might veto the bill, he reportedly answered, "Tyler dares not resist. I will drive him before me."

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33 John B. Christian to N. Beverly Tucker, August 10, 1841, William and Mary Quarterly Historical Magazine, Series I, XII (January, 1904), 143-144.

While Clay's propaganda organ, the Daily National Intelligencer, generally refrained from speculating on a veto, the Richmond Whig predicted the President would sign the bill and thus insure his popularity. By August 10 the Richmond paper began to consider the possibility of a veto and held that another bank bill with the Rives amendment would receive Executive sanction.\footnote{Richmond Whig and Public Advertiser, July 20 and 30, August 3 and 10, 1841.} A staunch journalistic supporter of Tyler began editorializing that the veto power was not necessarily evil and that Congress was not infallible. Reviewing Tyler's past opinions on a national bank, the Madisonian reminded the public of Tyler's consistency. If the bill did not become a law, the administration paper saw no reason for a party split. The Democratic Globe prophesied a veto.\footnote{Madisonian, August 5 and 12, 1841. Globe, August 5, 1841.}

On the day the Senate passed the Fiscal Bank Bill, Tyler, commenting on the assertions of the press that he would use the veto, declared that he had not authorized such statements. The President claimed he had conversed freely with leading men of both houses of Congress to "... avoid a contingency which might lead to a rupture; but that which was devised for harmony is declared to have arisen in a spirit of executive dictation . . . ." The Chief Executive believed that war would be made on both his opinions and his
motives. Tyler saw himself with his back to the wall and determined to beat back his assailants. On August 12 the President's son, Robert, unwisely disclosed his father's opinion to a Representative from New York and made the Whigs indignant when he said that "... to suppose his father could be gulled by such a humbug compromise as the bill contained, was to suppose he is an ass." The next day Tyler told a delegation of Ohio Congressmen who had come to ask him to sign the bill that he had never been so perplexed but felt sure he would abrogate the bank bill. The President indicated he would include in his message guidelines for a bank he would approve. Declaring his mind was still open on the subject, Tyler promised to pray for enlightenment as to his duty.

On August 16, nine days after Tyler received the Fiscal Bank Bill, he sent his veto to the Senate. The President told Thomas Ewing that he had withheld the veto until he thought it would be more calmly received. Webster noted that on the day of the veto the earlier tension had lessened somewhat. Another reason Tyler might have withheld his message was he hoped the bankruptcy bill would pass the Senate before he sent the veto. Tyler supported the

37 John Tyler to N. Beverly Tucker, July 28, 1841, Tyler Papers.
38 Cincinnati Daily Gazette, August 18, 1841.
39 Cincinnati Daily Gazette, August 21, 1841.
bankruptcy bill, and many felt its fortunes would be affected by his action on the bank bill.\textsuperscript{40}

In his veto message Tyler reviewed his long-standing position on the unconstitutionality of a national bank. He rejected the Fiscal Bank Bill, saying it was his duty to protect the Constitution. Giving his objections, he stressed that the provision on local discounts\textsuperscript{41} was unwise and unnecessary. Tyler contended that discounting had nothing to do with safekeeping and disbursing the government revenue. Further, Tyler pointed to the troubles discounting had brought the First Bank of the United States. Only when the Bank was limited to exchanges did it recover. The President's other quarrel with the bill concerned the clause providing that state assent to branching of the bank was assumed if dissent was not given within a certain time limit. The Chief Executive further protested the provision that if Congress deemed it necessary to establish a bank in a state,

\begin{footnotesize}
\textsuperscript{40}"Diary of Thomas Ewing," (no editor given), American Historical Review, XVIII (October, 1912), 99. Daniel Webster to Mrs. Webster, August 16, 1841, Claude Halstead Van Tyne, The Letters of Daniel Webster (New York, 1902), pp. 235-236.

\textsuperscript{41}When a person presented the paper money of a bank in another area for specie, it was customary for the receiving bank to deduct a certain percentage from the face value of the note. The deduction, referred to as local discount, was necessary because of the risks the receiving bank took. These risks included counterfeit notes, forged signatures, and notes on defunct banks. Local discount rates were not uniform.
\end{footnotesize}
it could be done without the state's approval. Tyler claimed that actually the states were left with no authority over branching.\textsuperscript{42}

In the Senate the discussion of the veto led to charges and counter-charges of plotting. Clay said he thought Tyler had indicated he favored a national bank in his message to the extra session of Congress. Clay claimed that Tyler was wrong to put his personal honor above the will of the nation and saw no virtue in consistency. He said the President should have yielded to the Cabinet's wish for a bank. The "Lord of Ashland" suggested that Tyler could have allowed the bill to become law without his signature, or the President could have resigned. William C. Rives replied to Clay that Tyler had never taken any other stand on a national bank while in the House or Senate. The Virginia Senator rejected the idea the Bank was an issue in the campaign of 1840, so he did not see how the Whig leader could claim it was the nation's will to have a national bank. Further, Rives did not approve of the Cabinet dictating to the President.

Implying that Rives was involved, Clay charged there was a sort of "kitchen cabinet" forming that was trying to dissolve the regular Cabinet, break up the Whig Party, and prevent Congress from accomplishing anything. Claiming to

\textsuperscript{42} Richardson, IV, 63-68.
be a friend of Tyler's, Clay asked what motive he could have for quarreling with Tyler. When his only interest was the Whig Party, why would he (Clay) want to break up his own party? The Kentucky Senator declared that others were presenting him as personally opposed to the President and were trying to form a third party "... with materials so scanty as to be wholly insufficient to compose a decent corporal's guard." "Corporal's guard" became the designation of the small band of Tyler's supporters in Congress. After refuting Clay's charges, Rives reported a rumor which insinuated that there was a dictatorship seeking to control both the legislative and executive branches, trying to teach Tyler his duty, and trying to force the President to come to terms. 43

The announcement of the veto brought demonstrations for and against Tyler's action. A group of Democratic Senators called on the President to congratulate him. Late in the evening a Whig mob clamored against Tyler and the veto with guns, drums, and bugles. Because of this incident Tyler's family received resolutions of apology from the city and a night police force was established in Washington. In New York the joyful Democrats fired one hundred guns and declared that Tyler ought to be President in 1844. Amos

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Kendall, a staunch Jacksonian, sent the President his thanks for the veto.\footnote{Benton, II, 328-330. Daily National Intelligencer, August 19 and 20, 1841. Chitwood, pp. 228-230. Herald, August 18, 1841. Amos Kendall to John Tyler, August 21, 1841, Tyler Papers.}

The response of the press to the President's rejection of the bank bill naturally varied. The Madisonian saw no reason for surprise at the President's action because it was in line with his known opinions. The mild editorial of the Daily National Intelligencer, written by Daniel Webster, respected the Chief Executive's reasons for refusing to sign the bill. The editorial expressed regret and disappointment at the result but hoped the President might sign some other bank measure. The Richmond Whig did not understand how Tyler could object to the bill but respected his conscientious convictions. The New York American was severe in its denunciations of the Chief Executive and his message.\footnote{Madisonian, August 17, 1841. Daily National Intelligencer, August 17, 1841. The Writings and Speeches of Daniel Webster, National Edition, XV, 135-136. Richmond Whig and Public Advertiser, August 20, 1841. New York American, August 17, 1841, cited in Niles' National Register, August 21, 1841.} The Washington Globe affirmed the veto as a cause for celebration just as Jackson's veto of 1832 had been. It saw Tyler's rejection of the bank bill as punishment of the fraud the Whigs had attempted. This Democratic paper charged that the Whigs had used Tyler and Harrison to attract votes of those opposed
to a bank and then tried to induce the chief magistrate to violate his conscience. Another Democratic journal hailed the veto with gratitude, saying the states' rights Republicans would rally around Tyler's administration if he continued to act on his principles.\footnote{Globe, August 16 and 17, 1841. \textit{Richmond Enquirer}, August 20, 1841.}

On August 19, 1841, an attempt in the Senate to override the President's veto failed to achieve the necessary two-thirds majority when only twenty-five yeas to twenty-four negative votes were registered.\footnote{\textit{Congressional Globe}, 27th Congress, 1st Session, X, 352.}

At first there was uncertainty whether the Whigs would make another effort to establish a bank. A number of Clay's friends wanted Congress to adjourn, but Clay persuaded them to stay. John Crittenden informed the Whig leader of features the President would accept in a bank, believing that Tyler was as much opposed to discounting without state assent as he was to branching without state assent. The Attorney General urged Clay to sponsor a new bill, but he left the matter to his lieutenants.\footnote{Robert McClellan to Van Buren, August 15, 1841, Van Buren Papers. Daniel Webster to Mrs. Webster, August 16, 1841, Van Tyne, pp. 235-236. John Crittenden to Henry Clay, August 16, 1841, Coleman, I, 159-160.} On August 16, the day of the veto, Representative James A. Pearce of Maryland, a friend of Millard Fillmore who was one of Clay's cohorts, visited
Representative Alexander H. H. Stuart of Virginia. In talking to Stuart, Pearce expressed hope that Tyler would accept a bank bill based on a modification of a proposition made by Richard Bayard of Delaware at the time of the first bank bill. Stuart took the proposition to the President who, after making some changes in the plan, told Stuart that if the bill were sent to him he would sign it in twenty-four hours. The Chief Executive instructed Stuart to have Webster help him prepare the bill but to avoid exposing Tyler to the charge of dictating to Congress. Stuart did not find Webster at home but went to a Whig committee meeting to report what passed between him and the President. The committee agreed to recommend compliance with Tyler's views to the full caucus. John Sergeant of Pennsylvania and John Berrien of Georgia were to confer with Tyler to make certain the bill contained his views. Willie P. Mangum promised to persuade Clay to postpone the discussion of the veto until negotiations for a new bill were underway and the Whig caucus could agree to the new proposal. 49

Before Tyler had the interview with Berrien and Sergeant, William C. Rives brought the President a plan for creating a bank for the District of Columbia under Congress' power to legislate for the District. The Chief Executive was impressed.

