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HENRY CLAY AND THE WHIG DEBACLE IN 1841

A Thesis

Presented to

The Faculty of the Department of History

San Jose State University

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

By

Yoon-Mi Yang

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ABSTRACT

HENRY CLAY AND THE WHIG DEBACLE IN 1841

by Yoon-Mi Yang

This study examines Henry Clay's interests during the controversy with President John Tyler. The election of 1840 gave the Whigs control of Congress and the White House, and they made every effort to enact the Whig program. As a result the Independent Treasury was repealed, the land bill was enacted to distribute the proceeds of land sales to the states, and two bills to charter a national bank were passed by Congress. But vetoes struck down the bank bills to which Clay and most Whigs devoted themselves, and the Whigs expelled the president from the party.

While many historians have emphasized either Clay's or Tyler's ambition for future presidency, this study focuses on Clay's interest in implementing the domestic measures based on "American System" and reinforcing the doctrine of legislative supremacy over the executive. In the meantime Clay was proved both the substance and spirit of Whigs.

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CHAPTER I
INTRODUCTION

Henry Clay, throughout his career, had always been a devout nationalist, strenuously and consistently promoting policies and programs which he believed to be essential to the growth of a prosperous, strong United States. At the heart of his vision for the country stood his American System, a political and economic plan designed to promote both national unity and prosperity. From April to August 1841, Clay committed himself to the reestablishment of the National Bank, and the national political scene of that time was dominated by Henry Clay and the president, John Tyler.

Clay wanted to be the president of the United States. In opposing Tyler, he often manufactured issues. Some scholars argued that he maneuvered this first "accidental" president into failing to achieve the presidential nomination in 1844. Many historians have described Clay as so ambitious for the presidency that he would not have known an ideal if he had beheld one. Yet it is clear that over many years of political experience Clay had gained a set of beliefs that were nationalistic in outlook and that he placed national goals above his desire to attain the presidency. Clay believed that the victory of 1840 had

given the Whigs a popular mandate to institute a financial program based on his "American System," even though such fiscal and economic policies had been rarely discussed during the campaign itself.¹

Contemporaries and historians alike understood that the trouble in 1841 was mainly due to the friction between nationalism and states' rights. In addition, there was the fascination of future presidential races. Those who were sympathetic to Clay have called him an innocent bystander whom Tyler wanted to destroy politically. The president and his states' right advisers had regarded Clay as the obstacle to his election in 1844 as it seemed that Clay had the first claim to the nomination. Tyler tried to defeat Clay's measures in order to strike at his rival. Tyler's backers thought he should break up with the Whigs as they still remained under the control of Clay. The president may have manipulated the Whigs to expel him from the party in order to give an impression of being a scapegoat.²

Others reached quite different conclusions about the trouble. They insisted that Clay maneuvered the legislative

¹Teague William Joseph, "An Appeal to Reason: Daniel Webster, Henry Clay, and Whig Presidential Politics, 1836-1848," (Ph.D. diss., North Texas University, 1977), 205-8.

²Clement Eaton, Henry Clay and the Art of American Politics (Boston: Little, Brown and Company, 1957), 150; Oscar Coane Lambert, Presidential Politics in the United States, 1841-1844 (Durham: Duke University Press, 1936), 30-31, 37, 46.

issues to trap the accidental president into failure, in order to crown his long career by heading a presidential administration after 1844. Unlike Harrison, Tyler had not committed himself to a single-term, and Clay became uneasy; he was sure that Tyler would seek election in his own right. So he planned and maneuvered Tyler into unpopular vetoes so that he could not re-emerge for the next election just as, unexpectedly, he did in 1839.³

Describing the Clay-Tyler feud, some historians paid attention to Clay's efforts to reinforce legislative supremacy. Concern over executive power had arisen out of reaction to President Andrew Jackson's bank war and the Maysville Road veto. States' rights convictions forced Tyler to use the vetoes to thwart the determined bid of the Whigs in congress to impose upon the president both Clay's program and the doctrine of legislative guardianship over the executive. Clay, on the other hand, viewed a veto as an

³ George Rawlings Poage, Henry Clay and the Whig Party (Chapel Hill: University of North Carolina Press, 1936), 47, 60, 67, 85, 89-90; Oliver Perry Chitwood, John Tyler: Champion of the Old South (New York: D. Appleton-Century Company, 1939), 211, 237-38, 248; Robert Seager II, And Tyler Too: A Biography of John & Julia Gardiner Tyler (New York: McGraw-Hill, 1963), 151-52, 154; Robert J. Morgan, A Whig Embattled: The Presidency under John Tyler (Lincoln: University of Nebraska Press, 1954), 42, 61, 71.

abuse of presidential power which disturbed the balance of government.⁴

There were other factors which led to the feud of 1841, and Clay and Tyler were not the only principals of the events of that year. Suggesting that either Clay or Tyler manipulated the event also assumes that each could predict men's reactions. The expansion of the mid-1830s was checked by the Panic of 1837 and the financial collapse in 1839. Laborers, businessmen, and governments alike were hard pressed to meet their obligations. Although many politicians took a limited view of federal responsibility in helping citizens recover, national issues of 1841 were closely connected to economics. Governmental issues such as states' rights and restriction of executive power were closely related to economic concerns. States' righters opposed aggrandizement of the federal government in part because they feared the financial damage resulting from high tariffs or a national bank.

The Whigs were brought to power in 1841 thanks to economic catastrophe. President Martin Van Buren's answer to the economic collapse had been the Independent Treasury,

⁴David W. Krueger, "The Clay-Tyler Feud, 1841-1842," Filson Club History Quarterly 42 (April 1968): 175; Morgan, A Whig Embattled, 26; Albert D. Kirwan, John J. Crittenden: The Struggle for the Union (Lexington: University of Kentucky Press, 1962), 150; Poage, Henry Clay and the Whig Party, 75-77.

which removed the government's funds from state banks and placed them in subtreasuries. This system helped to protect federal money against banks that suspended specie payments, but it did not help citizens who remained at the mercy of weak financial institutions and their worthless bank notes. The election indicated a popular belief that Van Buren had failed.

The Whigs now had a chance to address the nation's problems. How well the Whigs could capitalize on their election victory depended on their unity. The party at the time of its creation in the early 1830s was an amalgam of states' rights advocates, strong nationalists, nullifiers, high and low tariff men, and both pro- and anti-bank proponents. The only real thread holding together such a melange, whose membership contained inherently conflicting philosophies, was a tremendous dislike and fear of Andrew Jackson, whose response to nullification and removal of the bank deposits had angered many people. The Whigs evolved from a collection of factions into a national party. The election of 1840 marked the maturation of the "second party system": there were two parties, the Whigs and the Democrats, operating throughout the nation. The presidential contest of that year was one test of the

Whigs.⁵ Another was the party's ability to maintain unity in the new administration. Disagreement over specific policies and patronage could have easily pulled apart a loose coalition, and sectional pressures were ever present threats. To these obstacles must be added the demise of Harrison one month after taking office.

While trying to transform the election talk into policy, Clay's efforts to keep the Whigs together provide clues to his leadership. Clay maintained control over the party in Congress and remained a national force; he indicated how one politician interacted with the party rank and file. Debates and votes reveal how well both houses understood his goals. However, in order to secure votes he had to adjust legislative proposals and satisfy supporters beyond Congress. Public participation was not limited to campaign hullabaloo that ceased after the balloting. Jacksonian democracy included informal ways for people to influence national policies--ways beyond nominations, campaigns, and elections.

⁵Richard P. McCormick, The Second American Party System: Party Formation in the Jacksonian Era (Chapel Hill: University of North Carolina Press, 1966), 3, 13-15, 341-42; Merrill D. Peterson, The Great Triumvirate: Webster, Clay, and Calhoun (New York: Oxford University Press, 1987), 296.

CHAPTER II

THE WHIG TRIUMPH

William Henry Harrison, the "available" Whig candidate, was elected president in 1840. The president was the titular head of the Whig party; nevertheless, the real leader of the congressional Whigs and of the national party at large was Henry Clay. Clay considered the election of 1840 as an opportunity for the party and the nation; for the first time they would control both the legislative and the executive branches. He believed that the victory of 1840 had given the Whigs a popular mandate to institute a financial program based on his "American System." Only if party members worked together could a progressive economic program be enacted to bring enlightened government and the return of prosperity.

The Whig convention met in the Harrisburg Lutheran Church on December 4, 1839. Clay, as the acknowledged leader of the party, had a plurality of delegate votes. But men in New York and the host state of Pennsylvania feared that his well-known commitment to a national bank, distribution of land sales and restrictive land policies would make his election difficult, and control of the convention was in the hands of eastern politicians who had

decided he could not be elected. Northern Antimasons and abolitionists opposed him because he was both a Mason and a slave holder. Even southern conservatives recognized that the party would have a better chance with someone else. His work to broaden the party by attracting northern and southern conservatives failed to impress politicians who regarded his leadership as a liability.¹

The convention agreed that each state would appoint a committee of three who would poll their delegation and report the vote to a committee of states. A majority vote would determine who would receive all the state's votes. The committee of states would meet, ballot, and report back to the assembly until one candidate secured a majority.² In this manner, Clay's advantage was destroyed. It canceled

¹John Bach McMaster, History of the People of the United States, From the Revolution to the Civil War (8 vols., New York: D. Appleton and Company, 1883-1913), VI, 554-55; Harriet A. Weed and Thurlow Weed Barnes, eds., Life of Thurlow Weed, Including his Autobiography and Memoir (2 vols., Boston: Houghton, Mifflin and Company, 1884), I, 480-81; Henry A. Wise, Seven Decades of the Union (Philadelphia: Lippincott, 1881), 165-66. The Whigs absorbed the Antimasonic party which had arisen in the northeastern states in the late 1820s and early 1830s, and Thurlow Weed, Francis Granger, and William H. Seward were still the Antimasonry leaders. Glyndon Van Deusen, The Life of Henry Clay (Boston: Little, Brown and Company, 1937), 240-44.

²Van Deusen, Henry Clay, 332; Chitwood, John Tyler, 165; William Nisbet Chambers, "Election of 1840," in History of American Presidential Elections, ed. Arthur M. Schlesinger, Jr. (4 vols., New York: Chelsea House Publishers, 1971-73), I, 662-63; Merrill D. Peterson, Great Triumvirate, 291.

out his substantial plurality support in several northern delegations, Pennsylvania and New York, for instance.

On the first ballot Clay received 103 votes, leading Harrison by 12 votes and Scott by 46 votes. As the balloting continued, Clay slipped and Scott gained while Harrison held steady. Thurlow Weed, determined to prevent Clay's nomination, arrived with a bevy of delegates for Winfield Scott. Scott, a career military man who recently had been involved in the Indian-removal program and in attempting to avert war with Canada and Britain along the Maine boundary, was another available candidate. Weed planned to present Scott as an alternative choice, if Harrison failed to kindle enough enthusiasm, since either could carry states that Clay could not. In the minds of those who had witnessed Jackson's success, a general could win in a well-staged campaign. To them General Harrison's showing in 1836 election as well as his image of the hero in the Battle of Tippecanoe had been quite satisfactory; he was not strongly for or against any divisive issue.³

³Van Deusen, Henry Clay, 331-34; Thurlow Weed to Francis Granger, Feb. 22, 1841, Weed and Barnes, eds., Life of Thurlow Weed, II, 77, 89. In 1836, unable to present a national platform or unite upon a single candidate, the Whigs nominated three candidates at state legislative caucuses, state conventions, or local meetings; Daniel Webster was nominated by Massachusetts, Hugh L. White by Tennessee, and William Henry Harrison by Pennsylvania. While Martin Van Buren won a decisive victory, the votes that Harrison won numbered second to Van Buren and his strength in the Western and Middle Atlantic states made him

At the fourth ballot, New York, Michigan, and Vermont, which had been backing Scott to hold off Clay, shifted to Harrison. The result was 148 for Harrison, 90 for Clay, and 16 for Scott. Among the free states only Rhode Island stuck with Clay, whereas Harrison was shut out in the South. The balloting had been a contest between Harrison and Scott for the privilege of defeating Clay. The choice was determined by the prospects for success, not by a man's popularity.⁴

All through the Van Buren years, Clay had prepared for the 1840 election. This time, he was certain he would not be passed over; and he was. Hearing the news at his hotel room in Washington, Clay could not conceal his disappointment and became infuriated. "My friends are not worth the powder and shot it would take to kill them," he reportedly said. Clay lamented that he was "the most unfortunate man in the history of parties: always run by my friends when sure to be defeated, and now betrayed for a nomination when I, or any one, would be sure of an election." According to Henry A. Wise, Clay became

a logical candidate for 1840. Van Deusen, Henry Clay, 299; Norma Lois Peterson, The Presidencies of William Henry Harrison and John Tyler, American Presidency Series (Lawrence: University Press of Kansas, 1989), 17.

⁴Thomas Hart Benton regarded the voting system as an ingenious device that allowed a few to govern many, setting Clay aside. See Thomas Hart Benton, Thirty Years' View: or A History of the Working of the American Government for Thirty Years, From 1820 to 1850 (2 vols., New York: D. Appleton and Company, 1856), II, 204.

violently inebriated and said, "If there were two Henry Clays, one would make the other president of the United States."⁵ Regardless of his political liabilities, the depression during the years of Democratic administration combined with the appeal of the Whig economic program would have ensured Clay's election in 1840.

The convention roared approval of the nominee, when a Clay delegate, Reverdy Johnson, moved to make the nomination unanimous; and a surge of enthusiasm swept away much of the bitterness. Clay pretended to be magnanimous, and asked for "cordial support" for General Harrison; he was aware that his reaction would affect party unity and was careful to keep his disappointment private. In his speech delivered at a dinner at Brown's Hotel of Washington, given to Whig delegates to the Harrisburg nominating convention, Clay asserted that they "have been contending for principles. Not men, but principles." In private letters, he hoped that no irritation or dissatisfaction would be displayed about the matter, and asserted that he had "accordingly both publicly and privately expressed my determination to abide by and support the nomination. I shall be glad if you and my other connexions shall come to the same conclusion. . . . Be its fate what it may, does not change the path which I

⁵Wise, Seven Decades, 170-72.

ought to tread."⁶ Clay made it clear that his goal was establishment of Whig measures.

His expression of this "cordial support" for the nominee drew applause and was regarded as self-sacrificing generosity to the great principle of the political faith. Thurlow Weed pronounced Clay as "a truly noble fellow," and Harrison expressed to Clay his gratitude for "the magnanimity of your conduct towards me in relation to the nomination for the Presidency." Harrison wrote to Clay that if the "accidental circumstances" had not given him the nomination, he would have supported the Kentuckian. He asked Clay for "any advice or suggestions" on the canvass.

Acceptance of Harrison was thus partly due to Clay's effort to maintain the unity of the Whig party: Clay was still considered as its leader. Clay could not desert his assertion of the party solidarity which he emphasized during the months leading up to the Harrisburg convention; he believed that unity was essential for victory. Clay's expressions revealed that the goals of the Whigs were to wage political war on the Democrats, reaffirm their

⁶Niles' National Register, Dec. 14, 1839, 251; Peterson, Great Triumvirate, 292; Lexington Observer & Kentucky Reporter, Jan. 1, 1840; H. Clay to Thomas Hart Clay, Dec. 12, 1839; Henry Clay to Henry Clay, Jr., Dec. 14, 1839, Robert Seager II, ed., The Papers of Henry Clay (10 vols., Lexington: University Press of Kentucky, 1988), IX, 363-65.

principles, and to establish through the legislature the great program of the Whigs.⁷

The Whigs, however, did not want their candidate, if elected, to be a strong, hard-headed Jackson-type chief executive. The Democratic general, they contended, had been guilty both of the gross usurpation of powers and of the misuse of the presidential office. Their opposition to his actions had brought about the formation of the conglomerate Whig party; "usurpation" became the rallying cry for the Whigs. So it was that Harrison, who was believed to be amiable and pliable, was nominated and elected. To many of the party's members, the legislative branch was the body that should govern the nation, and the party was still expected to be controlled by Clay, the champion of the doctrine of legislative supremacy.⁸

How Tyler became the vice-presidential candidate at the Whig convention in 1839 is still uncertain. One explanation for Tyler's selection is that it resulted from a deal for a Senate seat. Eager for the support of the conservatives in

⁷Van Deusen, Henry Clay, 334; H. Clay to William H. Seward, Sept. 26, 1839; H. Clay to Oliver H. Smith, Oct. 5, 1839; H. Clay to Nathan Sargent, Oct. 25, 1839; William Henry Harrison to Henry Clay, Jan. 15, 1840, Seager, ed., Papers of Henry Clay, IX, 347, 350, 352-53, 374; Richard Alan Gantz, "Henry Clay and the Harvest of Bitter Fruit: The Struggle with John Tyler, 1841-1842" (Ph.D. diss., Indiana University, 1986), 15.

⁸Norma Lois Peterson, Presidencies of Harrison and Tyler, xi-xii.

Virginia, which might balance the Whigs in the presidential election, Clay had earlier backed William C. Rives against Tyler in a critical senatorial contest in March 1839. This was part of Clay's attempt to broaden the party by attracting the conservatives. In return Clay promised Tyler the vice-presidential slot, a Clay-Tyler ticket; Clay delegates were committed to place Tyler on the ticket.⁹ Others indicated that Tyler was selected as other more prominent Whigs had declined the post, such as Daniel Webster, Benjamin Watkins Leigh, John M. Clayton, Nathaniel P. Tallmadge, and Samuel Southard.¹⁰ But it is unlikely that Clay would have made such an offer remembering the corrupt bargain of 1825. If Tyler had accepted the offer, he would have to be withdrawn from the senate race and there would have been no reason to delay the election until January of 1841. It is all the more unbelievable that all

⁹Wise, Seven Decades, 157-59, 161; Lyon Gardiner Tyler, Letters and Times of the Tylers (3 vols., Richmond: Whittet and Shepperson, 1884-96), I, 590-93, 595n; Chitwood, John Tyler, 157-58, 160-63; Seager, And Tyler too, 130-31; Niles' Register, Dec. 11, 1841, 232; Charles H. Peck, The Jacksonian Epoch (New York: Harper and Brothers, 1899), 428.

¹⁰Nathan Sargent, Public Men and Event (2 vols., Philadelphia: Lippincott, 1875), II, 92-93; Weed and Barnes, ed., Life of Thurlow Weed, II, 77. Norma Lois Peterson noted that Weed's remarks have little reliability as they were made many years later, after Tyler had been expelled from the Whig party. See Norma Lois Peterson, Presidencies of Harrison and Tyler, 26.

those persons had been offered a chance to run for the vice-presidency and they turned down that opportunity.¹¹

It seems that Tyler was chosen to give balance to the northern and western consolidationist philosophy of Harrison and the dominant Whig leadership. Tyler was well known to people; in the campaign of 1836, he had been the choice of a small group of southern Whigs as their vice-presidential candidate. Nominating Tyler, who was well-known as a states' righter and a slave owner, could appeal to an important minority of the party that might otherwise be lukewarm to a national northerner whom the party had nominated. And the selection would comfort a large and disappointed portion who had been backing Clay, as Tyler was a Clay supporter.¹²

There did not appear to be any logic in the convention's selection of a states' righter, strict constructionist Virginian, to run with a northern candidate supported by the national wing of the party. As in most political conventions, the selection of the vice-

¹¹Gantz, "Henry Clay," 61.

¹²Niles' Register, June 29, 1839, Dec. 11, 1841, 275-76, 232-33; Weed and Barnes, ed., Life of Thurlow Weed, I, 482; Van Deusen, Henry Clay, 333; Merrill D. Peterson, Great Triumvirate, 292; Norma Lois Peterson, Presidencies of Harrison and Tyler, 26; Botts told that the convention chose Tyler after he shed tears over Clay's defeat, but Tyler denied it later. Niles' Register, Dec. 11, 1841, 232; Tyler, Letters and Times of the Tylers, I, 595n; Eaton, Henry Clay, 142.

presidential candidate was perfunctory, and the delegates gave little thought to Tyler's political views. The contribution of a vice president was only to attract votes; after the campaign he became dispensable. A president had never died in office, and the convention did not consider the possibility.¹³ Not until Tyler became president and clashed head-on with Clay and other nationally minded Whigs did his detractors question how the delegates, if in full possession of their senses, could have chosen John Tyler; few contemporaries regarded Tyler's nomination as illogical or even worthy of comment.¹⁴

The Democrats did have a platform that firmly stated their opposition to the American System, to abolitionists' efforts to induce Congress to take action against slavery which would endanger the stability and permanency of the Union, and to any interference in the domestic institutions of the several states. The Whigs blamed the Democrats for the depression and accused them of promoting excessive executive power, but they did not formulate a platform.

¹³Epes Sargent, Life and Public Services of Clay (New York: Greeley and McElruth, 1853), 220; Nathan Sargent, Public Men and Events, II, 121; Lyon G. Tyler, Tyler's son, insisted that Tyler was nominated in expectation of Harrison's death and Tyler's succession had been predicted. But he was born after these events, and he obviously had no personal knowledge of them. Tyler, Letters and Times of the Tylers, III, 52-53; Gantz, "Henry Clay," 63.

¹⁴Norma Lois Peterson, Presidencies of Harrison and Tyler, 26.

