

ANDREW JACKSON AND THE PROBLEM OF  
INTERNAL IMPROVEMENTS

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The question of internal improvements at federal expense is one which caused much controversy during the first third of the nineteenth century. The term "internal improvements," as used during the period 1817 to 1837, includes the survey, construction, improvement, and appropriation of funds for roads, canals, rivers, and harbors. Although the debate over the federal government's role in internal improvements was one of the most hotly contested of the era, the question of President Andrew Jackson's role has never received the same historical attention as his involvement in the controversies of the Bank of the United States, tariff, and nullification. The purpose of this study is to examine Jackson's public and private attitude toward federally-financed internal improvements and to determine exactly what his policy was and how it related to his conception of the presidential office.

Jackson's published correspondence can be found in the Correspondence of Andrew Jackson, edited by John Spencer Bassett. The Martin Van Buren Papers, located at the Library

of Congress, also contain many important Jackson letters. The Andrew Jackson Papers, also at the Library of Congress, include his rough drafts and notes to veto and annual messages. The actual presidential messages are available in A Compilation of the Messages and Papers of the Presidents, 1789-1897, edited by James D. Richardson.

Chapter I surveys previous presidential actions on internal improvements. Jackson's senatorial position on the issue and his own political beliefs are summarized along with those of his chief advisors. Chapter II discusses the issue of federal stock subscriptions to private corporations and analyzes Jackson's three stock subscription vetoes of the Maysville Road, Washington Turnpike, and Louisville and Portland Canal bills. This issue was the central question involved in the three vetoes. Jackson's rejection signaled an end to stock subscription as a means of aiding internal improvement projects. Direct assistance for roads and canals could not be provided until a constitutional amendment was passed. This ended the first phase of the controversy during his administration.

The second phase, involving river and harbor improvements, is discussed in Chapter III. Jackson and his advisors believed that river and harbor improvements were within the

realm of federal jurisdiction. To place restraints on congressional spending for these projects, Jackson evolved a series of guidelines to determine whether a particular river or harbor was of a national or local character. He vetoed three such bills to reinforce these guidelines. These restrictions were not enough to keep appropriations for internal improvements from increasing. Largely because of these increases, internal improvement expenditures during Jackson's administration were greater than in any previous administration. Only the Panic of 1837 would end excessive river and harbor appropriations. Chapter IV offers a brief summary and conclusion.

An examination of Jackson's policy toward federally-financed internal improvements reveals that Jackson's course of action was a consistent one. He favored internal improvements within certain limits. The President's internal improvement vetoes were not mere constitutional rhetoric but rather attempts to implement his views on the federal government's role in directing national development. What Jackson did was to synthesize the main ideas of previous Presidents on internal improvements into a program which was, in essence, a culmination of the Jeffersonian tradition. Payment of the national debt and constitutional limitations on power, both of which Jefferson had championed strongly, became the rationale of Jackson's program.

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## CHAPTER I

### INTERNAL IMPROVEMENTS: THE BACKGROUND TO 1829

The question of internal improvements at federal expense is one which caused much controversy during the first third of the nineteenth century. The term "internal improvements," as used during the period 1817 to 1837, included the survey, construction, improvement, and appropriation of funds for roads, canals, rivers, and harbors. It also involved the construction and repair of light houses and piers and the placement of buoys and beacons. In its simplest form, then, internal improvements may be any one or a combination of the above.

During the 1820's and 1830's, the controversy centered mainly on roads and canals. Seldom was the use of federal funds for river and harbor improvements questioned by Congress or the Presidents. In a sense there were two classes of internal improvements, one centering on roads and canals, the other centering mainly on river and harbor improvements. The problem involving both classes arose mainly because of the ambiguity involved in determining the local or national nature of a project. This conflict over the local or national nature

of a road or even a river project made any decision by a President open to debate.

The end of the War of 1812 made it clear to many that the nation needed a vastly-improved transportation system. The federal government did have the power under the Constitution to construct post and military roads as well as authorize harbor improvements and lighthouse and fortification construction. In 1806 Congress had even passed and President Thomas Jefferson had signed the first of a series of bills authorizing construction of the Cumberland or National Road. Between 1806 and 1817, however, Congress did not attempt to initiate any more national works.<sup>1</sup>

In his seventh annual message to Congress in 1815, President James Madison stressed the importance of congressional aid in the building of a national system of roads and canals. He also pointed out that a constitutional amendment was necessary to make such aid for this system of roads and canals valid.<sup>2</sup> These reservations became apparent with his veto of the Bonus Bill in 1817. The bill included provisions for the

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<sup>1</sup>U.S., Statutes at Large, 1:346; 2:42-45, 359.

<sup>2</sup>James D. Richardson, ed., A Compilation of the Messages and Papers of the Presidents, 1789-1897, 10 vols. (Washington: U.S. Government Printing Office, 1896-1899), 1:567-68.



allotment of the \$1,500,000 bonus paid the federal government by the Bank of the United States to be used by the states in the construction of roads and canals and for river and harbor improvements. Madison believed that the Constitution did not provide for such action to be taken by Congress. He stated that "such a power is not expressly given by the Constitution, and . . . that it can not be deduced from any part of it without an inadmissible latitude of construction and reliance on insufficient precedents . . ." <sup>3</sup> He also believed it to be a violation of the separation of powers between the state and federal governments.

President James Monroe emphasized Madison's position in his first annual message on December 5, 1817. He, too, was in favor of a national system of improvements, but such authority was "not contained in any of the specified powers granted to Congress . . ." <sup>4</sup> He believed that a constitutional amendment was necessary before Congress could proceed with any direct action. To support his views he returned the Cumberland Road bill to Congress with his veto in 1822. The bill had authorized Congress to set up toll gates and

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<sup>3</sup>Ibid., 1:585.

<sup>4</sup>Ibid., 2:18.

collect tolls on the Cumberland Road. Monroe believed that such a bill, if passed, implied "a power to adopt and execute a complete system of internal improvement."<sup>5</sup> He again stated that a constitutional amendment was necessary.

Monroe did not completely oppose federal involvement in internal improvements, however. During the next two years, he signed three bills which would have far-reaching consequences. On April 3, 1824, he signed into law a bill allowing the President to initiate surveys, plans, and estimates for roads and canals that he thought to be of national importance, "in a commercial or military point of view . . . ."<sup>6</sup> This general survey act made it possible, then, for the federal government to initiate surveys and make plans for works of national importance. By allowing this initial step, Monroe increased the possibilities for additional state and local pressure to be exerted upon the national government to construct roads and canals.

One month later Monroe signed a bill which appropriated \$75,000 "to improve the navigation of the Ohio and Mississippi rivers."<sup>7</sup> Harbor improvements had long been considered part

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<sup>5</sup>Ibid., 2:142-43.

<sup>6</sup>Statutes at Large, 4:22-23.

<sup>7</sup>Ibid., 4:32.

of the federal government's responsibility, but this was the first time that river improvements were also considered under federal jurisdiction. This was the first of many acts appropriating funds for improving the navigation of the Ohio and Mississippi Rivers. Funds were later used to improve the Red, Pascagoula, Wabash, Missouri, Arkansas, and Potomac Rivers.<sup>8</sup>

Just before leaving office, Monroe signed a third bill which authorized subscription of 1,500 shares of stock in the Chesapeake and Delaware Canal Company. The bill allowed the Secretary of the Treasury "to vote for president and directors of said company, according to such number of shares . . . ."<sup>9</sup> This meant that the federal government was not only indirectly involved in the construction of a canal but was directly involved in the operation of a private corporation. Far from clarifying the role of the federal government in internal improvements, Monroe, in vetoing one bill and signing three others, only confused the issue further.

John Quincy Adams made clear his position on federally-financed internal improvements in his first annual message

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<sup>8</sup>Ibid., 4:289, 552, 553, 646.

<sup>9</sup>Ibid., 4:124.

to Congress in December 1825. He set forth plans for the most ambitious program yet conceived for federal involvement in internal improvements. He urged continuing the construction of the Cumberland Road and other territorial roads and increasing the number of river and harbor improvements. He also believed that projects of national importance which were surveyed and planned under authority of the general survey act should be begun.<sup>10</sup>

Adams continued the practice approved by Monroe of authorizing stock subscriptions to canal companies. He signed a bill ordering the subscription of 2,325 shares in the Louisville and Portland Canal Company at a total cost of \$233,500. \$200,000 was appropriated for 800 shares in the Dismal Swamp Canal Company. Subscription to 10,000 shares of stock in the Chesapeake and Ohio Canal Company eventually cost \$999,990. Adams also approved the subscription of 750 more shares in the Chesapeake and Delaware Canal Company.<sup>11</sup>

Besides greatly increasing stock purchases, Adams also moved the federal government in a new direction in the field

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<sup>10</sup>Richardson, ed., Messages and Papers, 2:307.

<sup>11</sup>Statutes at Large, 4:162, 353, 169, 350, 293-94, 350; U.S., Congress, Senate, Senate Document 371, 25th Cong., 2d sess., 11 April 1838, p. 2.

of internal improvements. He signed two bills which provided for grants of public land to aid the construction of the Wabash and Erie Canal and extension of the Miami (Ohio) Canal. The federal government had previously granted land for road construction in Ohio and Indiana, but this was the first instance of land grants for canals.<sup>12</sup>

During Adams' administration, the federal government's involvement in the field of internal improvements continued at an accelerated pace. Surveys and plans for projects of national importance were now considered to be part of the national government's responsibility. Congress provided direct aid for construction of the Cumberland Road, numerous post and military roads, and for river and harbor improvements of national importance. Congress also provided indirect aid in the form of stock subscriptions and land grants. By 1829, when Andrew Jackson took office, the federal government seemed well on its way to even greater assistance and involvement in internal improvement projects throughout the nation.

By the time he became President, Andrew Jackson's basic political philosophy had been largely conceived. In 1836,

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<sup>12</sup>Statutes at Large, 4:236, 305. For a basic overview of not only federal land grants for internal improvements but also the entire problem of federally-financed roads and canals during this period see John R. Hoffmann, "National Promotion of Western Roads and Canals, 1785-1830" (M.A. thesis, North Texas State University, 1969).

in a proposed veto message of the surplus revenue bill, Jackson clearly restated his views on the role of the federal government which he had followed throughout his presidency:

It is admitted on all hands that the Government of the United States is a limited one, and I have always belonged to that school which holds that it can exercise no powers but those which are granted in express terms by the constitution, or which are necessary and proper to carry into execution the powers expressly granted.<sup>13</sup>

Within limits, the people and the states, not the federal government, said Jackson, should exercise the controlling force in directing the nation's course. If Jackson adhered to one guiding concept of government, this was it. This does not mean, of course, that he was a political theorist. Indeed, there is little evidence that his views on government and the Constitution were carefully thought out. But this limited view of government and the Constitution was one which played an important part in Jackson's political decisions, especially those dealing with internal improvements.<sup>14</sup>

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<sup>13</sup> Andrew Jackson, Correspondence of Andrew Jackson, ed. John Spencer Bassett, 7 vols. (Washington: Carnegie Institution, 1926-1935), 5:406.

<sup>14</sup> Glyndon G. Van Deusen, The Jacksonian Era, 1828-1848 (New York: Harper & Row, 1959), p. 36; John Spencer Bassett, The Life of Andrew Jackson, 2 vols. in 1 (New York: Macmillian Company, 1925), p. 483; Robert V. Remini, Andrew Jackson (New York: Harper & Row, Perennial Library, 1969), p. 126; Major L. Wilson, "The Concept of Time and the Political Dialogue in the United States, 1828-48," American Quarterly 19(1967):630-31; Marvin Meyers, The Jacksonian Persuasion: Politics and Belief (Stanford: Stanford University Press, 1960), p. 29.

The payment of the national debt also greatly concerned Jackson. Termination of this debt was of extreme importance to him and thus directly affected his approval or disapproval of many government projects including internal improvements. Early in his political career he declared: "I am one of those who do not believe that a national debt is a national blessing, but rather a curse to a republic . . . ." <sup>15</sup> After becoming President, he made the extinction of the debt one of his chief concerns. <sup>16</sup>

This abhorrence of debt and concern for economy in government was not merely political rhetoric. During Jackson's eight years as President, annual expenditures exceeded those of 1828, John Quincy Adams' last year in office, only three times. Annual expenditures for the five other years were less than those of 1828. <sup>17</sup> In 1836 Jackson achieved his

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<sup>15</sup>Jackson to L.H. Coleman, 26 April 1824, Jackson, Correspondence, 3:250; see also Jackson to William S. Fulton, 4 July 1824, *ibid.*, 3:259.

<sup>16</sup>William W. Freehling, Prelude to Civil War: The Nullification Controversy in South Carolina, 1816-1836 (New York: Harper & Row, 1866), p. 191; Vernon L. Parrington, Main Currents in American Thought: The Romantic Revolution in America, 1800-1860 (New York: Harcourt, Brace & World, Harvest Book, 1927), p. 191; Leonard D. White, The Jacksonians: A Study in Administrative History, 1829-1861 (New York: Macmillian Company, 1954), p. 6.