49 Benton, II, 344, 347. The Bayard proposition was an amendment to the Rives amendment and was also rejected. See Congressional Globe, 27th Congress, 1st Session, X, 145, 152.
by Rives' plan and seems to have tried to incorporate it into the views he expressed to his Cabinet.\textsuperscript{50} When Berrien and Sergeant visited the President, he expressed the opinion that he should not give Congress a bank plan but said he would discuss the matter with his Cabinet. After canvassing the President's opinions about a bank in a Cabinet meeting, Webster and Ewing set about their appointed duty of formulating a bill containing Tyler's ideas. Sergeant and Berrien again talked to the Chief Executive and Webster and thought they had a bill that would please Tyler. Ewing noted that Tyler wanted to avoid the charge he was dictating to Congress and said the President desired the issue be postponed until the next session of Congress.\textsuperscript{51}

Whether or not Tyler really saw Sergeant's bill\textsuperscript{52} and approved its final form before it was introduced in the House is a moot question. Ewing claimed that after Berrien and Sergeant gave the bill to Webster, he showed it to the President, and the latter approved. Webster in his Memorandum

\textsuperscript{50}Wise, Seven Decades of Union, p. 187.

\textsuperscript{51}"Diary of Thomas Ewing " (no editor given), American Historical Review, XVIII (October, 1912), 99-103.

\textsuperscript{52}Sergeant's bill provided for a corporation with a capital of 21,000,000 dollars. The capital in the previous bill had been 30,000,000. There were to be no offices of discounts and deposit. The dealings of the corporation were to be limited to buying and selling foreign bills of exchange, including bills drawn in one state or territory and payable in another. There were to be no discounts. Congressional Globe, 27th Congress, 1st Session, X, 364.
indicated that Tyler saw the bill and did not object to it. However, a letter to the President from Webster indicated he may not have presented the final form of the bill to Tyler. In fact, Webster told the President he had done nothing that had committed Tyler to the measure. In a statement written by Tyler in 1842 and read by John Tyler, Jr., in 1844, Tyler declared he never gave his assent to the Sergeant bill. When the Chief Executive learned the provisions of the Sergeant bill he sent word he could not approve of it and suggested an amendment to several representatives that would make the bill acceptable to him. Tyler wanted state assent for establishing branches within their borders, and he feared the exchange features were essentially the same as local discounting. Tyler objected to the national character of the corporation. He wanted a bank established for the District of Columbia by Congress, that body acting as the legislature for the District. Tyler estimated that at least fifty members of the House knew of his objections.\footnote{"Ewing's Statement," and "Berrien's Statement," Niles' National Register, June 18, 1842. Webster's Memorandum, cited in Chitwood, p. 261. Daniel Webster to John Tyler, August 20, 1841, Van Tyne, p. 237. "Tyler's Statement, 1842," Tyler, Letters and Times, II, 98, 100.}

On August 21, 1841, the day after the Fiscal Corporation Bill was introduced in the House, a letter of John Minor Botts addressed to the "Reading Room of a Richmond Coffee house" was published. Botts claimed the letter was personal and not
intended for publication, but the damage had been done. The Virginia Representative had charged Tyler with trying to set himself up with the Democrats. Botts predicted Tyler would be "[be]headed" and made the execration of both parties, "... with one for vetoing our bill ... with the other for signing a worse one. ... You'll get a Bank bill, I think, but one that will serve only to fasten him ... ." When Tyler saw that the Sergeant bill did not contain the features he had requested, he probably felt there was truth in Botts' claim the bill would serve "to fasten him." Webster knew the President had wanted the bank question postponed and was agitated by the Botts letter. The Secretary of State felt it was the duty of the Whigs to cease pressing the bank bill at that time to prove to Tyler they had no design to "[be]head" him.

Debate followed Sergeant's introduction of the Fiscal Corporation Bill to the House on August 20. Sergeant seemed in a hurry, wanting the discussion to stop on the next day. Finally after protests, Sergeant agreed to allow another day for discussion. Several Representatives stated they had heard the bill was intended to ruin Tyler. Henry Wise, a

54 John M. Botts to Reading Room, Richmond Coffeehouse, August 16, 1841, Richmond Whig and Public Advertiser, August 27, 1841.

Tyler supporter, opposed the bill. Thomas Gilmer, a Virginia Whig, denying he was a member of the "kitchen cabinet," asked if the administration were the President, the Cabinet, or the legislators. George Profitt of Indiana admitted he was a member of the "Corporal's Guard" and implied the bill was concocted to make Clay the next President. On August 23 the House passed the Fiscal Corporation Bill by a vote of 125 to 94.56

The Senate received this second bank bill on August 24 and referred it to a special committee headed by Berrien.57 The President renewed his efforts to have the bill postponed until the next session of Congress. Ewing recorded that Tyler, gloomy and depressed, intimated he would not sign the bank bill and wanted it postponed. Webster at this time addressed a letter to the Senators of Massachusetts strongly urging the matter be delayed until the next session. Tyler later said he could have had the postponement if he had promised the Whigs he would keep his Cabinet, but he would not agree to the terms.58 On August 27, 1841, John

57 Ibid., p. 372.
Quincy Adams observed, "The Whig party is in the agonies of dissolution . . . ." The Richmond Whig that same day said the President had already lost the confidence of the Whigs of the union. Webster wrote on August 28 that the breach between the President and Clay probably could not be healed. A party at Crittenden's home on August 28 was an attempt to reconcile Tyler and the Clay Whigs. Although the President had declined his invitation, a delegation " . . . took him by storm after the Kentucky fashion, [and] led him over to Crittenden's in triumph . . . ." Robert Winthrop, a Massachusetts representative, told Adams that Tyler had entered into the spirit of the party, but the whole thing seemed false and hollow.  

On August 30, 1841, Berrien reported the Fiscal Corporation Bill without amendment to the Senate and said that he would call for discussion on September 1. Ewing endeavored through Senator George Evans of Maine to have the bill postponed until the next session. Clay, however, insisted on taking up the measure and incensed a number of his party by his course. The Secretary of the Treasury reflected that Clay seemed to be hurrying things to a crisis and forcing a bill upon Tyler that he would have to veto or approve. If the President vetoed the bank bill, then the Cabinet would

have to resign, Tyler would be driven into the Democratic Party, and Clay would make himself the next Whig candidate for President. On September 1 Berrien compared the Fiscal Corporation Bill to the former bank bill. Clay did not find the measure entirely to his liking but said he would vote for it since it would help supply uniform currency and regulate exchanges. Rives, knowing the President's dislike for discounting, warned that the cashing of bills of exchange as provided by the bill was the same as discounting promissory notes. On September 3, 1841, the Fiscal Corporation Bill passed the Senate by a vote of twenty-seven to twenty-two.

The following day the National Intelligencer predicted the President would sign the bank bill as it was designed to conform to his views, but on that day Tyler discussed his veto of the bill with his Cabinet. The President intended to accompany the veto with the declaration that he would not be a candidate for a full Presidential term, thinking such a statement would place his motives fairly before the people and disarm his assailants. The Cabinet did not concur with his views so the President dropped them. The Chief Executive

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60 Congressional Globe, 27th Congress, 1st Session, X, 402. "The Diary of Thomas Ewing" (no editor given), American Historical Association, XVIII (October, 1912), 105-106.

observed that coming to the Presidency as he had, he rallied no friends around him and had no party. Tyler remarked that whoever supported him was asailed and ruined. Webster objected to Tyler's desire to criticize the bill with severity, and Ewing hoped the President might yet approve the bill. On September 5 Ewing appealed to Webster to reason with the President and to convince him of the Cabinet's willingness to support him "against any and all assailants if he would but give them ground to stand upon." Ewing remarked that Clay expected great sacrifices of his friends but made none for them. Ewing did not want to sacrifice his "... own certain present, to his contingent future."  

The Cabinet's attempts to avert a veto were ineffective. Subsequently, Tyler sent the message to the House of Representatives on September 9, 1841. The President, declaring it his duty to guard the Constitution, opposed the Fiscal Corporation Bill because it created a bank to operate throughout the Union. He considered such broad powers unconstitutional. Although the corporation was to be located in the District of Columbia, it was in his eyes a national bank created by Congress as a national legislature rather than a bank for the District, created by Congress acting as the District's legislature. The Chief Executive, opposed to

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discounting, saw danger in the provisions for bills of exchange which he believed would permit the bills of exchange to become local discounts. The President also regretted the lack of a limit on the premium in the purchase of bills of exchange. Tyler expressed regret that he and Congress had not been able to agree on a fiscal agent and complimented Congress on the many other good measures that had been passed. The President asserted that his only motive had been to uphold the institutions of the country and that he would rather do that than win applause by sacrificing his duty and conscience.\(^63\) The Whigs in Congress were in no mood to accept the veto, but the attempt to override it in the House failed to achieve the necessary two-thirds when 103 yeas and 71 noes were recorded.\(^64\)

The Democratic press was joyful at the second veto, and at first the Whigs expressed regret. Soon regret was replaced by stronger emotions. One Democratic paper thanked Tyler for saving the country from "Mastodon Banks," and another congratulated the country. Andrew Jackson approved the praise given Tyler. The Madisonian believed both the President and Congress had acted from a patriotic desire to promote the good of the country. A Virginia Whig paper regarded the course of the President as "singular and

\(^63\)Richardson, IV, 68-72.

\(^64\)Congressional Globe, 27th Congress, 1st Session, X, 449.
perplexing." The New York Herald jubilantly reported that rejection of the bank caused a terrible shout of desperation in Wall Street. Although the Daily National Intelligencer regretted the veto, it gave the President his due respect.  

One of the results of the second bank veto was the resignation on September 11, 1841, of the entire Cabinet except Daniel Webster. As early as July 29 the New York Herald began predicting the Cabinet would be asked to resign. After the first bank veto the paper continued forecasting the resignation and expressed hope the change would come. On August 1 Calhoun had supposed a bank veto would break up the Whig Party and lead to a remodeling of the Cabinet. On August 17 the Clay organ declared the rumors of the predicted resignations should not be heeded.  