They concluded that attempting such an impossible task would only serve to tear the party apart before the campaign. While Clay admitted that it would be a general and best rule "to remain silent and not act," unless fully convinced what to say or do is right, he regretted the failure to adopt a platform. In his private letters, he complained that the Harrisburg convention "perhaps erroneously" had omitted "to publish any Address, our cause suffers from the imputation of the other side that the Whigs have no principles which they dare openly avow." He believed that it was necessary to refute Democratic charges that Whigs had no principles even if a document enumerating party goals might cost votes. Clay saw the campaign as a referendum.¹⁵

During the campaign, the Whigs borrowed the Democratic appeal to the masses. Seizing upon a Democratic sneer about Harrison's proper place being in a log cabin with a barrel of hard cider and a pension, they made the log cabin the

¹⁵H. Clay to John M. Clayton, May 29, 1840, Seager, ed., Papers of Henry Clay, IX, 416; Chitwood, John Tyler, 175; Glyndon G. Van Deusen, Jacksonian Era, 1828-1848 (New York: Harper and Brothers, 1959), 144; Morgan, Whig Embattled, 149; Arthur C. Cole, Whig Party in the South (Washington: American Historical Association, 1913), 57; Chambers, "Election of 1840," 665; Poage, Henry Clay, 14; Gantz criticized historians who cited the failure to adopt a platform as evidence of a lack of principles in the Whig party. According to him, no party convention adopted a platform until the Democrats initiated the practice at their Baltimore convention six months later. The Whig leaders rejected an address to the nation because they believed that Whig ideas were already well-known and feared that it would appear too defensive. See Gantz, "Henry Clay," 17n.

spurious symbol of a Whig democracy. All over the country, the log cabin, the coonskin, the barrel of hard cider, and simple farmer Harrison became the positive part of the Whig campaign. During the campaign, songs, parades, speeches, coonskin caps, log cabins and other attention-getting devices touted for president a rather dignified descendant of an upper class family who did not live in a log cabin nor wear a coonskin cap. Crowds loved to sing about "Tippecanoe and Tyler Too," along with numerous other ditties derogatory to Van Buren. However, underlying the people's enjoyment of the promotional trivia was a sincere hope that a change in party control of the government would bring an end to the depression.¹⁶

On the other hand, Van Buren was pictured as a man who wore corsets, put cologne on his whiskers, slept on French beds, rode in a British coach, and ate with golden spoons from silver plates when he sat down to dine in the White House. He was the symbol of executive usurpation, tyranny and bloated aristocracy. As to real issues such as slavery and the bank issue, however, there were no clear-cut stands

¹⁶Robert G. Gunderson, The Log-Cabin Campaign (Lexington: University of Kentucky Press, 1957), 121-24, quoted in Norma Lois Peterson, Presidencies of Harrison and Tyler, 29.

despite the democratic attempt to fasten it upon the Whigs.¹⁷

The Whig strategy aimed at making Harrison all things to all men. Not only was he a war hero in the mold of Old Hickory, he was a poor man who tilled the soil for his bread. In the South, Harrison was represented as proslavery and an enemy to abolitionists, whereas New England audiences were told he was heart and soul in the abolitionist fold. If the audience were antibank, Harrison was, too; if probank, so was he. He could be for high tariff, or low tariff, for state rights, or a nationalist all on the same day, but in different voices.¹⁸

Throughout the extraordinary campaign that was to follow, Clay both worked actively for the Whig ticket, and laid down a program for the party. Although he loyally supported Harrison, he was uncomfortable with the demagogic approach used by the Whigs in order to catch the popular vote. Seeing "the danger" in "supplying fresh aliment for demagogues," he believed the appeal to passions was a mistake; Whigs should use reason to show people the value of their program. He opposed a campaign "of appealing to the

¹⁷Van Deusen, Henry Clay, 334-35.

¹⁸Kirwan, Crittenden, 133. Harrison himself made few speeches and did no real campaigning.

feelings and passions of our countrymen rather than to their reasons and judgments."¹⁹

In his campaign speeches Clay made it clear that the executive was to be strictly limited, either by legislation or constitutional amendment. The presidency should be restricted to one term; the veto power should be limited; the power of dismissal and appointment should be curtailed; and the Treasury Department should be put under the exclusive control of Congress. A stable and uniform currency could be secured through state banks or a new national bank. He expressed faith in the tariff of 1833 which he hoped would sufficiently protect industry. He called for distribution of proceeds of federal land sales to help states pay for internal improvements. His statements on the bank reflected the views of Whigs who maintained that absence of a sound currency was a central issue. While most Whigs confined their talk to the need for a safe currency, Harrison agreed in general with Clay's stand on finance and the limitation of executive power.²⁰

¹⁹Eaton, Henry Clay, 142; Tyler, Letters and Times of the Tylers, I, 598; H. Clay to William Browne, July 31, 1840; H. Clay to John M. Clayton, May 29, 1840, 416, Seager, Papers of Henry Clay, IX, 437-38; Joseph contended that Clay failed to achieve the presidency because he had consistently appealed to the people's higher faculties of reason and intellect. See Joseph, "Appeal to Reason," 340-43.

²⁰Niles' Register, July 4, 1840, 228; Dorothy Burne Goebel, William Henry Harrison (Indianapolis: Porcupine Press, 1926), 357-64; quoted in Van Deusen, Henry Clay, 336;

Webster was the star performer of the Whig campaign. The exhilaration of the log cabin and hard cider campaign revived Webster's political spirits. He knew it was humbug but it was humbug in a good cause. He denounced the boom and bust financial policies of Van Buren; he denounced the sub-treasury system with its directive toward hard money; he called for restoration of a national system of commerce and currency, including a national bank; and, of course, he assailed the growth of executive power. He assured his listeners that Harrison's election would bring the economic prosperity and restore the government to its republican foundation.²¹

Until fairly late in the campaign, Tyler made few speeches. No one seemed to think the views of the vice-presidential aspirant were of much significance. Following the pattern set by other Whigs, he tried to avoid controversial issues; he said he agreed with Harrison on all major points. As far as the bank was concerned, he quoted and adopted a statement made by Harrison in his Dayton

H. Clay's speech in Nashville, August 17, printed in Calvin Colton, Life, Correspondence, and Speeches of Henry Clay (6 vols., New York: G. P. Putnam's Sons, 1857), IV, 215-19; H. Clay's speech in Nashville, August 20, 1840, printed in the Nashville Whig, August 21, 1840; reprinted in Seager, Papers of Henry Clay, IX, 441-42.

²¹James McIntyre, comp., Writings and Speeches of Daniel Webster (18 vols., Boston: Little, Brown and Company, 1903), III, 8, 43-46, 49, 59-50; Merrill D. Peterson, Great Triumvirate, 294-96.

address. Harrison's statement at Dayton was that he would bow to the will of Congress on all decisions and that even though he was "not a Bank man," he would support it if Congress could find no adequate substitute. But, he added, it really did not matter what he thought. The people would express their desires through Congress, and he would go along with whatever Congress should decide to do.

It is unlikely that Tyler, with his independent temperament, actually accepted this notion of passive assent. But during the campaign, saying he agreed with Harrison was a convenient answer to questions asked, and it was less dangerous to the outcome of the election than expressing his own opinions. Early in the contest, he was directed by leading congressional Whigs not to make any comments on controversial subjects; he could not express his strict views on establishing another Bank of the United States without endangering the "unity and harmony" of the party; but neither could Harrison, Clay, or Webster.²²

John J. Crittenden was one of the campaigners who contributed his share of rhetoric during the election. Avoiding all specific issues, he took as his theme "executive usurpation," as developed by Jackson and Van

²²Tyler, Letters and Times, I, 619-20; Wise, Seven Decades, 177; Chitwood, John Tyler, 184-88; Merrill D. Peterson, Great Triumvirate, 28.

Buren; his issue was "liberty against oppression."²³ Every campaign speech voiced attacks on executive usurpation, and restoration of the legislative supremacy was one of the key issues.

Statements on the bank reflected the views of Whig orators who maintained that absence of a sound currency was a central issue. While some campaigners were unclear on how to establish a medium of exchange, others hinted that a bank was the answer. Their statements were not always consistent with one another. Each campaigner addressed issues as he saw them. Rather than follow Clay's example in regard to a bank, most Whigs confined their talk to the need for a safe currency.²⁴

The election gave a decisive victory to the Whigs. The party captured both houses of Congress, and Harrison was elected President. Van Buren received 60 electoral votes from seven states, while Harrison carried nineteen states with a total of 234 votes. In the Senate, where the Democrats had had a majority of 28 to 22, the situation was reversed. There would now be a 28-to-22 Whig advantage. Whig control of the House was likewise assured, with 133 Whigs to 102 Democrats. However, there were possibilities

²³Kirwan, Crittenden, 134-35.

²⁴Gantz, "Henry Clay," 17; Chambers, "Election of 1840," 668; McIntyre, Writings and Speeches, III, 7, 43-46, 49, 59-60.

for disaster. Success of the Whig party depended on how it held together and pursued a constructive program, a problem, given its disparate elements, nationalists and states' rights men, abolitionists and southern planters. Power competition was expected between Clay and Webster for control of the councils of the president whose health was not good. Harrison, it was expected, would be a weak leader who would look to the Whig giants, Clay and Webster, for leadership of his administration.

Soon after the election, the president-elect planned to pay a visit to Kentucky on family business to confer with Charles A. Wickliffe and to meet his old friends. Early in November he informed Clay of his proposed trip and suggested that they meet; so Clay made plans to see him in Frankfort.²⁵ However, Harrison changed his mind and wrote to him to communicate "through a mutual friend or friends" rather than facing each other. Thus they could avoid "speculations and jealousies." He requested Clay to name the friend at Frankfort to communicate through. Harrison did not want to add to the impression that he was under Clay's influence.²⁶

²⁵W. H. Harrison to H. Clay, Nov. 2, 1840, Seager, ed., Papers of Henry Clay, IX, 450; Van Deusen, Jacksonian Era, 151; Gunderson, Log Cabin Campaign, 260.

²⁶General Harrison to H. Clay, Nov. 15, 1840, Seager, ed., Papers of Henry Clay, IX, 452.

But Clay did not like the idea of having Harrison meet with Wickliffe while seemingly ignoring Clay: Wickliffe and Clay were political enemies. Clay was committed to seeing Harrison. On Harrison's arrival at Frankfort, Clay urged him to come to Lexington, and Harrison allowed himself to be carried off to Lexington to stay a week at Clay's plantation, Ashland. On the occasion of dining with Clay at Ashland, Harrison had a long confidential conversation with him. The president-elect offered Clay a choice of position in his administration, but the Kentuckian had already decided not to change his official position. He would remain for a while in the Senate.²⁷ If Harrison meant to hold to the idea of legislative supremacy and allow Congress full authority, Clay thought that remaining in the Senate would help ensure his program because he realized that Congress and not the cabinet would be the battlefield. He must have thought that the executive branch would follow the decisions of Congress.

Clay, "to put him at his ease about Webster," told Harrison that he should give Webster a cabinet post, the State Department; the Massachusetts senator was too important to be overlooked. He said that "if I had been

²⁷H. Clay to John M. Clayton, Dec. 17, 1840, Seager, ed., Papers of Henry Clay, IX, 465-66; Allan Nevins, ed., Diary of Philip Hone, 1828-1851 (New York: Dodd, Mead & Company, 1936), 514.

elected President I should have felt myself bound to offer him some distinguished place." Harrison handled the delicate situation with great tact, convincing Clay that he was "animated by the best dispositions," but he kept his own counsel. He did not provide Clay with further information on his design for the cabinet. Clay could learn later that his friend John J. Crittenden would be Attorney General.²⁸

The discussion between two men on public measures, such as a bank, distribution, and an extra session to enact these, was thoroughly satisfactory. Clay's fear that Harrison would not support a national bank or other features of his programs disappeared. The Kentuckian was "happy to find him coinciding with those which I entertained." He was so optimistic as to believe that Harrison entertained the "best dispositions, and if he acts in conformity to them, our hopes will be all realized."

Clay left for the lame-duck session of the Twenty-sixth Congress while the president-elect was still in Lexington. In Washington, Clay's interest did not seem to be the succession in 1844 or the composition of the cabinet, but the enactment of his program and prevention of the executive usurpation. His only fear was that jealous Whigs would create distrust between the President-elect and himself. He

²⁸H. Clay to James T. Austin, Dec. 10, 1840; H. Clay to John M. Clayton, Dec. 17, 1840, Seager, ed., Papers of Henry Clay, IX, 460, 465-66.

saw that Harrison was worried that people would regard the new administration as Clay's and not his, and he was determined to avoid giving that belief any countenance.²⁹

Contemporaries and historians alike assumed that the Whig party revolved around rivalry between Webster and Clay, to attain the presidency in 1844.³⁰ Speculation over Harrison's successor and the officials of the new administration dominated political gossip over the next three or four months. The feud between the two great Whigs was well-known. Clay was aware that Webster had withdrawn from the presidential race in 1839, to promote his Ohio rival. He remembered how Webster's followers in Massachusetts and New York engineered Harrison's nomination. People believed that these hard feelings would not disappear.³¹

²⁹Clay to Peter B. Porter, Dec. 8, 1840; H. Clay to Thomas Speed, Nov. 21, 1840; H. Clay to Francis Brooke, Dec. 8, 1840; H. Clay to James T. Austin, Dec. 10, 1840; H. Clay to D. Campbell, Dec. 11, 1840; H. Clay to N. B. Tucker, Dec. 11, 1840, Seager, ed., Papers of Henry Clay, IX, 458-59, 453, 457-58, 460, 362; Van Deusen, Henry Clay, 338.

³⁰Nicholas Biddle to D. Webster, Dec. 13, 30, 1840, Reginald C. McGrane, ed., Correspondence of Nicholas Biddle Dealing with National Affairs, 1807-1844 (Boston: Houghton, Mifflin Company, 1919), 337-38, 340; Wise, Seven Decades, 172, 178; Morgan, Whig Embattled, 61; Claude Moore Fuess, Daniel Webster (2 vols., Boston: Little, Brown and Company, 1930), II, 82.

³¹Fuess, Daniel Webster, II, 82; Poage, Henry Clay, 15; Morgan, Whig Embattled, 61; Norma Lois Peterson, Presidencies of Harrison and Tyler, 32-33.

Nicholas Biddle believed that Webster was "the person who will have much more influence with the President" than Clay. Rives, in writing to Legaré, had expressed the view that the composition of the cabinet was to serve the interests of Clay and Webster in the Whig nomination for the presidency in 1844. He thought, however, that an even distribution would be made of the posts between the two. Wise, with little regard for either Clay or Webster, wrote that an "implacable war, open and declared" between the two over succession and control of the administration existed, and the "enmity divided the Whig party into two factions, on no difference of opinion or principles at all, but purely on personal preferences and partisan predilections." Willie P. Mangum of North Carolina noted that "I fear for [a] widening of the breach between Clay and Webster."³²

However, the selection of Harrison's cabinet fails to explain a Clay-Webster rivalry. Attaining geographical balance and representation of other interests were greater factors than selecting either Webster or Clay men.³³ Following the interview with Clay at Ashland, Harrison began

³²Nicholas Biddle to Daniel Webster, Dec. 30, 1840, McGrane, ed., Correspondence of Nicholas Biddle, 340; Tyler, Letters and Times of the Tylers, III, 87-88; Morgan, Whig Embattled, 61; Wise, Seven Decades, 172, 178; W. P. Mangum to W. A. Graham, Mar. 27, 1841, Henry T. Shanks, ed., The Papers of Willie P. Mangum (5 vols., Raleigh: State Department of Archives and History, 1952), III, 128-29.

³³Gantz, "Henry Clay," 27.

forming his cabinet, which was completed by the middle of February. It was generally known, by mid-December 1840, that Harrison had selected Webster, Crittenden, and Thomas Ewing. If there were a competition between Clay and Webster, designation of the remaining advisers should have produced a battle. But when Harrison asked Webster for his advice, Webster recommended John Bell of Tennessee for the War Department though he saw him as a Clay partisan.³⁴ The need to achieve geographical balance provided Thomas Ewing with the Treasury, switching him from Postmaster General, in spite of one of Clay's few attempts at intervention in the new administration to get the seat for John M. Clayton of Delaware, one of Clay's confidants and a strong bank man.³⁵ Francis Granger, recommended for the Treasury by New York Whigs, was chosen for Postmaster General, North Carolinian George E. Badger was finally selected by the southern Whigs for the Navy.

Tyler's advice on the selection for the cabinet was neither sought nor given. He hoped that Harrison would be

³⁴W. H. Harrison to D. Webster, Dec. 27, 1840, Fletcher Webster, ed., Private Correspondence of Daniel Webster (Boston: Little, Brown and Company, 1857), II, 97; John Bell to R. P. Letcher, Jan. 31, 1841, Ann Mary Coleman, Life of John J. Crittenden, with Selections from His Correspondence and Speeches (2 vols, Philadelphia: Lippincott, 1873), I, 136; quoted in Gantz, "Henry Clay," 27.

³⁵H. Clay to John M. Clayton, Dec. 29, 1840, Seager, ed., Papers of Henry Clay, IX, 468-69.

firm and decisive, especially at the onset of his administration, by allowing no intrigue in the cabinet. Tyler's main concern was about the hazardous influence of the extreme nationalists, who were "too excessive in their notions." However, he expressed this only in private and, as he deemed proper conduct, remained quietly at home in Williamsburg.³⁶

The cabinet, once completed, was satisfactory to Clay as well as to Webster.³⁷ The Kentuckian was happy with the secretaries except one, Francis Granger, the ally of Thurlow Weed; however, Ewing and Crittenden, both strong Clay backers, were selected by Harrison without help from Clay. Webster had had a hand in the decision making, but could count only Granger and maybe Badger as allies. To assume that Clay's concern in late 1840 and 1841 was the presidential succession neglects this geographical balance in the cabinet selection. His main concern was his domestic program. What he was most anxious about, Clay indicated in his private letters, was that "the new Administration, in power, will fulfill all the promises and redeem all the

³⁶Seager, And Tyler Too, 141-42; J. Tyler to H. Wise, Nov. 25, Dec. 20, 1840, Tyler, Letters and Times of the Tylers, III, 84-88; Norma Lois Peterson, Presidencies of Harrison and Tyler, 34.

³⁷T. Weed to F. Granger, Feb. 22, 1841, Weed and Barnes, ed., Life of Thurlow Weed, II, 89.

pledges which our party made."³⁸ In his eyes the election was an endorsement of Whig policies. As far as the succession was concerned, he responded to an inquiry regarding preparation for the next race by remarking that "I think it would be entirely premature to be making any particular arrangements about the matter. Should I consent to the use of my name (a point which I reserve for consideration) when the proper time comes, I will notify you."³⁹

Clay's acknowledged lead over opponents for the next nomination is another reason for his lack of concern about competition. His gracious conduct in supporting the ticket, his belief that he had been cheated out of the nomination, and his apparent high-minded refusal to accept office under Harrison while his competitor, Webster, took a cabinet seat made his future claims undeniable.⁴⁰ If Clay was worried about his prospects for 1844, he would not have been so willing to recommend his rival for the prestigious post of Secretary of State. He well knew that the State Department would provide Webster with the needed executive power as

³⁸H. Clay to David Campbell, Dec. 11, 1840, Seager, ed., Papers of Henry Clay, IX, 460-61; Gantz, "Henry Clay," 24.

³⁹H. Clay to John C. Wright, Jan. 22, 1841, Ibid., 483-44.

⁴⁰P. B. Porter to H. Clay, Dec. 14, 1840, Ibid., 462-63.

well as influence to compensate for his weakness in the party.

Both Clay and Webster realized that contributing to the nation's economic recovery would be the most desirable attainment for the moment. Clay intended to do this by spearheading domestic legislation designed to create financial stability. However, during the second session of the Twenty-sixth Congress, Clay was unable to gain the passage of any significant Whig legislation. The Senate of the second session of the Twenty-sixth Congress nominally consisted of twenty-eight Democrats, two Conservative Democrats, and twenty-two Whigs, but the Whig minority was so poorly disciplined that it exercised far less influence than its numbers, reinforced by the conservatives, would lead one to expect. On only one ballot was every Whig in his seat and voting with Clay; on only seven others, out of a total of nineteen, did he have the solid support of those present. Against the two great administration measures of the session, the Protective Preemption Bill and the Treasury Note Bill, Clay was able to rally only nineteen and nine votes respectively.⁴¹

Descriptions of him at this time invariably contain the words "impetuous," "arrogant," "domineering." Aware that there was little chance of passage of his measures in such a

⁴¹Congressional Globe, 26th Cong., 2nd sess., I, 12.

short session, Clay was making his gestures. Although in his November conversations Harrison had been encouraging and he believed Harrison's views coincided with his, he wanted to bind the new administration to his program. He made the bill repealing the Independent Treasury a party issue Senate Whigs were forced to affirm, and by which they could be united. On the other hand, Clay was enthusiastic over the Whig victory. After years on the losing side, he could not resist reminding Democrats of their loss. So the Kentuckian called for the repeal of the Independent Treasury as well as changes in the tariff which was due to expire in 1842. He was not interested in what the Democratic Secretary thought and he had no intention of acting on the tariff, though he called on the Secretary of the Treasury to communicate to the Senate a plan for a change in the tariff.⁴² Before the Democrats left, he just wanted to force them to take a stand. As John Quincy Adams observed, "Clay crows too much over a fallen foe."⁴³

Democrats made last-minute efforts in the lame-duck session to deny Whigs part of their victory. Whigs cried foul when the Senate moved to elect a printer for the next

⁴²Ibid., 105; H. Clay to John M. Clayton, Jan. 17, 1841, Seager, ed., Papers of Henry Clay, IX, 479-80.

⁴³Charles Francis Adams, ed., Memoirs of John Quincy Adams (12 vols., Philadelphia: J. B. Lippincott, 1874-77), X, 386-87.

Congress. Ignoring a resolution dating from 1819, which directed a retiring Congress to elect printers for the subsequent session, Whigs objected to selecting Democratic contractors for a new Congress with a Whig majority. Clay complained that the attempt was distasteful because the printers were publishers of the leading Democratic newspaper, Washington Globe. When the Democrats ignored their arguments and proceeded, Whigs refused to vote; and a lopsided vote of twenty-six to one reelected Blair and Rives.⁴⁴

Clay's resolution for the repeal of the Independent Treasury served as a way of determining how well the party would unite behind his economic program, and it helped keep the currency question before the people. There were already calls for a new national bank. Clay knew that discussion would intensify demand for action by the central government and it would increase demand for an extra session. He had decided that reform should not wait until the next regular session in December 1841.⁴⁵

Clay's efforts to establish a national bank were not so much attempts to dictate to Harrison as expressions of

⁴⁴Congressional Globe, 26 Cong., 2nd sess., 186-87; Poage, Henry Clay, 23; Gantz, "Henry Clay," 44. They were replaced by Thomas Allen, editor of the Madisonian as soon as the Special Session of 27th Congress convened. Congressional Globe, 27 Cong., 1 sess., 45, 52.

⁴⁵Gantz, "Henry Clay," 37.

widespread feeling within the party. While most Whigs dodged the issue during the campaign, they discussed the bank frequently among themselves after the election. Webster expected "a national bank in a year or two," and believed that "the country, at any rate, has a great present interest in restoring the Philadelphia Bank to its proper standing and usefulness."⁴⁶ In letters of party leaders, plans for a bank were included, and pro-bank sentiment was rampant.⁴⁷

The desire for a bank was evident in support for a special session of Congress. Clay probably agreed with Peter B. Porter in calling for a special session in order to avoid a nine-month wait to carry out the Whig program. Porter hoped an extra session would be called so that the Whigs could sooner unite on a "fair, wise & honorable course of measures" rather than having to wait a year, during which time "an opportunity will have been afforded for the formation of local or party cliques," and members would have "imbibed personal & sectional views that will render them intractable, or the french say, opiniatie, on particular

⁴⁶D. Webster to Samuel Jaudon, Jan. 7, 1841, Webster, Private Correspondence of Webster, II, 98.

⁴⁷P. B. Porter to H. Clay, Feb. 20, 1841, Colton, Life, Correspondence, and Speeches of Clay, IV, 452.

subjects."⁴⁸ Harrison and Clay had apparently discussed a special session at their meeting in November; that Clay pushed the idea once he arrived in Washington suggests Harrison's assent.