<sup>17</sup>U.S., Congress, Senate, Senate Document 450, 26th Cong., 1st sess., 7 May 1840, p. 2.

goal of payment of the nearly \$60 million debt he inherited mainly because, as Martin Van Buren said, "no object was nearer his heart than that of its extinguishment during his administration."<sup>18</sup> As a result, internal improvement projects, especially during the first term, had to pass rigid scrutiny because of the appropriations involved.

Jackson's political philosophy and his concern for payment of the national debt related directly, then, to the position he took on internal improvements during his presidency. But, in 1829, few people knew exactly where he stood on the question. His record as Senator and his public and private statements during both the 1824 and 1828 presidential campaigns had led many to believe he favored federal participation in internal improvement projects, while others insisted that Jackson opposed such involvement.

As early as 1822, Jackson expressed the view that Congress did not have the power to initiate and construct a national system of roads and canals. In a letter to President Monroe, Jackson congratulated the Chief Executive on his veto of the Cumberland Road Bill: "Your reasoning I think Just, and the conclusions well drawn . . . . My opinion has always been

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<sup>18</sup>Martin Van Buren, The Autobiography of Martin Van Buren, ed. John C. Fitzpatrick (1920; reprint ed., New York: Augustus M. Kelley, 1969), p. 645.



that the Federal government did not possess the constitutional right, that it was returned to the States."<sup>19</sup>

Two years later, however, Jackson modified this position when writing to James W. Lanier, later a Representative from North Carolina:

As regards internal improvements, Congress can constitutionally apply their funds to such objects as may be deemed National. They may erect Fortresses and make roads and canals, where they are of a character National, not local. But the general government in the prosecution of their objects cannot exercise an exclusive jurisdiction and invade the Sovereignty [sic] of the States . . . . To keep the sovereignty [sic] of the States and the general govt properly and harmoniously poised, is the pivot on which<sup>20</sup> must rest the freedom and happiness of this country.

At this time Jackson was also serving as Senator from Tennessee, a position he held from 1823 to 1825. His voting record on internal improvements legislation only adds to the confusion. If he held any reservations about the federal government's power to finance and construct such projects, his voting record in Congress did not show it. He approved all types of federal aid and involvement. He voted in favor of constructing roads in the territories of Arkansas and Florida. He approved passage of the general survey bill in 1824 and voted in favor of allocating funds for improving

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<sup>19</sup>Jackson to Monroe, 26 July 1822, Jackson, Correspondence, 3:171.

<sup>20</sup>Jackson to Lanier, 15(?) May 1824, *ibid.*, 3:253.

navigation on the Mississippi and Ohio Rivers. Jackson also voted to extend the Cumberland Road to Zanesville, Ohio, in 1825. The last internal improvement measure he voted for as Senator was one which would haunt him more than any of the others. In 1825 he voted in favor of the stock subscription in the Chesapeake and Delaware Canal Company.<sup>21</sup>

When Jackson resigned from the Senate in 1825, no one seemed a stronger supporter of federally-financed internal improvements. He could still state as late as February 28, 1828, in a published letter to Indiana Governor James B. Ray, "that my opinions, at present, are precisely what they were in 1823 and '24 . . . when I voted for the present tariff and appropriations for internal improvements."<sup>22</sup>

There are several reasons to support the idea that Jackson's many statements are not as contradictory as they might seem. First, it is likely that he only reluctantly gave his affirmative vote to many of the measures. Most Tennesseans favored internal improvement measures at this time. Jackson also knew he had to reassure his supporters

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<sup>21</sup>U.S., Congress, Senate, Annals of Congress, 18th Cong., 1st sess., 1824, pp. 137, 294, 570, 765; U.S., Congress, Senate, Register of Debates, 18th Cong., 2d sess., 1825, pp. 361, 671, 681.

<sup>22</sup>Jackson to Ray, 28 February 1828, in National Intelligencer, 29 April 1829.

in the Northwest and especially in Pennsylvania that he was not completely opposed to projects of a national nature. After 1825, however, Tennesseans began to oppose federal aid. After Jackson left the Senate, a majority of Tennessee congressmen consistently opposed internal improvement legislation. This opposition usually centered on grounds that the state should be responsible for such works. There was also a growing sentiment for a stricter construction of the Constitution to eliminate increased spending by the Adams administration on internal improvement projects. By 1828, with his own state in opposition, it is not surprising that Jackson's position on the subject was becoming more clear.<sup>23</sup>

Jackson's continued opposition to Adams and Clay also contributed to a change from his previous senatorial support of internal improvements. Clay's American System, which called for protective tariffs, a national bank, and federally-financed internal improvements, greatly increased spending for projects which Jackson believed to be purely of a local nature. Such extravagance related, of course, to Jackson's

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<sup>23</sup> Charles G. Sellers, James K. Polk: Jacksonian, 1795-1843 (Princeton: Princeton University Press, 1957), pp. 97-98; Van Buren, Autobiography, pp. 314-15; Stanley J. Folmsbee, Sectionalism and Internal Improvements in Tennessee, 1796-1845 (Knoxville: East Tennessee Historical Society, 1939), pp. 55, 61-62.

advocacy of a rapid payment of the national debt. A more strict construction of the Constitution offered a means of combating both the American System and its alleged extravagance.<sup>24</sup>

Writing many years later, Martin Van Buren believed that Jackson never really examined the constitutional question involved in federal participation in internal improvements until he (Jackson) became President. While this was true to a great extent, Jackson had proposed an amendment to a bill creating a military road in Louisiana in 1824. He insisted that Congress had the right to construct roads for military purposes but only on lands owned by the federal government. He was not totally unaware of some of the constitutional difficulties involved. By 1829, however, the number of internal improvement projects had multiplied to such an extent that the military or national value of many projects was nonexistent. These factors, both political and constitutional, contributed to the modification and solidification of the position that Jackson would hold throughout his presidency.<sup>25</sup>

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<sup>24</sup>William MacDonald, Jacksonian Democracy, 1829-1837 (New York: Harper & Brothers, 1906), p. 137; Folmsbee, Sectionalism and Internal Improvements, p. 58.

<sup>25</sup>Van Buren, Autobiography, pp. 314-15; U.S., Congress, Senate, Annals of Congress, 18th Cong., 1st sess., 1824, pp. 208-09; Bassett, Life, p. 482.

His views on the constitutional limitation of powers, the national debt, and his political opposition to the American System provided the basis for the stance that Jackson took on internal improvements at federal expense when he became President. The advisors whom he consulted helped present these views in a unified form to Congress and the nation. It is clear that Jackson was the dominant force in his administration and was not dependent on any one advisor or group. In Congress such men as Thomas Hart Benton and James K. Polk became trusted lieutenants. Amos Kendall and Francis Preston Blair soon played important roles in the Kitchen Cabinet. And Martin Van Buren, whose role is sometimes hard to judge, became the most influential man in Jackson's first official cabinet.<sup>26</sup>

Senator Thomas Hart Benton of Missouri had been a strong advocate of internal improvements throughout most of the 1820's. His position was much like Jackson's. In 1825, during discussion of the bill authorizing a stock subscription of 1,500 shares in the Chesapeake and Delaware Canal Company, Benton voiced his disapproval. He declared that through the provisions of the bill the government would become "nothing

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<sup>26</sup>Remini, Jackson, p. 110; Richard P. Longaker, "Was Jackson's Kitchen Cabinet a Cabinet?" Mississippi Valley Historical Review 44(1957):101.

less than stockholders in an act of incorporation in one of the States."<sup>27</sup> He voted against the bill, but later in 1826 reversed himself by voting in favor of a 1,000 stock subscription to the Louisville and Portland Canal Company. By 1828, however, Benton's position was slowly moving away from support of purely local projects. He believed that national expenditures should be used only for projects of national importance. Still, for Benton projects of national importance were, of course, to be found in the West. Thus, when Jackson vetoed the Maysville Road bill, Benton voted to override the veto.<sup>28</sup>

Representative James K. Polk of Tennessee, like Benton, provided important assistance to Jackson in maintaining an effective working relationship with Congress. He had also been a supporter of internal improvements legislation. He became disenchanted because of the "horse-trading" principle involved. To obtain a single project for his district, he had to support the whole system.<sup>29</sup> He expressed his views

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<sup>27</sup>U.S., Congress, Senate, Register of Debates, 18th Cong., 1st sess., 1825, p. 676.

<sup>28</sup>Ibid., 19th Cong., 1st sess., 1826, pp. 619-20; William Nisbet Chambers, Old Bullion Benton: Senator From the New West (Boston: Little, Brown & Company, 1956), pp. 120, 139; Elbert B. Smith, Magnificent Missourian: The Life of Thomas Hart Benton (New York: J.B. Lippincott, 1957), pp. 115-16.

<sup>29</sup>Remini, Jackson, p. 119; Sellers, Polk: Jacksonian, pp. 120-22.

most clearly in the 1830 debate in the House over the proposed Buffalo-New Orleans road: ". . . the road addresses itself to the local interests of [the] constituents, and this is the evil of this and all similar propositions; . . . it deludes, and deceives, and misleads whole sections . . . ." <sup>30</sup> Nevertheless, Polk did not become adamant in his opposition until after 1828. He advised Jackson in 1826 of the sensitive nature of the subject and the need for Jackson not to make a "hasty opinion," if called upon to do so. <sup>31</sup> After Jackson's election, Polk took an active interest in the President's policy on internal improvements and completely backed Jackson's stand, especially with respect to the subsequent vetoes.

Amos Kendall and Francis Preston Blair, "members" of the Kitchen Cabinet, also had much influence with Jackson. A great deal of the administration policy resulted from their observations. Kendall's role in the internal improvement controversy is obscure, but it is apparent that Jackson asked for his advice and observations on several occasions. Blair, on the other hand, had a more public role. As editor

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<sup>30</sup>U.S., Congress, House, Register of Debates, 21st Cong., 1st sess., 1830, p. 692.

<sup>31</sup>Polk to Jackson, 4 December 1826, Jackson, Correspondence, 3:321.

of the Globe, the Jackson organ in the capital, his editorials wholeheartedly supported Jackson's stand. These editorials were useful in explaining more clearly the administration's policy as well as attacking Jackson's political opponents.<sup>32</sup>

The only cabinet member, with the possible exception of Secretary of War John Eaton, with whom Jackson consulted to any great degree was Martin Van Buren. As Secretary of State and later Vice-President, Van Buren proved to be Jackson's most important advisor in the area of internal improvements. He provided much of the finer constitutional theory which Jackson used in his vetoes and messages. In fact Van Buren usually was responsible for the final draft of these messages. Van Buren's record as Senator from New York was by far the most consistent of Jackson's advisors. He voted for the Cumberland Road bill in 1822, but when Monroe vetoed it, he realized his "mistake" and opposed most future internal improvement legislation. He voted against the general survey bill of 1824 and the Mississippi and Ohio River improvements bill. He also opposed stock subscriptions

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<sup>32</sup>Van Deusen, Jacksonian Era, p. 34; Lynn L. Marshall, "The Strange Stillbirth of the Whig Party," American Historical Review, 72(1967):468; James C. Curtis, The Fox at Bay: Martin Van Buren and the Presidency, 1837-1841 (Lexington: University of Kentucky Press, 1970), pp. 32-33; William Ernest Smith, The Francis Preston Blair Family in Politics, 2 vols. (New York: Macmillian, 1933), 1:65, 71-72.



in the Dismal Swamp Canal Company and the Chesapeake and Ohio Canal Company. He did not oppose the use of funds for road construction in the territories, however, and he voted for continuation and upkeep of the Cumberland Road with the justification that funds already spent on the project would be wasted.<sup>33</sup>

In 1824 Van Buren went so far as to propose an amendment to the Constitution. His amendment called for Congress to be given the power to construct roads and canals. The funds for such construction would be "apportioned among the several states according to the last enumeration of their respective members . . . ." <sup>34</sup> Since the state of New York had constructed the Erie Canal without federal funds, Van Buren believed that other states should do the same until the Constitution were amended properly.

During the eight years of his presidency, Jackson based his actions on internal improvements on his constitutional

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<sup>33</sup> Arthur M. Schlesinger, Jr., The Age of Jackson (Boston: Little, Brown and Company, 1945), p. 50; Curtis, Fox at Bay, p. 34; Van Buren, Autobiography, p. 315; U.S., Congress, Senate, Register of Debates, 19th Cong., 1st sess., 1826, p. 710; Ibid., 20th Cong., 1st sess., 1828, p. 806; Robert V. Remini, Martin Van Buren and the Making of the Democratic Party (New York: Columbia University Press, 1959), p. 31.

<sup>34</sup> U.S., Congress, Senate, Annals of Congress, 18th Cong., 1st sess., 1824, p. 136.

and political views. He also relied to some extent on the counsel of a small group of advisors as well as actions of previous Presidents which provided ample precedent for any course he might decide to take. No matter how much he had straddled the issue as a Senator and presidential candidate, the course of action he chose to follow was a consistent one.