By August 25 Attorney General John J. Crittenden was no longer certain he could keep his position which he financially needed. Later Crittenden learned the President had begun negotiations for a new Cabinet. Henry Wise was certain of a Cabinet rupture

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and wanted to part on friendly terms with some of the members. Secretary of the Treasury Ewing sought the advice of several Ohio Congressmen, saying he felt that if the President vetoed both the land bill and the bank bill he should resign. The Congressmen advised him to let Tyler "... 'do the last crowning act of dismissal which they said would be esteemed by the people a sacrilegious desecration of the memory of the beloved Harrison." Webster consulted with the Whigs of Massachusetts and was advised to remain in the Cabinet. Webster, engaged in negotiations with England over the Maine boundary dispute and other questions, was reluctant to leave his post until the differences were resolved. The Webster-Ashburton Treaty was completed in August, 1842.68

The Cabinet members met on September 10 at the home of Secretary of Navy George Badger to discuss their plight. When Webster realized Clay was present, he left.

The New York Herald and other newspapers charged that Clay requested the resignations, but Ewing and Clay denied

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the assertion. In spite of the Herald's early prediction that Tyler would ask the Cabinet to resign, it was the Cabinet that took the initiative. The day after the meeting in Badger's home, the members with the exception of Webster tendered their resignations. Ewing, Bell, and Badger each published their reasons for leaving the Cabinet. In an editorial in the Madisonian, Webster criticized his former colleagues for making Cabinet secrets public and writing letters to Tyler which he, as President, could not answer. Webster, reviewing the reasons given by Ewing, Crittenden, Badger, and Bell for resigning, found no agreement among the men. The Secretary of State maintained there was no cause for the disruption of the Cabinet, although he considered a national bank a necessity. Francis Granger published no reasons for leaving his post, but apparently left rather than be separated from his political friends.

Although the Cabinet resigned on a Saturday and Congress had voted to adjourn the following Monday, Tyler was able to nominate new advisors. Walter Forward of Pennsylvania was named Secretary of the Treasury; John Spencer of New York, Webster, II, 100. Herald, September 13, 1841. Chitwood, pp. 272-273.

70 Statements of Ewing, Bell, and Badger, Daily National Intelligencer, September 13, 21, and 22, 1841. Madisonian, September 25, 1841; September 16, citing Daniel Webster to Hiram Ketchum, September 11, 1841, and Daniel Webster to Gales and Seaton, September 13, 1841. Chitwood, p. 274.
Secretary of War; Abel P. Upshur of Virginia, Secretary of the Navy; Hugh S. Legaré of South Carolina, Attorney General; and Charles A. Wickliffe of Kentucky, a violent political enemy of Clay, Postmaster General. Tyler ventured that the Whigs were surprised he had been able to surround himself with a Whig Cabinet. The President said the new members were original Jackson men who had left the Democratic Party for the same reasons as himself and also conformed to his opinions on a national bank.

The official removal of Tyler from the Whig Party was another result of the President's second veto. On September 11, 1841, the Whig caucus appointed a committee to write an address to the nation. On September 13, 1841, the report of John P. Kennedy, a Maryland Representative, was adopted by a group of Congressional Whigs, the number in attendance varying from fifty to eighty, according to different accounts. Kennedy's address asserted the issues in the campaign of 1840 had been the restraint of executive power and regulation of currency by a national bank. Since all factions in the party had not agreed, the sectional differences of opinion had been accommodated during the campaign with hopes they could be compromised later. The nomination of Tyler had been made with only passing thought to his opinions. Kennedy

71 Chitwood, p. 281.

72 John Tyler to Thomas Cooper, October 8, 1841, John Tyler to Littleton Tazewell, October 11, 1841, Tyler Papers.
reviewed Whig legislation which had passed, the repeal of the Sub-Treasury, the distribution, pre-emption bill, the "bankrupt act," and a revenue bill. His address failed to note that Tyler had given his approval to all of these measures and instead emphasized Whig attempts to obtain a fiscal agent. The Kennedy address declared that Tyler's vetoes were not entirely based on constitutional scruples; the President, by exhibiting his prerogative, was trying to overthrow party divisions and make new political combinations.

Tyler's answer to this and similar charges was that he had nothing to gain by purposely incurring the wrath of the majority party. The Whig Congressmen now condemned Tyler for rejecting what they believed he had previously approved. Worst of all, he had wrested from them "... one of the best fruits of a long and painful struggle, and the consummation of a glorious victory. ..." Since the President had voluntarily separated himself from those who had elevated him to power, the Whigs declared themselves no longer accountable for Tyler's actions. Tyler was now a President without a party. Webster lamented the Whig manifesto because he thought the President should be held as far as possible to Whig principles and a Whig administration. Webster said

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73 The distribution, pre-emption bill, the bankruptcy act, and the revenue bill will be discussed in Chapter III.
he was "... unwilling to lose all the great objects of the preceding contest." 74

Over the country the Whigs held local protest meetings. The President was denounced for betraying the Whig principles of the campaign of 1840, for trying to form a third party, for using his veto power, for dealing falsely with his Cabinet, and for other treacherous acts. Henry Clay was upheld as one who was true to the interests of the Whig Party. Whigs formed Clay clubs, and these groups nominated the Kentuckian for the Presidential race in 1844. Clay replied to a Baltimore Whig Committee that he believed the Constitution should be amended to remove that "obsolete vestige of royal prerogative," the veto. 75

Several of Tyler's friends charged that it was Clay who had plotted against Tyler so that Clay would receive the 1844 Presidential nomination. Harrison had committed himself to only one term, but Tyler had not. Representative Henry Wise wrote that "Prince Hal" was jealous of the President's running


for a second term and intended to drive Tyler to a veto to make him unpopular with the Whigs.\footnote{Henry Wise to N. Beverly Tucker, June 5 and 27, 1841, Tyler, Letters and Times, II, 38, 47.} George Proffit and others had made the charge that the extra session of Congress had been spent in "president making." Caleb Cushing of Massachusetts questioned whether it had been wise for the Whigs to throw away their power in Congress just to secure the election of a certain person in 1844.\footnote{Congressional Globe, 27th Congress, 1st Session, X, Appendix, 389. "Caleb Cushing to his constituents," Niles' National Register, October 16, 1841.}

The history of the bank issue was not completely closed until after Tyler submitted his plan for a fiscal agent to Congress in its next session. Tyler wrote Webster that when he returned home after the close of the extra session of Congress he would meditate on a scheme of finance. The President said that a simple agency was needed. Tyler sent his plan to Littleton Tazewell, a former United States Senator and governor from Virginia, for examination.\footnote{John Tyler to Daniel Webster, October 11, 1841, Van Tyne, p. 240. John Tyler to Littleton Tazewell, November 2, 1841, Tyler Papers.} On December 7, 1841, in his message to the second session of the Twenty-seventh Congress, Tyler outlined his fiscal plan known as the Exchequer. It did not provide for a corporation, but a central board located at Washington with agencies at prominent commercial points to keep and disburse public money.
and to issue paper money on the basis of a set amount of public and private deposits. The paper was to be redeemable in specie at the place of issue and accepted as payment for government debts anywhere. State bank paper was also to be accepted for public debts and could be redeemed by the fiscal agency provided that: (1) the paper originated within a one hundred mile radius of the place on which it was drawn, (2) the paper was drawn at sight or for short term only, and (3) such action was not prohibited by the state in which the agency was located. Tyler hoped in this way to avoid discounting. To cover expenses of the plan the Exchequer would be authorized to receive moderate interest on paper it issued for deposits and state paper it redeemed. The Exchequer was not to exist to make a profit, but to help commercial intercourse. Further, the Exchequer could be repealed or amended by Congress at any time.79

The Exchequer was described as a cross between a national bank and a Sub-Treasury. Philip Hone observed that it was "... a sort of bank and no bank ..." The Richmond Whig complained that the President's plan combined the worst features of a Sub-Treasury and a national bank, while it had the virtues of neither. For a while it seemed that the northern and eastern Whigs wanted to adopt Tyler's plan, but Clay determined Tyler should get no credit for

79 Richardson, IV, 84-87.
devising a fiscal agent. Calhoun remarked that the Exchequer fared badly with no side willing to promote it. He wrote that the Clay Whigs were assaulting Tyler, his plan, and his administration, particularly Webster. The Secretary of State supported the President's new fiscal agent plan. In fact, Webster declared that if the Exchequer were given a fair trial it would within three years be admitted by the American people to be the most beneficial measure ever adopted, excepting the Constitution.

In Congress the Exchequer never really received consideration. Caleb Cushing reported the bill in the House during the second session of the Twenty-seventh Congress, but no further action was taken. Early in the third session the Exchequer was rejected by a vote of 193 to 18.

While Tyler successfully prevented the Whigs from enacting a national bank, the dissension and belligerency within the Whig Party left him with meager and ineffective support for his own plan for a fiscal agent. With the Sub-Treasury

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repealed, the Treasury reverted to where it had begun under Secretary Hamilton in 1789. Government funds were again deposited in state banks and were considered "safe" since the states had improved the stability of deposit banks. However, in some cases officials had to keep funds in their personal possession until 1846, when the Democrats re-established the Independent Treasury. 83

CHAPTER III

MONSIEUR VETO

Henry Clay had presented to the Senate other goals for the extra session besides the repeal of the Sub-Treasury and the establishment of a bank. One of Clay's other pet schemes appearing on the list was the distribution to the states of the proceeds of the public land sales. Also the Majority Leader wanted to provide revenue by imposing additional tariff duties and making a temporary loan.1 Earlier Henry Wise of Virginia, who was opposed to expanding the tariff, had expressed fear that Clay was for "... an increase of the tariff for the purpose of distribution with the avowed reason of relieving the States from public debt . . . ." Wise told Clay that many Virginians differed with him (Clay). To an apparent effort by Wise to get Clay to discontinue his distribution scheme, Clay replied, "I never give up."2

In his message to Congress on June 1, 1841, John Tyler covered the issues of revenue, tariff, and distribution. The President reported insufficient fiscal means to sustain

1Congressional Globe, 27th Congress, 1st Session, X, 22.
2Henry Wise to N. Beverly Tucker, May 29, 1841, Tyler Papers.
the government in that depression year. Secretary of the Treasury Thomas Ewing had estimated a probable deficit of eleven million dollars while optimistically predicting the possibility of excess revenue in the coming years. Therefore, Tyler did not regard the situation to be urgent enough to alter the conditions of the compromise tariff of 1833, which provided for a series of reductions to a level of 20 per cent by June 30, 1842. The President expressed hope for a permanent tariff system of discriminating duties imposed for the purposes of revenue. He asked Congress to make temporary provisions to meet the deficit until it could be absorbed by excess revenue. In his message Tyler also expressed sympathy for the debt-ridden states but rejected the idea that the government should assume their debts. He considered distribution a desirable answer to the states' financial needs, provided the national government could obtain sufficient revenue without raising the tariff above the level of the 1833 compromise.