Still, Whig opinion was not united. Webster feared that a special session might endanger Whig ascendancy. Weed predicted unfortunate consequences "if it fails to bring us relief . . . if the party is unable to carry out its measures."⁴⁹ But Clay believed that Whig opinion on leading measures and the special session was generally united; he believed that diversity of opinion on the extra session was settling down as to its necessity.⁵⁰ The extra session was one of the questions Harrison had to settle. Cheering throngs and a heavy snowstorm greeted the General as he arrived in Washington on February 9, his 68th birthday. After enduring welcoming ceremonies and settling the cabinet selections, he accepted the Whig recommendation

⁴⁸H. Clay to John C. Wright, Jan. 22, 1841; H. Clay to R. P. Letcher, Jan. 25, 1841; P. B. Porter to H. Clay, Feb. 20, 1841, Seager, ed., Papers of Henry Clay, IX, 483-84, 503; partly in Colton, Life, Correspondence, and Speeches of Clay, IV, 452.

⁴⁹T. Weed to Francis Granger, Feb. 8, 1841, Weed and Barnes, ed., Life of Thurlow Weed, II, 89.

⁵⁰H. Clay to Ambrose Spencer, Jan. 1, 1841, H. Clay to R. P. Letcher, Jan. 25, 1841, Seager, ed., Papers of Henry Clay, IX, 470, 484; H. Clay to Francis Brooke, Feb. 5, 1841, Colton, Life, Correspondence, and Speeches of Clay, IV, 451.

on the extra session. Clay was now certain that question was settled.⁵¹

⁵¹Washington Globe, Feb. 9, 1841; Washington National Intelligencer, Feb. 10, 1841; quoted in Gantz, "Henry Clay," 44; Niles' Register, Feb. 13, 1841, 371; Nevins, ed., Diary of Philip Hone, 520; H. Clay to John M. Clayton, Mar. 3, 1841, Seager, ed., Papers of Henry Clay, IX, 510.

CHAPTER III
THE SUCCESSION

Clay was quite content with the start of the Whig administration. He was getting along with the new executive officers. He was convinced that prospects looked good: most Whigs seemed united on their principles and Harrison's views on public policy coincided with those of Clay. He was so optimistic as to believe that the Whig measures, starting with the repeal of the Independent Treasury Act and then creating a new national bank, would be enacted soon in the special session which was to be called. He was sure that the people wished to establish those public measures by Harrison's election, and through his administration. However, Harrison's death and Tyler's ascendance produced a complicated situation, and internal party tension as well as external strife with Democrats were waiting for him.

The inauguration took place on March 4. Tyler and Harrison proceeded together to the Capitol, the latter mounted on a white horse. The crowds were enormous, and the procession was more colorful than ever before on such an occasion. In the Senate chamber, the oath of office as vice-president was administered to Tyler, who delivered a short address conservative in tone. Tyler reaffirmed his

adherence to the doctrine of states' rights, and warned against executive encroachment. He said that the Senate "may properly be regarded as holding the balance in which are weighed the powers conceded to this government and the rights reserved to the States and to the People." He warned against factionalism: if ever partisanship were to find an abiding place within the Senate, the peace and happiness of the people and their political institutions would topple.¹

Outside the Capitol, Harrison delivered his inaugural address and took the oath of office as President of the United States. His more than one and a half hour long address reiterated many of his campaign statements. Before the inauguration, Harrison's draft of the address had been placed in the hands of Clay, for his examination and suggestions for any alterations. Clay had recommended some minor changes, and Harrison accepted them.² Warning against dangers of executive power, the President urged the separation of powers of government, which he thought might be jeopardized by accumulation of executive power. In order

¹Nevins, ed., Diary of Philip Hone. 530-31; Allan Nevins, ed., Diary of John Quincy Adams, 1794-1845 (New York: Charles Scribner's Sons, 1929), 518-19; Nathan Sargent, Public Men and Event, II, 114; Adams, Memoirs of John Quincy Adams, X, 439-40; Chitwood, John Tyler, 200-201; National Intelligencer, Mar. 5, 1841; Norma Lois Peterson, Presidencies of Harrison and Tyler, 35.

²Epes Sargent, Life and Public Services of Clay, 220-21.

to restore the governmental balance between legislative and executive branches, Harrison renewed his pledge not to seek reelection and called for a constitutional amendment to secure the single-term limitation permanently. He proposed to restrict use of the veto, sparingly and with discretion, to important issues that were clearly unconstitutional. He declared his opposition to the sub-treasury, and denounced an exclusively metallic currency and the "unhallowed union of the Treasury with the executive department." But he made no specific recommendation concerning a national bank, and left to Congress the duty of devising revenue schemes and the mode of keeping the public treasure; he affirmed willingness to follow Congress, especially in regard to financial matters. He obviously expected some bank plan to emanate from Congress because he was definitely opposed to the Independent Treasury Act.³

After the inaugural ceremonies were over the Senate reassembled with Vice-President Tyler in the chair. Nominations for cabinet posts were received from president Harrison and all were unanimously confirmed.⁴

³James D. Richardson, comp., A compilation of the Messages and Papers of the Presidents, 1789-1897 (10 vols., Washington: Government Printing Office, 1896-99), IV, 7-17; Frederick Jackson Turner, The United States, 1830-1850: The Nation and Its Section (New York: H. Holt and Company, 1958), 489.

⁴Washington Madisonian, March 6, 9, 1841; quoted in Chitwood, John Tyler, 201.

In spite of Harrison's desire for civil-service reform and his fair attitude on the patronage, he had been subjected, from the time of the election, to the pressure of office seekers. The White House was crowded with office seekers who blocked the president's path to the cabinet room while swamping him with petitions. Intense and bitter struggles developed over the most lucrative appointments. There were special requests from friends and associates.⁵

Clay had adopted a rule of non-interference in the patronage scramble, but he made one of a few exceptions in case of the appointment of the collector of the port of New York. Clay recommended Robert C. Wetmore, while Webster supported Edward Curtis.⁶ The collector was the most attractive office from the patronage point of view: it controlled so many jobs in New York that the vote of the city or even the state could be commanded with this office. Clay feared the destruction of his political influence in New York State with a patron of Webster as collector. On the other hand, Clay could not forget Curtis' destruction of his chances at Harrisburg: Curtis had engineered the Scott

⁵Turner, United States, 1830-1850, 490; Norma Lois Peterson, Presidencies of Harrison and Tyler, 36.

⁶P.B. Porter to H. Clay, Jan. 28, 1841, and Feb. 20, 1841, Colton, Life, Correspondence, and Speeches of Clay, IV, 448, 450; H. Clay to P. B. Porter, Feb. 7, 1841; T. Weed to Francis Granger, Feb. 22, 1841, Weed and Barnes, ed., Life of Thurlow Weed, II, 89-90; H. Clay to J. W. Webb, Feb. 3, 1841, Seager, ed., Papers of Henry Clay, IX, 495.

boom in 1839 along with Weed. When Peter B. Porter alerted Clay to Curtis' unacceptability, citing his Antimasonic ties and the fact that his father was a Democrat and speculator, Clay agreed Curtis was unfit for the job and promised that he would attempt to prevent the appointment of men such as Curtis.⁷

The president was conscientious and wanted to be fair to everyone, but he was exceedingly fearful of Clay's dominating way. Hence, he was in no mood to receive Clay's dictation on this appointment, since he was unable to ignore the leading Whigs among Curtis supporters such as Webster, Seward, Greeley, and Weed. Harrison wisely turned it over to a cabinet committee consisting of Ewing, Badger, Bell, and Granger, and they reported favorably on Curtis.⁸ While the selection was not a surprise, Clay was disgusted when he learned of the selection.⁹ However, he did not push an alternate, because his goal had not been appointment of his own candidate as collector; he had sought to prevent

⁷P. B. Porter to H. Clay, Dec. 14, 1840, and Jan. 4, 1841; H. Clay to P. B. Porter, Jan. 8, 1841, Seager, ed., Papers of Henry Clay, IX, 462-63, 471, 473-74.

⁸Van Deusen, Henry Clay, 339-40.

⁹Ibid., 339-42; Maurice G. Baxter, One and Inseparable: Daniel Webster and the Union (Cambridge: Harvard University Press, 1984), 297-300; Norma Lois Peterson, Presidencies of Harrison and Tyler, 37; H. Clay to J. Q. Adams, April 29, 1841, Seager, ed., Papers of Henry Clay, IX, 524.

selection of a man he regarded as personally objectionable.¹⁰

Anyhow, the selection was viewed as a sign that it was not Clay but Webster who dominated Harrison; it was believed that the president had surrendered to Webster. Mangum thought Webster's influence predominant and that he had become "the power of the appointing faculty." Expecting factions to develop, he feared "widening of the breach between Clay and Webster."¹¹

But Webster's influence over Harrison in making appointments was not as great as has been suggested. Harrison appointed Colonel John Chambers, a Clay supporter, Governor of the Territory of Iowa, against Webster's choice of General James Wilson of New Hampshire. That caused a run-in with Webster.¹² Harrison's selection resulted more from desire to reward a friend and to designate the fittest person than competition between Clay and Webster. Ewing and Bell, both Clay backers, were in the cabinet which made the final recommendation for the collector. That they did not

¹⁰Gantz, "Henry Clay," 53.

¹¹W. P. Mangum to W. A. Graham, March 27, 1841, Shanks, ed., Papers of Mangum, III, 128-29.

¹²Benjamin Perley Poore, Parley's Reminiscences of Sixty Years in the National Metropolis (2 vols., Philadelphia: Lippincott, 1886), I, 258; quoted in Freeman Cleaves, Old Tippecanoe: William Henry Harrison and His Times (New York: C. Scribner's Sons, 1939), 338; Gantz, "Henry Clay," 53.

block the selection suggests they did not regard the Clay-Webster rivalry as important.¹³ Clay realized the significance of patronage, but he did not waste his energy in such matters because he was saving his influence for the adoption of an economic package: the oversupply of applicants for jobs meant that there was bound to be discontent and that factions would think others were receiving preferred treatment.

In the meantime, the relationship between Clay and Harrison had deteriorated. It has been said that the rupture between the two men was rooted in patronage. The Kentuckian's relation with Harrison worsened when the former insisted on including Clayton in the new cabinet, one of Clay's few recommendations. Clay had an interview with the president on the night of March 11, 1841 to urge Clayton's appointment for the Navy. Harrison bluntly exclaimed "Mr. Clay, you forget that I am the President."¹⁴

However, the breach was widened more by the question of a special session than by patronage.¹⁵ Clay demanded that Harrison call a special session of Congress to take action on the bank question and other economic issues that, Clay

¹³W. P. Mangum to W. A. Graham, March 27, 1841, Shank, ed., Papers of Mangum, III, 128-29.

¹⁴Tyler, Letters and Times of the Tylers, II, 10.

¹⁵Poage, Henry Clay, 27-28.

thought, would set the nation on the road to recovery and eventual prosperity. He expected the extra session would charter a bank, repeal the Independent Treasury, impose duties on the free articles, and pass a land bill.¹⁶

Harrison agreed in February to convene Congress before its regular session. But the Kentuckian was not satisfied with anything but immediate action on the extra session; he carried his campaign for a special session into Congress. Newspapers predicted an announcement at any time.¹⁷

However, Clay grew impatient and frustrated as nothing was definitely decided. He feared that Harrison might not adhere to his pledge. It was reported that there were three for and three against a special session, when the question was laid before the cabinet at the time of inauguration; Harrison broke the tie with his negative vote.¹⁸ Webster was not in favor of a special session. He continued to doubt the wisdom of risking such a session. The Whigs, in his opinion, were still in serious disagreement about many measures, including details of a bank. Such a move would place a greater burden on the party. He asserted the

¹⁶H. Clay to John M. Clayton, March 11, 1841, Seager, ed., Papers of Henry Clay, IX, 513.

¹⁷Philadelphia United States Gazette, March 9 and 12, 1841; New York Herald, March 11, 1841; quoted in Gantz, "Henry Clay," 54.

¹⁸Herald, Mar. 5, 1841; quoted in Merrill D. Peterson, Great Triumvirate, 301.

necessity of conciliation prior to bringing the issue to the floors of the Senate and the House, or the party would be torn apart in public before the administration had a chance to try to prove itself. Webster, of course, was in a comfortable position as the president's chief confidant and spokesman, or so it seemed to Clay.¹⁹

On March 13, Clay addressed an imperious confidential letter to the president, in which he urged reconsideration of the question of a special session. He warned that inaction would make the administration appear to be vacillating since Harrison had publicly supported a special session in February. Believing that "the good of the country and the honor and interest of the party demand it," the Kentuckian enclosed his own draft of proclamation which Clay thought Harrison should use in calling the session. He added that he wanted to receive an answer at the White House dinner of that day.²⁰

The annoyed president did not welcome Clay's suggestions, and regarded this letter as renewed attempt to dictate policy. The cabinet had discussed an extra session of Congress on that morning and had failed to resolve the issue; the question was expected to be settled on the next

¹⁹Sydney Nathans, "Daniel Webster, Massachusetts Man," New England Quarterly 39 (June 1966): 157-58.

²⁰H. Clay to W. H. Harrison, March 13, 1841, Seager, ed., Papers of Henry Clay, IX, 515.

Monday. The president was upset that the senator did not have the patience to wait for the outcome.²¹ On that same afternoon he wrote back, "You use the privilege of a friend to lecture me and I take the same liberty with you. You are too impetuous. Much as I rely upon your judgment there are others whom I must consult and in many cases to determine adversely to your suggestion." He indicated that his decision would be made considering Tennessee's Senate vacancy. He added that "I prefer for many reasons this mode of answering your note to a conversation in the presence of others."²²

Harrison had good reason for his caution. The Whig margin was narrow in the Senate, twenty-eight to twenty-two. There was a vacancy in one of the Tennessee seats, and the Tennessee legislature, presently under Democratic control, was not scheduled to elect a United States senator until after the state election in August, an election that the Whigs hoped to win. So Harrison preferred to hold off to see if more help would be forthcoming from that state; he

²¹D. Webster to Franklin Haven, March 13, 1841, Daniel Webster Papers, Dartmouth College; quoted in Gantz, "Henry Clay," 56.

²²W. Harrison to H. Clay, Mar. 13, 1841, Seager, ed., Papers of Henry Clay, IX, 514.

feared that a call for a special session might weaken chances of electing a Whig there.²³

That evening Clay was present at state dinner at the White House, but he was unable to have another private interview with Harrison as a large company of Whig leaders was present.²⁴ Clay felt thwarted and cast aside by the man he had hoped to guide. Depressed, Clay wrote the president. Accusing his enemies of poisoning Harrison's mind against him, Clay denied any intention of trying to dictate to the president or his administration. He emphasized that he had not dictated cabinet formation or other office appointments in spite of many requests from his friends. Clay denied the rumor that he had stated Curtis should not be named collector of the port of New York; he had "never gone beyond expressing the opinion that he is faithless and perfidious and in my judgment unworthy of the place." He continued that "if to express freely my opinion, as a Citizen and as a Senator, in regard to public measures, be dictation, then I have dictated, and not otherwise." He would have to retire to be free of the charge of dictation, but wanted to remain in the Senate long enough to render service to the country. He ended the letter by expressing

²³Norma Lois Peterson, Presidencies of Harrison and Tyler, 38.

²⁴Nathan Sargent, Public Men and Events, II, 115-16.

his confidence in Harrison's just appreciation for the insinuations by others.²⁵

It is not clear if Clay had further communication with Harrison or if Clay knew that Harrison had agreed to a special session. In spite of his breach with the president, the decision was a victory for Clay. On March 17, two days after Clay's departure from Washington for his home, the president signed a proclamation calling a special session of Congress to meet on May 31, in order to consider "sundry important and weighty matters, principally growing out of the condition of the revenue and finances of the country."²⁶

During the campaign the Whigs had repeatedly emphasized General Harrison's good health and robust constitution. His powers of endurance were doubtless overestimated. The friction with Clay was not the only problem for the aging and infirm president. His routine of living and peace of mind were much disturbed and upset by the importunities of

²⁵Seager and Poage assert that Clay did not see Harrison again after their dinner meeting on the evening of March 13. But Curtis said that Clay spent the evening of March 16 with him and others; he called on Harrison the next morning again to protest the Curtis appointment; he wrote the president from Baltimore, in an effort once again to stop Curtis's appointment. See Curtis to Weed, March 28, 1841, Weed Papers, quoted in Van Deusen, Henry Clay, 342; Seager, ed., Papers of Henry Clay, IX, 516-17n; Poage, Henry Clay, 31.

²⁶Richardson, Messages and Papers, IV, 21.

hungry office seekers as well as by burdens of office. The president grew tired when he arrived in Washington. But buoyed by the excitement of becoming president, he was constantly on the move, visiting outgoing Democrats, dropping by all the departments, and meeting with hordes of office seekers.²⁷

On March 27, insisting on walking about the city bareheaded and without an overcoat, he was caught in the rain. He caught a severe cold which led to bilious pneumonia. After a week's confinement, he appeared to improve, then he got worse. Shortly after midnight on Palm Sunday, April 4, a few hours less than a month after his inauguration, the president passed away at the age of sixty-eight. In the delirium of his last hours he addressed his physician: "Sir, I wish you to understand the true principles of the government. I wish them carried out. I ask nothing more."²⁸

Loss of a leader so recently raised to power shook the nation; however, Clay was not entirely surprised. Before leaving Washington, he had feared that the president would not live long due to his habits and to the excitement of

²⁷Chitwood, John Tyler, 201; Norma Lois Peterson, Presidencies of Harrison and Tyler, 39.

²⁸Norma Lois Peterson, Presidencies of Harrison and Tyler, 41; Nevins, ed., Diary of Philip Hone, II, 533-37; Adams, Memoirs of John Quincy Adams, X, 456-57; Nevins, ed., Diary of John Quincy Adams, 519-20.

high office. The only shock had been that death had come sooner than he expected.²⁹

The shocking event, unprecedented in the first half-century of national history, left leaders of the administration in an uncertain position. The cabinet felt they had the responsibility of acting, as Congress was not in session and the vice-president was out of Washington. They prepared the necessary announcements to the public, sent notifications to governmental officials, and organized an elaborate funeral and a procession.³⁰ Tyler had received no official notification of the president's illness and not until March 31 was there any mention of it in the press. Fletcher Webster delivered the official message to Tyler in Williamsburg early on the morning of April 5. However, the news did not come as a complete surprise, as Tyler had already been informed by a friend of Harrison's condition. After conferring with his family, Tyler hurried to Washington.³¹ On April 6, John Tyler, a friend and

²⁹H. Clay to James F. Conover, April 9, 1841; H. Clay to John L. Lawrence, April 13, 1841, Seager, ed., Papers of Henry Clay, IX, 518, 519.

³⁰National Intelligencer, Apr. 5, 9, 1841; D. Webster, Circular letter, Apr. 4, 1841, George F. Hoar Papers, Massachusetts Historical Society, F15/18712; D. Webster Public Announcements, Apr. 4, 1841, Domestic Letters; all quoted in Baxter, Daniel Webster, 300-301.

³¹Seager, And Tyler Too, 341-43; Fred Shelley, ed., "The Vice-President Receives Bad News in Williamsburg: A Letter of James Lyons to John Tyler [April 3, 1841],"

supporter of Clay, but a member of the states' rights Virginian school, took the oath of office as the ninth president of the United States at the age of fifty-one. For the first time in the nation's history the chief magistracy fell to the vice president. The leadership of the nation transferred to the youngest man, so far to hold the office, from the oldest.

Graceful in movement, suave and genial in manner, Tyler's physical appearance complemented the distinguished nature of his carriage. A member of a prominent Tidewater family, he had entered politics at an early age as a Jeffersonian Republican. After six years in the Virginia House of Delegates, he reached the United States House of Representatives in 1817. Elected governor of Virginia in 1825, he resigned in 1827 to accept election to the Senate.

Tyler was politically erratic; on no subject was Tyler's record long or consistent except on a national bank. His support of Adams against Jackson in 1824 did not last, for he broke with the Adams administration; four years later he extended support to Jackson as the only alternative to the hated Adams, the lesser of two evils. He agreed with Jackson's stand on internal improvements and the war against the Second Bank, but difficulties developed over the

Virginia Magazine of History and Biography 76 (1968), 337-39; quoted in Norma Lois Peterson, Presidencies of Harrison and Tyler, 42.

nullification crisis. While not in agreement with Calhoun, he could not accept Jackson's Force Bill against South Carolina; to support or even acquiesce in the president's measures would be, he believed, to sacrifice his states' rights principles, a sacrifice which at no time in his entire career was he willing to make. He was a man who put loyalty to principle above every other consideration. He was the only southerner to remain in the Senate chamber to vote against the measure. The break became official when he supported Clay's censure of Jackson for removing government deposits from the bank. When Democrats in the Virginia Legislature passed resolutions instructing him to vote for expunging the censure, he resigned. When Calhoun led most of his supporters back to the Democratic party in 1839, Tyler remained a loyal Whig as he admired Clay.³²

It was believed that by Tyler's succession the position of the great Kentuckian had favorably changed from what it had been under Harrison. There is no doubt that up to the demise of Harrison, Clay's relations with Tyler were friendly. Tyler had known and admired Clay for twenty-five years. They served together in the Senate; their friendship stemmed from 1833 when Tyler pleaded with the Kentuckian to find a compromise on the tariff to resolve the nullification

³²Chitwood, John Tyler, 76-83, 112, 139; Seager, And Tyler Too, 79, 81.

crisis. Success of the compromise of 1833 led Tyler to admire Clay as savior of the Union. Though the friendship was largely personal rather than political, Tyler went to Harrisburg as a Clay delegate. He failed in his nomination of Clay; but he achieved the nomination of the vice-presidential office for himself.³³

However, more close attention should have been paid to his consistent records on the currency and a national bank which were the questions of the day. The very first act of Tyler's public career was to introduce a resolution in the Virginia legislature in 1811 condemning Senators William B. Giles and Richard Brent for their support of a bank bill. In 1819, soon after becoming a congressman, he voted, along with Harrison, for the issuing of a scire facias to rescind and annul the charter of the Second Bank of the United States, declaring his belief in its unconstitutionality.³⁴ In 1832, he voted both against renewing the charter and in support of Jackson's veto. In 1833, while holding the withdrawal of the deposits improper, he reiterated in a speech, and again in a report, his position on the

³³Chitwood, John Tyler, 186.

³⁴Poage, Henry Clay, 35. A scire facias is a writ requiring the party against whom it is brought to show cause why a judgment, letters patent, etc., should not be executed, vacated, or annulled. Tyler favored a scire facias, as by that method the charges against the Bank could be brought up for judicial determination. Chitwood, John Tyler, 35-36.

constitutional question. He suggested to Clay and Webster the desirability of a constitutional amendment to permit a bank.³⁵ He had never deviated from this opinion on the bank, and he had repeatedly expressed it in letters and speeches.