## CHAPTER II

### THE MAYSVILLE ROAD AND THE STOCK

#### SUBSCRIPTION DILEMMA

In the rough draft of his inaugural address, Jackson called for the "liquidation of the national debt . . . and observance of the strictest economy in the disbursements of the Government . . . ." <sup>1</sup> When the debt was paid, there could be a "distribution of the surplus revenue amongst the states according to the apportionment of representation, for the purposes of education and internal improvement, except where the subjects are national." <sup>2</sup> This last phrase indicated quite clearly that Jackson believed that there were certain internal improvements of a national character that belonged under federal jurisdiction.

Apparently some of Jackson's advisors believed that even this brief mention of national works was politically unwise. Second Auditor of the Treasury William B. Lewis, Jackson's private secretary and nephew by marriage, Andrew Jackson

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<sup>1</sup>"Rough Draft of 1st Inaugural Address," [4 March 1829], Jackson, Correspondence, 4:13.

<sup>2</sup>Ibid.

Donelson, and possibly one of Van Buren's New York associates, Colonel James A. Hamilton, probably rewrote Jackson's rough copy. Their draft was as politically unobtrusive and vague as possible.<sup>3</sup> This final draft, which the President delivered on March 4, 1829, while retaining his major ideas, differed in its emphasis. Jackson said, "Internal improvement and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the Federal Government, are of high importance."<sup>4</sup> There was no mention of works of a national nature or the distribution of the surplus revenue after payment of the national debt.

In December of 1829, in his first annual message, Jackson did express his views more clearly. Van Buren, apparently acting alone, again modified Jackson's ideas to some degree. In his original draft of the annual message, Jackson discussed the possibilities of

executing those interior improvements, and maritime [sic] defenses . . . . Over the one, the constitutional power of congress is not contested, and hence may be proceeded in, . . . free from those objections which have affected the other. The fact cannot be denied that there are certain great undertakings of a national character calculated to interest the whole country.<sup>5</sup>

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<sup>3</sup>Ibid., p. 10; Bassett, Life, p. 483; Remini, Jackson, p. 107.

<sup>4</sup>Richardson, ed., Messages and Papers, 2:437.

<sup>5</sup>"Draft of 1st Annual Message," 8 December 1829, Jackson, Correspondence, 4:102-03; "Draft of 1st Annual Message,"

In the message actually delivered, the President called for distribution of the surplus revenue among the states "according to their ratio of representation" as the most effective means of promoting internal improvements, but "should this measure not be found warranted by the Constitution . . . it would be expedient to propose to the States an amendment authorizing it."<sup>6</sup>

Jackson clearly believed that certain types of internal improvements, such as harbor improvements, were well within the power of the federal government. Those other works which might be considered of a national character could be pursued by the states with surplus funds provided by Congress after the national debt was paid. If distribution proved to be an issue of contention, a constitutional amendment could be presented which would give Congress full power to construct as well as initiate works of national importance. All of this was, of course, contingent on payment of the national debt. Jackson was well aware of the interrelationship between the national debt and internal improvements. Distribution offered a means of solving both these problems.

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8 December 1829, Andrew Jackson Papers, Library of Congress, Washington, D.C. (On microfilm at North Texas State University Library).

<sup>6</sup>Richardson, ed., Messages and Papers, 2:452.

As he wrote to his long time friend and adviser from Tennessee, John Overton:

The moment the people see that the surplus revenue is to be divided among the States (when there shall be a surplus) and applied to i [internal] improvement . . . , they will instruct their members to husband the revenue for the payment of the national debt . . . ."<sup>7</sup>

The types of federal involvement which the President believed were constitutional soon became apparent. On April 2, 1830, he signed a bill which granted an unspecified amount of public land in Ohio "to aid . . . in extending the Miami Canal from Dayton to Lake Erie . . . ." <sup>8</sup> Ohio had to apply the proceeds of land sales to further construction of the canal. Land grants for canals had first been initiated during the Adams administration. Since no federal funds were directly involved, Jackson believed that land grants for national projects could continue. Later in the month, he signed a bill "making additional appropriations for harbor improvement and removing obstructions at the mouths of certain rivers . . . ." <sup>9</sup> Harbor improvements had long been considered proper, and river improvements had first been initiated

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<sup>7</sup>Jackson to Overton, 31 December 1829, Jackson, Correspondence, 4:109.

<sup>8</sup>Statutes at Large, 4:393.

<sup>9</sup>Ibid., pp. 394-95.

during Monroe's administration. Congress appropriated over \$300,000 in 1830 for river and harbor improvements of a national character.<sup>10</sup>

On April 26, 1830, Representative Robert P. Letcher of Kentucky, a close friend of Clay, introduced what seemed to be a rather routine bill in the House of Representatives. The bill called for a stock subscription of \$150,000 to the Maysville, Washington, Paris, and Lexington Turnpike Road. While this particular section of the road was within the state of Kentucky, it would eventually link with a proposed interstate system. The bill passed the House by a vote of 102 to 86 on April 29, 1830, and later passed the Senate on May 15, 1830. Stock subscriptions to private corporations, first initiated during Monroe's second term, had increased greatly during the Adams administration. Jackson himself had voted for such a subscription to the Chesapeake and Delaware Canal in 1825. Much to the chagrin of some of his advisors and to the surprise of most of Congress, the President returned the bill unsigned to the House with his veto message on May 27, 1830.<sup>11</sup>

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<sup>10</sup>Emory R. Johnson, "River and Harbor Bills," American Academy of Political and Social Science. Annals, 2(1892): 787; U.S., Congress, House, House Report 175, 25th Cong., 2d sess., 31 January 1837, p. 2.

<sup>11</sup>U.S., Congress, House and Senate, Register of Debates, 21st Cong., 1st sess., 1830, pp. 820, 842, 435. The exact vote in the Senate is not given.

The background of the veto is fairly clear. Jackson had agreed with Van Buren that restraints should be placed on the growing tide of internal improvements legislation so that the debt could be paid. Van Buren believed that only the President's great popularity could prevent the continued growth of many types of projects. Jackson realized that by opposing some projects he ran the risk of losing much of his political support in the West and especially in Pennsylvania. Still, he agreed to meet the issue on constitutional grounds, with a veto if necessary. He asked Van Buren to keep him informed of the first bill which offered a clear opportunity to make a stand. The Maysville Road bill proved to be the first such bill.<sup>12</sup>

After the House passed the bill, Van Buren presented Jackson with some notes on the more objectionable parts of the bill. Jackson believed Van Buren's manuscript to be "one of the most lucid expositions of the Constitution" he had ever seen.<sup>13</sup> Furthermore:

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<sup>12</sup>Van Buren, Autobiography, pp. 312-37. This is Van Buren's most complete account of the events concerning the internal improvements controversy during Jackson's administration.

<sup>13</sup>Jackson to Van Buren, 4 May 1830, in Van Buren, Autobiography, p. 321.



It furnishes clear views upon the constitutional powers of Congress. The inability of Congress under the Constitution to apply the funds of the Government to private, not national purposes I never had a doubt of. The Kentucky road bill involves this very power and I think it right boldly to meet it at the threshold.<sup>14</sup>

Van Buren replied the same day, May 4, 1830, that the situation was delicate and required the utmost care, but he believed that Jackson could "serve the country and at the same time counteract the machinations" of the proponents of the internal improvement system.<sup>15</sup> Van Buren obviously had Henry Clay in mind, since the Maysville Road was in Clay's home state. Jackson also believed that Clay was attempting to force him into a compromising position and, as he wrote to John Overton, "compel me to approve . . . and thereby acknowledge Mr. Clay's [American System] doctrine or disapprove them upon constitutional grounds."<sup>16</sup>

After the bill passed the Senate on May 15, 1830, Jackson began preparing notes for the veto message. In these notes, the President stressed the limited nature of the Constitution and the need for a constitutional amendment. His major concern was with "the speedy payment of the public

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<sup>14</sup> Ibid.

<sup>15</sup> Van Buren to Jackson, 4 May 1830, in *ibid.*, pp. 321-22.

<sup>16</sup> Jackson to Overton, 13 May 1830, as quoted in Remini, Jackson, p. 195n.

debt."<sup>17</sup> As he had stated in his first annual message, if a surplus remained in the Treasury following payment of the debt, it could be distributed among the states for internal improvement projects. He also did not think that Congress had the power "to appropriate money to objects where the constitution had not given jurisdiction over the subject, or where the object was not clearly national."<sup>18</sup> Even more important, Jackson asserted there were "no powers granted by the constitution, to authorise [sic] the United States, to become a member of a corporation created by the states . . . . It must lead to consolidation and the destruction of state rights."<sup>19</sup> This last point contradicted Jackson's senatorial vote in favor of a stock subscription to the Chesapeake and Delaware Canal. He obviously had changed his mind on the subject of stock subscriptions to private corporations.

The Maysville veto message, as delivered, bore only slight resemblance to Jackson's notes, although most of the basic ideas remained. In this message the President

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<sup>17</sup>"Notes for the Maysville Veto," [19-26 (?) May 1830], Jackson, Correspondence, 4:138.

<sup>18</sup>Ibid., p. 139.

<sup>19</sup>Ibid., p. 138; "Notes--The Maysville Road Bill Considered," [1830], Jackson Papers.

said that he was not opposed to improving the country "by means of roads and canals," but he opposed the present "mode of contributing to it . . . ." <sup>20</sup> He believed the actions of Jefferson, Madison, and Monroe in this area supported his stand. The message itself centered around three basic points. First, Jackson stated that the Maysville Road bill was strictly a "local" project. If it were national in character, then, no other distinction needed to be made "between the appropriate duties of the General and State Governments . . . ." <sup>21</sup> Next, he brought up matters which he had discussed previously in his inaugural address and first annual message. These concerned the national debt and distribution of the surplus. He considered payment of the national debt to be of primary importance. Before any real attention could be given to internal improvements, even of a national character, the debt would have to be removed. This abhorrence of debt, as noted, played an important part in Jackson's personal political philosophy. After payment of the debt was completed, the surplus revenue might be put to use by the states. <sup>22</sup> Finally, he concluded that "if it

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<sup>20</sup>Richardson, ed., Messages and Papers, 2:483.

<sup>21</sup>Ibid., p. 487.

<sup>22</sup>Ibid., pp. 488, 490.

should be the wish of the people that the construction of roads and canals should be conducted by the Federal Government," an amendment of the Constitution would be necessary. Such an amendment could delegate, define, and restrict the power of the federal government on the matter of internal improvements.<sup>23</sup>

The message obviously was a skillfully-written political document, but as the National Intelligencer noted, it was "not the language of the President."<sup>24</sup> It is possible that Donelson, Secretary of War John Eaton, and Polk had all contributed to its composition. Donelson and Eaton corrected portions of Jackson's notes. Polk submitted two separate drafts, each stressing the constitutional limitations and need to pay the national debt. Van Buren probably revised and wrote the bulk of the message. The Secretary of State shifted the emphasis away from Jackson's opposition to federal involvement in a private corporation. Instead he chose to stress the local versus national nature of the project. Van Buren believed that Jackson's earlier senatorial support of stock subscriptions made a stand against such

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<sup>23</sup>Ibid., pp. 491-92.

<sup>24</sup>National Intelligencer, 24 June 1830.

involvement inconsistent and therefore inappropriate. Even if the President had changed his mind, the Secretary of State believed it best to present Jackson's position as consistent and avoid the issue.<sup>25</sup>

Van Buren's revision of this point and Jackson's acquiescence to the change obscured an extremely important part of the President's objections to the bill and left his decision open to even further debate and criticism. As Polk said in the earlier House debate on the bill: "It is idle any longer to talk about nationality as applicable to this system. Anything is national that gentlemen think proper to deem expedient," and anything could be expeditiously termed "local" as well.<sup>26</sup> If Jackson now opposed federal stock subscriptions to private corporations, his opposition made the local or national nature of the project superfluous.<sup>27</sup>

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<sup>25</sup>For a copy of the message in Donelson's hand with Jackson's corrections, another draft in Donelson's hand with corrections by Eaton and Jackson which was not used, and two drafts in Polk's hand that were not used, see "Maysville Road Veto," [May 1830], Jackson Papers; Van Buren, Autobiography, pp. 325, 327-29; Bassett, Life, p. 490.

<sup>26</sup>U.S., Congress, House, Register of Debates, 21st Cong., 1st sess., 1830, p. 832.

<sup>27</sup>Henry Clay noted this inconsistency in a speech given in Cincinnati on 3 August 1830, as quoted in National Intelligencer, 1 September 1830.

Historians have differed drastically on their views concerning the importance of the Maysville veto. Some have viewed the veto message as an exposition of the doctrine of strict construction which ended the long struggle over federally-financed roads and canals.<sup>28</sup> Others have inferred that the veto was Jackson's manifesto against the federal government's involvement in private corporations, although the wording of the message itself does not warrant this specific interpretation.<sup>29</sup> Many historians, however, see the veto as a purely political move. Jackson, they believe, was not really opposed to internal improvements but used the veto to maintain Southern conservative support, please Van Buren's state, New York, and attack Clay, the National Republican party, and the American System.<sup>30</sup> Too much can

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<sup>28</sup>James Parton, The Presidency of Andrew Jackson, from Volume III of the Life of Andrew Jackson, ed., Robert V. Remini (New York: Harper & Row, Harper Torchbook, 1967), p. 117; MacDonald, Jacksonian Democracy, pp. 146-47; Charles S. Syndor, The Development of Southern Sectionalism, 1819-1848 (Baton Rouge: Louisiana State University Press, 1948), p. 222; Lee Benson, The Concept of Jacksonian Democracy: New York as a Test Case (New York: Atheneum, 1964), pp. 40-41.