To set the stage for Tyler's later action regarding distribution it is necessary to review his record on this subject. In 1832 Tyler had voted against Clay's distribution bill. By 1835 he had begun to alter his earlier position on distribution. His stand on distribution was inextricably bound to his views on the tariff. Tyler held the position

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3 Richardson, IV, 42-43, 47.
that a low tariff would stimulate trade and thereby produce greater revenues than a high tariff, which he believed stifled trade. He pointed out that when distribution had previously been proposed, the tariff (of 1828) was at its highest level, but now that the compromise of 1833 was in effect and the possibility of a treasury surplus was in sight (1835), the government would no longer be dependent on revenues from land sales. He further reasoned that by distributing the money from land sales to the states, opportunities for corruption in the national government would be lessened and the states' financial stability would be strengthened.4 In 1839 Tyler had been the chairman of the Select Committee on Public Lands in the Virginia House of Delegates. He believed that distribution was constitutional since the public land was held in trust for common benefit, and he saw a difference between distribution of land money and distribution of surplus revenue from taxation. In the Virginia Assembly Tyler successfully sponsored a resolution stating that distribution was not to infringe on the compromise tariff act of 1833.5 Also during the campaign of


1840 Tyler had favored distribution.\textsuperscript{6} When Tyler assumed the Presidency, the editor of the New York Herald asserted that Tyler opposed distribution.\textsuperscript{7} Whatever the reason for the Herald's statement, it was apparently shattered when the President recommended distribution in his message of June, 1841.

On June 10, 1841, Clay introduced to the Senate his distribution bill, and on June 14 Democrat Robert Walker of Mississippi introduced resolutions requiring the land committee to consider amending the distribution bill to include provisions for pre-emption, reduction and graduation,\textsuperscript{8} and to discontinue distribution when the tariff should surpass the 20 per cent limit set by the compromise of 1833.\textsuperscript{9}

The Walker resolution proved to be a forecast of things to come. In the House William Cost Johnson of Maryland, the chairman of the Committee on Public Lands, reported a distribution bill on June 22. Many western Whigs needed to

\textsuperscript{6}John Tyler to Col. W. Robinson, Jr., October 17, 1840, Madisonian, April 12, 1841.

\textsuperscript{7}Herald, April 6, 1841.

\textsuperscript{8}Pre-emption, reduction and graduation were land measures originated by Thomas H. Benton. Pre-emption was designed to accommodate persons who had settled on land which the government desired to sell. It permitted the settlers to purchase their holdings before the land was auctioned. Reduction and graduation were means of gradually scaling down the price of land, particularly the price of less desirable lands which had remained unsold over a period of time.

\textsuperscript{9}Congressional Globe, 27th Congress, 1st Session, X, 38, 50.
support pre-emption to please their constituents, and the western Democrats favored it. As the result of a Whig caucus, the Johnson bill went back to the committee and returned to the House combined with the pre-emption measure, which it was hoped would attract votes for distribution. Silas Wright of New York believed "the new state" Whigs would vote for distribution and pre-emption combined. On July 6 over 100 amendments were offered, but their sponsors were audible because of the confusion in the House and a thunderstorm outside. The same day the distribution bill passed the House by a vote of 116 to 108.

On July 7 the House distribution bill arrived in the Senate, where the distribution-minded Whigs found that they needed more than pre-emption to attract votes. The fate of the distribution bill became linked to that of the "bankrupt bill," not originally part of Clay's "package" but later considered part of the Whig program. Pressure for a bankrupt law was particularly strong in New York, Massachusetts, Michigan, Mississippi, and Louisiana. As recently as

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10 Ibid., pp. 89, 98, 111. Adams, X, 486.

11 Silas Wright, Jr., to Van Buren, June 26, 1841, Van Buren Papers.

12 Congressional Globe, 27th Congress, 1st Session, X, 155-156.

June 12, George N. Briggs of Massachusetts had requested the House Judiciary Committee to consider presenting a bankrupt bill. In the Senate on June 25 John Berrien, a Georgia Whig, reported the Senate Judiciary Committee's general bankrupt bill. The measure, which favored debtors rather than creditors, was based on a bill written by Webster and Justice Joseph Story, which had appeared in the previous session of Congress. The bill provided for voluntary bankruptcy for any individual and compulsory bankruptcy for merchants, retailers, and several other classes with total debts over $2,000. The chief Democratic complaint was that the bill did not provide bankruptcy for corporations, especially banks. The amendment of A. O. P. Nicholson of Tennessee to include corporations in the bankrupt bill failed by a vote of sixteen to thirty-four.\(^\text{14}\)

Several days after Berrien reported the bankrupt bill to the Senate, the President forwarded to the House a petition from 3,000 New Yorkers favoring a bankrupt bill. (Ex-President Adams regarded the process of petitioning Congress through the President as a novelty.\(^\text{15}\) Tyler commented that a bankrupt law, guarding against fraudulent practices and providing for all classes of society, would afford extensive


\(^\text{15}\)Adams, X, 492-493.
relief. He noted that the failure to provide for all classes had been a prominent objection in the past. In fact, Tyler had opposed a bankrupt bill in 1818 because it only applied to merchants and excluded farmers, manufacturers, and mechanics. Tyler at that time had expressed the belief the bankrupt bill was constitutional, but inexpedient.\textsuperscript{16}

The Madisonian reported that countless appeals for a universal system of bankruptcy had been received by Congress. Also the paper noted that in many parts of the country the Democrats were championing the measure.\textsuperscript{17} The Senate vote on July 24 showed three Democrats among the twenty-six as favoring the bill and four southern Whigs among the twenty-three opposed.\textsuperscript{18} The New York Herald believed the President and Cabinet should be given credit for the bankrupt bill rather than Clay, who had not included the measure in his program of reform because he was more "... disposed to legislate for the rich stockjobbers and speculators than the poor and unfortunate merchants and traders."\textsuperscript{19} It was the Clay-controlled Whig caucus, however, that was responsible for the passage of the bankrupt bill.


\textsuperscript{17}Madisonian, July 15, 1841.

\textsuperscript{18}Congressional Globe, 27th Congress, 1st Session, X, 245.

\textsuperscript{19}Herald, July 26, 1841.
The bankrupt bill went to the House on July 31, and discussion on the measure, limited by the gag rule, was to cease on August 13. Tyler, hoping for the passage of the measure, seemed to be stalling his bank veto until the bankrupt bill was safely passed. The Whigs allowed debate on the measure to continue, waiting for the veto. The passage of both the distribution bill and the bankrupt bill seemed jeopardized since some Whigs wanted to adjourn Congress and others threatened to vote against the measures if the bank bill were vetoed.20 Cooler heads prevailed.

The President's bank veto arrived in the Senate on August 16. However, the Senate Whigs, postponing consideration of the President's message in order to negotiate with Tyler for a new bank measure, took up the distribution bill instead. Clay was uncertain of support for the distribution bill from the southern free-trade Whigs, William C. Rives and William Archer of Virginia, William Preston of South Carolina, and John Berrien of Georgia. Clay realized that in order to secure the passage of the distribution bill he needed the support of those who favored the bankrupt law, among whom were John Berrien, Nathaniel P. Tallmadge of New York, and John Henderson of Mississippi. Henderson would not support

the distribution bill unless the bankrupt bill were passed first. 21

A log-rolling process commenced in the House when, under
the influence of Clay, Whig Representative Joseph Underwood
of Kentucky moved to lay the bankrupt bill and its amend-
ments on the table. Underwood's motion passed with a vote
of 110 to 97. 22 Those who favored the bankrupt act immediate-
ly discerned that unless they promised to work for Senate
passage of the distribution bill their measure would die.

With the necessary promises having been made, the bank-
rupt bill was removed from the table the following day,
amended, and passed by a vote of 110 to 106. That same day
the measure with the House amendments went back to the Senate.
The Senate, for the moment setting aside consideration of
the distribution bill, concurred in the House amendments and
sent the bill to the President. On August 19 Tyler signed
the bankrupt bill into law. 23 The Daily National Intelligencer
admitted the law could not be claimed purely a Whig
measure, although almost all the votes for it came from

Herald, August 16, 1841. Raynor G. Wellington, The
Political and Sectional Influence of the Public Lands, 1828-
1842 (New York, 1914), pp. 99-100. George M. Stephenson,
The Political History of the Public Lands from 1840 to 1862
(Boston, 1917), p. 63.

22 Wellington, p. 100. Congressional Globe, 27th
Congress, 1st Session, X, 345.

Statutes at Large, V, 440-449.
Whigs. The paper believed that a number of Whigs who had voted against the measure in the House would have voted for it if its passage had been endangered.\(^{24}\)

The attachment of the pre-emption clause to the distribution bill and the passage of the bankrupt act had secured Clay some votes for his distribution measure, but another obstruction still blocked its passage. Some southern Whigs, though not opposed to distribution, wanted an amendment to guarantee that if the tariff rates should be raised above the level of the compromise tariff, distribution would be suspended until the rates could be brought back into conformity with the 1833 compromise. The Senate Democrats, hoping to indirectly kill distribution, sponsored amendments by Levi Woodbury of New Hampshire and William King of Alabama to suspend distribution if a tariff increase took place. Both amendments were defeated, Woodbury's on August 20 and King's the next day. However, five southern Whigs voted for King's amendment: John Henderson of Mississippi, William Preston of South Carolina, John Berrien of Georgia, William C. Rives and William Archer of Virginia. John Berrien's similar amendment was also defeated on August 21 by a vote of twenty to twenty-four.\(^{25}\)

\(^{24}\)Daily National Intelligencer, August 19, 1841.\

Clay knew that the few Democratic votes that were helping him defeat the amendments could not be counted on to help him pass the distribution bill. Also, Clay had already seen his bank measure receive a Presidential veto and was aware that Tyler's recommendation of the distribution had been coupled with the requirement that the compromise tariff of 1833 not be upset. Therefore, on August 23, when the vote was again taken on Berrien's amendment, Clay threw his support to the measure, and it passed by a vote of twenty-four to eighteen. The amendment had met grave objection from some friends of the principle of distribution, and its adoption was a concession for the sake of harmony. On August 26 the distribution bill passed the Senate by a vote of twenty-eight to twenty-three. No Democrat voted for the measure, and William Preston was the only Whig to vote against it. On August 30 the House passed the Senate amendment providing for suspension of distribution if the tariff were raised above the compromise level by a vote of 108 to 94. When the Senate dropped several amendments in which the House did not concur, the distribution bill was ready for the President's signature.