During the campaign, Tyler failed to clarify his position on the bank. The Democrats sensed his opposition to a national bank. Trying to embarrassing the Whigs, they asked Tyler whether he acknowledged the power of the Congress to incorporate a national bank and, in any event, he would sanction incorporation of a United States bank. Tyler replied that he and Harrison were in agreement, referring to Harrison's Dayton speech. Of course he declined to say he would veto a bank bill since he was not a candidate for president, but he was definite about what he would do if he would have to break a tie vote on a bank bill. He implied his veto by emphasizing that he had voted for a scire facias in 1819 against the Second Bank of the United States.³⁶ He was not to clarify his views: doubtless he felt that a candidate for the comparatively unimportant position of vice-president had no right to

³⁵Chitwood, John Tyler, 126-32; J. Tyler to L. W. Tazewell, June 23, 1834, Tyler, Letters and Times of the Tylers, I, 498-501.

³⁶Wise, Seven Decades, 176-77; Tyler, Letters and Times of the Tylers, I, 623; Chitwood, John Tyler, 190-94.

menace party harmony by pushing forward opinions on the Constitution. As a matter of fact, there was no warrant for assuming that Tyler was honor-bound to support a national bank as a result of commitments made during the campaign.³⁷

Contemporaries in general supposed that there would not be much change due to the accession. Those who knew Tyler's record anticipated that he would not readily accept nationalistic Whig measures, but most Whigs were optimistic; they did not pay much attention to Tyler's consistent opposition to a national bank. Clay reiterated in his private letters the conviction that Harrison's death was not likely to produce much effect upon public measures and that Tyler would impose no obstacle to it. The Kentuckian expressed his belief in "success of the Whig measures, including a Bank of the U.S."³⁸ He had hopes for a pleasant and profitable political association with John Tyler, especially since the relations with the late president had deteriorated. Adams had few doubts at first. He was overwhelmed by the gloom on April 4, and wrote, "Tyler is a political sectarian, of the slave-driving, Virginian, Jeffersonian school, principled against all

³⁷Chitwood, John Tyler, 192.

³⁸H. Clay to James F. Conover, April 9, 1841; H. Clay to John Lawrence, April 13, 1841; H. Clay to S. Starkweather, April 15, 1841; H. Clay to N. B. Tucker, April 15, 1841; H. Clay to J. M. Berrien, April 20, 1841, Seager, ed., Papers of Henry Clay, IX, 518-21.

improvement, with all the interests and passions and vices of slavery rooted in his moral and political constitution." Not sure whether his accession meant a change, or not, Adams predicted that Clay would fight his battles without help from the executive, that the Kentuckian would soon be in the opposition, and that the Tyler administration would prove a great failure.³⁹ Many Democrats, remembering their relationship, feared that Tyler would follow Harry of the West.⁴⁰

As Harrison was the first president to die in office; there was no precedent to indicate whether the vice-president should be accorded all the power and dignity of a regular Chief Magistrate or was to be regarded only as an acting chief executive. The Constitution provides that "in case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President. . . ." Whether "the same" means that the office devolved on the vice-president or that merely the

³⁹Adams, Memoirs of John Quincy Adams, X, 456-59, 465-69.

⁴⁰Sarah Polk to J. K. Polk, April 14, 1841, Herbert Weavers, ed., Correspondence of James K. Polk (3 vols., Nashville: Vanderbilt University Press, 1969), III, 677.

powers and duties devolved upon him is not clear from the text of the Constitution.⁴¹

There must have been a discussion about Tyler's status. Prior to Tyler's arrival in the capital, the cabinet had concluded that he should bear the cumbersome title of "Vice-President, acting as President," and in the cabinet message informing Tyler of Harrison's death he was addressed so. Ex-President Adams never was reconciled to the idea of Tyler as president. To him, Tyler always was the "vice president, as acting President." Clay at first was also disposed to regard him as acting president, but changed his mind later to vote in the Senate for giving him the title of president.⁴² Webster asked Chief Justice Roger B. Taney to advise the cabinet on the proper constitutional procedure, but Taney refused.⁴³ Tyler interpreted it to refer to the office and at once claimed all the rights and privileges of

⁴¹Chitwood, John Tyler, 205.

⁴²Nathan Sargent, Public Men and Events, II, 122-23; Norma Lois Peterson, Presidencies of Harrison and Tyler, 45; Adams, Memoirs of John Quincy Adams, X, 463; H. Clay to N. B. Tucker, April 15, 1841, Seager, ed., Papers of Henry Clay, IX, 520.

⁴³Taney declared that in any interaction between the executive and the judicial branches of the government the communication from one to the other ought to be direct and from the proper origin. He did not wish to appear to be intruding in the affairs of the executive branch without a formal request from the cabinet or from John Tyler. See Ruth C. Silva, Presidential Succession (Ann Arbor: University of Michigan Press, 1951), 39-41; quoted in Norma Lois Peterson, Presidencies of Harrison and Tyler, 47.

the presidency. This precedent set by him has been followed in every subsequent case in which a vice-president has succeeded to the chief magistracy.⁴⁴ Another precedent that was established by Tyler's assumption of the presidential office was the administering of the presidential oath and of dating the inception of the presidency from the time of the oath taking, not, as Tyler held, from the moment of his predecessor's death. Thus the beginning of Tyler's presidential term was recorded as April 6, rather than April 4.⁴⁵

The decision to claim the presidential office was not Tyler's alone. Webster, with the acquiescence of the other cabinet members, agreed that this was the correct step to take. They were present at the oath-taking ceremony in front of the chief judge of the Circuit Court of the District of Columbia, and no one accused Tyler of usurpation.⁴⁶ When Congress met in special session, a resolution recognizing him as president was offered. It touched off a debate on Tyler's correct status, but the

⁴⁴Chitwood, John Tyler, 205.

⁴⁵Silva, Presidential Succession, 37; quoted in Norma Lois Peterson, Presidencies of Harrison and Tyler, 49.

⁴⁶Chitwood, John Tyler, 206; Norma Lois Peterson, Presidencies of Harrison and Tyler, 50-51.

resolution was passed without any alteration in the wording after a heated discussion.⁴⁷

However, throughout the years, Tyler was called "His Accidency" behind his back, and charges that he had "seized" the presidency to satisfy his political and personal ambitions have persisted. Tyler was thus handicapped by the circumstances of his becoming president. Fully realizing the difficulties he faced, he wrote to William Rives, that "under these circumstances, the devolvment upon me of this high office is peculiarly embarrassing."⁴⁸

Tyler's first decision was in the matter of the cabinet. The members of this body except Webster and Granger were all partisans of Clay. The chief-executive could not expect the fullest cooperation with this group. As noted, Tyler was not consulted in the selection of Harrison's cabinet, and most, if not all, of its members probably would not have received Tyler's approval. A new cabinet would allow him to set his own course; he could emphasize a break with the past so that real or imagined promises that Harrison had made would not limit him. However, a new cabinet, chosen on the basis of loyalty to him and his states' rights principles, would have caused

⁴⁷Congressional Globe, . 27th Cong., 1st sess., 3-4.

⁴⁸Tyler to William C. Rives, April 9, 1841, Tyler, Letters and Times of the Tylers, II, 20.

additional tensions as well as a serious breach in the party. Tyler had no desire to cause an upheaval in the Whig party. That the administration would have to operate for two months without congressional sanction bothered Tyler's tender constitutional scruples. He, therefore, decided to retain the Harrison cabinet even though it was not in entire sympathy with him. He was willing to listen to or even seek out its counsel, but he drew the line at being governed by the majority opinion of the cabinet. He could not consent to being dictated to on matters of presidential policy. This decision did not please extreme states' righters. They were dismayed, especially by his having allowed Webster to remain as Secretary of State. But with the Caroline affair and the northeastern boundary controversy still pending, Tyler was convinced that Webster was needed for the post.⁴⁹

His retention of the cabinet suggested his desire to cooperate with the main body of Whigs. The National Intelligencer congratulated the country on the quiet and orderly transfer of the presidency from the hands of one citizen to those of another, and praised Tyler as a man of honor, talent, and character.⁵⁰ The New York Herald

⁴⁹Wise, Seven Decades, 181-82; Horace Greeley to T. Weed, May 10, 1841, Weed and Barnes, ed., Life of Thurlow Weed, II, 94.

⁵⁰Tyler, Letters and Times of the Tylers, II, 18; National Intelligencer, April 7, 1841, quoted in Norma Lois Peterson, Presidencies of Harrison and Tyler, 52.

reported that Tyler would carry out Harrison's measures. The Richmond Enquirer concluded that Tyler's action meant he would trade his states' rights beliefs for Whig principles.⁵¹

However, there was little reason for Tyler to feel that he had become the leader of the party by taking the office of president. Clay was still the idolized leader of the party, and Whigs did not expect control by the president. He was even aware that Clay wanted to reinforce the supremacy of the legislature regarding the cabinet as a check upon the president. But Tyler's immediate problem was to establish himself firmly in control. When the Secretary of State told him that during Harrison's tenure executive decisions had been reached by a majority vote of the president and the cabinet members, with each man including the president having one vote in order to prevent the growth of executive office, Tyler was not pleased. Asserting the independence of the office, the president promptly made the cabinet understand that final authority in all matters lay in his own hand.⁵²

⁵¹Herald, April 8, 1841; The Richmond Enquirer, April 9, 1841; quoted in Gantz, "Henry Clay," 68-69.

⁵²Donald Young, American Roulette: the History and Dilemma of the Vice Presidency (New York: Holt, Rinehart and Winston, 1972), 47.

On April 9, Tyler issued an address to the people of the nation. This inaugural message was of moderate length, contained Whig expressions about strict economy in the government, noninterference of federal employees in elections, and executive power. Repeal of the Independent Treasury was necessary to separate the sword and purse. Tyler promised to give his sanction promptly "to any constitutional measure which, originating in Congress, would have for its objective the restoration of a sound circulating medium, so essentially necessary to give confidence in all the transactions of life." In considering the acceptability of such a measure, he would "resort to the fathers of the great republican school for advice and instruction." Emphasizing the balance between "the Federal government and the States composing the Union," he said that "those who are charged with its administration should carefully abstain from all attempts to enlarge the range or powers thus granted to the several departments of the Government other than by an appeal to the people for additional grants."⁵³

The Whig reaction was optimistic; Whigs in Congress, in the cabinet, and in business and finance alike tried to reassure each other that Tyler would be faithful to the Whig creed. The National Intelligencer declared it embraced Whig

⁵³Richardson, Messages and Papers, IV, 37-39.

principles and repudiated none, praising the message as a "frank and most satisfying exposition of the opinions and purposes with which he enters upon the important and highly responsible duties."⁵⁴ Tyler's reassertion of the states' rights doctrine did not attract much attention. The phrase about "the fathers of the great republican school" did not bother the Whigs; both Washington and Madison, who were seen as members of that group, had signed bills creating national banks. Although Tyler had indicated his reservations on the bank, the vague wording allowed misinterpretations. Democrats feared that Tyler would turn his back on his principles. Benton understood that his message expressed "a preference for the re-charter of that institution," referring to Tyler's speech at Wheeling where he avowed preference for the notes over gold. To him the retention of a cabinet, pledged to the bank, was another evidence for Tyler's acceptance of a bank.⁵⁵

However, unlike Harrison, Tyler did not include a statement that he would not seek another term. At first, Tyler planned to declare the same pledge as Harrison's, and consulted several friends about the matter, but he was advised against it. Duff Green "urged that the one term

⁵⁴National Intelligencer, April 12, 1841; quoted in Norma Lois Peterson, Presidencies of Harrison and Tyler, 53.

⁵⁵Benton, Thirty Years' View, II, 212-13.

principle did not apply to him, as he had not been elected President," and recommended Tyler to reserve it "until he was called upon to express an opinion." He warned that it would encourage constant maneuvering by possible candidates. Webster was also against such a pledge, as were other members of the cabinet. The President finally crossed out the paragraph in question with his pen.⁵⁶

The assumption has been that Clay cooperated with Harrison because he had refrained from a second term and that he became alarmed when Tyler did not include a similar pledge in his address; Clay, wishing to be the next president, decided to break with Tyler and force him out of the party, preventing his emergence in his own path. No doubt Clay would have preferred a public statement. However, this assumption ignores Clay's ties with Ewing and Crittenden; Clay seemed to know Tyler's initial intention to serve out Harrison's term. His private refusal to run for a second term would have provided reassurance. Clay's correspondence does not indicate any concern on his part that the new occupant of the White House might want to stay longer than Harrison's term.⁵⁷ Rather than worrying about

⁵⁶Tyler, Letters and Times of Tylers, II, 25-26; Leslie Combs to T. Ewing, April 11, 1841; John C. Wright to T. Ewing, April 13, 1841, Thomas Ewing Papers, Library of Congress; quoted in Gantz, "Henry Clay," 69.

⁵⁷Gantz, "Henry Clay," 69-70.

a rival for the presidency, Clay believed he was better off with Tyler. After hearing of Harrison's demise, he wrote on April 9, "The best and most amicable relations exist between Tyler and myself; but what his course will be I can only conjecture. I hope and believe that he will contribute to carrying out the principles and policy of the Whigs."

Nicholas Carroll wrote to Mangum, "He is known to be a firm, steadfast & true friend to Henry Clay--Under all the circumstances we look forward to the future divested of unnecessary fears."⁵⁸

Clay's concern was about his economic program; there was no hint of worry about the election of 1844. Even when he mentioned Tyler's possible second term, Clay did not show any uneasiness: he viewed Tyler's hope for reelection as a way to secure enactment of Whig measures. Clay asked, "but if he has further hopes; if as is quite probable, he may cherish the hope of being elected hereafter to the President, would he not endeavor to retain the confidence of those political friends through whose selection for the second, he has been enabled to reach the first office in the

⁵⁸H. Clay to James F. Conover, April 9, 1841, Seager, ed., Papers of Henry Clay, IX, 518; Nicholas Carroll to W. P. Mangum, April 7, 1841, Shanks, ed., Papers of Mangum, III, 133.

nation?"⁵⁹ He was content with Tyler's inaugural and believed that there would be no change in direction. He wished that Tyler had a greater following for the sake of the Whig program. Clay thought that Tyler lacked moral firmness, and that he would "want the popularity, real or apparent, of Genl Harrison, to give more weight to his recommendations, etc."⁶⁰

On April 15, Clay wrote to Tyler explaining the program he planned to bring before Congress for the special session, and asked his views on subjects.⁶¹ Tyler replied with frankness in a lengthy letter, but he failed to clarify his views. Clear-cut answers were for the Independent Treasury and improvement in military and naval defenses only. As for the bank, he was not sure if chartering a bank should be discussed while the recent failure of the old Bank of the United States as a Pennsylvania state corporation was still fresh in people's minds. Expressing his fear of strong

⁵⁹H. Clay to W. Thompson, Jr, Apr. 23, 1841, Seager, ed., Papers of Henry Clay, IX, 522.

⁶⁰H. Clay to John L. Lawrence, April 13, 1841, Ibid., 520.

⁶¹The date of Clay's letter to the President is not clear. While the date of Clay's letter appears as April 15, 1841, in Ibid., it is dated April 14 in Tyler's Letters and Times of the Tylers. See J. Tyler to H. Clay, Apr. 30, 1841, Tyler, Letters and Times of the Tylers, III, 92; J. Tyler to H. Clay, Apr. 30, 1841, Seager, ed., Papers of Henry Clay, IX, 527-29.

opposition by the minority, Tyler confided "I would not have it urged prematurely," and asked Clay to provide a bank plan without any constitutional objection. He abstained from clarifying his reservations about the constitutionality of a bank. Failing to show what would make one acceptable, Tyler wrote "I have no intention to submit any thing to Congress on this subject to be acted on--but shall leave it to its own action--and in the end shall resolve my doubts, by the character of the measure propos'd, should any be entertain[e]d by me."⁶²

Clay was relieved to receive Tyler's letter. He regarded it as indicating willingness to accept a fiscal agency enacted by Congress and acknowledging the doctrine of legislative supremacy. Believing that a bank was constitutional he was convinced that the extra session would bring accomplishment of all his economic measures including the bank. He was so optimistic as to believe "a bank may be put in operation by the first of October."⁶³

The president knew that Clay and others had made it clear before Harrison's death that they meant to have a new fiscal institution. He was in dilemma. He recognized that Congress would probably consider it, though he hoped a bank

⁶²J. Tyler to H. Clay, April 30, 1841, Seager, ed., Papers of Henry Clay, IX, 527-29.

⁶³H. Clay to P. B. Porter, Apr. 24, 1841, Ibid., 523.

would not come up in the session. He would have a difficult time approving a charter, with his consistent record of opposition. Tyler frequently consulted with his old friends, as well as Harrison's cabinet. His Virginia associates kept encouraging him to uphold the states' rights principles. Abel P. Upshur, N. Beverley Tucker, and William C. Rives joined Henry A. Wise in urging him to put distance between himself and the national wing of the party.⁶⁴

Tyler had appealed to conservative Virginians for assistance on the issue. Judge Tucker had responded with a plan. The president expressed interest in Tucker's plan, and discussed it freely and fully with Wise. Pleased with the plan, he told Tucker to work out the details with Wise, Preston, and Upshur. However, Tyler was trying to drum up support without success. Clay had already rejected it on May 14; when it was presented to Tyler on May 28, it was too late to serve as a basis for the administration plan presented to Congress by Ewing.⁶⁵

Ewing thought it best to wait and forward a charter in response to a call from Congress. He explained that the

⁶⁴Claude H. Hall, Abel Parker Upshur: Conservative Virginian, 1790-1844 (Madison: State Historical Society of Wisconsin, 1963), 115; Wise, Seven Decades, 181; Oliver H. Smith, Early Indiana Trials and Sketches (Cincinnati: Moore, Wilstach, Keys, 1858), 150.

⁶⁵J. Tyler to N. B. Tucker, April 25, May 9, 1841; Wise to Tucker, May 29, Jun. 5, 1841; Tyler, Letters and Times of the Tylers, II, 30-33.

party had "attacked the past administration for dictation to the Legislative branches of the Government--Any just imputation of this kind I would wish to avoid." He was sure, too, that the president would sign a bill that the people's representatives would enact.⁶⁶

Clay spent the month of May perfecting plans for a fiscal agency, confident that Congress would pass it. He confessed that his hopes were "not, however, unmixed with fears. If the Executive will cordially cooperate in carrying out the Whig measures, all will be well. Otherwise every thing is at hazard." Reports of Tyler's intentions and likely behavior had encouraged Clay, who was determined to enact his program.⁶⁷ Seeing no reason to doubt, he called for "hearty & faithful co-operation between the President & his Cabinet, and their friends in Congress, and we cannot fail to redeem all our pledges and fulfill the just expectations of the Country." He believed a majority was in favor of a bank, despite opposition of three or four states including Virginia.⁶⁸

Clay called on Tyler on May 27, the first day after he arrived in Washington, and had a frank and pleasant

⁶⁶T. Ewing to H. Clay, May 8, 1841, Seager, ed., Papers of Henry Clay, IX, 530.

⁶⁷H. Clay to Francis Brooke, May 14, 1841, Ibid., 534.

⁶⁸H. Clay to T. Ewing, April 30, 1841; Clay to Charles L. Peyton, May 11, 1841; Ibid., 524-26, 533.

interview. Tyler declared that he had formed no opinion against the fiscal question and would wait until a bill was presented to him. Clay was reassured by the conversation to believe that the president would follow Congress and acknowledge legislative supremacy. He worried more about Wise and others around the president. Clay was now sure that he was at odds on the Whig measures with the Virginians.⁶⁹

⁶⁹Epes Sargent, Life and Public Services of Clay, 223; Henry A. Wise to N. Beverley Tucker, May 29, 1841, Tyler, Letters and Times of the Tylers, II, 34.

CHAPTER IV

CLAY'S WHIP IN THE BATTLE

The extra session was expected to bring forth the Whig measures to relieve the nation from its deteriorating economy. The Whigs were now in a position to demonstrate their capacity for leadership, and to translate their economic theory into specific legislation; starting with repeal of the Independent Treasury and then the founding of a new national bank. Henry Clay optimistically looked at the special session as a chance to exchange years of struggle for new governmental policy. With the strong opposition of the minority party and the disparate elements of the Whig party, success during the extra session would depend on Clay's ability as a party leader to obtain his program. He was forced to modify his desire for a strong bank in order to move the bank through Congress.

The special session of Congress convened on May 31. The Senate had a membership of fifty-one, there being one vacancy from Tennessee. The Democrats numbered twenty-two, leaving a nominal Whig majority of seven. The organization of Congress revealed Clay's control. He himself headed the Committee on Finance in the Senate, which would manage all the great Whig measures except the Land Bill. That would go

to the Committee on Public Lands, the chairman of which was Clay's devoted follower, Oliver H. Smith of Indiana. A staunch Whig, Samuel L. Southard of New Jersey was selected as president pro tempore of the Senate. The most important committees in the House were in the hands of his friends, and the Speaker, John White of Kentucky was a Clay man.¹

Tyler's message to the special session was conciliatory and reasonable; it contained no surprise. The message began with a graceful compliment to General Harrison by suggesting that Congress make some financial provision for his family owing to the fact that his estate had been subjected to considerable expense by his removal to Washington. His major concern was the alarming state of the Treasury; he advised Congress to take immediate action to meet a possible national deficit. He did not object to "discriminating duties imposed for purposes of revenue," but for the present he did not believe it advisable to disturb the compromise tariff of 1833. Tyler voiced his approval of distributing to the states the proceeds of the sales of public lands, if such distribution did not deplete the Treasury and thereby force Congress to raise revenue by increasing the tariff

¹Congressional Globe, 27th Cong., 1st sess., 9f; Van Deusen, Jacksonian Era, 155; Poage, Henry Clay, 42-43; Morgan, Whig Embattled, 26; O. H. Smith contended that selection of White over Wise for Speaker caused Tyler to veto Whig measures and leave his party. See Smith, Early Indiana Trials, 150.

above those rates contemplated by the compromise tariff of 1833. Distribution was preferable to assumption of state debts, which he regarded as unconstitutional. The president warned against expansion of power of the federal government and emphasized a just balance between the federal government and the state governments:

there will be found to exist at all times an imperious necessity for restraining all the functionaries of this Government within the range of their respective powers, thereby preserving a just balance between the powers granted to this Government and those reserved to the States and to the people.

He called upon members of Congress to disinterestedly promote the happiness of the people, to cultivate peace with all nations and to abolish all useless expenditures.²

The discussion of the bank question in the message drew the greatest attention, but unfortunately no real guidance was provided. Tyler advocated the need for "a suitable fiscal agent" that would increase facilities for the collection and distribution of public revenues and that would be capable of establishing a currency of uniform value. States as well as individuals had been infected with a reckless spirit of adventure and speculation largely because the public revenue had been removed from the Bank of the United States and placed in irresponsible select banks. He contended that Jackson's veto of the recharter of the

²Richardson, Messages and Papers, IV, 40, 42-43, 47-48.

second bank was fully sustained. Van Buren, likewise, had interpreted the will of the people correctly when he had opposed the rechartering of the bank. But placing governmental moneys in selected state banks was not a proper solution, nor was the subtreasury system. He observed that in a short period of eight years, the public successively had rejected three systems of finance: the Bank of the United States, state banks acting as governmental depositories, and the Independent Treasury. It now was necessary for Congress to design something more acceptable. "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."³ He gave a fair warning that the executive was not to be ignored by the leaders of the legislatures, but unfortunately nobody paid much attention to it.