<sup>29</sup>Schlesinger, Age of Jackson, p. 58; William A. Williams, The Contours of American History (Chicago: Quadrangle Books, 1966), p. 240; Carter Goodrich, "The Revulsion Against Internal Improvements," Journal of Economic History, 10(1950): 155.

<sup>30</sup>George R. Taylor, The Transportation Revolution, 1815-1860 (New York: Rinehart & Company, 1951), p. 20; George

be made of the Maysville veto, however. To really understand Jackson's position, all his internal improvement vetoes must be taken into consideration along with the internal improvements legislation that he did approve.

The public reaction at the time was widespread. In Congress, the attempt to override the veto met defeat by votes of 96 to 90 in the House and 21 to 17 in the Senate.<sup>31</sup> Benton later called the veto "a killing blow to the system."<sup>32</sup> Van Buren viewed it as "the entering wedge to the course of action by which . . . the Internal Improvement party was broken asunder and finally annihilated."<sup>33</sup> The Charleston Mercury reported that while the President's constitutional objections did not go far enough it was "still a great point

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Dangerfield, The Awakening of American Nationalism, 1815-1828 (New York: Harper & Row, 1965), p. 200; Van Deusen, Jacksonian Era, p. 52; Remini, Jackson, p. 127; Charles M. Wiltse, John C. Calhoun: Nullifier, 1829-1839 (1949; reprint ed.; New York: Russell & Russell, 1968), p. 75; Carlton Jackson, "The Internal Improvement Vetoes of Andrew Jackson," Tennessee Historical Quarterly, 25(1966):274.

<sup>31</sup>U.S., Congress, House and Senate, Register of Debates, 21st Cong., 1st sess., 1830, pp. 1148, 456.

<sup>32</sup>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, 1854-56), 1:167.

<sup>33</sup>Van Buren, Autobiography, p. 327.

gained" and put "a stop for a while at least, to the headlong course of the majority."<sup>34</sup> The Augusta Georgia Courier also believed that Jackson's veto was correct but opposed the idea of distribution, which was attributed to Van Buren.<sup>35</sup> A western newspaper, the St. Louis Beacon, on the other hand, supported both the veto and the idea of a distribution "by which the different states should get a fair and equal proportion."<sup>36</sup> As the National Intelligencer said, the Maysville veto was "a paper addressed to the People, rather than to congress . . . ; to the popular feeling, as well as to the popular understanding."<sup>37</sup>

Opposition to the veto was just as vocal. The National Intelligencer believed that the message would "not be acceptable to either of the parties . . . ." <sup>38</sup> It reported the western states to be in "a raging tempest" because of the President's stand.<sup>39</sup> The Philadelphia Gazette of the

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<sup>34</sup> Charleston Mercury, 31 May 1830.

<sup>35</sup> Augusta Georgia Courier, 12 July 1830, clipping in Martin Van Buren Papers, Library of Congress, Washington, D.C. (On microfilm at North Texas State University Library).

<sup>36</sup> St. Louis Beacon, 17 June 1830.

<sup>37</sup> National Intelligencer, 19 June 1830.

<sup>38</sup> *Ibid.*, 28 May 1830.

<sup>39</sup> *Ibid.*, 18 June 1830.



United States also reported Jackson had "alienated from himself all his northern and his western friends."<sup>40</sup> Niles Weekly Register stated that the veto was "mainly based on questions of expediency . . . ."<sup>41</sup> The message obviously was the work of the President's advisors, who must share equal responsibility for the consequences.<sup>42</sup> When Jackson left the capital at the end of the 1830 congressional session, the Baltimore Patriot expressed the feelings of many: "Better it would be for himself and the country that he should there [Hermitage] pass the remainder of his days."<sup>43</sup>

Clay and Senator Daniel Webster of Massachusetts both expected the public reaction to be against the Maysville veto. Webster, in writing to Clay two days after the veto, predicted a period of crisis for the nation. The National Republican party could capitalize on the controversy by basing its course of action on the issues of tariff and internal improvements, and as Webster said, "Let the country

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<sup>40</sup> Philadelphia Gazette of the United States, June 1830, as quoted in Richmond Enquirer, 8 June 1830.

<sup>41</sup> Niles Weekly Register, 5 June 1830.

<sup>42</sup> National Intelligencer, 19 June 1830.

<sup>43</sup> Baltimore Patriot, June 1830, as quoted in Albany Argus, 25 June 1830.

decide it."<sup>44</sup> Clay, too, believed that political gains could be made as a direct result of the veto. Strangely enough, as he pointed out to Webster: "The Maysville road leads entirely across that third part of Kentucky that was most favorable to Jackson. You can imagine, then, what effect must be produced by this event."<sup>45</sup>

The President and his supporters were also extremely interested in the public reaction to the veto. Even though there was great concern among his advisors, Jackson could still write to Colonel James A. Hamilton in dry understatement: "I am told it [the veto] raised some excitement."<sup>46</sup> Jackson retained his confidence that the veto was correct throughout the summer of 1830. On June 21, 1830, he wrote to William B. Lewis "that the veto is working well, widely different to what our enemies [sic] anticipated."<sup>47</sup> Later

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<sup>44</sup> Webster to Clay, 29 May 1830, Henry Clay, The Works of Henry Clay, ed. Calvin Colton, 6 vols. (New York: Barnes & Burr, 1863), 4:276.

<sup>45</sup> Clay to Webster, 7 June 1830, Daniel Webster, The Private Correspondence of Daniel Webster, ed. Fletcher Webster, 2 vols. (Boston: Little, Brown and Company, 1857), 1:504.

<sup>46</sup> Jackson to Hamilton, 29 May 1830, Jackson, Correspondence, 4:140.

<sup>47</sup> Jackson to Lewis, 21 June 1830, *ibid.*, 4:156.

in the month, he again told Lewis that "little sectional interests feel a disappointment, whilst the great body of the people hail the act, as a perspective of the constitution and the union."<sup>48</sup> Van Buren, of course, strongly supported the President's action. He and Jackson maintained close personal contact, informing each other of the latest news. On June 25, 1830, Van Buren wrote encouragingly that the veto was working "its way nobly. Your friends exalt and your enemies cower."<sup>49</sup> Jackson enthusiastically answered the next day:

The veto works well, we have nothing to fear from it. It will lead to stability in our government, and a system of internal improvement that will be . . . beneficial to our country, keeping the agency and powers of the Federal Govt. within its proper sphere, and the States to manage their own concerns in their own way.<sup>50</sup>

By the middle of July, it had become apparent, at least to Jackson, that "the veto, has become what my enemies [sic] neither wished, or expected, very popular . . . ."<sup>51</sup> Louis McLane, Minister to Great Britain, was less positive, but

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<sup>48</sup>Jackson to Lewis, 26 June 1830, *ibid.*, pp. 156-57.

<sup>49</sup>Van Buren to Jackson, 25 June 1830, Van Buren Papers.

<sup>50</sup>Jackson to Van Buren, 26 June 1830, *ibid.*

<sup>51</sup>Jackson to Martin Van Buren, 12 July 1830, Jackson, Correspondence, 4:161.

he believed that although not all people supported Jackson's stand he would have the gratitude of many just as "if he [Jackson] had been cut down in the defense of the country at New Orleans."<sup>52</sup> Despite McLane's reservations, Van Buren could report that there was "universal satisfaction" over the veto in New York as well as Pennsylvania, New Jersey, New Hampshire, Maine, and the South.<sup>53</sup> On July 31, 1830, Felix Grundy, a friend and advisor from Tennessee, also wrote to Jackson reporting the effects of the veto. He believed, like Van Buren, that the veto was well received in New Hampshire, Maine, New York, and the South. Opinion was divided in Pennsylvania and Maryland, while Ohio and Kentucky were opposed to it. In Grundy's estimation, the results were "that altho your friends may not be numerically increased, their attachment is now of a stronger texture . . . ."<sup>54</sup> The politically-disastrous results of the Maysville veto had not materialized.

Earlier in June, when it looked as if the administration would need all the support it could get, Van Buren had

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<sup>52</sup> McLane to Martin Van Buren, 20 July 1830, Van Buren Papers.

<sup>53</sup> Van Buren to Andrew Jackson, 25 July 1830, Jackson, Correspondence, 4:166.

<sup>54</sup> Grundy to Jackson, 31 July 1830, Jackson Papers.

initiated a correspondence with former President James Madison. He wanted to see if Madison construed the Maysville veto in the same manner as the former President's veto of the Bonus Bill. Madison answered on June 3, 1830, that his veto, unlike the Maysville veto, had denied "to Congress as well as the appropriating power, as the executing and jurisdictional branches of it . . . ." <sup>55</sup> Even though Madison would not change his opinion, Van Buren still continued this correspondence throughout the summer, until it became apparent that opposition to the veto was less than expected. <sup>56</sup>

Neither Jackson's veto nor Van Buren's constitutional theorizing could quiet the vocal opposition. Much of the misunderstanding that developed centered mainly around Jackson's motivation. Both the National Intelligencer and Niles Weekly Register pointed out that the President had signed internal improvements bills before the Maysville veto. His veto message said, however, that he could not approve of internal improvement projects until the debt was paid. Jackson only contributed to the confusion. The Maysville veto did not even end his approval of certain types of internal improvements legislation during the rest of the 1830 congressional session. <sup>57</sup>

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<sup>55</sup> Madison to Van Buren, 3 June 1830, in Van Buren, Autobiography, p. 33.

<sup>56</sup> Ibid., pp. 330-35.

<sup>57</sup> National Intelligencer, 24 August 1830; Niles Weekly Register, 31 July 1830.

Two days after the veto, on May 29, 1830, the President signed a bill providing for another land grant for canal construction. The grant vested 29,528 acres of public land in Indiana for the Wabash and Erie Canal. The next day he signed a bill which provided an appropriation of \$26,000 for construction and repair of roads in the Michigan and Florida territories, \$10,400 for completion of a survey of a canal across Florida to connect the Atlantic Ocean and the Gulf of Mexico, and \$200,000 for further construction of the Cumberland Road.<sup>58</sup> Of the \$26,000 appropriated for Michigan and Florida roads, \$8,000 was to be used for a road from Detroit to Chicago. Jackson did not want his position on this section of the bill to be misunderstood. He therefore sent a message to both houses of Congress stating that, while he had approved and signed the bill, "the phraseology of the section which appropriates \$8,000 for the road from Detroit to Chicago, may be construed to authorize the application for the continuance of the road beyond the limits of the Territory of Michigan . . . ."<sup>59</sup> He only approved the bill "with the understanding that the road authorized by

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<sup>58</sup>Statutes at Large, 4:416; 427-28.

<sup>59</sup>Richardson, ed., Messages and Papers, 2:483.

this section, is not to be extended beyond the limits of the said Territory [Michigan]."<sup>60</sup> Niles Weekly Register believed this message was "unprecedented," for while the President could approve or reject a bill, "it was surely not contemplated that he may amend a bill--and such is the apparent effect of the ground taken."<sup>61</sup>

Jackson therefore had signed bills in this congressional session which provided for surveys, land grants to canals, appropriations for river and harbor improvements of national importance, and appropriations for road construction and repairs in the territories as well as for continuation of the Cumberland Road. He believed that the federal government had a role to play in certain areas of the internal improvements field. He clearly believed, however, that the federal government's power in these areas was limited. If the Maysville veto had not made this clear, subsequent actions would.

At the close of the session, Congress passed three other internal improvement bills. One bill provided for a stock subscription of \$90,000 in the Washington Turnpike Road Company for a road which ran from Frederick to Rockville,

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<sup>60</sup> Ibid.

<sup>61</sup> Niles Weekly Register, 5 June 1830.

Maryland.<sup>62</sup> Jackson returned this bill to the Senate with his objections on May 31, 1830. He said that he was "unable to approve this bill, and would respectfully refer the Senate" to his veto message on the Maysville Road bill "for a statement of [his] objections . . . ."<sup>63</sup> While not as famous as the Maysville veto, the Washington Turnpike veto is still extremely important. The road obviously was within the limits of one state and therefore could be considered local and not national in character. The real significance of the veto was that Jackson once again rejected the idea that stock subscription in a private corporation was within the realm of the national government. For him, Congress had to devise another means of aiding these types of internal improvement projects.

The two other internal improvement bills which passed at the close of the session suffered a similar fate. One bill was "an act making appropriations for building light-houses, light-boats, beacons, and monuments, placing bouys and for improving harbors and directing surveys."<sup>64</sup> The

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<sup>62</sup>U.S., Congress, Senate and House, Register of Debates, 21st Cong., 1st sess., 1830, pp. 427-28, 1148.