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26 Berrien's amendment provided for suspension of distribution if the tariff were raised over 20 per cent, the level set by the Compromise Tariff of 1833. Distribution would remain suspended until the tariff returned to the proper level, at which time distribution would be renewed. *Congressional Globe*, 27th Congress, 1st Session, X, 369.

The Cabinet was in session on September 1 when the committee of the Senate brought the distribution, pre-emption bill to the President. Tyler read the bill to the Cabinet and talked jocosely about vetoing it. Actually the Chief Executive did object to a clause in the bill which gave land (therefore money) to new states for the purpose of constructing internal improvements. Tyler again discussed the land bill on September 4 with Bell, Granger, Ewing, and Webster. The President asked the Cabinet members if he should withhold his approval of the land bill until he sent his second bank veto or if he should immediately sign the land bill. He was advised to approve the bill immediately. On the same day, the President signed the distribution bill, contenting himself with drawing up a declaration against the clause which irritated him. Henry Wise claimed that later Tyler regretted signing the distribution bill.28

Basically the land bill signed by the President provided that 10 per cent of the proceeds from the sales of public lands within the states of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan should be paid those states. In addition, each of those states was given 500,000 acres of land to be used for internal improvements. After deducting the amount given to the

23"Diary of Thomas Ewing" (editor not given.), American Historical Review, XVIII (October, 1912), 105, 109. Wise, Seven Decades of Union, p. 206.
ten newer states and government expenses, the remainder of
the land sales revenue was to be divided among the twenty-
six states and territories according to population. Distrib-
bution was to cease in case of war or if tariff duties were
levied above twenty per cent ad valorem on any or all im-
ports. The right of pre-emption of 160 acres of surveyed
land was given to settlers who would build homes on the land
and cultivate it.29

While the leading Whig paper in the capital gladly in-
formed its readers of the President's approval of the
distribution bill, the Democratic press decried the bill as
upsetting the proper balance between the federal and state
governments. Probably the most damning charge the Democrats
and their papers made against the bill was that it was
foolish to give away money when the government was in debt.30
In order to meet expenses the Whigs had passed a loan bill
for $12,000,000 prior to approving distribution and later
passed a tariff measure which extended the items taxed but
did not violate the compromise tariff.31

29 United States Statutes at Large, V, 453-458.
30 Daily National Intelligencer, September 4, 1841.
Richmond Enquirer, August 31, and September 7, 1841. Globe,
September 5, 1841.
31 Congressional Globe, 27th Congress, 1st Session, X,
191, 226, 274, 438. United States Statutes at Large, V,
463-465, 438.
The extra session of the Twenty-seventh Congress ended on September 13, 1841, and that evening Tyler was read out of his party. The Daily National Intelligencer, reviewing the legislation of the extra session, found it "salutary and beneficient." The Whig paper further stated that to complete the great Whig system only one feature was lacking, the national bank.\(^{32}\) The Whigs had successfully repealed the Sub-Treasury, passed a loan bill, a revenue bill, the bankrupt bill, and the distribution, pre-emption bill. The Whigs, bitter because of the bank vetoes, gave Tyler no credit for signing all of their other measures.

The Globe complained that Clay through caucus dictation had become the sole legislator during the "session of the Hundred Days." Except for the two bills wrecked by vetoes, the Democratic paper declared that Clay's will had been law.\(^{33}\) The Majority Leader had been in control of the situation, but he was forced to bargain for the passage of his distribution bill. The Kentuckian never hesitated to admit that by themselves both the bankrupt and distribution bills would probably have failed.\(^{34}\) Clay's acceptance of the clause providing for suspension of distribution if the tariff went above 20 per cent had helped insure the passage of the

\(^{32}\)Daily National Intelligencer, September 14, 1841.

\(^{33}\)Globe, September 14, 1841.

\(^{34}\)Congressional Globe, 27th Congress, 2nd Session, XI, 185.
distribution bill, but it was to mean the actual defeat of the measure in the next session of Congress.

The following December the second session of the Twenty-seventh Congress convened. In his message to Congress on December 7, 1841, Tyler noted that the new Secretary of the Treasury, Walter Forward, expected a deficit of $600,000 on January 1, 1842. But contrary to Ewing's earlier forecast, Forward estimated a deficiency of $14,000,000 in 1842. The President remarked that if Congress should revise the existing tariff it should do so in the spirit of compromise. He granted that in levying a tariff for revenue Congress could discriminate as to which items to tax in order to help the manufacturers. The Chief Executive reminded Congress not to place the rates above the level of the compromise tariff of 1833 and thereby suspend distribution.

The press took note of Tyler's comments on the tariff. The Richmond Enquirer remarked the President had squinted "... rather obliquely, at the Protective Principle..." The paper editorially had hoped Tyler would ask for the repeal of distribution but was disappointed that the Chief Executive had warned Congress not to suspend distribution by raising the tariff above the compromise level. The New York Herald regarded the President as taking moderate ground on

35 Richardson, IV, 81. Senate Documents, 27th Congress, 2nd Session, No. 17 (Washington, 1842), p. 3.
36 Richardson, IV, 81-82.
the tariff question because he desired to conciliate the majority of the people. The *Intelligencer* expressed surprise at the President's slightly protectionist stand. A Virginia Whig paper reflected the changing attitude of some southerners toward the tariff when it observed there had been no injurious effects to Virginia because of the tariff.\(^{37}\)

On December 31 the national treasury was absolutely empty. Congress was not disposed to remedying the situation, probably because both parties, as Ex-President Adams observed, were utterly indifferent to the President.\(^{38}\) In January Clay told the Senate that in order to provide revenue, additional taxes needed to be levied in the spirit of the compromise tariff. The Kentuckian declared there was no necessity of protection for protection's sake. On February 15 Clay submitted a resolution calling for a higher tariff and repeal of the suspension clause in the distribution bill.\(^{39}\) However, the Whigs were in no hurry to act on a tariff bill.

In March, Secretary of the Navy Abel P. Upshur complained to N. Beverly Tucker that Congress had been in session three months and had not passed any major legislation. Upshur believed Clay to be "... the great obstacle to wholesome


The report of the Secretary of the Treasury to Congress on March 8 advised immediate action to meet the nation's debts, but the report was not considered. Even the *Intelligencer* complained that the House of Representatives dealt with questions of only minute consequence while leaving the revenue and currency issues unsettled. The Whig mouthpiece reported that government funds were insufficient even for immediate wants but optimistically believed efficient action would still be taken on the tariff.

Hopeful of stirring the House to action, on March 25, 1842, the President sent the Representatives a message emphasizing that the government needed not only a loan, but also a higher tariff to provide sufficient revenue. Tyler stressed that the primary purpose of the tariff would be revenue with incidental protection given to industry. After telling the Representatives that the rates would probably have to be raised above 20 per cent, Tyler reminded them that distribution would then automatically cease. When Congress passed the distribution law, the President supported it, relying on Secretary of the Treasury Ewing's anticipation of a surplus. Since prosperity had not returned as quickly as hoped, Tyler saw no reason to give away money while the government had to

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borrow in order to exist. The Chief Executive claimed that the states would benefit as much from the stabilization of the national government's credit as they would from distribution. Tyler suggested to Congress that the money from the sales of the public lands be used to pay the interest and principal of the government loan.\footnote{Richardson, IV, 107-110.}

The Whig press opposed the suspension of distribution as recommended by Tyler. Although the Intelligencer approved the general object of the message, it regarded distribution as one of the most vital Whig measures and did not believe the land fund was any more needed for revenue than it was when the distribution bill was passed. Whereas the Intelligencer assumed that Tyler meant the distribution act would be repealed, the administration organ (the Madisonian) believed he intended the act be suspended. Calling Tyler a hypocrite, the Richmond Whig asserted the same financial embarrassment existed when the President recommended distribution as when he asked for it to be stopped. The Virginia paper took comfort in the fact that the distribution act was the law of the land and that Tyler could not repeal it.\footnote{Daily National Intelligencer, March 16 and 30, 1842. Madisonian, March 29, 1842. Richmond Whig and Public Advertiser, March 29 and April 5, 1842.} The Whig failed to remember that the suspension clause was also the law of the land.
Tyler's message did not result in prompt action by Congress. Webster recorded that Congress was doing nothing, or "... at least, no good thing." On March 31, 1842, Clay resigned his Senate seat, saying that Tyler had prevented the enactment of any helpful laws. Also Clay needed time for his preparations for the Presidential race in 1844. John C. Calhoun attributed the wretched financial condition to the northern Whigs who had given the land revenue to the states in order to force a protective tariff on the country. The South Carolinian hoped that the withdrawal of Clay from the Senate would so weaken the Whigs that Congress would do away with distribution and bring the expenditures of the government into reasonable limits.

The Whigs favoring distribution had already fought off attempts to suspend or repeal their measure. The legislatures of South Carolina, Mississippi, and Alabama defied distribution by refusing to accept their funds. The Democrats made a number of attacks on distribution. In the House Henry Wise attempted to amend the loan bill with a clause restricting the use of land money to the payment of government debts. On March 30 in the Senate William Rives'...
resolution to suspend distribution was barely defeated; the vote was twenty-one to twenty-two. 46

April passed without any Congressional action on the tariff, and as May began John Crittenden, who had taken Clay's Senate seat, observed that Tyler's best use was to serve "... as a blister-plaster to stimulate and excite us ... ." 47 The House requested suggestions for a tariff from the Secretary of the Treasury. On May 9 in fulfillment of this request, the Secretary sent a report embodying his ideas. However, upon receiving Forward's report, the House promptly laid it on the table. 48 A Whig paper characterized the rates proposed by Secretary Forward as generally high, though not above what was needed for revenue. While other newspapers claimed Congress did not intend to pass a tariff bill, the Intelligencer clung to the hope that Congress would. 49 An Ohio newspaper printed a letter charging that Congress' reactions to suggestions for a tariff were not based on whether the country would be benefited by a certain measure but whether it would work "... for or against this or that man's chances for the presidency." Tyler believed

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47 John J. Crittenden to R. P. Letcher, May 1, 1842, Coleman, I, 177.