The message contained no explanation of the President's preference or constitutional views regarding fiscal schemes. Tyler failed to make it clear that his desire for a new answer to the financial question meant something other than an old-style national bank. His condemnation of pet banks and the Independent Treasury were stronger than his

³Ibid., 43-46.

observation that the public had sustained Jackson's war against the Second Bank of the United States. While Tyler hoped that criticism of the three former systems would induce Congress to cast about for a different solution, his statements were too vague. Wise claimed that the message outlined a requirement for a new fiscal solution, but the president's signals failed to be understood.⁴ Philip Hone was sure that the president meant to have a national bank, but he noted that some New Yorkers complained that the message was not sufficiently explicit on the leading measures.⁵ Benton interpreted the statements as an indication that the nation would soon have a bank; Tyler's rejection of pet bank systems suggested a preference for a federal bank. He concluded that Tyler had given up his former strict constructionist views.⁶

After the president's message had been read, Clay moved that the part relating to currency and finance be referred to a select committee that should suggest a remedy for existing evils. When he was asked what remedy he proposed, he replied "a National Bank." Two days later the committee of nine members was duly authorized, and Clay was made its chairman. The other members were Rufus Choate, John M.

⁴Wise, Seven Decades, 185-86.

⁵Nevins, ed., Diary of Philip Hone, 545.

⁶Benton, Thirty Years' View, II, 217-18.

Berrien, Nathaniel P. Tallmadge, Richard H. Bayard, William A. Graham and Jabez W. Huntington, Whigs; and Silas Wright and William R. King, Democrats.⁷

On June 2, Secretary of the Treasury Ewing sent to Congress his report on the financial state of the government, including recommendations that the Independent Treasury Act be repealed and that a new fiscal agent be created. The Treasury report had seconded the call for repeal in Tyler's message. Declaring that funds were not safe in either depository state banks or the Independent Treasury, Ewing focused on the evils of the latter system. It was inconvenient and costly, concentrated funds in eastern cities, forced the government to pay for buildings and personnel to handle the money, and hurt business by taking money out of circulation.⁸

Clay's assumption of party leadership was publicly made when he introduced a series of resolutions as a plan of work for the session which looked like a revitalization of the American System. This revealed that Clay had never been converted to particularism or else had reverted to straightout nationalism.⁹ The resolutions provided for the

⁷Congressional Globe, 27 Cong., 1 sess., 8, 11, 12.

⁸Ibid., 25, 26.

⁹Niles' Register, June 12, 1841, 238; Chitwood, John Tyler, 213.

repeal of the Independent Treasury Act, the establishment of a national bank, an increase in the import duties to provide an adequate revenue for the government, the distribution of the proceeds from the sale of public lands, and other measures of minor importance.

Clay's first measure, repeal of the Independent Treasury, moved through the Senate quickly. He reported the bill from the Finance Committee on June 4 and it passed the Senate five days later. Argument had been exhausted during the three years leading up to adoption of the measure in 1840. Although the Democratic retreat from hard money had removed some objections to the system in the Whig view, it still injuriously affected the currency and credit of the country and failed to provide sufficient national regulation and control. While Whigs believed nothing was more clearly mandated by the election than repeal of the Independent Treasury, Democrats could not accept such a view of the election as there had been no platform for Whigs in 1840. Clay's uneasiness during the campaign about the attacks by Democrats for not adopting a platform now forced him to protect his party against the assaults of the minority. Democrats ridiculed the folly of repealing the law before its substitute was ready. Comparing it to an architect who cleared away the rubbish which occupied and encumbered the ground on which it was to stand before a building was

erected, Clay declared that "the friends of a National Bank desired first to remove this Sub-Treasury scheme clean out of the way."¹⁰ Democrats charged that Clay was imposing his will on Congress, and tried every effort to delay the bill with numerous amendments and long speeches, but a party vote of twenty-nine to eighteen passed the repeal on June 8.¹¹

The fate of the repeal bill in the House of Representatives presented a striking contrast to Clay's haste in the Senate, and it indicated the need for the leadership Clay provided in the Senate. Despite the party majority, Whig disorganization and lack of direction produced chaos in that chamber. There was some confusion in deciding to which committee the bill should be referred. The Ways and Means Committee, the first thought, had no safe Whig majority. The Select Committee on the Currency was finally chosen for the bill, where Whigs could expect Whig domination, with three Democrats and six solid Whigs. The panel of the Select Committee quickly endorsed repeal, and all Whigs agreed to recommend it. However, they split over when to report it. John Quincy Adams, John Pope, and John Minor Botts wanted to determine the replacement for the Independent Treasury before considering the repeal. Those

¹⁰Congressional Globe, 27 Cong., 1 sess., 12-14.

¹¹Ibid., 36 and App. 18-20.

three joined the Democrats to prevent a report of a bill. Chairman John Sergeant promised a recommendation soon, and disregarded the motion by George H. Profitt, a Whig, to order the panel of the Currency Committee to report the panel.¹² But the bill was not even committed until June 21. Exactly a month later Sergeant reported it with amendments, simultaneously with the Fiscal Bank bill. Though Clay pressed ahead with hope that he would be able to carry the day, he was uneasy about the situation. On June 11, he wrote, "We are in a crisis as a party. There is reason to fear that Tyler will throw himself upon Calhoun, Duff Green, etc., and detach himself from the great body of the Whig party. A few days will disclose. If he should take that course, it will be on the bank."¹³

On August 9 the bill was finally discharged from the Committee of the Whole, and the repeal was passed by a tally of 134 to 87. Only two Whigs voted against it.¹⁴ That night Tyler signed the bill into law, and Whig celebrants conducted a mock funeral, marching in procession behind the sub-treasury's coffin from the Capitol to the White House

¹²Adams, Memoirs of John Quincy Adams, X, 489-91; Congressional Globe, 27 Cong., 1 sess., 160, 164.

¹³H. Clay to R. P. Letcher, June 11, 1841, Seager, ed., Papers of Henry Clay, IX, 543.

¹⁴Congressional Globe, 27 Cong., 1 sess., 304-6, 312-13.

and back to Clay's boardinghouse at Seventh and D Street.¹⁵ The acquiescence of Tyler in the first of Clay's measures did not indicate that the president had willingly abdicated the leadership of the party to Clay. It only meant that so far the views of the two had been in unison.

Clay's efforts to guide Congress led to the charge that he attempted to force his will on both the party and Tyler tolerating no opposition. According to this view, Clay used the bank issue to maneuver the president out of the party knowing that he would not approve a bank.¹⁶ Although his irritability during the congressional discussions lends credence to the dictator charge, in the first days of the session Clay was more concerned about the minority; he did not cut off the minority completely. As far as repeal of the Independent Treasury was concerned, the accusation of dictatorship is not valid at all because Whigs including states' righters were united in their desire to abolish the system. If he had not led the way, the party would have run ahead of him in their rush to remove the law. Repeal

¹⁵Poore, Reminiscences, I, 271-72; quoted in Merrill D. Peterson, Great Triumvirate, 306.

¹⁶Chitwood, John Tyler, 213-17; Eaton, Henry Clay, 147.

represented not a dictatorship of one man as much as control by a consensus of Whigs.¹⁷

Clay's strong leadership appears striking in comparison to Tyler's lack of it. With ambiguous statements the president created a power vacuum which Clay filled. The Whig party had originated with complaints about Jackson's dictation to Congress. Democrats had allowed executive power to grow. Nationalist and states' rights Whigs alike agreed that they must restore the balance between the president and Congress. In view of this determination to restrict executive interference in the legislative process, it is doubtful that Clay noticed or worried about the lack of direction emanating from the White House. Clay's strength was great because he spoke for the legislative branch of the party.¹⁸

When Clay introduced a resolution "That the Secretary of the Treasury be directed to communicate to the Senate, with as little delay as practicable, a plan of such a bank to be incorporated by Congress, as, in his opinion, is best adapted to the public service," several Democrats, along with William C. Rives, objected to the wording of Clay's

¹⁷Carl Schurz, Life of Henry Clay (2 vols., Boston: Houghton, Mifflin and Company, 1887), II, 204; Wise to Tucker, June 5, 1841, Tyler, Letters and Times of the Tylers, II, 37-38; Gantz, "Henry Clay," 87, 94.

¹⁸Gantz, "Henry Clay," 88.

resolution. Clay responded that Ewing's report obviously called for a national bank but he agreed to direct the secretary to prepare a plan for "a Bank or fiscal agent" that would be "free from constitutional objections," one that would "produce the happiest results, and confer lasting and important benefits on the country." In a rare moment of agreement among Clay, Rives, and Calhoun, the upper house adopted the resolution as modified.¹⁹

In the meanwhile, Wise announced in the House his intention to introduce a resolution directing the Secretary to submit a plan. Now the president's closest adviser, Wise acted with administration approval, and he expected Ewing to recommend something like Hugh White's proposal.²⁰ Despite Wise's expectation of the passage of the resolution soon, disorganization of the House stalled the passage until June 21.

It was uncertain for a time what the administration would recommend. Knowing that Clay was adamant about recreating a bank of the United States, Ewing, along with the president and other cabinet members, had been working on a plan during the last week in May. Unsolicited advice had overwhelmed Ewing in previous months, and Clay had met with

¹⁹Congressional Globe, 27 Cong., 1 sess., 22-23, 85-86.

²⁰H. A. Wise to N. B. Tucker, June 5, 1841, Lyon G. Tyler, Letters and Times of the Tylers, II, 37.

him to discuss what to do. While congressional leaders assumed Tyler would accept a bank, it was discovered that the Virginia cabal, Wise, Rives, Francis Mallory, and Thomas W. Gilmer had been busy reminding the president of his earlier opposition to such an institution.²¹

Ewing's proposal was based largely on what Hugh Lawson White had suggested in the 1830s, a compromise measure, hopefully acceptable to both the Clay Whigs and the states' righters. Tyler let the cabinet work out the details, believing the plan met his requirements. Tyler carefully refrained from having anything to do with Ewing's bill so as to avoid the charge of dictating to Congress.²² He knew well how sensitive Clay and other Whigs were on the executive dictation question. Ewing's draft called for the incorporation of a bank and fiscal agent in the District of Columbia, an area under the jurisdiction of Congress, acting in its capacity as the local governing body for the area, and in which there would be no question of Congress's constitutional authority to locate such an institution. The bank would be the fiscal agent for the government, and it would be authorized to establish branch banks of discount

²¹W. P. Mangum to Duncan Cameron, June 26, 1841, Shanks, ed., Papers of Mangum, III, 182; H. Clay to T. Ewing, Seager, ed., Papers of Henry Clay, IX, 535.

²²Tyler, Letters and Times of the Tylers, II, 45, 69, 80; Gantz, "Henry Clay," 101.

and deposit in states that would specifically give the bank permission to do so. This recognition of a state's right to bar the establishment of a branch bank within its borders had been omitted from the charters of the first and second Bank of the United States. While Ewing realized his idea was not totally in line with Tyler's thinking, he believed it was constitutional and that it was as favorable to Tyler's view as could pass Congress because he had changed the wording to accommodate the president's constitutional views. When it was presented in the Senate on June 12, Clay moved to refer to the Select Committee.²³

It had been known, at least its main features, and discussed even before Ewing's bill came before Congress. As early as June 5, Wise informed Tucker that it was "John White's old notion of a district Bank here, the branches to depend on state incorporation and State compact with the Federal government." He complained, "Clay is wholly impracticable: he is beyond conference or advice," and expected, "Tyler will veto his full-grown central monster."²⁴ But the veto, at this time, was his hope only. There was no sign of veto yet, and Whigs were doing their best to get the bank through.

²³Congressional Globe, 27 Cong., 1 sess., 48-49.

²⁴Wise to Tucker, June 5, 1841, Tyler, Letters and Times of the Tylers, II, 37-38.

The plan outlined by Ewing had the endorsement of Tyler.²⁵ If Clay had responded favorably to the bill and accepted it, the plan would have been adopted by Congress without substantial amendment. Such a bill would have been signed by the president and the bitter fight between him and the Whig majority might have been avoided.²⁶ However, the proposed bill differed significantly from Clay's own plan. He thought that the limitation on the branching power might well destroy the effectiveness of the institution. He wrote in disgust, "It is understood that he [Tyler] wants a Bank located in the District, and having no power to branch without the consent of the State where the branch is located. What a Bank would that be!"²⁷

Tyler informed Clay of his complete opposition to any "ultra-Federalist" bank, and urged the adoption of Ewing's plan, but the Kentuckian remained adamant.²⁸ Clay was "tired of experiments," and was convinced that not the Treasury proposal but his own design represented the wishes of the party. He was full of confidence. "Tyler dares not resist. I will drive him before me," said one report. Clay

²⁵J. Tyler to Tucker, Ibid., 54.

²⁶Chitwood, John Tyler, 220-21.

²⁷Van Deusen, Henry Clay, 346; Clay to R. P. Letcher, June 11, 1841, Seager, ed., Papers of Henry Clay, IX, 543.

²⁸J. Tyler to Tucker, July 28, 1841, Tyler, Letters and Times of Tylers, II, 53-54.

saw that the president might cast his lot with the states' rights champions.²⁹ But he still believed that Tyler would follow Congress at last. Apparently, the friendship which had existed between two men for more than a score of years had terminated as soon as Ewing's bill was presented. Due to Clay's strong obstinacy, "the President took fire and exclaimed: 'Then, sir, I wish you to understand this--that you and I were born in the same district; that we have fed upon the same food, and breathed the same natal air. Go you now, then, Mr. Clay, to your end of the avenue, where stands the Capitol, and there perform your duty to the country as you think proper. So help me God, I shall do mine at this end of it as I think proper.'"³⁰

Despite Clay's attitude, Ewing's bill mustered considerable support. Webster, in a series of unsigned editorials in the Intelligencer, pleaded with the Whigs to support this moderate plan rather than "beat the field of constitutional argument all over again, in the vain hope of coming to a perfect unity of opinion."³¹ The National

²⁹H. Clay to H. C. Carey, June 11, 1841; Clay to Letcher, June 11, 1841; Seager, ed, Papers of Henry Clay, IX, 543; Tyler, Letters and Times of the Tylers, II, 41; Van Deusen, Henry Clay, 346.

³⁰Tyler, Letters and Times of the Tylers, II, 33-34.

³¹National Intelligencer, June 15, 16, 17, 1841; quoted in Merrill D. Peterson, Great Triumvirate, 306; W. Mangum to Duncan Cameron, June 26, 1841, Shanks, ed., Papers of Mangum, II, 182-83.

Intelligencer, the Whig organ, declared that it was "obviously a well-considered project" and the plan "meets the public expectations and is far more satisfactory than any other that has been proposed." To fulfill the country's high expectation for relief from the economic depression, the Whigs must "give up personal predilection, & with a singleness of heart, & under the full sense of the responsibility which rests upon them, UNITE their counsels, fairly & cordially, & make a vigorous effort to revive the country."³² North Carolina Whig William A. Graham observed that Democrats had hoped Tyler would oppose the project but now were rather down since they believed that Congress would pass a charter which would be effective and receive the approbation of the president. But he did not fail to warn that "there is however, a high state of excitement and there will be every effort to produce a delay."³³

However, not all public reception was positive. A clash was developing between nationalist and states' rights wings of the party. Wise reassured Nathaniel Beverly Tucker that it was not really the president's measure. "Tyler would hardly sanction all of its features, but even that

³²National Intelligencer, June 14, 15, 16, 17, and 18, 1841; quoted in Poage, Henry Clay, 45-46; Norma Lois Peterson, Presidencies of Harrison and Tyler, 64.

³³W. A. Graham to Priestley H. Mangum, June 12, 1841, Shanks, ed., Papers of Mangum, III, 165.

[Ewing's plan] Clay will oppose." In private, he worked to entice Tyler away from Ewing's plan.³⁴ A New York attorney and journalist, Noah, wrote to Mangum, "I believe when I say that of the Whig party in this city that not one in a hundred approve of Mr. Ewing's plan I am short of the truth." According to Noah, Chancellor James Kent commented that Judge Marshall considered a surrender of the power of establishing branches to the States as destructive to the Constitution and would rather give up the whole bill than accept it with such a modification.³⁵ Mangum observed that "it meets scarcely the slightest approval on this side of Boston among sound business men & Capitalists."³⁶ Merchants from the principal commercial cities had been invited to Washington to discuss the proposal. Among business and financial interests there was pressure to locate the bank in Philadelphia or in New York; Washington, they said, was for politics; New York and Philadelphia were for commerce. Others thought the states would not give

³⁴H. A. Wise to N. B. Tucker, June 18, 1841; J. Tyler to N. B. Tucker, July 28, 1841, Tyler, Letters and Times of the Tylers, II, 46, 54; However, Wise's contention that the President did not support Ewing's proposal was wishful thinking because Tyler wrote that he had recommended a bank outline to Ewing, "who accordingly framed his bill in accordance." See Gantz, "Henry Clay," 103.

³⁵M. M. Noah to W. P. Mangum, June 13, 1841, Shanks, ed., Papers of Mangum, III, 166-67.

³⁶W. P. Mangum to Duncan Cameron, June 26, 1841, Ibid., 182.

permission for branch banks and that there would be prolonged battles over the issue. Surfacing frequently was the concern that the Ewing-proposed bank would not be strong enough to achieve financial stability.³⁷

In the meantime, Ewing's proposal was referred to Clay's Select Committee on Currency. Before making its recommendation on the proposal, the committee waited for the party caucus to adopt a course of action. Senate Whigs met for three hours nightly between June 15 and June 18.³⁸ By the last meeting it became clear that most favored an old-fashioned bank; the caucus vote scraped the Treasury proposal. The caucus agreed upon detailed provisions for a strong bank. Clay was sensitive to charges of being a dictator and rarely spoke in the meetings; his silence suggested that the group was following a course which he favored.³⁹

Clay reported the Committee bill on June 21. The swift action of the Committee was explained in part by the fact that it had not agonized over the need for a bank or the question of its constitutionality. Aside from small details, it differed from the administration plan

³⁷Norma Lois Peterson, Presidencies of Harrison and Tyler, 65.

³⁸W. P. Mangum to Duncan Cameron, June 26, 1841, Shanks, ed., Papers of Mangum, III, 184.

³⁹Ibid., 184-85.

principally in its granting of unrestricted branching power: the parent bank could not loan money except to the general government and could establish branches without state interference. This was considered necessary to the national character of the institution. Without it, said Clay, the bank would exist only at the surrender of the states; it would operate unequally and erratically, and therefore fail in its mission. The federal government, in the exercise of its "necessary and proper" powers, should not have to rely upon the consent of the states. Clay pleaded for his own plan, as constitutional and necessary.⁴⁰

Clay and the caucus attempted to meet some of Tyler's objections. Although they decided that the agency should have unrestricted branching power, they located the main office in Washington, restricted its power to make loans, and avoided calling it a national bank since Tyler objected to that term. Benton believed that the bill was "studiously contrived so as to avoid the President's objections, and save his consistency--a point upon which he was exceedingly sensitive."⁴¹

⁴⁰Congressional Globe, 27 Cong., 1 sess, 79-81; Van Deusen, Henry Clay, 347-48; Tyler, Letters and Times of the Tylers, II, 318.

⁴¹Nathan Sargent, Public Men and Events, II, 124; Benton, Thirty Years View, II 318.

Clay soon discovered that his bill failed to satisfy either Tyler or the commercial interest. Rather than seeing himself as a monarch with absolute power, he was frustrated by the knowledge that his course would not please everyone. In a letter to Porter, he wrote that the presented scheme was "essentially variant from Mr. Ewing's plan. Its fate is however uncertain in Congress, and at the White House. We have difficulties from this latter quarter, which I hope may be surmounted, but which may be fatal."⁴² Clay was now forced to review his strategy. Besides his views and those of the president, Clay had to consider Whigs in Congress and supporters in northern commercial centers. Wise charged that Clay's design was to satisfy Wall Street by falling back on Ewing's recommendation in a spirit of compromise only after his own bill failed.⁴³ His own thinking was along lines with Wall Street; he believed a bank without branching power would be too weak. It would not satisfy businessmen or congressional Whigs who were disappointed that Ewing had shifted to please "a weak and vacillating President." Mangum believed that if Ewing had stood fast, Tyler would have yielded; and a "proper" bank would have

⁴²H. Clay to P. B. Porter, June 30, 1841, Seager, ed., Papers of Henry Clay, IX, 553.

⁴³H. A. Wise to N. B. Tucker, June 27, 1841, Tyler, Letters and Times of the Tylers, II, 47.

come from Treasury. Failing this, the cabinet should have resigned rather than accept a feeble institution.⁴⁴

It is possible that Clay's decision to replace Ewing's plan with his own displayed his desire to control the party for 1844. He may have feared that adoption of the administration bill would give the credit to Ewing and Tyler rather than himself. To retain leadership of the party, he had to take the course that he did. He may have realized the only way to force Tyler out of the party was to maneuver him into a veto. Ewing's recommendation was a problem, because Tyler would probably accept what was his own; Clay's answer was to replace the administration measure with one which would guarantee a veto.⁴⁵

However, these assumptions overlook several factors. Tyler was not providing any direction, and Clay did not have to worry about party leadership. The Kentuckian's interest was in what his leadership could produce in 1841 rather than in 1844. Mangum was sure that Clay had not determined to be a candidate; the election was the furthest thing from Clay's mind. He would wait to test public opinion, and "besides,

⁴⁴W. P. Mangum to Duncan Cameron, June 26, 1841, Shanks, ed., Papers of Mangum, III, 181-83.