<sup>63</sup>Richardson, ed., Messages and Papers, 2:493-94.

<sup>64</sup>U.S., Congress, House and Senate, Register of Debates, 21st Cong., 1st sess., 1830, pp. 1148, 433.



other bill called for an additional "subscription for stock in the Louisville and Portland Canal Company."<sup>65</sup> The subscription would be for 1,000 shares at a cost of \$100 a share. Senator Levi Woodbury of New Hampshire reported to the Senate at its last meeting of the session that the President had detained both bills for further consideration. This was the first time a President had taken such a step that came to be known as the "pocket veto."<sup>66</sup> As the National Intelligencer reported, it "produced more of a sensation than anything that usually occurs at the close of a session of Congress."<sup>67</sup>

No one knew exactly what Jackson intended to do with these two bills. The National Intelligencer believed that retention of the two bills was "without precedent" and conjectured that the President could still sign the bills into law anytime during his presidency.<sup>68</sup> A few days later, however, the newspaper reported that "it is supposed that he [Jackson] will have and exercise the right of either approving and signing them, or returning them with his

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<sup>65</sup> Ibid., pp. 1148, 247.

<sup>66</sup> Ibid., p. 457; White, Jacksonians, p. 29.

<sup>67</sup> National Intelligencer, 1 June 1830.

<sup>68</sup> Ibid.

objections," but only at the next congressional session.<sup>69</sup> Niles Weekly Register also believed the bills would "remain dormant, until Congress, at the next session, shall renew them."<sup>70</sup> Like the National Intelligencer, Niles Weekly Register later changed its mind and said that the President had the right to kill a bill in this manner at the close of a session.<sup>71</sup> The United States Telegraph countered by reporting that Jackson's political opponents knew the President would not sign the lighthouse bill because of appropriations contained in it for other improvements which he believed to be unconstitutional. Jackson was a friend of internal improvements, but he was "opposed to intrigue, bargain, and logrolling."<sup>72</sup> The United States Telegraph later reported that the lighthouse bill contained a provision for survey of the falls of the Ohio River. This provision directly interfered with the Louisville and Portland Canal which was to bypass the falls. According to the Telegraph, the conflict inherent in these two bills devolved "upon the

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<sup>69</sup>Ibid., 4 June 1830.

<sup>70</sup>Niles Weekly Register, 5 June 1830.

<sup>71</sup>Ibid., 12 June 1830.

<sup>72</sup>United States Telegraph, 2 June 1830, as quoted in Charleston Mercury, 9 June 1830.

President a delicate responsibility requiring time for its proper decision."<sup>73</sup>

An excellent example of the type of logrolling legislation to which the Telegraph referred can be found in the correspondence of a Jackson supporter from Maryland, Thomas Kennedy. Kennedy wrote to the President of his approval of the Maysville veto, but he had few doubts that Jackson would approve the Washington Turnpike bill which was "certainly . . . a National object."<sup>74</sup> The Frederick [Maryland] Citizen also supported the Maysville veto but "deeply" regretted the veto of the Washington Turnpike bill.<sup>75</sup> For many, the only expendable projects, then, were those that did not directly affect them.

In a letter to Brigadier General John Coffee on May 31, 1830, Jackson mentioned that "Congress has . . . passed many laws appropriating nearly one million of dollars, two of which, containing upwards of half a million, I have retained under consideration until next session of congress . . . ."<sup>76</sup>

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<sup>73</sup>Ibid., June 1830, as quoted in Richmond Enquirer, 15 June 1830.

<sup>74</sup>Kennedy to Jackson, 31 May 1830, Jackson Papers.

<sup>75</sup>Frederick Citizen, June 1830, as quoted in Richmond Enquirer, 3 June 1830.

<sup>76</sup>Jackson to Coffee, 31 May 1830, Jackson, Correspondence, 4:41.

Clearly the amount of the appropriations also had a bearing on his decision to retain the bills. To extinguish the national debt, Jackson knew that government spending had to be reduced.<sup>77</sup> It was unlikely that Jackson ever really considered signing either of these two bills. In May, before the bills had been given final approval in Congress, he began preparing extensive notes on his objections to both bills. His notes, simply called "The Portland and Light House Bill," restated many of the ideas of the Maysville veto. He discussed the constitutional limitations placed on the power of Congress to construct roads and canals within one state or appropriate funds for local projects. He again stated that the national debt must first be paid and an amendment to the Constitution passed before any true system of internal improvements could be implemented.<sup>78</sup>

Jackson's specific objections to the Louisville and Portland Canal bill centered mainly on the stock subscription. He believed any projects with which the federal government

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<sup>77</sup>It is quite likely that Jackson wanted to have the national debt completely paid by March 1833, which would be either the end of his presidency or the beginning of his second term. See Jackson to John Overton, 30 September 1830, Jackson, Correspondence, 4:181.

<sup>78</sup>"The Portland and Light House Bill," [May 1830], Jackson Papers. The first two sections of the notes are in Jackson's hand, and the third section is in Donelson's hand.

was involved "under authority to regulate commerce, should be separated from state corporations . . . or sole [sic] by [the] Govt . . . ." <sup>79</sup> Projects such as the Chesapeake and Delaware Canal and the Chesapeake and Ohio Canal as well as the Louisville and Portland Canal could "be considered as falling under this head." <sup>80</sup> Unlike the Cumberland Road, long considered as truly national, "these [canal projects] are of recent occurrence [sic], and cannot be supported as constitutional, growing out of long usage and acquiescence of the states." <sup>81</sup> To be considered as national, these projects "should be separated from the state . . . by purchase of these interests, and freed from all . . . tolls, as all other national objects are where improvements have been made for the benefit of commerce." <sup>82</sup>

In discussing the lighthouse bill, Jackson believed that portions of it and the Louisville and Portland Canal bill were concerned with the same purpose, unobstructed navigation of a portion of the Ohio River, and were self defeating. This, of course, was a reference to the section in the lighthouse bill for the survey of the falls of the

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<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

Ohio River. But his major concern was with the need for devising a means of determining those projects of national interest in the area of lighthouse construction and river improvements. He believed that there was ample precedent for allowing the regulation of commerce clause in the Constitution to govern the improvement of rivers and harbors as well as the building of lighthouses. Such an application of the commerce clause presented some difficulties. For Jackson there seemed "to be two requisites to bring a river within the constitutional provision. First: it must be a navigable stream or a channel of commerce; Secondly: it must be a channel of commerce among the states."<sup>83</sup> When there was doubt concerning whether a proposed river or harbor project was within these guidelines, he suggested "a preliminary inquiry and survey, with the view of ascertaining whether they [doubtful projects] are navigable, and are the channels of commerce with foreign nations, or among the several states . . ."<sup>84</sup> If the report were affirmative, the project could continue. He was "unable to arrive at any more satisfactory means of ascertaining" national

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<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

projects.<sup>85</sup> This whole problem would occupy more of his time during his second term of office.

Jackson's notes concluded with more thoughts on the role of the federal government and its relationship to the Constitution and state government:

Being solemnly [imposed] with the conviction that the extension of the powers to make internal improvements beyond the limit I have suggested, even if it be deemed constitutional, is subversion of the purity of the legislation, the interests of the people and the spirit of our country, I earnestly recommend to Congress to refrain from it except<sup>86</sup> in relation to improvements already begun . . . .

He obviously had grave doubts, then, about extending the power of the federal government in this area, even with a constitutional amendment. Even more important, this last phrase indicated that he believed projects already begun could be continued by Congress unless they directly violated the Constitution. This is another indication of the rationale for his continued approval of such projects as the Cumberland Road.

Although he had prepared extensive notes on the two bills, Jackson still had not made a final decision. Throughout the summer and fall of 1830, he deliberated on his course

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<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

of action. David Henshaw, a Boston politician and later Secretary of the Navy in the Tyler administration, wrote to Secretary of the Treasury Samuel D. Ingham in July 9, 1830, to express his concern over the amount of funds which had been wasted in Massachusetts for lighthouse projects and the placing of buoys which were not really needed. He was "agreeably surprized [sic] . . . that the President had detained the L. House Bill" but feared that Jackson "might afterwards be persuaded to sign it."<sup>87</sup> Ingham sent a copy of Henshaw's letter to Jackson because he believed that it coincided with the President's views on wasteful appropriations.<sup>88</sup> Jackson replied that "it [Henshaw's letter] affords a good comment on the loose legislation of Congress, and [convinces] me on the propriety of withholding my approval from the Light House bill as presented to me."<sup>89</sup>

To curtail these types of appropriations, Jackson knew that guidelines must be set up to determine whether a project was truly national. He wrote to Van Buren on October 18, 1830, that funds allocated for surveys in the lighthouse bill in many cases were "for ascertaining the

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<sup>87</sup>Henshaw to Ingham, 9 July 1830, Jackson Papers.

<sup>88</sup>Ingham to Jackson, 17 July 1830, *ibid.*

<sup>89</sup>Jackson to Ingham, 31 July 1830, *ibid.*



expediency and expense of improving the navigation of rivers running from navigable streams into a county of neighbourhood [sic], or even state . . . ." <sup>90</sup> Such projects were not national. Without restrictions, "every creek, or small river emptying into a navigable stream . . . and extending into a county may claim to be surveyed [sic] and improved at the national expense . . . ." <sup>91</sup> As for the specific survey of the falls of the Ohio River, he believed that clearing the obstruction in the channel would only make the Louisville and Portland Canal useless.

In late October, the President began preparing his second annual message. He sent his notes on the two retained bills to Van Buren. <sup>92</sup> He specifically asked Van Buren for "corrections and additions" to his notes "on the Light House, and Portland and Louisville canal, bills." <sup>93</sup> It was Van Buren, then, who composed the internal improvement portion of the annual message. He probably wrote it in late November and early December of 1830. Unlike the Maysville veto,

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<sup>90</sup> Jackson to Van Buren, 18 October 1830, Jackson, Correspondence, 4:185-86.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Jackson to Van Buren, (?) November 1830, *ibid.*, p. 209.

however, Van Buren specifically and clearly explained Jackson's objections to federal stock subscriptions in private corporations.<sup>94</sup>

The President delivered his second annual message to Congress on December 6, 1830. He stated that after long deliberation he could not give his approval to the two bills which he had retained from the previous session of Congress. He first explained his objections to the lighthouse bill. He believed that it was proper for Congress to appropriate funds for construction and repair of "lighthouses, beacons, buoys, and public piers within the bays, inlets, harbors, and ports of the United States . . . ."<sup>95</sup> Such a practice was "coeval with the adoption of the Constitution, and has been continued without interruption or dispute."<sup>96</sup> As ports of entry and delivery were established on navigable rivers in the interior of the country, this practice had been extended to them as well. Although such projects were necessary, the President believed that appropriations for them must be "subjected to the closest scrutiny."<sup>97</sup> He did

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<sup>94</sup>There are sixty-one pages of notes in Van Buren's hand in the Van Buren Papers [6 December 1830].

<sup>95</sup>Richardson, ed., Messages and Papers, 2:508.

<sup>96</sup>Ibid.

<sup>97</sup>Ibid.

not oppose "direct" appropriations, but in this case there were "appropriations for surveys of a local character" which he could not approve.<sup>98</sup> The bill in question included one survey which was to determine if navigation of a portion of the Ohio River could be improved. "This improvement, if successful, would afford a free passage of the river and render the canal [Louisville and Portland] entirely useless."<sup>99</sup> Some general rule governing appropriations of this character should be set up.

He next turned to the second bill, the proposed stock subscription in the Louisville and Portland Canal Company:

In speaking of direct appropriations I mean not to include a practice which has obtained to some extent, and to which I have in one instance, in a different capacity, given my assent--that of subscribing to the stock of private associations. Positive experience and a more thorough consideration of the subject have convinced me of the inappropriety as well as inexpediency of such investments.<sup>100</sup>

Furthermore, Jackson believed that it was "inconceivable" for the federal government to become the principal stockholder in private corporations. The federal government would thus exercise direct control over many roads and

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<sup>98</sup> Ibid., p. 509.

<sup>99</sup> Ibid., pp. 510-11.

<sup>100</sup> Ibid., p. 509.

canals through election of company directors. Such a step was extremely "dangerous to the liberties of the people."<sup>101</sup>

The Louisville and Portland Canal bill also offered a "striking illustration of the difficulty of withholding additional appropriations for the same object when the first erroneous step has been taken by instituting a partnership between the Government and private companies."<sup>102</sup> One appropriation led to another with each subsequent appropriation supposedly to be the last one. Once the national debt was paid, distribution of the remaining surplus could be instituted, which would solve many of these problems.<sup>103</sup>

This portion of Jackson's second annual message clarified many points of the Maysville veto and reemphasized the President's position. He was not opposed to internal improvements of a national character. He did oppose the use of stock subscriptions to facilitate such projects. Roads and canals would have to be financed by other means. As for river and harbor improvements, he believed some system should be set up to properly evaluate each project. He preferred that even these types of works be restricted, at

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<sup>101</sup>Ibid., p. 510.

<sup>102</sup>Ibid.