49 Daily National Intelligencer, May 12, 1842.
the charge, but the Intelligencer rejected the notion, saying a few people had convinced the President that animosity toward him hindered legislation.50

A temporary tariff measure known as the "Little Tariff" was read to the House on June 10, 1842, by Millard Fillmore, chairman of the Ways and Means Committee. It provided for extension of the existing rates until August. Although the act would have prevented the final reductions required by the compromise tariff of 1833, the bill authorized retention of distribution.51 On June 16 John Tyler confided to N. Beverly Tucker that although somewhat higher tariffs were required for the treasury, his recommendations for moderation were being disregarded. Calling the proceedings of Congress "ultra," the President expressed fear that the revenue from sale of public lands would be scattered among the states while Congress immensely increased the tax burdens.52 The Senate amended the "Little Tariff" to postpone distribution payments until August 1, 1842. On June 25 the House concurred in the Senate proposal by a vote of 104 to 96, and


52 John Tyler to N. Beverly Tucker, June 16, 1842, Tyler, Letters and Times, II, 168.
finally a tariff bill was ready for the President's signature. 53

When it was learned that the suspension clause in the distribution act of 1841 was to be side-stepped by the tariff bill, there were speculations of another veto. The Richmond Whig had lost patience with "His Accidency" and dared "Captain Tyler" to deprive himself and his officials of their salary. The Intelligencer considered the possibility of a veto absurd, but the Democratic press believed a veto was forthcoming. Learning that Tyler might veto the bill, Kentucky Governor R. P. Letcher exclaimed, "I wonder if he hopes to die a natural death? I rather think he wishes to render himself conspicuous by being hung." 54

The veto message reached the House on June 29, 1842. Tyler noted that Congress had believed that after June 30, 1842, the date of the final reduction of the 1833 compromise, additional rules and regulations for assessing duties at home valuation were needed. Secretary of the Treasury Forward had implied in his report of December 20, 1841, that additional legislation was required. 55 The President found the bill


unnecessary. He based his decision on Attorney General Hugh S. Legaré's advice that existing laws were sufficient to permit collection of the duties under the directions of the Secretary of the Treasury. Tyler reiterated his stand that protection could be an accessory to a revenue tariff. He saw an opportunity for the manufacturing classes to identify their needs with those of the whole country. The same rates which re-established the public credit would give the manufacturer all the protection he ought to desire. The President regarded the suspension of distribution provided by the act in 1841 as indispensable. When distribution passed, he and others believed that a loan made by the government would be easily redeemed in three years, but it was now evident that this was unlikely. Tyler reminded the Representatives that the land bill would not have passed if it had not contained the provision for suspension of distribution in the event the tariff had to be raised above the compromise level. The Chief Executive said that if the suspension principle were ignored in this temporary tariff act it would open the way for its total abandonment.

In the House the Representatives discussed the tariff veto. George Proffit of Indiana, one of the "Corporal's

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57 Richardson, IV, 180-181.
"Guard," accused the Whigs of forcing vetoes on the President by passing bills they knew he would veto. Another Indiana Representative, Henry S. Lane, replied that he had not believed that the Chief Executive would veto the bill since Tyler had been for distribution earlier. Lane asserted that the President was looking to his own succession. Declaring he would rather sink the army and navy than subscribe to Tyler's policy, Lane called for resistance to such tyranny. Robert L. Caruthers of Tennessee claimed that the veto was a result of a bargain by the President with the Democratic Party, but Robert Barnwell Rhett of South Carolina denied the charge. The attempt to override the veto failed because the 114 yea to 97 nay votes were not enough for the requisite two-thirds majority. 58

The Whig press vented wrath against "Monsieur Veto" while the Democratic papers expressed their gratitude. The Richmond Whig referred to Tyler as ". . . the imbecile, into whose hands accident has placed the power . . . ." The same paper further ranted that ordinary men would suppose ". . . that an individual who had accidentally become possessed of power, that no ten men in America would have conferred on him willingly, would have exercised the powers thus obtained with modesty and forebearance . . . ." The

Intelligencer pointed out that the bill had not been vetoed on constitutional grounds, but only because the President considered it expedient to do so. A Democratic journal in Pennsylvania suggested Tyler join the Democratic Party. A Whig paper in Massachusetts replied that the "Loco-Focos" were welcome to Tyler if they would only take him.  

Answering an invitation to a July Fourth celebration from a Philadelphia committee, Tyler defended his actions. The President declared that over seven months before he had urged adoption of a tariff which would sustain the public credit and incidentally give the manufacturing interests ample aid. For declining to give away the public land fund from an exhausted treasury, he had been accused of desiring to dictate to Congress, when he had tried only to carry out an act passed by Congress. The President said he could not dictate to Congress because the Constitution had made each branch of the government independent of the other, but neither would he accept the role of "a mere cipher." Since his approval was required to pass a law, Tyler considered the President as an active agent in legislation. The

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Intelligencer now commented that the President saw himself as the "Supreme Legislator."^\textsuperscript{60}

The Whigs were apparently not as unhappy with the Chief Executive's veto as they publicly professed. John Crittenden told Clay that "Tyler is one of your best friends; his last veto scored us all well . . . ." Crittenden thought the veto would insure the passage of the permanent tariff bill which reserved the proceeds from the public lands to the states. The Kentucky Senator asked Clay what the Whigs should do in the event Tyler vetoed the "Big Tariff," then before Congress. Should they give up distribution or not pass the tariff? In mid-July and early August Crittenden expressed the opinion that Tyler would definitely veto the distribution-keeping tariff when it passed. He was not positive what more they would do personally to "Captain Tyler," but impeachment and a vote of confidence had been discussed.\textsuperscript{61}

Clay, expecting a Tyler veto of the permanent tariff, wrote Crittenden that giving up distribution would be a disgraceful sacrifice of independence. "Prince Hal" thought that surrendering distribution would cause more confusion.

\textsuperscript{60} Daily National Intelligencer, July 12, 1842; John Tyler to Messrs. Harris, Graves, Connell, English, and Taylor, July 2, 1842, cited in the Intelligencer of July 12.

\textsuperscript{61} J. J. Crittenden to Henry Clay, July 2 and 15, August 13, 1842; J. J. Crittenden to R. P. Letcher, July 16, 1842, Coleman, I, 165, 185-190.
than failure to pass a tariff. When the expected veto came, Clay figured the Democrats would vote with the President and such action would identify them with him. As far as Clay was concerned "the more vetoes the better now! assuming that the measures vetoed are right." Though Clay was not adverse to the successful removal of Tyler by any legal means, the Kentuckian did not believe Congress would sanction so strong a measure as impeachment at that time. However, Clay believed a vote showing lack of confidence could be carried by a large majority of both parties.  

The permanent, or "Big," Tariff provided for rates above the level of the 1833 compromise act but retained distribution. The measure passed the House on July 16, 1842, by a vote of 116 to 112 and the Senate on August 5 by a vote of 25 to 23.

Before submitting a veto message, the President conferred with his Cabinet and in particular with Daniel Webster. Personally, Webster believed in distribution, but he did agree with some of Tyler's arguments. The Secretary of State told the Chief Executive that he would almost give his right arm

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if Tyler would sign the tariff bill, but that if the act
must be vetoed Tyler had given the best reasons for doing
so. 64

Expanding his old arguments and advancing some new ones,
the chief magistrate sent his veto of the permanent tariff
act to the House of Representatives on August 9, 1842. Tyler
said his duty to the people required him to withhold his
assent. Reminding Congress that his original recommendation
of distribution had been coupled with the condition that
duties not exceed the rate of 20 per cent, Tyler recalled
that Secretary of the Treasury Ewing in the summer of 1841
had estimated a future surplus in the treasury. When the
finances of the country assumed a serious aspect, the Presi-
dent had requested an increase of duties above the 20 per
cent level to give revenue and incidental protection. Tyler
did not regard it proper to raise duties and at the same
time give away money. Since this tariff bill violated the
original distribution law by repealing suspension at the
time of a tariff increase, the Chief Executive did not con-
sent to the act. Tyler opposed uniting in one bill two
subjects totally dissimilar. 65 The President's claim of
dissimilarity was incongruous with his earlier approval

64 John Tyler to Daniel Webster, August 8, 1842; Daniel
Webster to John Tyler, August 8, 1842; Daniel Webster to

65 Richardson, IV, 183-189.
of the distribution, pre-emption bill containing a tariff clause.

The reactions of the press reflected their party stands. The Whig papers expressed disgust with Tyler's attempts to control legislation, while the Madisonian accused the Whigs of legislating for vetoes rather than passing wholesome laws. It saw the legislation as a chess game to secure "the Lord of Ashland's" election in 1844. A Virginia Democratic paper hailed the President's moral courage.\textsuperscript{66}

Prior to the veto Calhoun accurately predicted that a veto would precipitate confusion within Whig ranks. Later he related that they were divided into two parties with one preferring distribution to the tariff and the other preferring the tariff to distribution.\textsuperscript{67} Democratic Representative Robert McClellan of New York, noting that the Whigs had caucused every day after the fourth veto, reported on August 15 that there was still no agreement among them. Some Whigs, claimed McClellan, were for "... starving the Captain into submission . . .," but he did not believe the Whigs dared to leave the country with only a 20 per cent tariff.\textsuperscript{68}


\textsuperscript{67}John Calhoun to Thomas Clemson, July 10, August 22, 1842, Jameson, pp. 514-515.