⁴⁵Van Deusen, Henry Clay, 346; Van Deusen, Jacksonian Era, 157; Kirwan, Crittenden, 150; Charles M. Wiltse, Calhoun: Sectionalist, 1840-1850 (Indianapolis: The Bobbs-Merrill Co., 1951), 42; H. A. Wise to N. B. Tucker, June 5, 1841, Tyler, Letters and Times of the Tylers, II, 40-41, 37-38.

the state of his health, which at best is rather infirm & variable, puts these matters [the election of 1844] much more out of his mind, than the public would easily believe."⁴⁶

Clay's purpose was to accomplish his nationalist measures. A national bank in all its characteristics was what Clay wanted. This had been the linchpin of his American System ever since its inception after the War of 1812. Jackson's demolition of the Bank of the United States had been a bitter pill. Harrison had posed no threat to the legislative branch or no obstacle to the Whig measures, but now the kind of bank he wanted was again in danger because of President Tyler's power to destroy it. Adoption of the executive proposal, which by no means coincided with his design would mean legislative surrender to the executive branch; it meant an approval for reinforcement of the executive, weakening the power of Congress accordingly. Therefore Clay persisted in his opposition, and pressured his followers to do likewise in order to drive the president to follow the measure that emanated from Congress. If he got the national bank through the Congress, defeating Ewing's proposal, congressional supremacy under Clay's leadership would be reinstated. To affirm the doctrine of

⁴⁶W. P. Mangum to Duncan Cameron, June 2, 1841, Shanks, ed., Papers of Mangum, III, 187.

congressional supremacy was a part of Clay's strategy for his nationalist measures. He was encouraged by other Whigs to stand strong for this doctrine. Mangum complained, "I was here in the darkest days of Jacksonism, as you know, & yet I have never witnessed such open & active efforts to bring executive influence to bear on Congress, as I have seen within the last fortnight."⁴⁷

On the other hand, Clay could unite the party by emphasizing the issue, otherwise its shaky coalition would lead to factions. Clay was not the dictator that the Democrats claimed. Pressures from the commercial faction of the party urged Clay and others to formulate an institution that would be strong enough to meet their needs. Clay's letters indicate concern that the fiscal agent be such as businessmen would support. While the caucus made the final decision to switch the charter, Clay agreed with and influenced this strategy; support by all but two or three Whigs indicates a high degree of unity.⁴⁸

On July 1, William Rives proposed an amendment to Clay's bill by requiring that individual state legislatures consent to the placing of branches of discount or deposit within their jurisdiction. As a compromise, the amendment

⁴⁷Norma Lois Peterson, Presidencies of Harrison and Tyler, 65-67; W. P. Mangum to Duncan Cameron, Jun. 26, 1841, Shanks, ed., Papers of Mangum, III, 186.

⁴⁸Gantz, "Henry Clay," 112.

also included a provision preventing a state from withdrawing its consent after a branch had been established. If this amendment was agreed upon, Rives assured the Senate that Tyler would sign the bill.⁴⁹ Clay believed the amendment would produce "unmixed mischief." He denied that state permission was necessary to make the corporation constitutional, and contended that the branches were for the benefit of all, not just the separate states. As for the president's approval, he maintained that the executive and legislative branches were independent and had to act as each thought best.⁵⁰

Rufus Choate, Webster's successor in the Senate, urged that without the amendment the bill could not become law, and that he knew this. Upset by this statement, Clay tried arrogantly and rudely to force him to disclose the sources of his information. Declining to reveal his source, Choate responded that he was expressing a conviction.⁵¹ Choate's endorsement of the Rives amendment elicited an extreme reaction from Clay for some reason. Rives had suggested Tyler's opposition to Clay's bill, but this was the first time someone had stated publicly in definite terms the president would veto the bill without an amendment. The

⁴⁹Congressional Globe, 27 Cong., 1 sess., 133.

⁵⁰Ibid., App. 354-55.

⁵¹Ibid., 355-56.

rumors that had floated around for several weeks were conflicting and without authority. Choate now announced he did not have to guess about the outcome. On the other hand, Clay believed that Choate was acting on suggestions from Webster.⁵² This indicated that a significant faction in the party might not back a strong charter.

On July 3, Richard H. Bayard of Delaware, a moderate Whig, proposed to amend the Rives proposal by allowing the institution to establish agencies without state permission to carry out governmental fiscal operations; the bank could convert an agency to a full-fledged branch with authority to make loans unless the legislature expressed its dissent at the next session after establishment of the agency. While this proposal attracted some support, Democrats joined with the majority of Clay Whigs, Webster Whigs, Rives, and a few southerners to defeat it on July 6 by a vote of thirty-six to nine.⁵³ The Rives amendment would reconcile opinion, restore party harmony, and was better than Clay's assertion of power. But Democrats were delighted to see internal warfare among the Whigs, intended to increase the confusion of the Whigs, and joined Clay Whigs in voting down the amendment, thirty-eight to ten. Most Democrats probably

⁵²Ibid., 133; Wiltse, John C. Calhoun, 42; quoted in Gantz, "Henry Clay," 120; Van Deusen, Henry Clay, 345-51; Eaton, Henry Clay, 147.

⁵³Congressional Globe, 27 Cong., 1 sess., 145-52.

opposed it because they feared an amended charter would have a better chance of receiving the President's signature. But there were a few Whig senators who were unwilling to vote for a measure so antagonistic to Tyler's well-known convictions, and the bill could not pass without their support. So compromise was the only alternative to a deadlock.⁵⁴

The Rives amendment had been brought forward as a peace-offering from the President hoping to unite the Whig party upon it. Failure of the amendment was another rebuff to Tyler. It now allowed the irritated president and his supporters to abandon the Ewing plan and return to their opposition to any national bank. Without direct statements committing him to Ewing's idea, Tyler could maintain he had never endorsed it and would never have approved it. Wise was confident the President had turned his back on further accommodation:

Tyler will never look at Ewing's scheme again. It was his camp for a night only, and now that the enemy occupies every height around it, he is not such a fool as to occupy it again. He desires nothing so much now as for Clay's bill to come to him to kill it, as he certainly will, without a moment's hesitation; and he is not such a fool as to fall back on Ewing's plan.⁵⁵

⁵⁴Kirwan, Crittenden, 150; Krueger, "Clay-Tyler Feud," 167; Tyler, Letters and Times of the Tylers, II, 52; Chitwood, John Tyler, 222.

⁵⁵H. A. Wise to N. B. Tucker, July 11, 1841, Tyler, Letters and Times of the Tylers, II, 52.

Wise's statement implies that Tyler would have accepted the Ewing formula if it had passed in early July. Defeat of the Rives clause appeared to seal the fate of both the Clay bill and the Ewing proposal as far as the White House was concerned. Tyler was probably convinced the Whigs would not cooperate; he could resume his anti-bank position without any guilt.⁵⁶

An irrevocable breach had been produced in the Whig majority, when Clay rejected Ewing's bill. Clay's leadership seemed to have been broken, and Webster had emerged as the great conciliating force, the one leader who might unify the party after the elimination of the irreconcilable clash of Clay and Tyler. But the whole situation was soon altered, as Tyler had been led into an attitude so extreme that he would not accept even the Ewing bill. Webster was weakened by Tyler's having thus been thrown into the arms of the Virginia clique, and Clay's own ascendancy among the Whig senators was restored.⁵⁷

Clay's dictatorial attitude in the Senate was designed to keep the party united on the bank. This was crucial, for a defection of three or four members, coupled with increasing suspicions of Tyler's course, could mean defeat. Whig ascendancy was clearly in jeopardy, and Clay's

⁵⁶Gantz, "Henry Clay," 123.

⁵⁷Poage, Henry Clay, 59.

pessimism continued to increase. Calhoun noted that the Whigs were greatly distracted, but that they usually got together in the end.⁵⁸ That they did can be attributed to Clay's strong leadership.

However, after defending his bill against internal party dissidents concerned about the branching clause, Clay had to face a partisan onslaught. The Democrats organized to make the most of their efforts to fight the bank, which they believed the most dangerous of Clay's measures. Knowing the determination of the Whigs for a new fiscal agency, the minority realized that it would be difficult to defeat the bill. Democrats met nightly to plan strategy; their battle plan was to propose and debate as many amendments as they could devise in the hope that constant attacks would locate weak spots in Whig defenses. While they were aware that the votes of Senate Whigs, such as Rives, William C. Preston, William S. Archer of Virginia, and William D. Merrick of Maryland, were doubtful, the minority did not expect either defeat of the bill or a veto

⁵⁸John C. Calhoun to Thomas G. Clemson, July 11, 1841, J. Franklin Jameson, ed., Correspondence of John C. Calhoun, American Historical Association. Annual Report, 1899 (Washington: American Historical Association, 1900), II, 480; quoted in Krueger, "Clay-Tyler Feud," 167-68.

when it initiated its strategy; the best hope was for repeal of the charter at a subsequent Congress.⁵⁹

As the progress of the bill was so slow, Clay and the Whigs became nervous. They saw that more than the bank was at stake. If the charter and other measures failed, people would regard the session as a waste; this would threaten the party's control of the government. An unproductive session would mean a disaster in the autumn elections; if the session was abortive, they would lose control over many states.⁶⁰ To defeat the minority, Clay had to rely on votes of a unified party. Clay learned from the defection caused by the Rives amendment that his bill could not pass without support of a few Whig senators who had voted for the Rives' amendment. Clay began to prove himself as a great leader of the party. He redoubled his effort to conciliate and to draw the wavering Whigs to his side for establishment of the long-wished national bank. He lectured, cajoled, and intimidated, but the deadlock remained. "Clay and the Whigs are exerting every nerve to carry their measure," Calhoun reported, "and resorting to the most despotic and unusual rules to accomplish their object, but the resistance,

⁵⁹Benton, Thirty Years' View, II, 249, 318; Gantz, "Henry Clay," 125.

⁶⁰Shanks, ed., Papers of Mangum, III, 201; D. Webster to Edward Everett, July 24, 1841, Webster, Private Correspondence of Webster, II, 105-6.

particularly in the senate, is steady, concentrated and effective."⁶¹ On July 7, depressed, Clay admitted to Adams that passage by the Senate was doubtful. Democrats made a counter-proposal to finish up their amendments to let the bank bill come to a vote. But Clay succeeded in rallying practically the whole party strength of the Whigs for the defeat of opposition amendments between July 10 to July 14. Then he adopted delaying tactics. He decided on July 15 to let the bank bill sleep while catching up with business forwarded from the House; the Senate took up both the loan bill and the bankruptcy bill.⁶² Wise complained that Clay's purpose was to have the House pass the measure by a large majority so as to bring pressure upon the Senate and the President.⁶³

In the meantime, the Whigs decided to formulate an amendment: they now realized compromise was the only alternative to a deadlock and decided to give further consideration to Tyler's views. John M. Berrien of Georgia proposed a new amendment. His idea called for a corporation

⁶¹Baxter, Daniel Webster, 303; J. C. Calhoun to T. G. Clemson, July 11, 1841, Jameson, ed., Correspondence of Calhoun, 480-81; quoted in Norma Lois Peterson, Presidencies of Harrison and Tyler, 68.

⁶²Merrill D. Peterson, Great Triumvirate, 307; Poage, Henry Clay, 59-61; Adams, Memoirs of John Quincy Adams, X, 498.

⁶³Wise to Tucker, July 24, 1841, Tyler, Letters and Times of the Tylers, II, 53.

with power to establish agencies with consent of the host state's legislature unless Congress required them by law; this latter provision was essentially the same as Ewing's original. Berrien took his suggestion to Ewing on July 10; the Secretary quickly reviewed the proposal and called Berrien out of the Senate several hours later to talk about it. After the Senate adjourned, the excited Georgian went to Mangum's lodgings to tell him that all difficulties would melt away if he and Clay would accept this latest proposal. At the caucus that evening, Berrien represented his draft as having the endorsement of the executive branch. Several opposed the amendment, and others would not accept it until it became clear they would not be blamed for weakening the charter.⁶⁴ The caucus reached no decision on the Berrien proposal for the following five days; finally Webster implored Ewing to induce the caucus to abandon the proposal since Tyler had expressly stated that he could not accept a law which allowed Congress to establish branches without state consent.⁶⁵ Senate Whigs heeded the warning, and Clay hunted for a new approach.

⁶⁴Berrien Amendment, [1841], Clay Papers, Indiana University, Bloomington, Indiana; quoted in Gantz, "Henry Clay," 143; W. P. Mangum to William A. Graham, July 11, 1841, Shanks, ed., Papers of Mangum, III, 194.

⁶⁵D. Webster to T. Ewing, July 15, 1841, Ewing Papers; quoted in Gantz, "Henry Clay," 143.

Peter B. Porter was supporting another amendment that would ensure the passage of the bill and again make Clay the "Great Pacificator." This amendment, arranged by William C. Preston of South Carolina who had ties to Rives, reflected ideas in the Bayard clause. It proposed that the bank not set up agencies in states which passed an act of dissent at the first legislative session following passage of the charter. If a legislature failed to act, the state would have forever waived its right to object to offices in its boundaries. An escape clause allowed Congress to create a branch if public interest required it. But the right of Congress to establish offices in dissenting states was dropped.⁶⁶

However, with the new proposal in hand, Clay dropped further consideration of the Porter-Preston version. The amendment proposed by Botts called for the establishment of branch banks, with state consent--a seeming concession, but with a strange twist. The consent of a state would be presumed, unless at the first meeting of the state legislature held after the passage of the bank bill, the lawmakers were to refuse unconditionally to allow branch banks within their state's boundaries. Whenever it should become "necessary and proper" for congress to do so,

⁶⁶H. Clay to P. B. Porter, mid July, July 18, 1841, Seager, ed., Papers of Henry Clay, IX, 565, 569.

branches could be located in states, regardless of the wishes of their respective governing bodies. Once in place, the branch banks could be withdrawn only by congressional action. Botts showed it to the president, and it was said that the president would approve a bank bill thus amended. However, Tyler, in his later statement, claimed that he would examine the proposal only on the condition that Botts would abandon it if it met with his disapproval; Tyler rejected it. He pronounced the compromise "a contemptible subterfuge, behind which he would not skulk." The president considered the proposal "supremely ridiculous" and "a settled and deliberate purpose to evoke the veto."⁶⁷

It is not certain if Botts deliberately misrepresented Tyler's reaction to the proposed amendment, or Tyler may have accepted it only to change his mind later; what transpired between Botts and Tyler during the White House meeting is not clearly known. However, it is inconceivable that the president, who had strong feelings on the subject of state consent, would have accepted the amendment. Either Tyler failed to communicate clearly his opposition to the wording, or Botts believed he would ultimately accept it if it was contained in an enacted charter. Anyway Clay dropped the Porter-Preston drafts to line up approval for the Botts

⁶⁷Congressional Globe, 27 Cong., 1 sess., 254, App. 362; Tyler, Letters and Times of the Tylers, II, 55-56, 70.

amendment, as he found it attractive with Botts' assurance of the presidential support. Convinced that Tyler would approve the Botts amendment, Clay worked on reluctant senators. Preston and Merrick were still wavering, and there were senators unwilling to accept a modified clause which would weaken the bank. He had to convince both states' righters and pro-bank men who regarded the Botts amendment as a surrender, and the amendment was agreed to by the caucus.

The bill, thus altered, was presented to the Senate on July 27. Ignoring Botts' interview with Tyler and his claim of executive approval, Clay stated, "We have not looked beyond the Senate"; he denied any knowledge of the president's intentions. He declared that the legislative branch had to act independently of real or imagined executive opinions."⁶⁸ By this statement Clay tried to avoid any blame that he had succumbed to the will of the president; he was to emphasize the balance of the executive and the legislative branches and prevention of another executive usurpation. He defended the compromise because it would limit the time during which state could object to branches and because it allowed Congress to create branches if they were needed under circumstances conforming to the

⁶⁸Congressional Globe, 27 Cong., 1 sess., 254, and App. 362.

necessary and proper clause of the Constitution.⁶⁹ Rives denounced the compromise as a humbug. In his mind the amendment did not make concessions to conservative objections to the branching power at all, and he maintained his opposition to the charter.⁷⁰ Due to absences of two Whigs, Henderson and Clayton, the compromise amendment passed by a close call, twenty-five to twenty-four vote. The tally followed party lines except Archer and Rives voted against it along with the minority. The following day, July 28, the Senate approved Clay's bill, twenty-six to twenty-three.⁷¹

On August 2, the bill was taken up by the House in Committee of the Whole. Fearing the bill would not pass if there were additional changes, party leaders refused to consider any. By limiting debate, party managers forced the charter through in a week. Earlier in the session the majority had imposed a one-hour limit on speeches. This frequently cut off opponents in the midst of argument. After debates rehashed Senate arguments which mostly concerned the constitutional question and whether or not the public had demanded a fiscal agency in the election of 1840, the bill passed on August 6 by a vote of 128 to 97.

⁶⁹Ibid., 254, and App. 362.

⁷⁰Ibid., 254-56.

⁷¹Ibid., 254-56, 259-60.

Democrats were unanimous in opposition. Eight of the Whig majority abandoned the party line to oppose the bill. The deserters were primarily extreme anti- and pro-bank men. Tyler followers Wise, Thomas W. Gilmer, and Francis Mallory voted against it, while Adams, William W. Irwin of Pennsylvania and Thomas F. Marshall of Kentucky opposed the bill because it was not strong enough. Southerners including most Virginia Whigs voted for it. For all the party consternation, Whigs revealed a high degree of unity in the final vote.⁷² The Fiscal Bank bill reached Tyler's desk on August 7. Ten days of suspenseful waiting followed.

Nothing was said for the branching clause, after the bill went to the president; Tyler held Congress and other interested parties in suspense in order to allow passions to cool.⁷³ Tyler gave no hint to the public as to his intentions regarding the bill until his veto message was sent to the Senate. Even the cabinet members did not know his intentions as he had kept his own counsel so closely.

⁷²Ibid, 282-83, 289-91, 295, 304-5, 312-13; W. L. Barre, ed., Speeches and Writings of Hon. Thomas F. Marshall (Cincinnati: Applegate and Company, 1858), 9; A. V. Brown to J. K. Polk, Aug. 8, 1841, James K. Polk Papers, Library of Congress; New York Tribune, Aug. 9, 1841; quoted in Gantz, "Henry Clay," 152; Adams, Memoirs of John Quincy Adams, X, 52.

⁷³A. V. Brown to Andrew Jackson, Aug. 8, 1841, John Spencer Bassett, ed., Correspondence of Andrew Jackson (7 vols., Washington: Carnegie Institution of Washington, 1926-35), VI, 117.

This uncertainty gave rise to considerable speculation and discussion as to what action he would take. Clay wrote to Porter:

What he will do is unknown to me or to his Cabinet. There is a most agonizing state of uncertainty in the public mind. It is impossible to foresee the tremendous consequences of a Veto. If the bill should be approved, we shall probably carry all our great measures; if rejected, we may lose most of them.

Webster deeply desired the president's signature on Clay's bill in spite of his preference for the Ewing plan. He voiced optimism; he feared the great commotion a veto would cause. To reassure each other, Whigs exchanged reasons why Tyler would approve the charter. They believed that he was obliged to achieve the chief goal of the party which had swept him into office. "His office was one of contingency and he took it as such, and he is under strong obligation to carry out the great purposes of the majority."⁷⁴ Calhoun expected the president to sign the bill, for he lacked the resolve to assert his principles although they were against it.⁷⁵ Gilmer claimed that "The President will veto the Bank bill. I know this, and am one of the very few who do

⁷⁴Seager, ed., Papers of Henry Clay, IX, 581; Van Deusen, Henry Clay, 349; D. Webster to C. L. R. Webster, Aug. 8, 1841, Webster, Private Correspondence of Webster, 108; Dudley Selden to W. P. Mangum, Aug. 12, 1841, Shanks, ed., Papers of Mangum, III, 214.

⁷⁵J. C. Calhoun to A. P. Calhoun, July 31, 1841, Calhoun Paper; quoted in Merrill D. Peterson, Great Triumvirate, 308.

know it. . . . He has done me the honor to consult me confidentially about measures and men here, and freely."⁷⁶ Mangum blamed lethargy in Congress on doubts "growing out of the indecision of the President" rather than the Washington heat.⁷⁷

However, from the beginning of Congressional debate on the bank, there had been rumors that the president would veto the bill. Clay was doubtful about predictions of a veto at first. He did not think that Tyler would kill the most desired measure of the party that had brought him to power. When Indiana Senator Oliver H. Smith was certain that the president was going over to the Democrats because he had seen him walking arm-in-arm with Democratic senators in the White House, Clay assured him that Tyler's switch was unlikely; "it can not be possible that after all we have done for him he will desert us."⁷⁸ On the other hand, Clay refused to accept the prospect of a veto as he and others did not regard Tyler as a strong individual. Many shared the notion of Willie P. Mangum declaring "Tyler is not of

⁷⁶T. Gilmer to Franklin Minor, Aug. 7, 1841, Tyler, Letters and Times of the Tylers, II, 706-9; Norma Lois Peterson, Presidencies of Harrison and Tyler, 70.

⁷⁷W. P. Mangum to Charity A. Mangum, Aug. 3, 1841, Shanks, ed., Papers of Mangum, III, 218; Hall, Abel Parker Upshur, 115.

⁷⁸Smith, Early Indiana Trials, 152.

much account--he has not the firmness and nerve necessary for a public man."⁷⁹

With the veto talk and progress of the bill, signs of discord within the administration began to appear. Ewing had approved the dismissal of thirteen employees in the Land Office, but the President promptly ordered their reinstatement. Some hot words passed between the two men.⁸⁰ However, this was not serious, and the immediate occasion of the disruption of the cabinet did not come until the president's rejection of the bank bill: "the President was threatening to kill the Clay bill, and the cabinet will disperse if the President vetoes it."⁸¹ Hone did not believe it was ungenerous to charge the cabinet members "with sacrificing their principles in order to retain office," but agreed "There is certainly some reason to complain of timidity and something like a time-serving policy on the part of the Cabinet who enlisted under Gen. Harrison, and do not find it so entirely conformable to

⁷⁹W. P. Mangum to Charity A. Mangum, July 11, 1841, Shanks, ed., Papers of Mangum, III, 187.

⁸⁰Herald, July 26, 1841; Marcy to Van Buren, July 20, 1841, Martin Van Buren Papers, Library of Congress; quoted in Chitwood, John Tyler, 272.

⁸¹W. A. Croffut, ed., Fifty Years in Camp and Field (New York: G. P. Putnam's Sons, 1909), 134.

their principles to adopt the half-and-half Virginia policy of his successor."⁸²

Within less than a week, uncertainty began to disappear: it was generally known that Tyler intended to be negative.⁸³ On August 12, Robert Tyler, the president's son and private secretary, declared that his father could not be gulled by such a humbug compromise as the bill contained.⁸⁴ Clay no longer had any doubt about the veto and informed his son, "It is now believed that he will veto it. In that event the most important consequences are anticipated, one of which is the separation of the president from the Whigs. We shall know this determination by the 19h. as, if he does not return the bill by that day, it will become a law."⁸⁵ Now the members of the cabinet were also sure of the veto.⁸⁶

As veto talk increased, on August 3, the National Intelligencer had an article interpreting the election of 1840 as a revolution to restore legislative power that the executive had wrested from Congress through use of the veto

⁸²Nevins, ed., Diary of Philip Hone, 550-51.

⁸³Adams, Memoirs of John Quincy Adams, X, 531.

⁸⁴Cincinnati Gazette, Aug. 18, 1841; quoted in Poage, Henry Clay, 70.

⁸⁵H. Clay to Thomas Hart Clay, Aug. 15, 1841, Seager, ed., Papers of Henry Clay, IX, 584.