<sup>103</sup>Ibid., pp. 514-17.

least until the national debt was extinguished. Once the debt was paid, the surplus, if there was one, could be distributed fairly among the states if it was so desired.

Jackson wrote to John Coffee that the message "candidly" presented his views. He believed it would "prevent m'ch loggroling [sic] legislation, being assured, that I will negate all such, and put down the corrupting system of union with corporations, and appropriations for local objects."<sup>104</sup> For the President and his administration, the first phase of the internal improvements controversy had ended.

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<sup>104</sup>Jackson to Coffee, 28 December 1830, Jackson, Correspondence, 4:216.

CHAPTER III  
RIVERS, HARBORS, AND THE SEARCH  
FOR A NATIONAL POLICY

By 1831 Jackson had clarified his position on the stock subscription issue and had begun to move toward a more comprehensive stand on river and harbor improvements and other related projects. Many observers were still unable to differentiate between his opposition to stock subscriptions for roads and canals and his support of direct appropriations for numerous river and harbor projects. Niles Weekly Register, for example, believed that construction of roads and canals and improvement of rivers and harbors could both be assumed by Congress. The newspaper stated that "the power to regulate commerce . . . has the same direct bearing upon the business of the Chesapeake and Delaware canal, as on a coasting voyage from Baltimore to Boston."<sup>1</sup> The President completely agreed with this assessment. He did not oppose the idea of a national system of roads and canals, only the current means of implementing that system through the use of federal stock subscriptions. Stock subscriptions meant that the

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<sup>1</sup>Niles Weekly Register, 26 February 1831.

federal government was still directly involved with a project after its completion. The National Gazette clearly understood the President's position on this point but still maintained that "the hopes of the friends of this mighty system rested upon the practice of subscriptions from the national treasury to incorporated companies or joint-stock undertakings . . . ." <sup>2</sup>

In an attempt to present the President's position on internal improvements uniformly, the Washington Globe printed a series of editorials in December 1830 and January 1831 examining Jackson's second annual message. In essence the Globe concentrated on the issue of stock subscriptions. Critics of Jackson's policy had said that the Cumberland Road was the necessary precedent for the federal government's complete involvement in road and canal construction. The Globe explained that the Cumberland Road was constructed under agreements between the United States and the states of Ohio, Indiana, Illinois, and Missouri, when each state had entered the union. Two per cent of the net proceeds from public land sales in each of the respective states was to be used for the Cumberland Road project. <sup>3</sup>

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<sup>2</sup>National Gazette, December 1830, as quoted in National Intelligencer, 16 December 1830.

<sup>3</sup>Washington Globe, 25 December 1830.

The Globe asserted that while appropriations for the Cumberland Road might be a good enough precedent "to justify the making of other roads by the General Government . . . [it] cannot be made to bear the slightest analogy to the subscription of stock in private companies . . . ." <sup>4</sup> Such a practice was quite different "than the power claimed for Congress to make 'free' roads at will, through the territories of the states . . . ." <sup>5</sup> In granting the right for the federal government to construct the Cumberland Road, the states did not "consent" to the right of the national government to erect toll gates and collect tolls. <sup>6</sup> When the federal government subscribed to stock in a road or canal company, the Globe believed that the states in essence were consenting to such a right. Until an amendment to the Constitution was passed allowing the national government the power to construct roads and canals within a state, the Globe said that the President believed it best for the states to construct their own roads and canals. "If they choose to make roads, let them; if they choose to do without roads, let them." <sup>7</sup>

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<sup>4</sup> Ibid., 29 December 1830.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid., 1 January 1831.

<sup>7</sup> Ibid., 8 January 1831.



On December 17, 1830, in response to Jackson's second annual message, the House of Representatives passed a resolution requesting statements on the subject of internal improvements from the Secretary of War, Secretary of Treasury, and the Chief Engineer of the Army. The President forwarded these reports to the House on January 5, 1831.<sup>8</sup> The House Committee on Internal Improvements studied these reports and the President's previous messages on internal improvements and submitted its own report on February 10, 1831. The committee agreed that there was "a line between national and merely State objects," but it was Congress, not the President, who should decide the issue.<sup>9</sup> For the committee, at least, the term "internal improvements" confined itself "to roads and canals in the interior of the country, and to the clearing of rivers above tide water."<sup>10</sup> The President's second annual message and his report to the House seemed to also include "the building of piers, improving and preserving ports, buoys, and harbors, and removing obstructions to the

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<sup>8</sup>U.S., Congress, House, Journal, 21st Cong., 2d sess., 17 December 1830, p. 76; Richardson, ed., Messages and Papers, 2:533.

<sup>9</sup>U.S., Congress, House, House Report 77, 21st Cong., 2d sess., 10 February 1831, p. 7.

<sup>10</sup>*Ibid.*, p. 13.

navigation of rivers."<sup>11</sup> The committee could accept such a definition, but the report concluded "that it is expedient that the General Government should continue internal improvements by direct appropriations of money, or by subscriptions for stock in companies incorporated in the respective States."<sup>12</sup> Congress obviously did not want to accept the President's decision as the final word on the issue.

The President's opposition to certain aspects of the funding of internal improvements produced results, nevertheless. The Richmond Enquirer reported that the state senate of Virginia amended a bill to incorporate the Staunton and Potomac Railroad Company. The amendment prohibited the company from ever receiving any federal stock subscriptions.<sup>13</sup>

On January 3, 1831, William H. Crawford, former presidential candidate and a close friend of Van Buren, wrote to the New Yorker about Jackson's proposal for a constitutional amendment to permit construction of roads and canals by the federal government. He, too, believed an amendment was needed, even for the distribution of the surplus revenue. Furthermore, Crawford feared "as long as a majority of Congress

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid., p. 17.

<sup>13</sup> Richmond Enquirer, 15 March 1831.

shall be in favor of internal improvements there is danger that bills will be presented [sic], that it will be difficult for the President to put [his] veto upon them . . . ."14

Van Buren sent Crawford's letter to the President for examination. Jackson returned the letter to Van Buren expressing his agreement with Crawford's sentiments on the Constitution. He believed that it had been enough for him to express his doubts and call congressional "attention to the subject that an amendment might be proposed" by either the legislative branch of the government or by the states.<sup>15</sup> Jackson left the impression that even distribution was not within the powers of Congress. James K. Polk stressed this same point in a letter to the Chief Executive on February 22, 1831. He believed the issues of tariff and internal improvements were of extreme importance. Once the debt was paid, the tariff should be lowered. A continued high tariff was only an excuse for using federal funds for internal improvement projects. The administration's attitude toward distribution as a legitimate means of implementing internal improvements seemed to be changing.<sup>16</sup>

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<sup>14</sup>Crawford to Van Buren, 3 January 1831, Van Buren Papers.

<sup>15</sup>Jackson to Van Buren, [?] January 1831, *ibid.*

<sup>16</sup>Polk to Jackson, 22 February 1831, James K. Polk Papers, Library of Congress, Washington, D.C. (On microfilm at North Texas State University Library).

During March of 1831, the President signed a variety of internal improvement bills sent to him by Congress. He approved a river and harbor improvement bill which appropriated over \$400,000 for thirty separate projects. Another bill appropriated \$41,000 to continue road construction in the Michigan and Arkansas Territories and \$200,000 to improve the navigation of the Ohio and Mississippi Rivers. Appropriations amounting to \$241,000 were allocated to continue the Cumberland Road in Ohio, Indiana, and Illinois. The President also signed bills providing for a land grant for a canal in the Florida Territory, allowing Ohio eventually to assume control of the Cumberland Road, and allocating approximately \$250,000 for construction of lighthouses, beacons, monuments, and the placing of buoys.<sup>17</sup>

All the internal improvements legislation the President signed during this congressional session was well within limits he had placed in his earlier messages. The National Intelligencer reported on May 12, 1831, that many of the internal improvement bills Jackson had just signed were of the same type as those he had vetoed earlier. The Intelligencer

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<sup>17</sup> Statutes at Large, 4:459-60, 462-63, 469-70, 473, 474-75, 483-86, 488-91; House Report 175, p. 2; U.S., Congress, Senate, Senate Document 79, 29th Cong., 2d sess., 19 January 1847, p. 13.

considered the policy on internal improvements "to have been re-established so firmly as to be beyond further danger . . . ."18

The Globe immediately replied that the President had not "violated principles of the Veto Message."<sup>19</sup> The removal of snags and sawyers on the western rivers was as important and as national an endeavor as building lighthouses on the eastern coast. The Intelligencer countered by publishing a list of river and harbor improvement projects that the President had approved and left it up to its readers to "decide . . . whether they [the projects] are not open to every objection which was urged in the annual and veto messages . . . ."20

The Globe replied that none of the bills related to roads or canals but only to rivers and harbors. Furthermore, the House Ways and Means Committee had informed the President that the bills "had been prepared with a strict reference to the rule laid down in the [second annual] message . . . ."21

Jackson had attempted to explain his views on the subject as clearly as possible in his second annual message, but great confusion still existed. Van Buren prepared a reply to the

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<sup>18</sup>National Intelligencer, 12 May 1831.

<sup>19</sup>Washington Globe, 14 May 1831.

<sup>20</sup>National Intelligencer, 21 May 1831.

<sup>21</sup>Washington Globe, 25 May 1831.

National Intelligencer's attack. Like the Globe, Van Buren pointed out in his draft that none of the bills the President had signed since the Maysville veto had been for roads or canals of a local character. For Van Buren, the local nature of a project seemed to be the major cause of concern. In his view this principle was the most important aspect of both the Maysville Road and Washington Turnpike vetoes.<sup>22</sup>

Van Buren could still not detect the essential weakness in this argument. Stock subscriptions were the only means that the federal government then had to finance the construction of roads and canals directly, with the exception of assisting the Cumberland Road and territorial roads. If the President viewed this process as unconstitutional, the local or national character of a project which involved stock subscriptions was unimportant. The local or national nature affected only river and harbor improvement bills, and Jackson had said that stricter and more consistent guidelines should be set up in this area.

During the remainder of 1831 and the early part of 1832, the issues of the Bank of the United States, tariff, and internal friction within the cabinet occupied much of the

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<sup>22</sup>"Van Buren Notes on an Article in the National Intelligencer, May 21, 1831," [May 1831], Jackson Papers. There are several drafts in Van Buren's hand; none were sent, however.

President's time and energies. He did not even mention the subject of internal improvements in his third annual message on December 6, 1832. During the congressional session that followed, he again signed several internal improvement bills. On June 15, 1832, he signed a bill establishing post roads in all the states and both the Michigan and Florida Territories. He approved a bill providing for several different types of internal improvements on July 3, 1832. This bill included over \$745,000 for river and harbor improvements and \$420,000 for continuation of the Cumberland Road. He next approved two bills authorizing a road survey in the Michigan Territory and both a road and canal survey in the Florida Territory. These bills doubled internal improvement expenditures from the previous year and seemed to confirm the National Intelligencer's previous claim that there was no threat to continued spending in this area.<sup>23</sup>

Before the President had even signed the combined river and harbor and Cumberland Road bill, the House of Representatives proposed additional legislation for river and harbor improvements. This bill called for an appropriation of at least \$600,000 and possibly much more. In the House debate,

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<sup>23</sup>Statutes at Large, 4:534-49, 551-57, 560,561; Senate Document 79, p. 13; House Report 175, p. 2.

Polk said that the new bill had no basis for support. The river and harbor bill, which had already passed, dealt with works already begin, and "if they should not be completed the money already expended would be thrown away."<sup>24</sup> Polk emphasized that the additional appropriation was for works which were entirely new. The bill still passed the House on June 5, 1832, by a vote of 95 to 68.<sup>25</sup> The Senate debate did not begin until after Jackson signed the first river and harbor bill into law. Clay then noted that the President had already approved one similar bill during the session, and "it was not likely, therefore, that he would disapprove this."<sup>26</sup> Just before the close of the session, the Senate also passed the new river and harbor bill by a vote of 25 to 16. Jackson still had not signed this latter bill when Congress adjourned. He had again decided to pocket veto an internal improvements bill.<sup>27</sup>

The Globe reported that the President had been accused of inconsistency by approving the first river and harbor bill

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<sup>24</sup>U.S., Congress, House, Register of Debates, 22d Cong., 1st sess., 1832, p. 3250.

<sup>25</sup>Ibid., p. 3286.

<sup>26</sup>Ibid., p. 1184.

<sup>27</sup>Ibid.



since projects within the bill apparently violated his Maysville veto. The Globe found no inconsistency. In the bill that Jackson approved, "all the objects, except five, had been previously sanctioned by Congress and the Executive, and were in fact the continuation of existing works."<sup>28</sup>

The five new projects in the approved bill were for the improvement of the Arkansas, Missouri, Mississippi, Monongahela, and Cumberland Rivers. As the Globe noted, no funds were specifically appropriated for any of these five projects. The National Intelligencer could see no difference between the bill Jackson signed and the bill he pocket-vetoed. In fact, the retained bill seemed to be the more national and constitutionally correct of the two.<sup>29</sup>

The Globe countered by reporting that the unsigned bill contained appropriations for many unimportant and local objects. It also reported that Jackson had told members of both houses of Congress "that some of the other appropriations appeared to be for objects of a local nature, and that time sufficient for an examination of their true character had not been allowed."<sup>30</sup> The Intelligencer replied again that there

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<sup>28</sup>Washington Globe, 11 July 1832.