\textsuperscript{68}Robert McClellan to Martin Van Buren, August 15, 1842, Van Buren Papers.
The Richmond Whig called for an early adjournment and resistance to "executive dictation." John Quincy Adams, regretting the Whigs' intention to surrender distribution, wanted to adjourn Congress without passing a tariff, but John Crittenden did not agree. The Kentucky Senator told Clay that it was difficult to satisfy those who wanted to resist the "usurpations" of Tyler and those who feared the effect of adjourning without an adequate tariff. The northern Whigs seemed apprehensive that their constituents would fail to re-elect them if a tariff were not passed. Crittenden could find unity among the Whigs only in their indignation at Tyler's "Despotism." 69

On August 16, 1842, the House committee on the President's veto of the permanent tariff gave its report. The majority report prepared by Ex-President Adams strongly rebuked Tyler not only for the tariff veto but also for his other Presidential actions. The committee offered a resolution that the Constitution be amended so that only a simple majority, rather than a two-thirds majority, would be required to override a Presidential veto. The two Democrats on the committee, Charles J. Ingersoll of Pennsylvania and James Roosevelt of New York, issued a minority report upholding the President, and Thomas Gilmer of Virginia, a member of

the "Corporal's Guard," also had a counter report. Taken together the majority report and resolution failed to receive adoption when a vote of 85 to 102 was recorded. By a vote of 100 to 80 the majority report by itself was adopted, but the resolution asking for a constitutional amendment failed to achieve a two-thirds majority by a vote of 98 to 90. The House, registering 91 yeas to 87 noes, failed to secure the two-thirds majority to override the tariff veto.70

A tariff bill similar to the one Tyler had rejected, but without the provision for continuation of distribution, passed the House on August 22, 1842. The vote was 105 to 103, with 35 Whigs opposing it and more than 20 Democrats for it. A number of southern Whigs who had supported the "Little Tariff" and the "Big Tariff" did not vote for the tariff without distribution. Tyler observed that "distributionists die hard . . . ."71 The Senate approved the tariff bill on August 27, 1842, by a vote of 24 to 23, with 4 Democrats helping to secure the majority. Webster admitted to the Whigs of Massachusetts that Democratic support made possible the Tariff of 1842.72


The Tariff of 1842, which Tyler signed on August 30, had rates similar to those of the 1832 tariff, although in many cases it was slightly more moderate. Calhoun's organ, the Columbia South Carolinian, denounced the tariff as the most protective that had ever passed, and another southern Democratic journal opposed the new rates as being above what was necessary for revenue. The Richmond Whig reported that northern papers were delighted with the new tariff, but the Whig resented the surrender of distribution. One northern paper was pleased that the tariff was sufficiently protective, and another regarded it as an excellent law in many respects.  

John Tyler, formerly a free trade advocate, found the Tariff of 1842 in keeping with his principle that duties should be levied for revenue only with incidental protection to manufacturing. Although it might seem strange that Tyler approved the higher rates, he maintained that "the condition of the country rendered that act necessary." He further noted the act had helped finances, manufacturing, and commerce.

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74 John Tyler to Robert Tyler, October 27, 1851, Tyler, Letters and Times, II, 182-183.
The President continued his adherence to a policy of moderate duties which did not adversely affect one section for the advantage of the other section. When prosperity returned by 1844 he recommended the lowering of taxes to provide only what was necessary for economical administration of the government. By using his veto power, the President had coerced the hostile Whig-controlled Congress into passing a revenue bill satisfactory to him. Andrew Jackson remarked, "... Capt. Tyler has headed them [the Whigs] instead of the majority heading him ..." There was no evidence available to show that Tyler approved of the Tariff of 1842 for any reason other than he felt the government needed the revenue. It must be remembered that in his day the chief sources of government income were the tariff and public land sales.

The Whigs attempted to save distribution by repealing section six of the distribution act which required its suspension when the tariff rose above 20 per cent. The repeal bill passed the House by a vote of 100 to 86 and the Senate by a vote of 23 to 19. Tyler pocket-vetoed the repeal; therefore, distribution was suspended by the Tariff of 1842.

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75 Richardson, IV, 200-201, 266, 346-348.
76 Andrew Jackson to Martin Van Buren, September 15, 1842, Van Buren Papers.
Distribution never again found its way into law, although it continued to have promoters and from time to time was a local issue or appeared in a national party platform. In the West the demand for free land was growing, and distribution would have been an obstacle to free land.\footnote{Stephenson, pp. 88-96.}

On the same day the President sent word to the House of Representatives that he had signed the tariff bill, he also sent a protest against the adoption of the report assailing him and his previous veto. Tyler declared he was only doing his duty as President and that he had been accused without evidence and tried without a hearing. The charges against him and his motives were enough to warrant impeachment, so Tyler regretted that he had not received a trial. His request that his protest be entered in the House Journal was denied in a similar manner as the Senate (including Tyler) had once refused to enter Andrew Jackson's protest against the censure for removing deposits from the Second Bank of the United States.\footnote{Richardson, IV, 190-193. Congressional Globe, 27th Congress, 2nd Session, XI, 973-975.}

After Tyler's veto of the "Little Tariff," rumors of an attempt to impeach the President abounded. A Democratic journal asserted that the Whigs did not think they could convict Tyler but they wanted to suspend him until their measures were signed by Willie P. Mangum of North Carolina,
the President pro-tempore of the Senate. (The President pro-tempore of the Senate followed the Vice-President in the line of succession to the Presidency.) The Richmond Whig declared that there was adequate cause for impeachment but that not all the Whigs favored making the attempt. The Whig was inclined to agree with some of the members of its party who believed that Tyler was too insignificant for such important proceedings. John Minor Botts of Virginia did not move to impeach the President until the third session of the Twenty-seventh Congress. Botts charged the President with high crimes and misdemeanors and asked for a House committee to investigate his charges. The Botts resolution failed to receive adoption when 85 yeas and 127 nays were registered.

The bankrupt act came under attack during the second session of the Twenty-seventh Congress. A bill to repeal the bankrupt act was reported from the Committee of the Judiciary to the House by Daniel Barnard, a New York Whig. Actually, Barnard would like to have seen the act improved rather than repealed. On January 17, 1842, the repeal bill passed the House by a vote of 126 to 94. In the Senate Clay, defying the wishes of the Kentucky Legislature, fought repeal,

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80 Richmond Enquirer, July 5, 1842. United States Statutes at Large, 1, 280. Richmond Whig and Public Advertiser, July 1 and 22, 1842.

81 Congressional Globe, 27th Congress, 3rd Session, XII, 144-146.
saying the bankrupt law was part of the system of Whig measures. The repeal bill failed to pass the Senate on January 28 when the close vote of twenty-two to twenty-three was taken. Thomas Hart Benton's bill to postpone the operation of the bankrupt act also failed in the Senate. 82

By the third session of the Twenty-seventh Congress the number who favored the repeal of the bankrupt act had grown. On December 13, 1842, Horace Everett, a Vermont Whig who had voted for the bankrupt bill before, introduced to the House a bill to repeal the act. The repeal passed by an overwhelming margin (140-71) on January 17, 1843. Although there had been predictions of 500,000 bankrupts, only 33,000 had made application for voluntary bankruptcy, according to John Berrien of Georgia. Berrien spoke for modification of the bankrupt law, but to no avail. The repeal passed the Senate on February 25 by a vote of thirty-two to thirteen. On March 3 the President affixed his signature to the repeal of a measure he had formerly supported. 83 There is no evidence to show why Tyler signed the repeal. Perhaps he, like others who had previously supported the bill, felt that it had done its work and was no longer necessary.

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82 Ibid., 2nd Session, XI, 136, 140, 186, 236-237.
83 Ibid., 3rd Session, XII, 49, 72, 169, 341, 349. United States Statutes at Large, V, 614.
The Richmond Enquirer gloated over the repeal of the bankrupt law saying, "another of the brood of the Extra Session is extinct." The Washington Globe cheerfully summed up the work of the Twenty-seventh Congress when it observed, "Mr. Clay's hot-bed legislation has now been almost entirely done away with . . . . Nothing, we believe, is left, of general importance, except the ultra tariff bill . . . ."84

CHAPTER IV

NONE THE VICTOR

When the third session of the Twenty-seventh Congress ended in 1843, the Whigs had very little major legislation in the statute books. Although the Whigs had repealed the Sub-Treasury, they had not been able to replace it. The most important feature of Clay's plans had been the establishment of a national bank. Tyler refused to accept a bank which seemed national in character and twice vetoed Whig attempts for such a fiscal agent. The Whig Party would have nothing to do with Tyler's own plan, the Exchequer. Tyler had opposed the Sub-Treasury because it gave more power to the executive. Ironically, his vetoes left him with more direct control of federal monies than when there was a Sub-Treasury.

To secure the enactment of another of Clay's pet schemes, distribution, the Kentuckian had been forced to bargain. First, he had accepted pre-emption as part of his bill. Then Clay had to back the bankrupt act. Finally the Majority Leader had to allow an amendment providing suspension of distribution in case the tariff was increased over the level of the 1833 compromise.
By the second session of the Twenty-seventh Congress, a tariff increase became necessary. The Whigs who supported distribution tried to insert into the tariff a provision which would prevent the suspension of distribution. Tyler saw no justification for a policy which allowed distribution of revenue from land sales while the tariff had to be increased to secure sufficient funds for running the government. He vetoed two tariff bills which provided for retention of distribution. The Whigs did pass the Tariff of 1842, similar in rates to the Tariff of 1832. However, the Tariff of 1842 suspended distribution. All that remained of the distribution, pre-emption bill was pre-emption, a Democratic concept associated with Thomas Hart Benton.

The bankrupt act fell into disfavor even among Whigs and was repealed in the third session of Congress. Tyler concurred in the repeal. At the end of the Twenty-seventh Congress, the Whigs could only claim as accomplishments the repeal of the Sub-Treasury and a tariff law.

At the close of the first session of the Twenty-seventh Congress, only seven months after the Whigs had come to power, a Whig caucus announced that Tyler was no longer considered a member of the Whig Party. Henry Clay, bitter about not receiving the Presidential nomination in 1840, wanted absolute control of his party. Clay had expected Harrison to be a weak executive, and he certainly did not look for interference from Tyler, who represented only a minority
faction of the party. When the Majority Leader found Tyler unyielding on the bank issue, he refused to compromise and used Tyler's position to make the President unpopular with the Whigs. For vetoing the bank bills the "accidental President" was pictured as a traitor to the party, unworthy to be considered a Whig. No consideration was given to the fact that Tyler had signed all other Whig measures of the extra session. Attempts by the Whigs to get some form of fiscal agent were dropped and cries of "executive usurpation" were again used as a rallying point for the party.