⁸⁶Corffut, ed., Fifty Years in Camp and Field, 134.

and other arbitrary practices that were "utterly repugnant to the Constitution."⁸⁷ The Madisonian replied with a defence of the veto principle. The National Intelligencer explained it had not labeled the veto as totally evil; it was frequent use that had broken down legislative authority. The editorial duel continued with the Madisonian defending executive supremacy and the National Intelligencer declaring that such a doctrine of infallibility "can never flourish in the atmosphere of this free Republic."⁸⁸ There were renewed rumors the President would dismiss the cabinet or that the secretaries would resign.⁸⁹

On the eve of the last day allotted to the president in which to make his decision, the congressional Whigs caucused to plan their post-veto strategy. In the course of their planning, they gave vent to much bitterness against Tyler and finally resolved to return to the Ewing plan, which the president earlier had sanctioned but about which he now appeared to have reservations. In returning to the Ewing plan, the Whigs expected to place Tyler in an uncomfortable

⁸⁷National Intelligencer, July 15, 1841; quoted in Gantz, "Henry Clay," 156.

⁸⁸National Intelligencer, Aug. 3, 6, 13, 1841; Madisonian, Aug. 5, 12, 1841; quoted in Gantz, "Henry Clay," 156.

⁸⁹Corffut, ed., Fifty Years in Camp and Field, 134; W. P. Mangum to C. L. Hinton, Aug. 13, 1841, Shanks, ed., Papers of Mangum, III, 216.

position. If they passed the bill and he vetoed it, they could accuse him of rejecting his own measure, department heads would presumably resign, and Tyler would be without a party. On the other hand, if he approved the bill, the Clay Whigs were confident that it could not succeed, and Tyler would be forced to fall back on Clay's bill. No matter what happened, Tyler would lose face.⁹⁰

⁹⁰Norma Lois Peterson, Presidencies of Harrison and Tyler, 71.

CHAPTER V

LAST STRUGGLES FOR THE BANK AND BREAK

At last the word came: veto! The Whigs had realized that the bank bill would fail. Congressional leaders refused to believe that all was lost, and made every effort to revive the bank. But compromises failed to overcome further objection to the Bank bill from the Virginia element of the party, and resulted in another rejection by the president. In his second veto message, Tyler raised the possibility of reconciliation between the executive and legislative branches of the party, and stated both his regret and his promise of a fiscal plan. However, the breach between the president and the Whigs broadened, and they could not regard him as a Whig at all. Faced with loss of their major objective, Clay had taken stock, trying to ascertain what parts of his program could be salvaged; the special session was not barren for Clay. Despite loss of a national bank, Clay could finally enact most of his measures which he had wished for many years, though modified and somewhat different from what he had thought.

On August 16, against the advice of his cabinet, Tyler sent the bank bill back to the Senate with his disapproval. He had delayed his message until the last day allowed by the

Constitution hoping that people's minds would become quiet.¹ The veto message concentrated on the bill's unconstitutionality. The President reminded Congress that he had opposed a bank throughout his career; he hoped the sincerity of his convictions would be accepted. He attacked the power of branches to loan money; he asked how constitutional powers to collect, disburse revenue, and regulate commerce could authorize establishment of offices with discounting powers. Local loans had nothing to do with the safe-keeping and disbursing of public funds.

He criticized the inflexibility of the branching section: only a short time was allowed for states to exclude branches. The short time frame prevented taking the measure to the people; most states had already selected legislatures so that there could be no opportunity to register the popular will. Calling the wording "the language of the master to the vassal," he noted that a state could not dissent if just one house of the legislature refused to act or if a governor blocked dissent through a veto. He said that it would be "Far better to say to the States, boldly and frankly, Congress wills and submission is demanded."²

¹Thomas Ewing, "The Diary of Thomas Ewing, August and September, 1841," American Historical Review 18 (October 1912): 99.

²Richardson, Messages and Papers, IV, 63-68.

His rejection of giving the new agency authority to deal in discounts may have been a surprise for the Whigs. He had been willing earlier to accept the Ewing plan which included it, and his previous messages to Congress had not raised the issue. But the message implied that he objected to the bill due to the discount function, rather than state consent for branches. In Tyler's opinion, there were other more bluntly offensive features in the Clay bill, and probably he had decided to voice his disapproval of the local discounts as well, in infringements on what he considered to be the province of state banks.³

The rejection of the bank bill made one side jubilant and vexed the other. Elated, one Democrat crowed, "Egad, he [Tyler] has found one of Jackson's pens and it wouldn't write any way but plain and straightforward."⁴ On the evening of the veto a group of Democratic senators paid a visit to the White House to praise the president.⁵ Benton believed that the veto and promised disruption of the Whig party were just rewards for the dubious victory of 1840 won

³Norma Lois Peterson, Presidencies of Harrison and Tyler, 72.

⁴Dabney S. Carr to Andrew Jackson, Aug. 18, 1841, Bassett, ed., Correspondence of Jackson, VI, 119.

⁵Benton, Thirty Years View, 328.

by unfair log-cabin, coonskin, and hard-cider tactics in the campaign.⁶

Despite veto rumors, Whigs could not believe Tyler would depart from their position on limited executive power to strike down their favorite measure. Porter complained that "This extra ordinary step of the president, although long threatened, was never realized nor believed until this moment, and has excited universal dissatisfaction and even disgust among the members of the Whig party."⁷ Philip Hone compared Tyler to "a kind of fifth wheel to the political coach, which we now discover could have gone on much better without him."⁸ Adams was intensely bitter against the veto. Reverdy Johnson felt that the time had come to break with the president and unfurl Clay's flag. Mangum denounced Tyler's conduct.⁹ On the same night, a drunken mob of bank "ruffians" proceeded towards the White House, vowing revenge. They hissed, hooted, shouted abuse on the portico,

⁶Benton, Thirty Years View, II, 342.

⁷P. B. Porter to H. Clay, Aug. 20, 1841, Seager, ed., Papers of Henry Clay, IX, 592.

⁸Nevins, ed., Diary of Philip Hone, 552-53.

⁹Adams, Memoirs of John Quincy Adams, X, 533; R. Johnson to W. P. Mangum, Aug. 24, 1841, W. P. Mangum to Mrs. Mangum, Aug. 24, Sept. 5, 1841, Shanks, ed., Papers of Mangum, III, 219, 220, 230.

and repaired to a neighboring hill, where they burnt the president in effigy.¹⁰

However, the Whigs decided the veto was not catastrophic. Most Whigs in Congress remained committed to a bank. While Webster wanted to take up the matter in the next session, plans for a new bill were already under way.¹¹ Bell believed the message did not shut out the hope of some kind of a bank. Tyler told Ewing and Bell that "he had sufficiently indicated in his message what kind of Bank he would approve and they might if they saw fit, pass such a one (which would be more acceptable to the country than this) in three days."¹² But the message was not so clear as Tyler said; the objection to establishing branches with local discounting powers without state assent was the only clear indication of what Tyler thought.

Crittenden took the lead for a new bill. He suggested omitting the requirement of state consent in favor of an exchange agency without power to make local loans. In that case, "the moneyed transactions of men" would be "put into the shape of bills of exchange." He envisioned the

¹⁰Tyler, Letters and Times of the Tylers, II, 113n.

¹¹D. Webster, "Draft of Editorial for the National Intelligencer," Charles M. Wiltse, Harold D. Moser, and Michael J. Birkner, eds., The Papers of Daniel Webster, Correspondence (7 vols., Hanover: University Press of New England, 1974-86), V, 142-43.

¹²Ewing, "Diary," 99.

possibility that bills of exchange could be manipulated to make their function almost indistinguishable from that of local discount. If this failed to work, Congress could amend the bank thus formed in the future to include the right to discount notes. He asked Clay if it would not "be better to drop everything about the assent of States, and making the banking power a mere emanation of congressional authority, exclude it from the discounting of promissory notes?"¹³

In the meantime, as an effort to explore grounds of agreement with the president, James Pearse, a former Whig congressman from Maryland asked Alexander H. Stuart, a Virginia Congressman, to discuss a new bill with Tyler.¹⁴ This proposal was based on Richard H. Bayard's modification which had been made as a compromise in July when it appeared Rives' amendment would not please enough Whigs. The President received Stuart cordially, and they discussed the veto message and some aspects of the new proposal. Tyler voiced approval for a bank that would act as a fiscal agent of the government, employ agencies in the states, and deal in bills of exchange, but not in local promissory notes.

¹³Crittenden to Clay, August 16, 1841, Seager, ed., Papers of Henry Clay, IX, 585-86; Benton, Thirty Years View, II, 318, 322.

¹⁴Benton, Thirty Years View, II, 344; Hugh Russell Fraser, Democracy in the Making: The Jackson-Tyler Era (Indianapolis: The Bobbs-Merrill Company, 1938), 186.

For such a bank he would not require state assent. Tyler told Stuart, "Now if you will send me this bill I will sign it in twenty-four hours." He asked him to work out the details with Webster: Tyler was cautious enough to protect himself against a charge of dictating to Congress. However, Webster was out when he called, and later that evening Stuart reported to an assembly of Whigs on his interchange with the President. Mangum pledged himself that Clay, who was not present, would offer no obstacle, and promised to obtain his cooperation. Accordingly, Clay concurred in postponement of his speech on the veto on both Tuesday and Wednesday.¹⁵ After considerable debate, Congressman John Sergeant and Senator John M. Berrien were delegated as informal committee to see Tyler and make certain if they understood his view. On the morning of August 17, they had a discussion in the presence of Ewing. Tyler asserted that his message was "sufficiently explicit" on the power to deal in exchanges. Without further explanation of the president's views in detail, the congressmen remained unsure on several points. According to Ewing, Tyler did not object even to the creation of agencies without state consent, if the agencies did not discount promissory notes.¹⁶

¹⁵Benton, Thirty Years View, II, 344-47; Tyler, Letters and Times of the Tylers, II, 66-70, 77-79, 98-102.

¹⁶Tyler, Letters and Times of the Tylers, II, 76-79; Benton, Thirty Years View, II, 344; Ewing, "Diary," 99-100.

Tyler told the cabinet on August 18 that he did not want to be accused of dictating to the legislative branch. He was also afraid that his views could be misrepresented. Ewing observed that Tyler "expressed great sensitiveness" about how Congress would react. A majority of the cabinet agreed that it would be better for him to decline all direct conferences with congressmen and, in the future, rely on his department heads, who would provide liaison with Congress. Webster and Ewing were directed to deal with the congressional Whigs and provide a copy of the bill to the president prior to its introduction.¹⁷ Webster and Ewing conferred with Berrien and Sergeant, who accordingly presented the plan to a committee of Whigs, in which they reached an agreement to have the Fiscal Corporation bill, called as such at Tyler's request. Thus the negotiations between the cabinet and the Congressional leaders were virtually completed by the evening of August 18, and the testimony of the various participants was in complete agreement on all essential points.¹⁸ The bill was reported to the House.

Congressional leaders and other cabinet members alike believed that the main outlines of the Fiscal Corporation bill met the President's objection and would receive his

¹⁷Ewing, "Diary," 100-103.

¹⁸Ibid., 97-112.

approval; the new bill was framed as a result of numerous consultations between Tyler, his cabinet and various members of the House. Webster was optimistic and saw the Whigs in high spirits.¹⁹ While Berrien and Sergeant understood they were negotiating with the president's representatives to satisfy his concerns, Webster assured Tyler that "If any measure pass, you will be perfectly free to exercise your constitutional power wholly uncommitted."²⁰ In the meantime, Tyler was having second thoughts, and prospects that the new measure would meet Tyler's concerns declined. The Virginia cabal questioned the compromise and warned the president that Whigs had disguised an old-fashioned national bank into the Fiscal Corporation duping Tyler into approving a charter which would violate his scruples. They asserted that Clay meant to force him into another veto and the proper course would be a clean break with the Whigs.²¹ Now Tyler wished Congress to postpone the issue until December. He had now decided that branches could not deal in local discounts, even with state assent; he would accept power to

¹⁹Adams, Memoirs of John Quincy Adams, X, 534; D. Webster to Caroline Webster, Aug. 19, 1841, Charles H. Van Tyne, ed., Letters of Daniel Webster (New York: McClure, Phillips & Co., 1902), 235-36.

²⁰Ewing, "Diary," 100-103; D. Webster to J. Tyler, Aug. 20, 1841, Tyler, Letters and Times of the Tylers.

²¹Tyler, Letters and Times of the Tylers, II, 72; Wise, Seven Decades, 188-89.

establish agencies without state consent if the offices dealt only in exchanges. When Bell delivered his bank memorandum later in the day, the president was indifferent. The Secretary observed that "he had begun to doubt whether he would give his assent to any bank."²²

For two days, August 17 and 18, Clay had twice postponed his speech on the veto lest it disturb the negotiations in progress. But the old bill had to be disposed by the Senate before introducing a new bill. On August 19, he began his speech in restrained language. He pictured the necessity of the bill and his sorrow at its rejection. Clay maintained that Tyler's actions and words from his address to the nation through the beginning of the session had indicated he would accept a bank. Tyler should have not resisted the mandate for a bank which an overwhelming majority of the people's representatives had approved. Emphasizing distasteful features in the bill as compromises which Congress accepted for Tyler's benefit, he deplored the fact that the president refused to bend in the slightest. If Tyler had not wanted to sign the bill, there were honorable alternatives: the president could have let the act become law without his signature, or he could have resigned as he had earlier when, as a senator, he refused to

²²Fraser, Democracy in the Making, 196; Niles' Register, Sept. 25, 1841, 54.

obey state instructions to vote for the expunging resolution. The election of 1840 was a referendum on the entire Whig program, and it indicated the public's desire for a national bank. Clay argued that the president endangered the balance of the government by using his veto; he proposed to amend the Constitution to limit and qualify "the enormous executive power, especially the veto." Clay declared now in public his effort to prevent executive usurpation and set up legislative supremacy. Regretting that the "President has not, in his message, favored us with a more clear and explicit exhibition of his views," Clay declared that he would take no active part in the process of framing of another measure to meet the president's objections.²³ He regarded it as a surrender to executive dictation.²⁴

Rives called Clay's speech an "open and violent attack" on the president, impassioned and filled with charges of betrayal and usurpation. He said that the president's promise to sign any "constitutional measure" did not obligate acceptance of something that he believed to be unconstitutional. He asserted that his election in 1840 was due partly to the fact that a national bank was not an issue

²³Congressional Globe, 27 Cong., 1 sess., 341-42, 345-46. Eaton noted that Clay tried to avoid arousing Tyler's anger. See Eaton, Henry Clay, 149.

²⁴Krueger, "Clay-Tyler Feud," 170.

in the campaign. Rives proposed putting the issue off to the regular session.²⁵ Clay maintained that the bank was an issue in 1840, and Rives' and Tyler's problem was that they could not look beyond Virginia at events or wishes in the country as a whole. There was a rumor abroad, Clay continued, about the existence of a cabal, a "new sort of kitchen cabinet," the members of which had as their objective the dissolution of the regular cabinet, the breakup of the Whig party, and the dispersion of the special session without its having passed a bank bill. He scoffed that they were to form a third party but they were "wholly insufficient to compose a decent corporal's guard." However, Clay could not affect the vote to override the veto; the twenty-five to twenty-four tally largely duplicated the lineup on the first bank charter.²⁶

Tyler had feared that postponement of Clay's speech was part of a plot against him. Delay, intended to reassure Tyler, in fact disturbed him; the wait allowed him more time to worry about the debate. The president was now hurt, agitated, and embittered by Clay's comments especially about the corporal's guard. Webster believed the speech set up an irrevocable breach between Clay and Tyler; Ewing observed

²⁵Congressional Globe, 27 Cong., 1 sess., App. 364-68.

²⁶Colton, Life, Correspondence, and Speeches of Clay, II, 369; Congressional Globe, 27 Cong., 1 sess., 352, App. 368-69.

that Tyler was sorely wounded, particularly by the popular impression which was anything but favorable to him.²⁷

Tyler's feelings were intensified when, on the following day, a letter written by John Minor Botts surfaced and later was published in several newspapers. On the day of the veto, Botts sent a letter to a constituent assessing the relationship between Whigs and the president, addressing the letter in care of the Coffee House in Richmond. He neglected to indicate that it was a private letter; one of the Coffee House patrons sent a copy to Thomas Allen, editor of the Madisonian, who showed it to the president on August 20 and printed it on the twenty-first.²⁸ In the letter Botts accused Tyler of double-dealing and conspiracy with his state rights friends to form a third party in association with sympathetic Democrats; but the Whigs, he declared scoffingly, would "head Captain Tyler, or die."²⁹ Benton believed that Clay had no such design or object in embarrassing the president; "the only object was to get him [Tyler] to sign his own bill--the Fiscal Corporation Bill--which he had fixed up himself title and all--and sent out

²⁷D. Webster to Caroline Webster, [Aug. 21], 1841, Webster, Private Correspondence of Webster, II, 109; Ewing, "Diary," 103.

²⁸Tyler, Letters and Times of the Tylers, II, 112; Fraser, Democracy in the Making, 184.

²⁹Tyler, Letters and Times of the Tylers, II, 105n, 112n; Benton, Thirty Years View, II, 349.

his cabinet to press upon Congress--and desired to have it back in three days, that he might sign it in twenty-four hours."³⁰

Botts' letter helped the wavering Tyler draw back from the Fiscal Corporation. The statements cut him deeply, as had Clay's speech. Benton condemned Tyler for allowing such an insignificant incident to influence his judgment. He contended, "That letter might be annoyance--might be offensive--might excite resentment: but it could not change a constitutional opinion, or reverse a state policy, or justify a President in breaking his word to his cabinet and to the party that had elected him." Webster believed that Botts' statements had an extremely harmful effect.³¹

Shortly after receiving a copy, the president appeared in Webster's office, "full of suspicion and resentment." He suspected that Clay, Botts, and others were using the bank issue to destroy him, or tricking him into rejecting the bill. Tyler wanted a vote on the Fiscal Corporation bill, now under consideration in the House of Representatives, postponed.³²

³⁰Benton, Thirty Years View, II, 350.

³¹Benton, Thirty Years View, II, 349; D. Webster to C. Webster, [Aug. 21, 1841], Webster, Private Correspondence of Webster, II, 110.

³²D. Webster to Senators Bates and Choate, Aug. 25, 1841, Wiltse, Moser, and Birkner, eds., The Papers of Daniel Webster, V, 147-48; D. Webster to Hiram Ketchum, Aug. 22,

It is impossible to believe that the proposed charter was designed to secure support for a rupture with Tyler: congressional leaders believed that the revised corporation satisfied the president. If a break was wanted, it is improbable they would risk giving him another chance to approve a bank and remove justification for a party split.³³

The Fiscal Corporation bill was introduced in the House on August 20. Sergeant pointed out major differences between the revised measure and the vetoed bill. The new institution's capital was reduced by nine million dollars; agencies would have no power to deal in local discounts and deposits; dealings were limited to buying and selling bills of exchange; the institution would be called a Fiscal Corporation.³⁴ Benton called the new proposal an "extemporaneous graft upon a neglected bill."³⁵ The Whigs tried to comply with Tyler's timetable. Tyler had promised to sign a charter passed in three days. Despite complaints of angry Democrats about the haste for the new bill and several attempts to amend and postpone the bill by Tyler's little group of supporters, the Whig managers hurried the

1841, Webster, Private Correspondence of Webster, II, 109.

³³Gantz, "Henry Clay," 177.

³⁴Congressional Globe, 27 Cong., 1 sess., 363-64.

³⁵Benton, Thirty Years View, II, 332.

measure along. The House passed it on August 23, by a vote of 125 to 94. Democrats were unanimous in the opposition. Adams and Thomas Marshall, both of whom had opposed the first bank bill, voted for the second bill.³⁶

On August 24, the bill was received by the Senate, and referred to a Select Committee headed by Berrien. While the second bill was in committee, the Senate proceeded to enact the remaining measures of Clay's program. The distribution, the land bill, was wanted by debtor states as a measure of relief. Since the bill incorporated a provision for protective preemption, which Clay was against in principle, it was popular in the West. Tyler considered that the distribution was tied to the revenue ceiling of the Compromise Act, and the bill was emasculated by an amendment suspending distribution if the tariff went above the mandated ceiling of the Compromise Act, the twenty percent level. Clay accepted this amendment, though disgusted, rather than see another veto and another failure chalked up against his legislative program. Calhoun was the leading opponent of distribution in the Senate; it was a scheme to revive protectionism and in effect to assume the state debts, and would lead to the dissolution of the Union. The bill passed, but only after it was logrolled with a

³⁶Congressional Globe, 27 Cong., 1 sess., 363-64, 370-72.

bankruptcy bill. The bankruptcy bill was not in Clay's program. But broken businessmen and their creditors in eastern cities had strongly demanded it. It was enacted thanks to the votes of eastern Whigs for distribution in exchange for western and southern votes for bankruptcy.³⁷

However, Tyler was now convinced to resist the second bill. The president claimed that the bill was not submitted to him before introduction as promised, and his desired prohibition of the creation of agencies in states whose laws forbade them had not been included in the measure.³⁸

Thanks to his Virginian friends, he had concluded that the bank, as now proposed, resembled the old Bank of the United States more than he could tolerate. Clay's speech and Botts' letter had confirmed Tyler's suspicions that there was a plot to discredit him.

Tyler now wanted to postpone congressional discussion of the proposal or alter it. Refusing to believe that the Fiscal Corporation would confine its activities to dealing only in exchanges, he was sure that it would operate as a bank of local discount. By holding bills of exchange rather

³⁷Congressional Globe, 27 Cong., 1 sess., 348; Merrill D. Peterson, Great Triumvirate, 311.

³⁸Sergeant claimed that a copy had been sent to Webster for submission to the President; Ewing declared that Webster told him, on September 5, that he had done so; Tyler, Letters and Times of the Tylers, II, 85-86, 99; Ewing, "Diary," 97-112; Niles' Register, Sept. 25, 1841, 55.

than redeeming them upon receipt, they could be used as local loans. In his mind, this would violate his long-standing opposition to allowing an out-of-state corporation to exercise local banking operations without consent of a host state.³⁹ The president's determination to veto gradually became evident. On August 21, Tyler implied that he would probably veto the bill; on August 23, the president said that "he would have his right arm cut off & his left arm too before he would sign the Bill then pending"; in the cabinet meeting of August 25, depressed, he intimated that he would not sign the bill and requested that it be postponed.⁴⁰

As an attempt to fill the president's wish, Webster recommended a delay to the Massachusetts senators, which he thought would be the best approach to allow the president time for reflection to consider a new plan in December.⁴¹ On August 27, the cabinet members agreed to try to win a postponement, if the Whigs of the two Houses of Congress

³⁹Tyler, Letters and Times of the Tylers, II, 88, 99, 100, 102.

⁴⁰Ewing, "Diary," 104; D. Webster to C. L. R. Webster, [Aug. 21, 1841]; D. Webster, "Memorandum on the Banking Bills and the Vetoes," [1841], Wiltse, Moser, and Birkner, eds., Papers of Daniel Webster, V, 145-46, 178-79.