<sup>29</sup>National Intelligencer, 17 July 1832.

<sup>30</sup>Washington Globe, 18 July 1832.

were far more local projects in the bill the President had approved than in the one he had not signed.<sup>31</sup>

After Congress adjourned Jackson devoted much of his time to studying the river and harbor bill and examining a report on the bill from the Chief Engineer of the Army, General Charles Gratiot. The President wanted to ascertain exactly how many of the projects in the bill were of a local nature. He asked Andrew Donelson to examine carefully the report and wrote to Amos Kendall requesting him to examine the bill in conjunction with the veto messages and the second annual message. As he mentioned to Kendall, he was determined "to put an end to the waste of public money, and to appropriations for i i [internal improvements], until a system be adopted by Congress, and an amendment of [the] Constitution . . . ."<sup>32</sup> When Kendall did not immediately supply a report, Jackson wrote to William B. Lewis on August 18, 1832, asking him to remind Kendall that he expected him "to give his attention to the harbour [sic] . . . bill."<sup>33</sup>

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<sup>31</sup> National Intelligencer, 19 July 1832.

<sup>32</sup> Jackson to Kendall, 23 July 1832, Jackson, Correspondence, 4:464.

<sup>33</sup> Jackson to Lewis, 18 August 1832, *ibid.*, p. 467.

Donelson, after examining General Gratiot's report, sent it to Van Buren for his evaluation. Van Buren replied on August 26, 1832, that the Chief Engineer's report was not exactly what was needed. Apparently, as Van Buren said, Gratiot had "treated the question of approval or rejection as an open one, and [had] given his views of the utility of internal improvements . . . ." <sup>34</sup> Van Buren asked Donelson to write to Gratiot again with Jackson's views more in mind. He noted that the President's general statement in the second annual message concerning river and harbor improvement, lighthouse construction, and other related works "was not as definite and free from [misinterpretation] . . . as could have been desired," but the message had attempted to at least acknowledge and meet the problem. <sup>35</sup>

Van Buren believed that Jackson would clarify this situation in his next annual message by defining the types of river and harbor improvements which were acceptable to him. In Van Buren's view there were three types of acceptable projects: those improving harbors on the seacoast, those removing obstructions from navigable rivers lying between a

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<sup>34</sup> Van Buren to Donelson, 26 August 1832, Van Buren Papers.

<sup>35</sup> Ibid.

port of entry and an ocean port, and those improving harbors on rivers or the Great Lakes which were used by ships involved in foreign commerce.<sup>36</sup>

On August 29, 1832, Van Buren sent Jackson a copy of his letter to Donelson to "best inform" the President of his views on the subject.<sup>37</sup> He also sent another letter to the President suggesting that it might be useful to have an official report stating exactly how much of an appropriation was needed for the harbor bill.<sup>38</sup> Before receiving these two letters, however, Jackson requested that Van Buren send him his views on the subject of river and harbor improvements. The President wanted his course of action to be consistent. He hoped to present his full and final view on the issue in his next annual message. Congress had to understand "the folly of appropriating money for i i [internal improvements] untill [sic] it establishes by law a general system . . . distinguishing between what is national, and general, from what is local."<sup>39</sup> Jackson acknowledged receiving both of

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<sup>36</sup>Ibid.

<sup>37</sup>Van Buren to Jackson, 29 August 1832, *ibid.*

<sup>38</sup>Van Buren to Jackson, 31 August 1832, *ibid.* Van Buren estimated the appropriation for the bill at \$3 million.

<sup>39</sup>Jackson to Van Buren, 30 August 1832, Jackson, Correspondence, 4:470.

Van Buren's letters on September 16, 1832. He agreed with his advisor's assessment of the situation and said he would "call upon General Gratiot for his special report, on the special points which I will submit to him."<sup>40</sup>

After returning to the capital from the Hermitage in early October, the President sent a note to Gratiot on October 26, 1832, requesting another report on the river and harbor bill. He wanted the report to provide more information on the projects and show which ones did not fall into the three categories Van Buren had recommended. The Chief Engineer replied the next day that twenty-one out of the forty projects did "not come within the above restrictions . . . ."<sup>41</sup> Of the twenty-one projects, one involved removing obstructions in the Wabash River in Indiana. Jackson sent this report to Van Buren on November 3, 1832. He wanted Van Buren to present any further views on the subject as well as any "objections to any of the points" he had made.<sup>42</sup> On November 18, 1832, the Vice President-elect responded with another important suggestion. He noted that Jackson

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<sup>40</sup>Jackson to Van Buren, 16 September 1832, Van Buren Papers.

<sup>41</sup>Gratiot to Jackson, 27 October 1832, *ibid.*

<sup>42</sup>Jackson to Van Buren, 3 November 1832, *ibid.*

had correctly mentioned in his second annual message the need for a port of entry or port of delivery on a river before federal funds could be appropriated for the particular river. In his note to Gratiot, however, the President had not mentioned ports of delivery. Van Buren pointed out that Albany was only a port of delivery and that any appropriations for the Hudson River above or below Albany "would be excluded" from the rule and open to political attack.<sup>43</sup> In late November Van Buren also began preparing major portions of the message Jackson wanted to present at the beginning of the next congressional session which would explain his pocket veto of the river and harbor bill.<sup>44</sup>

Although the President had decided to present his objections to the river and harbor bill in a separate message, he still touched upon the subject of internal improvements in his fourth annual message on December 4, 1832. He first recommended the disposal "of all stocks now held in corporations, whether created by the General or State Governments . . . ."<sup>45</sup> In his mind the entire principle

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<sup>43</sup>Van Buren to Jackson, 18 November 1832, *ibid.*

<sup>44</sup>"Drafts," November 1832, *ibid.* There are two drafts, one consisting of thirteen pages, the other being eighteen pages.

<sup>45</sup>Richardson, ed., Messages and Papers, 2:599.

was unconstitutional. He then turned to the general subject of internal improvements, asserting once again that "without some general and well-defined principles . . . , it is obvious that the exercise of power can never be satisfactory."<sup>46</sup> He called any further extension of the federal government's power in this area "subversive to the best interests of the country . . . ."<sup>47</sup> Congress should refrain from internal improvements "in doubtful cases, except in relation to improvements already begun . . . ."<sup>48</sup>

Two days later on December 6, 1832, Jackson sent his objections to the river and harbor bill to the House of Representatives. He stated that he had not been given sufficient time to examine the bill before the close of the previous session, but even after careful examination, he could not approve it. To support his disapproval he included and referred to General Gratiot's official report, "distinguishing . . . between appropriations which do, and . . . which do not conflict with the rules" he had prescribed.<sup>49</sup>

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<sup>46</sup>Ibid., p. 602.

<sup>47</sup>Ibid. This is almost a direct quote from a portion of Jackson's rough draft notes, "The Portland and Light House Bills," [May 1830], Jackson Papers.

<sup>48</sup>Ibid.

<sup>49</sup>Ibid., p. 639. General Gratiot's official report can be found in House Document 17, 22d Cong., 2d sess., 27 October 1832, pp. 2-4.

The report clearly showed that over half the projects were unacceptable. He acknowledged that the rules he had set up were not as "definite and certain" as were needed, but neither his "own reflection nor . . . other sources . . . furnished a better guide."<sup>50</sup> He concluded by again insisting that lighthouse construction and river and harbor improvements were within the power of the federal government, but distinctions between national and local projects could not be overlooked. If Congress had observed these restrictions, he "would have cheerfully signed the bill."<sup>51</sup> It should be noted that the President did not mention anything about distribution of the surplus revenue for internal improvements in either of these messages.

The National Intelligencer, commenting on both presidential messages, believed that nothing less than two-thirds of both houses of Congress could "authorize any measure of Internal Improvements of whatever character, with any confidence of its receiving the President's sanction."<sup>52</sup> As in past congressional sessions, however, Jackson now signed several internal improvement measures. On February 20,

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<sup>50</sup>Richardson, ed., Messages and Papers, 2:639.

<sup>51</sup>Ibid.

<sup>52</sup>National Intelligencer, 8 December 1832.



1833, he approved a bill appropriating \$20,000 for a post road through the Creek Indian nation in Alabama. He signed a bill appropriating \$18,000 for surveys and river improvements in the Michigan and Florida Territories on March 3, 1833. That same day he also approved legislation which allocated over \$359,000 for continuation and repair of the Cumberland Road and almost \$500,000 for river and harbor improvements. Another bill appropriated \$100,000 to construct a road in the Arkansas Territory after a proper survey had been made. The President also signed a measure eventually allowing Virginia to take over operation of the Cumberland Road within its own boundaries.<sup>53</sup> Annual expenditures for internal improvements were less than the preceding year, but they were still greater than any year before 1832. Overall government spending remained fairly stable, as Jackson's goal of extinguishing the national debt grew nearer.<sup>54</sup>

The President's latest veto only temporarily halted increased spending for internal improvements. Appropriations returned to their 1832 high the next year. On June 24, 1834,

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<sup>53</sup> Statutes at Large, 4:618, 645, 648-49, 650, 655-56; Senate Document 79, p. 13; House Report 175, p. 2.

<sup>54</sup> Senate Document 450, p. 2.

Jackson signed the largest funding bill for the Cumberland Road up to that time. The bill called for \$750,000 to be used for construction and repair of the road. \$300,000 of this amount was for repair of the road east of the Ohio River so that Pennsylvania, Maryland, and Virginia would assume control over the route. On June 28, 1834, the President approved a river and harbor improvement bill, which allocated almost \$700,000 for numerous projects. The same day he signed bills appropriating \$42,000 for road construction in the Michigan Territory, and \$13,000 for road and canal construction in the Florida Territory. The President also approved another land grant to Ohio for the Wabash and Erie Canal and additional appropriations for lighthouse and other related construction. The last internal improvements measure that he signed during the session provided \$70,000 for improvement of the Hudson River.<sup>55</sup>

Shortly before the end of the session, the Senate passed a bill providing almost \$20,000 for improving the navigation of the Wabash River in Indiana. Two days later, on June 30, 1834, the House also passed the bill.<sup>56</sup> Senator Felix Grundy

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<sup>55</sup>Statutes at Large, 4:680-81, 702-03, 712, 718, 723, 716, 719-21, 724; House Report 175, p. 2.

<sup>56</sup>U.S., Congress, Senate and House, Register of Debates, 23d Cong., 1st sess., 1834, pp. 2125, 4802. The exact vote is not given for either the Senate or the House.

again reported to the Senate that the President had signed all the bills presented to him except the Wabash River bill. According to the President it "had been presented to him at so late a period that he had not time to examine it . . . ." <sup>57</sup> Henry Clay observed "that the bill was dead after the adjournment . . . ." <sup>58</sup> Jackson once again had retained an internal improvements bill.

The National Intelligencer immediately responded to the President's action. The staff of the newspaper had "lost the ability of being surprised at any Executive notion," but the President seemed to be employing a double standard with regards to the Wabash River bill. <sup>59</sup> Before detaining this bill, he had signed bills appropriating funds for improvement of the Hudson River as well as the Cumberland River in Tennessee. The Intelligencer believed the Wabash River to be of as much national importance as the Hudson and Cumberland Rivers. Both money and land had been appropriated for the Wabash and Erie Canal to connect the Wabash River with Lake Michigan. <sup>60</sup>

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<sup>57</sup> Ibid., p. 2128.

<sup>58</sup> Ibid.

<sup>59</sup> National Intelligencer, 1 July 1834.

<sup>60</sup> Ibid.

The Washington Globe answered these charges two days later. As the Globe noted, the question was not whether improvement of the Wabash River was useful but whether it was within the limits of the Constitution. Ports of entry or delivery were established on both the Hudson River and Cumberland River, but "as there is no port of entry or delivery on any part of the Wabash river," it became "a very grave problem whether such an appropriation [was] not now premature."<sup>61</sup> The Globe also specifically pointed out that the Hudson River was a direct arm of the sea. As Albany was a port of delivery, the appropriation for the Hudson River was for a national object "and within the acknowledged limits of the constitutional powers of Congress."<sup>62</sup>

This was, of course, the same point that Van Buren had stressed in November of 1832 when he had written to Jackson about both the political and constitutional necessity of emphasizing ports of delivery as well as ports of entry. Neither the Intelligencer or the Globe noted that the Wabash River project was one of the twenty-one "unconstitutional" projects mentioned in the Gratiot report and therefore part

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<sup>61</sup>Washington Globe, 3 July 1834.

<sup>62</sup>Ibid.

of the river and harbor bill the President had vetoed in 1832. This was the second time, then, that Jackson had halted this particular project.