Clay, heralded by many as the true representative of "Whigism," emerged as the unquestionable leader of his party. After 1841 he was the only one mentioned with any frequency for the Presidential nomination in 1844. Although he resigned his Senate seat in March, 1842, he remained the controlling force over the Congressional Whigs. Without opposition, Clay was handed the Whig nomination in 1844, but the Presidency once more eluded his grasp when he was defeated by Polk.¹

The Democratic Party rejoiced over Tyler's split with the Whigs but was not ready to offer the President a place of leadership in its own ranks. Calhoun was wise enough to see that by either opposing or defending the Tyler

administration the Democrats would be vulnerable. He advised that they merely support those measures of the administration which met with their accord. He thought the administration was so weak it would eventually have to take shelter in the Democratic Party. In April, 1842, Calhoun noted that Tyler had no advocates in the Senate and only four or five in the House. Calhoun claimed that Clay had siphoned almost all Whig support from Tyler.

It was almost inevitable that Tyler should contemplate a union between himself and the Democrats, but contrary to Whig claims, Tyler did not entertain such thoughts until after he had been rejected by the Whigs. Tyler is reported to have said in 1841, "If the Democrats and myself ever come together, they must come to me; I shall never go to them." In October, 1842, the President admitted that administering the government without a party was difficult. He asked Littleton Tazewell if it would be best to continue to steer between both parties or if he should join the Democrats. Tyler noted that he feared no good would come from union with the Democrats or from assent to their demands for patronage.

The administration paper, the Madisonian, called for

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2 John Calhoun to Andrew Calhoun, September 12, 1841; John Calhoun to Nicholson, December 18, 1841; Jameson, pp. 488-489, 498-499.

3 John Calhoun to Thomas G. Clemson, April 3, 1842; John Calhoun to Andrew Calhoun, April 3, 1842, ibid., pp. 508-511.

Webster told Tyler that since efforts to reunite with the Whigs had failed he believed Tyler should join the Democrats. Webster rebuked the Whigs for expecting Tyler to support them after they had denounced and expelled him.  

In 1843 the Democrats continued to welcome any help that Tyler would give them but refused him any hope of leadership in the party. The President worked toward building a third party that would support him for the Presidential nomination in 1844. Pro-Tyler conventions were held in New York, Ohio, New Jersey, Maryland, Pennsylvania, Virginia, Alabama, and Missouri, and a national convention in Baltimore, but Tyler eventually withdrew from the race in favor of the Democratic candidate, James K. Polk.

Whereas the intra-party turmoil had strengthened Clay's position in the party at the expense of Tyler, the Whig Party


8Daily Madisonian, March 1 and 20, April 17 and 20, 1843; February 24, March 4, 19, 27, and 28, April 21, 22, 23, 24, 25, and 29, May 1, 11, 14, 20, 23, 25, 1844. Richmond Enquirer, August 23, 1844.
as a whole suffered from the disputes. The first indication that the party was losing popularity came in the fall elections of 1841 when the Whigs lost state and local contests in Maryland, Maine, Ohio, New York, and Pennsylvania. The Intelligencer attributed the loss of the election in Maine to the schism between the President and the Whigs.\(^9\) Calhoun hopefully regarded the Whigs as thoroughly defeated and destroyed. John Quincy Adams gloomily recorded that the Whig Party was splitting into a thousand fragments.\(^{10}\) In May, 1842, the Democrats in Virginia gained a decided majority in the House of Delegates.\(^{11}\) Also in May, 1842, Webster wrote, "Party and personal rancor, recklessness, and animosity seem to be making havoc of all just principles, all practical expedience, and all really patriotic feeling." In October of that year Webster said that the political power was falling back to the Democrats because of the "... violence and injustice which characterized the conduct of the Whig leaders."\(^{12}\) The election of the Twenty-eighth

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\(^9\) Daily National Intelligencer, September 21, October 12, 14, 15, 16, 19, and 27, November 9, 20, and 27, 1841. Madisonian, October 18, 1841.

\(^{10}\) John Calhoun to James Calhoun, November 1, 1841, John Calhoun to Thomas Clemson, December 31, 1841, Jameson, pp. 495, 500. Adams, XI, 28.


\(^{12}\) Daniel Webster to Everett, May 31, 1842; Daniel Webster to Fletcher Webster, October 19, 1842; The Writings and Speeches of Daniel Webster, National Edition, XVIII, 132; XVI, 386.
Congress brought a reversal in the control of the House of Representatives. The Whig majority of sixty was replaced with a Democratic majority of eighty. On the state and local levels there were corresponding decreases in the number of Whigs in office.¹³

At the time the Whigs were losing elections, the national bank, which had caused the split between Tyler and the Whigs in 1841, was no longer important. Webster observed, "Who cares anything now about the bank bills which were vetoed in 1841: Or who thinks now that, if there were no such thing as a veto in the world, a Bank of the United States, upon the old models could be established?"¹⁴ In 1843, Democrat William H. Roane of Virginia wrote, "I have not met with an intelligent member of their [Whig] party, who would desire to revive the National Bank."¹⁵ Without any specific legislation, business had recovered and currency had attained sufficient soundness so that the Whigs could not claim the bank to be a necessity.¹⁶ Clay raised the question of the national bank in the campaign of 1844 but


¹⁵William Roane to A. Brockenbrough, W. A. Wright, D. A. Braham, and J. A. Parker, Richmond Enquirer, September 5, 1843.

¹⁶Ibid. Daily Madisonian, February 15, 1844.
finally said he would not insist on a bank unless the people demanded one. Vermont Whigs declared the bank to be an obsolete idea. The national bank never again held a significant place in the party platform. In fact the party never again used in its major platform the plank favoring a bank, a protective tariff, and distribution.

In order to view Tyler's problems with the Whigs in the proper perspective, it is necessary to remember that he was chosen for the second place on the Whig ticket to appeal to one of the minority factions of the Whig Party. In view of the fact that Tyler was given the Vice-Presidential nomination for the purpose of drawing support from the southern Whigs to the national ticket, it might seem surprising that so few members of that faction of the party backed Tyler. Probably most of the southern Whigs realized that Tyler's political dogma was too strict and narrow to have wide appeal. The necessity of remaining in a national party and the necessity of compromising within the party probably kept large numbers of southern Whigs from following Tyler. Too, not

17 Daily Madisonian, August 26, 1844. Tyler, Letters and Times, II, 106.

18 When Tyler's states' rights views prevented the Whigs from having their way, the Democrats regarded the Whigs as receiving just punishment for using Tyler to delude the people. Richmond Enquirer, December 30, 1843. "Passages from a Politician's Notebook," United States Magazine and Democratic Review, XI (October, 1842), 425-427.
all southern Whigs believed that a national bank was uncon-
stitutional.¹⁹

Tyler would have been less open to later attacks by the Whigs if he had voiced his opinions more openly during the campaign of 1840. His views were well-known to the Congressmen and to most southerners but probably not to the people in other sections of the nation. The Whigs, attempting to hold together many factions, avoided issues in 1840, and Tyler generally went along with the party managers by keeping silent.

Another of Tyler's problems was that there was no prece-
dent to guide the Vice-President's actions following the death of the President. Since Tyler was not elected Presi-
dent, many Whigs believed he should follow the will of the majority of his party in Congress. Tyler refused to accept the proposed role of "Acting President" and established the right of the Vice-President to fully assume all duties and prerogatives of the Presidency.

After Tyler became President the opportunities for Whig attacks on him might have been lessened had he not been so indecisive at times, so vague in expressing his own views, and so stubborn. For example, in his first message to Con-
gress he could have stated specifically that he disapproved of a national bank and suggested another form of fiscal

¹⁹Cole, pp. 66-93.
agent. The Whigs, believing in the principle of a weak executive, would probably have taken offense at direct suggestions from the President, but they would have known where he stood. After his first bank veto, Tyler had another opportunity to tell the Whigs his requirements for a fiscal agent. When the Whig Congressional committees called on Tyler, he did give some suggestions, but again he was ambiguous and left room for misinterpretation.

Tyler might have postponed the conflict with the Whigs had he immediately dismissed Harrison's Cabinet and appointed his own advisors. However, the sudden death of Harrison brought confusion to the nation, and Tyler felt as did later Presidents in the same situation, that keeping his predecessor's Cabinet would help retain the confidence of the people in their government.

When Tyler was thrust into the Presidency, he had few alternatives. If he had gone along with all the wishes of the Whigs, the people would have believed him to be a puppet of Henry Clay. Tyler's other alternative was to follow his own convictions. He chose the latter course. As a result it was impossible for him to be effective in a positive way as Chief Executive, and the opportunity to be elected President in 1844 was obliterated. Ultimately his course led him into political obscurity.

Some historians have claimed that Tyler's greatest virtue was his consistency. While Tyler was more consistent
than many politicians, his early record reveals some inconsistency. Over a period of years Tyler made the transition from a free trade advocate to one who accepted a tariff for revenue with incidental protection. When faced with the necessity of increasing the government revenue, Tyler signed a tariff bill with rather high rates. He originally opposed distribution but later supported it, provided sufficient revenue could be obtained without raising the tariff. He gave his support to the bankrupt act and to its repeal as well. Tyler decried Jackson's brandishment of executive power, but after becoming President, he (Tyler) guarded jealously those powers which he believed belonged to the Chief Executive. Yet on the one issue that most marred his administration, the national bank, there is no record that he ever altered his position.

Although Tyler did undergo some changes in his political thinking, his basic orientation remained the same. As he left the Presidency in 1845, he declared:

"... I left you as a Virginian, and as a Virginian I shall return to you. I entered upon the administration of public affairs as a republican who had drawn his principles from our pure fountains of Democracy, and I shall return to my home unchanged in all things, and least of all, in my devotion to the faith of my early life."

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20 John Tyler to A. E. Cunningham, and other citizens of Portsmouth, February 24, 1845, cited in the Richmond Enquirer, March 7, 1845.
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