⁴¹D. Webster to Isaac Chapman Bates and Rufus Choate, Aug. 25, 1841, Wiltse, Mosers, and Birkner, eds., Papers of Daniel Webster, V. 147-48.

would agree.⁴² A social gathering of August 28 at Crittenden's house failed to mend the party division, and the cabinet failed to delay the fiscal corporation.⁴³

Senate debate on the Fiscal Corporation bill was brief thanks to the anticipated veto and a desire of members to end the session. On September 3 the Senate approved the Fiscal Corporation bill, twenty-seven to twenty-two. Rives was the only Whig who voted against it. While the bill was discussed, Clay was accused for "hurrying matters to a catastrophe, intending to hasten the new Bank bill upon Mr. Tyler."⁴⁴ This complaint reveals that, despite his statement that he would not do anything with the second bill, Clay was not indifferent during the debate. Other evidence for his involvement can be found in the fact that when Calhoun suggested that the session could be terminated early if the second charter would be withdrawn, Clay shot back, "Never, Never! No, not if we stay here till Christmas."⁴⁵ His reserved public action may be explained by his realizing that his early endorsement might encourage

⁴²Ewing, "Diary," 104; D. Webster, "Memorandum," 177-79.

⁴³Adams, Memoirs of John Quincy Adams, X, 544-45.

⁴⁴Ewing, "Diary," 105-6.

⁴⁵Congressional Globe, 27 Cong., 1 sess., 404.

Tyler to turn against it. Unfortunately Clay's speech on the veto spoke louder than his silence.⁴⁶

There is an assumption that Clay wanted Tyler ousted from the party to secure the presidency; Clay supported the bill after he was sure that Tyler would oppose it.⁴⁷ This assumption ignores the fact that the party leaders believed at first that the second bank bill would satisfy Tyler. They could not have been seeking a party rupture until after August 25 when the veto became definite. Clay's writings fail to indicate concern about the presidential succession, and there is no evidence that Clay forced a second veto to eliminate Tyler as a rival. Clay rushed consideration for the Bank bill because he and other Whigs feared political consequences if they did not make every effort to enact a fiscal system. They had called a special session to charter a national bank, and they were worried that the voters would regard it as a waste if they did not deliver the promised program.⁴⁸ One Whig representative wrote, "I am opposed to adjourning until we do something. If we do, all is lost, and irrevocably lost."⁴⁹ Other Whigs were convinced that a

⁴⁶Gantz, "Henry Clay," 187.

⁴⁷Krueger, "Clay-Tyler Feud," 174; Eaton, Henry Clay and Art of Politics, 151.

⁴⁸ Gantz, "Henry Clay," 200.

⁴⁹James D. Ogden to H. Clay, Aug. 30, 1841, Shanks, ed., Papers of Mangum, III, 229.

national bank was a cardinal point of their program, and other reforms had little value without it. Clay was pleased they had enacted other important reforms but mourned loss of the most valuable element in his program. He said, "if the President had been cordially with us, what a glorious summer this of 1841 would be!"⁵⁰ On the other hand, Clay and other Whigs regarded Tyler as weak and indecisive; they believed he could not withstand the pressure of a second veto. Even Democrats agreed about Tyler's vacillation, and doubted Tyler would have the moral courage to take an independent stand upon his old principles.⁵¹

On the day after Tyler received the bill, he confided to Ewing, Bell, Granger, and Webster that he probably would veto the measure as expected. Sensitive to stories about his bidding for the support of the Democrats in preparation for the 1844 election, Tyler said he might accompany the veto with a declaration that he would not seek another term. Everyone present considered such a statement as unnecessary, and Tyler dropped it. Tyler planned to severely criticize the bill in his veto message, but Webster worked to soften the veto's impact; he advised against that approach as below

⁵⁰James D. Ogden to H. Clay, Aug. 30, 1841, Shanks, ed., Papers of Mangum, III, 229; H. Clay to Ambrose Spencer, Aug. 27, 1841, Seager, ed., Papers of Henry Clay, IX, 594.

⁵¹J. Polk to Samuel H. Laughlin, Aug. 24, 1841, Wayne Cutler, ed., Correspondence of James K. Polk (5 vols., Nashville: Vanderbilt University Press, 1969-1979), V, 732.

the dignity of the chief executive. Webster was in almost constant conference with the president during the first week of September trying to convince him to revise his message with conciliatory language. Tyler invited Webster to dine at the White House on September 7, along with Caleb Cushing, who had also played an important role in the preparation of the veto. On the following evening, Tyler and Cushing were the guests of Webster. Tyler wanted to avail himself of Cushing's familiarity with the passage of the second bill through the House, and presumably Cushing wrote the veto message.⁵²

Tyler returned the bill with his veto six days after having received it, on September 9. His message concentrated its attack upon the provision for dealing in bills of exchange. Fearing the exchange provisions would not prohibit local business, he objected to omission of provision for state assent to local agencies of the corporation, although the bill in this respect, as in all other matters, had been drafted to his specifications. He maintained that this fiscal corporation was merely another national bank; cosmetic changes and the title could not hide its features. He declared it his sacred and solemn duty to

⁵²Ewing, "Diary," 109-10; Tyler, Letters and Times of the Tylers, II, 27, 96; Fraser, Democracy in the Making, 217-18; Wise, Seven Decades, 190; Fuess, Daniel Webster, II, 98.

veto acts of Congress he deemed unconstitutional. He praised the veto power as "the great conservative principle of our system" and identified his will in exercising it with the duty to "guard the fundamental will of the people themselves" from violation by a majority in Congress. The President expressed regret over having to differ with the legislative branch a second time on this subject and of having to use the veto power again. Promising to recommend a new measure to Congress in December, he concluded by noting that he had approved all other acts of the extra session and asked why should "our difference on this alone be pushed to extremes?"⁵³

Congressional Whigs bitterly condemned the second veto. Botts delivered a vitriolic attack in the House. Observing that Tyler's most recent message had stated that executives should use the veto only cautiously, he denounced Tyler for not following his own theory. Charging that Tyler was "inspired by a mad ambition," Botts was sure he was moving to the Democrats because Whigs did not favor his succession to the presidency.⁵⁴

Cordiality toward Tyler was not the prevailing mood when Clay and all the cabinet members except Granger gathered that evening at Badger's home for dinner. The veto

⁵³Richardson, Messages and Papers, IV, 68-72.

⁵⁴Congressional Globe, 27 Cong., 1 sess., 447-48.

placed the cabinet in a difficult position. Tyler's switch on the second bank bill and rumors of their pending dismissals raised question about the secretaries' ability to speak for the administration. The displeasure of the majority of the cabinet members was understandable. Tyler had accepted the plan for a Fiscal Corporation, then he had become cool toward it. Nevertheless, he had instructed Webster and Ewing to have the bill drawn up but not to commit him to it. After they had carried out his wishes, he had asked to have the bill postponed, and finally, he had vetoed it without consulting the cabinet. These twists and turns, even if there was cause for his uneasiness about the measure, hurt the honor of the department heads.⁵⁵ They recognized that they could no longer serve as advisers, and that the president's failure to consult them was a dramatic expression of no confidence. They also chose to leave Tyler before being dismissed by the president, hoping their sudden departures would embarrass the president. Rumors that Wise and his cronies had approached others about cabinet appointments convinced them that their days were numbered.⁵⁶ Webster left the house after the meal, and the remaining cabinet members resolved to resign while Clay

⁵⁵Adams, Memoirs of John Quincy Adams, XI, 13-14; Norma Lois Peterson, Presidencies of Harrison and Tyler, 92.

⁵⁶Gantz, "Henry Clay," 225-26.

withdrew to another room with Badger's family. Granger was not sure that the president's response to the second charter justified resignation, and he was reluctant to leave. On the following day, Bell, Badger, Crittenden, and Ewing informed Webster that they intended to vacate their positions.⁵⁷

Webster immediately called a meeting of the Massachusetts delegation and asked their advice. They gave him the advice and reasons he wanted for remaining in the cabinet: his cordial relations with Tyler, the unfinished business of a bank or fiscal agency, and the work of his own department in foreign affairs. Besides their advice, Webster did not believe there was sufficient cause to dissolve the cabinet. Only through party unity could Whigs salvage anything from their years of struggle and victory in 1840; deserting the administration would make further accomplishments impossible.⁵⁸ His personal finances, and his liking for executive power and patronage were other reasons for his decision; he did not want to increase Clay's

⁵⁷Adams, Memoirs of John Quincy Adams, XI, 13-14.

⁵⁸D. Webster to Hiram Ketchum, Sept. 11, 1841; D. Webster to Gales and Seaton, Sept. 13, 1841, Wiltse, Moser, and Birkner, eds., Papers of Daniel Webster, V, 149-50, 151-52.

dominance and hated to return to the Senate ranking somewhere under Clay.⁵⁹

On September 11, two days before the close of the session, the letters of resignation of Ewing, Badger, Crittenden, and Bell were submitted. Granger's note of leaving soon followed: his letter was delayed due to his consultation with the New York delegation and his reluctance to quit. On the same day, Webster called at the White House to define his position with the President. Webster asked, "Where am I to go, Mr. President?" When Tyler told him to decide for himself, Webster responded, "If you leave it to me, Mr. President, I will stay where I am." Tyler held out his hand and declared, "Give me your hand on that, and now I will say to you that Henry Clay is a doomed man from this hour." Then ensued a frank and free conversation in which positions were clearly defined and the Cabinet crisis discussed.⁶⁰

In naming his new department heads, Tyler did not, as some anticipated, turn his back on the Whig party. He

⁵⁹Chitwood, John Tyler, 277-78; Sydney Nathans, "Daniel Webster, Massachusetts Man," The New England Quarterly 39 (June 1966): 166-67; Carl Brent Swisher, Roger B. Taney (New York: The Macmillan Company, 1935), 430-31.

⁶⁰John Tyler, Jr., to Lyon G. Tyler, Jan. 29, 1883, Tyler, Letters and Times of the Tylers, II, 122n; Ewing, "Diary," 112; Adams, Memoirs of John Quincy Adams, XI, 13-14; Nevins, ed., Diary of Philip Hone, 560; D. Webster to Hiram Ketchum, Sept. 10, 1841, Webster, Private Correspondence of Webster, II, 110.

appointed Hugh S. Legaré of South Carolina as Attorney General, Walter Forward of Pennsylvania at the Treasury Department, Abel Parker Upshur of Virginia for the Navy Department, Charles A. Wickliffe of Kentucky at the Post Office Department, and John C. Spencer of New York for the War Department. His nominees were all Whigs, but like himself, all except John C. Spencer were former Democrats who had become Whigs because of their opposition to the Jackson regime. The cabinet's composition reflected Tyler's desire to steer a middle course. Webster, Spencer, and Forward were from the North, and Legaré, Upshur, and Wickliffe were from the South. No one faction was dominant. Upshur and Wickliffe were the only states' righters, and Webster would be the one on whom Tyler would rely most heavily.⁶¹ The selection of former Democrats and other moderates indicated that the president did not expect to work with the Clay faction. On the other hand, appointment of nominal Whigs suggests he still hoped to retain party support.⁶² The new cabinet was assembled in record time. The nominations of the new ministers were sent to the Senate on the morning of September 13, the day scheduled for

⁶¹Norma Lois Peterson, Presidencies of Harrison and Tyler, 89.

⁶²J. Tyler to Thomas A. Cooper, Oct. 8, 1841, Tyler, Letters and Times of the Tylers, II, 125; Chitwood, John Tyler, 280.

adjournment, in the handwriting of the Secretary of State, and they were all approved.

Tyler bitterly resented the manner and timing of the cabinet resignations. He charged that they intended to force him out of office. In his strict construction of the Constitution, he believed a president could fill vacancies arising during congressional recesses, pending future Senate approval; during a session the executive could make appointments only with the Senate's consent. Congress had not yet adjourned, and he believed that he had only a few days to appoint a new cabinet. Tyler later claimed that Whigs had hoped that failure to find appointees before the end of the session might force his resignation.⁶³ However, cabinet resignation unanimity would have been critical if they had hoped to create enough pressure to force out the president. Rapid approval of the replacements without any difficulty also indicates that the party goal was not to create a deadlock over cabinet vacancies. If Clay had actually staged the cabinet resignation in an attempt to force Tyler's resignation, it is difficult to understand why the Senate Whigs did not challenge the nominations.⁶⁴

⁶³J. Tyler to Norfolk Democratic Association, Sept. 2, 1844; John Tyler, Jr., to Lyon G. Tyler, Jan. 29, 1883, Tyler, Letters and Times of the Tylers, II, 79-80, 94, 96, 121n; Fraser, Democracy in the Making, 220.

⁶⁴Gantz, "Henry Clay," 223.

Some have claimed that Clay forced the cabinet to resign, that Clay forced the secretaries to quit against their wishes.⁶⁵ No doubt Clay wanted the resignations in order to embarrass Tyler. He apparently made a powerful appeal for resignation to Webster, who listened but remained unmoved.⁶⁶ Clay's influence upon the cabinet resignations was less direct. Although he did not participate in the discussions at Badger's house, the department heads knew his views; and his presence was a strong, nonverbal argument.

Senate approval of the nominees did not imply its endorsement of the president. The changes acknowledged the split in the Whig party; congressional reaction widened it and revealed the party's anger. While Tyler was frantically assembling a new cabinet, the Whig congressional caucus met on the night of the resignations to denounce him and to outline a course for the party. Clay encouraged Whigs to maintain their faith, and reaffirmed that only a national institution could supply sound currency necessary for growth of the nation's industry. He believed that their principles would prevail in the end.⁶⁷ After discussing possible

⁶⁵Wise, Seven Decades, 191; Fraser, Democracy in the Making, 221; Morgan, Whig embattled, 68; Krueger, "Clay-Tyler Feud," 172.

⁶⁶D. Webster to R. P. Letcher, Oct. 23, 1843, Wiltse, Moser, and Birkner, eds., Papers of Daniel Webster, V, 316.

⁶⁷Smith, Early Indiana Trials, 593-96.

responses to the President, Mangum proposed a committee to draft an address to the nation emphasizing the events of the extra session.⁶⁸

The result was a manifesto penned by the novelist-politician, John P. Kennedy of Baltimore, which fifty to eighty Whigs adopted in Capitol Square after Congress adjourned.⁶⁹ It declared the people had elected the Whig administration to check executive power, regulate the currency, and enact economic reforms such as distribution, a bankruptcy law, and a revised tariff. It was asserted that the special session had been called to carry out the reforms which had been the issue in the election, though not a formal platform. Tyler had dismayed Whigs by defeating the bank with the very tool that they had hoped a Whig president would never use. The president was charged with having voluntarily separated himself from members of the Whig party, which no longer "in any manner or degree, could be held responsible for his actions." His undermining of the creation of a national bank was harmful, but what really angered the congressional Whigs was Tyler's thwarting of their determination to control the chief executive and to destroy, for all time, presidential usurpation. In the

⁶⁸Sargent, Public Men and Events, II, 140; Shanks, ed., Papers of Mangum, III, 230n.

⁶⁹Niles' Register, Sept. 18, 1841, 35-36.

future program of the party, first place was given to a reduction of executive power by further limitation of the veto, by the adoption of a single presidential term, by restricting the power of removal "so as to render the president amenable for its exercise."⁷⁰

The rank and file of the party accepted the statements of the manifesto. Not alone was Tyler anathematized as a traitor; Webster was also denounced as a selfish lover of office. From all quarters burst forth a cry for Clay; he was the one great leader of whom they could have no suspicion, "the Embodiment of Whig Principles."⁷¹ For New England Whigs loyal to Webster, however, the address proved awkward. Although several of them attended the caucus, only one finally signed the address. Webster's friend Caleb Cushing, who was one of the Corporal's Guard in the House, issued a counter-address explaining his opposition to congressional Whigs and appealing to the party not to follow the congressional leadership. Contending that legislative leaders had forced the fiscal corporation on the president, he denounced "caucus dictatorship," not executive usurpation. He maintained that Whigs could accomplish more by working with the executive; a united party was more

⁷⁰National Intelligencer, Sept. 15, 1841; quoted in Gantz, "Henry Clay," 237.

⁷¹Poage, Clay and the Whig Party, 106.

important than a new fiscal agency. Attacks on the veto power would evolve into legislative dictatorship. But his statement would never be accepted by the mass of Whigs.⁷²

Tyler knew he stood on the threshold of political destruction, a president without a party and faced by an extremely hostile element in Congress, masterminded by the cleverest politician of them all. The next move should be taken by the president, for he had promised a new fiscal plan for the regular session.

The bank had split the party in its control of government, and the manifesto transformed an estrangement into a formal divorce. Even if emotions subsided, it would now be more difficult for either the Clay Whigs to accept anything the president proposed or for Tyler to return to the party fold. Clay honestly believed that Tyler was a traitor, who aimed at his own aggrandizement through the establishment of a new party. He saw the manifesto as a way to consolidate the party. Now once more the issue was to be curbing of power of President, and the Whigs were to rally in opposition to executive usurpation.⁷³

⁷²Niles' Register, Oct. 16, 1841, 109-11; D. Webster, "Memorandum," 177-79.

⁷³Clay to Clayton, Nov. 1, 1841; Clay to Porter, Oct. 24, 1841, Seager, ed., Papers of Henry Clay, IX, 619-20, 616.

CHAPTER VI

CONCLUSION

The political scene of 1841 was definitely dominated by Henry Clay and John Tyler. Under the leadership of Clay, the Whigs broke completely with the president. For the first and only time in American history, the president was expelled from the party which had nominated and elected him. This unprecedented event attracted contemporaries' attention, and many historians have had a great deal of interest in it. Their views, however, were largely confined to the assumption that either Clay or Tyler manipulated events to control the presidential election in 1844. While Clay's interest in the presidency is undeniable, other explanations are possible for the controversy in 1841.

Clay's main concern was implementing his domestic measures by the end of the special session in 1841. The 1840 election gave Whigs for the first time a majority in both houses of Congress as well as control of the White House. Clay thought he finally had a chance to put into place his long promoted American System; he was determined to enact his program, believing it would bring prosperity for the nation. His primary concern in dealing with Harrison was to secure the support for his program. When

Tyler succeeded Harrison, Clay's main concern was the president's support for the Whig measures, not his interest in reelection. Clay's indifference to the next election during this particular period can be explained by the following. Since the close of the Harrisburg Convention, he had been the acknowledged front runner for the nomination in 1844, and his lead was well recognized by the party. He did not have to worry about his rivals, either Tyler or Webster. Besides, he might have noticed that Tyler did not intend to serve more than one term. The cabinet advised against Tyler's pledge for his first address and the second veto message, and Clay had close ties with Crittenden and Ewing. If he regarded Tyler as a future rival in the presidential nomination, more attention to Tyler should have appeared in his speeches and private letters. He did not express any concern about the next contest by the end of the Special Session.

Some historians have paid attention to Clay's efforts to establish legislative supremacy against Tyler's struggle for independence. However, their explanations fail to look beyond the 1844 election. They interpreted Clay's efforts as an attempt to restrain the executive power as long as he was in the Senate, but only until he would occupy the White House; his goal was only to win the next presidential election. While executive leadership per se was not evil,

an unrestrained use of executive power meant the destruction of individual liberties and republican government. The legislative prerogative must be maintained, and the people's representatives must always be allowed to express and enact the will of the nation. Congress should provide that leadership necessary both to the daily functions of government as well as to insure the best interests of the people.¹ Despite diversity in philosophies among Whig members, they were united in their dislike of Andrew Jackson and fear of executive enlargement.

Considering Clay's indifference to the next election during this particular period, checking the executive enlargement was another important target along with his economic program. In order to preserve the supremacy of the legislative over the executive branch, Clay used some severe tactics to keep the Whigs in line. When Clay was faced with strong opposition by the president on the bank issue, he was encouraged to stand strong and not to surrender to the executive power. Clay regarded his role as leader of the greatest branch of the federal government, not just majority leader of Congress; he refused to accept Tyler's view. According to Whig doctrine, Congress spoke as the authoritative voice of the people and it was the duty of the President to obey it. To put the matter simply, the

¹Joseph, "Appeal to Reason," 340.

president was to be guided by everybody's judgment but his own.

The Clay-Tyler feud proved that Clay was truly both the substance and spirit of Whigs. Counting on strong party support, Clay directed a majority party and kept it united. Strong commitment to party unity enhanced Clay's leadership to maintain harmony despite the strain in 1841. While his colleagues looked to Clay and deferred to his guidance, he had to modify the bills trying to satisfy various sectors of the party as well as supporters beyond Congress. Clay adopted compromises to the bank bills and the land bill to secure acceptance by southern conservatives and Tyler. These modifications and compromises were possible due to his strong leadership among the Whigs, but it was often charged as dictation. Most of his statements regarded as dictation were actually conclusions of the Whig caucus, Clay announced the decisions which the party meeting had adopted. His power was obtained through his leadership, not by dictation as described by his enemies.

The critical obstacle for Clay's program was Tyler's states' rights philosophy. Clay envisioned an active program of economic nationalism that would provide security and prosperity for the nation. He believed distribution would help development of the nation, especially in new states, without raising the issue of direct federal

involvement in internal improvements. In addition to aiding commerce and providing a system of flexible financial exchange which would meet the needs of a growing nation, a national bank would provide a sound, uniform currency that would help the rich and the poor. On the other hand, Tyler preferred a passive approach which would keep the general government out of spheres which he believed were reserved for the states. His narrow view of the constitution prevented acceptance of the measure which a majority of Whigs favored. Unfortunately, compromises which Whigs offered were insufficient to bridge the chasm between economic nationalism and states' rights.

Clay's mistakes contributed to the feud, such as misjudging Tyler's constitutional concerns and sensitivity. He disregarded the sophisticated constitutional arguments of the Virginia school; he underestimated the importance of consistency to Tyler. If he had been more sensitive to Tyler's pride and his determination to maintain his consistency, he would have accepted Ewing's plan with slight modifications instead of replacing it with his own scheme. He would not have pushed the second bill to justify the special session, which led to a complete break with the President. With a majority of Whigs demanding a bank, Clay erroneously believed Tyler would consent to the bank.

In the meanwhile, confusing signals were sent out about the position of the President. Tyler assured his Virginian friends that he would not approve the charter, but he let the bank supporters believe he would accept a modified institution. While he wanted legislation to satisfy his particular objections, he refused to specify his views when clarifications were sought. He reiterated that he would defer to the decision of Congress, but rejected their bills.

Another disruptive force was the Corporal's Guard of the President. Seeking a break with the Whigs, they reminded Tyler of his consistency and Virginia principles, encouraged defiance of congressional Whigs instead of conciliation, and convinced Tyler that congressional leaders were trying to trick him into accepting the second bank bill.

The political struggle of 1841 was one of the last great battles over economic issues that had dominated the Jacksonian era. For Clay, it was a very good opportunity to implement an economic program which he had been preaching since 1820s. But he failed to establish a national bank, which was his utmost goal at the time. While willing to make some adjustments to get his measures through congress, he refused to consider alternatives more in tune with changing attitudes. The Democratic victory in 1844 verifies

that the summer of 1841 was the best chance for Clay to enact the program to which he devoted his political career.

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