Preparations for the President's official reasons for not signing the Wabash River bill were not as extensive as in previous vetoes. His objections were to be included in his sixth annual message. Van Buren wrote to Jackson on October 13, 1834, "to dismiss the Internal Improvement subject from your mind . . . for it will not be neglected."<sup>63</sup> The Vice President probably wrote the major portion of the annual message which dealt with internal improvements. On November 5, 1834, he wrote to Jackson to clarify a point which had bothered many critics and supporters of the President's internal improvements policy since the Maysville veto:

You will perceive that the declaration that you can approve no bill containing appropriations for improvements which are even of a national character, (except Light Houses, harbors and the removal of temporary obstructions in navigable rivers etc.) until an amendment of the Constitution is made, is, what has not been said before.<sup>64</sup> I think it very important that it should be said.

Jackson, of course, had no objections to this point since he had never solely stressed the local nature of the

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<sup>63</sup>Van Buren to Jackson, 13 October 1834, Van Buren Papers.

<sup>64</sup>Van Buren to Jackson, 5 November 1834, Jackson, Correspondence, 5:306.

Maysville Road as the only reason for not signing the bill. Van Buren wanted to distinguish between roads and canals on the one hand and rivers, harbors, and lighthouses on the other "so that those who talk a great deal about it, may at least understand a little of the matter."<sup>65</sup> The Vice President had finally realized the essential weakness in basing the opposition to or support for a road or canal project on whether it was local or national in nature. If a constitutional amendment were first needed, the local or national nature of a project did not really matter.

Jackson delivered his sixth annual message on December 1, 1834. That portion dealing with internal improvements was his most comprehensive statement on the subject since his second annual message of 1830. As usual, he discussed the need for economy in government so that continued payment of the national debt would be possible. He believed that an end to logrolling legislation was one way to reduce government spending. Since much of this type of legislation was involved with internal improvement projects, the President wanted to reemphasize his views on the subject. Questions had arisen in three areas, and he wished to explain his position on each. The first two questions concerned "the

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<sup>65</sup>Ibid.

power of making internal improvements within the limits of a State, with the right of territorial jurisdiction" and "the right of appropriating money in aid of such works when carried on by a State or by a company in virtue of State authority, surrendering the claim of jurisdiction . . . ." <sup>66</sup>

The Maysville veto had been addressed to both questions. Jackson now minimized his objections to the local nature of the Maysville Road and emphasized his belief that the Constitution did not confer upon Congress "the power to authorize the construction of ordinary roads and canals within the limits of a State" or to subscribe to stock in a private corporation. <sup>67</sup> Almost four years had passed since his second annual message, and Congress had refrained from initiating any such projects. Until a constitutional amendment were approved, Jackson believed that such a course was necessary. <sup>68</sup>

The third question which had arisen concerned the "propriety of appropriation for improvements of a particular class, viz., for light-houses, beacons, . . . and for the removal of . . . temporary and partial impediments in our

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<sup>66</sup>Richardson, ed., Messages and Papers, 3:119.

<sup>67</sup>Ibid., p. 120.

<sup>68</sup>Ibid., p. 121.

navigable rivers and harbors."<sup>69</sup> The President also considered these to be classified as internal improvements. As he had stated earlier to Congress, he believed these types of appropriations had "always been regarded as standing on different grounds" from roads and canals.<sup>70</sup> These types of projects had been pursued by the federal government for some time, and for this reason, Jackson had followed the course of previous Chief Executives. He realized, however, that abuses could and did arise; therefore, he had "prescribed a limitation for the government . . . by which expenditures of this character are confined to places below the ports of entry or delivery established by law."<sup>71</sup> As a result he could not approve the Wabash River improvement bill. He did not oppose internal improvements, but he did insist that they should be "commenced in a proper manner, confined to proper objects, and conducted under an authority generally conceded to be rightful . . . ."<sup>72</sup>

Senator John Tipton of Indiana complained that the President had made a grave error in not signing the Wabash

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<sup>69</sup>Ibid., p. 119.

<sup>70</sup>Ibid., p. 121.

<sup>71</sup>Ibid., p. 122.

<sup>72</sup>Ibid., pp. 121-22.



River bill. Tipton agreed with Jackson that many roads and canals were of a local nature and only important to a particular section or region of the country. River improvements were a different matter. Tipton pointed out that "the rivers of the United States are the common property of all; every body may navigate them without let or hinderance; and . . . the joint funds of the nation should be used to improve them . . . ." <sup>73</sup> This same reasoning had guided Jackson in his approval of river and harbor improvements, but the President still maintained that restraints should be applied to keep the system in check. To overcome Jackson's opposition, the Senate passed a resolution establishing a port of entry on the Wabash River at Lafayette, Indiana. Later on January 2, 1835, another Wabash River improvement bill passed the Senate by a vote of 22 to 18. However, this bill was never reported out of committee in the House. <sup>74</sup>

Even with the prohibition placed on road and canal projects and the guidelines for river and harbor projects, appropriations for internal improvements continued to increase.

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<sup>73</sup>U.S., Congress, Senate, Register of Debates, 23d Cong., 2d sess., 1834, p. 10.

<sup>74</sup>Ibid., pp. 67-70, 90, 1465-66.

On February 24, 1835, the President approved a \$30,000 appropriation for harbor improvements in the Florida Territory. On March 3, 1835, he signed another comprehensive river and harbor improvement bill which allocated over \$500,000 for numerous projects. That same day he approved a lighthouse construction bill and a \$646,000 appropriation for continuation and repair of the Cumberland Road. \$346,000 of this appropriation applied to the Road east of the Ohio River and could not be spent until Pennsylvania, Maryland, and Virginia agreed to accept control and maintenance of the Road. Jackson also signed a \$204,000 survey and road construction bill for the Michigan, Arkansas, and Florida Territories. More important for the future, he approved the first land grant for a railroad which would run from Tallahassee to St. Marks in the Florida Territory.<sup>75</sup>

In his seventh annual message delivered on December 7, 1835, the President reported the "condition of the public finances as never more flattering . . . ." <sup>76</sup> Since his last annual message, the national debt had either been "redeemed" or "money . . . placed in deposit for this

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<sup>75</sup>Statutes at Large, 4:752, 752-53, 753-55, 758-60, 772, 777, 778-79; House Report 175, p. 2.

<sup>76</sup>Richardson, ed., Messages and Papers, 3:160.

purpose."<sup>77</sup> He predicted a \$6,000,000 surplus for the Treasury even after the next congressional appropriation. The President did not mention the possibility of distributing the surplus for internal improvements. In fact he had not discussed such a possibility since his second annual message in 1830.

With the national debt completely paid, appropriations for internal improvements escalated even more. On July 2, 1836, Jackson approved another unspecified amount of land for a grant to a railroad, the New Orleans and Nashville Railroad Company. He signed a \$600,000 appropriation for the continuation of the Cumberland Road in Ohio, Indiana, and Illinois. The same day he also approved a massive post road bill establishing new post roads in all the states. On July 2 and July 4, 1836, Jackson signed two separate river and harbor bills which allocated almost \$1,500,000 million for projects in most states. More money was spent for internal improvement projects in 1836, an election year, than in any previous congressional session.<sup>78</sup>

Jackson had realized one of the most important goals of his presidency, payment of the national debt, but his

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<sup>77</sup>Ibid., p. 161.

<sup>78</sup>Statutes at Large, 5:65-66, 71-72, 90-107, 67-69, 128-31; U.S., Congress, Senate, Senate Document 44, 29th Cong., 2d sess., 7 December 1846, p. 44.

attempts to place spending restraints on Congress, especially in the area of river and harbor improvements, were less successful. He had still not completely acquiesced to congressional pressure. For example, when the Cumberland Road bill was first introduced in the Senate on February 26, 1836, an amendment was proposed which would have changed the usual means of funding the project. Instead of using the two per cent fund in each affected state, as usually had been the case, the amendment would have required continued direct appropriations from the federal government with no provision for the states to repay.<sup>79</sup>

Jackson immediately began preparing a veto message. In his veto notes, he discussed the history of the Cumberland Road and its financing. He noted that he, like past Presidents, had signed several bills appropriating funds for the Road. As the latest Cumberland Road bill now stood in the Senate, however, "the condition which has so uniformly attached to the appropriations for this object viz that the money should be a charge on the two percent fund, has been deliberately [sic] stricken out . . . ."<sup>80</sup> To Jackson, such an action

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<sup>79</sup>U.S., Congress, Senate, Register of Debates, 24th Cong., 1st sess., 1836, p. 615.

<sup>80</sup>"Cumberland Road Veto Notes," [1836], Jackson Papers.

was clearly an attempt to have the bill "regarded as a precedent for a general system of appropriations for Internal Improvements."<sup>81</sup> He could not approve such a step even if it meant delaying the completion of the Road and its eventual cession to the states. The Senate, unaware of the President's veto preparations, failed to pass the amendment by a vote of 22 to 21. As a result Jackson signed rather than vetoed the unamended bill.<sup>82</sup>

The President's last public statement dealing with internal improvements came in his eighth annual message on December 5, 1836. For the first time since 1830, he discussed the distribution of the surplus revenue for internal improvements. Unlike his second annual message, he now opposed the idea of such a distribution. He regretted any misunderstanding which had arisen because of his previous recommendation:

At that time the great struggle was begun against the latitudinarian construction of the Constitution which authorizes the unlimited appropriation of the revenues of the Union to internal improvements within the States, tending to invest in the hands and place under the control of the General Government all the principal roads and canals of the country, in violation of State rights and derogation of State authority.<sup>83</sup>

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<sup>81</sup> Ibid.

<sup>82</sup> U.S., Congress, Senate, Register of Debates, 24th Cong., 1st sess., 1836, p. 803.

<sup>83</sup> Richardson, ed., Messages and Papers, 3:245.

Distribution seemed to be the lesser of two evils at the time. He reminded Congress that he had even suggested an amendment of the Constitution to authorize this distribution. No such amendment had been proposed, and in his opinion, "a distribution of the surplus revenue by Congress either to the States or the people is to be considered as among the prohibitions of the Constitution."<sup>84</sup>

Just before retiring from office, Jackson signed another series of internal improvement measures. On January 31, 1837, he signed further land grants to one railroad in the Florida Territory and two in Louisiana. On March 3, 1837, he approved another river and harbor improvement bill of over \$1,000,000, a lighthouse construction bill, and an appropriation of almost \$400,000 for continuation of the Cumberland Road. Total appropriations for internal improvements in 1837 were slightly less than those in 1836, but they were still over \$1,500,000.<sup>85</sup> The situation had gotten so out of control that even Congress began to talk of reductions. The House Ways and Means Committee reported on January 31, 1837, that appropriations for internal improvements,

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<sup>84</sup>Ibid., p. 246.

<sup>85</sup>Statutes at Large, 5:144-46, 196, 197-98, 181-85, 187-91, 195-96; Senate Document 79, p. 13.

especially river and harbors, were "unproductive" and recommended a "more certain and efficient and economical system" for conducting these types of projects.<sup>86</sup> Jackson's guidelines had not provided the complete answer to the problem. Only economic repercussions from the disastrous Panic of 1837 and the five year depression which would follow would halt this type of congressional spending.

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<sup>86</sup>House Report 175, p. 1.

## CHAPTER IV

### INTERNAL IMPROVEMENTS: THE QUESTION PARTIALLY SOLVED

When Andrew Jackson left office on March 4, 1837, the nation's transportation system had been greatly improved and expanded. During his eight years as President, Jackson chose to follow a course of action on internal improvements at federal expense which differed somewhat from the position he had taken as a Senator from Tennessee. This course of action was a consistent one, nevertheless. Jackson never wavered from the belief that state governments rather than the national government should construct roads and canals. The only road construction legislation that he approved as President was for continuation of the Cumberland Road and construction of post and territorial roads. He believed that too much money had been spent for the Cumberland Road for it not to be completed. Post roads, territorial roads and canals quite naturally were under federal jurisdiction and therefore a legitimate expense. With these exceptions, the President signed no road or canal construction bills.



While generally opposing direct federal assistance for road and canal construction within the states, Jackson also specifically opposed indirect assistance for these projects in the form of stock subscriptions to private corporations. He could not condone such an infusion of federal funds into private hands. If his opposition to stock subscription was misunderstood in the Maysville Road and Washington Turnpike vetoes, his pocket veto of the Louisville and Portland Canal bill made it clear. The practice, which had begun in 1825 during Monroe's second term and increased greatly during Adams' administration, ended in 1830 with Jackson's pocket veto of the canal bill. In his fourth annual message, he even recommended the sale by the federal government of all its stocks in private corporations. Congress clearly understood the President's objections on this point, and it did not attempt to initiate any further stock subscriptions. On the other hand, indirect aid in the form of land grants continued during Jackson's administration since they did not directly involve the federal government in the operation or financing of a project.

Jackson's opposition to stock subscriptions was obscured for a time because he did not initially emphasize the issue. In the Maysville Road veto, the issue of the local or national nature of the project took precedence. The President left

himself vulnerable to the charge of political expediency when employing this argument. As was often pointed out, any project could be considered either local or national in character. It depended on who made the decision. Later, in 1834, Jackson admitted that such an argument was superfluous if a constitutional amendment were first needed.

A month before Jackson retired from the presidency John Quincy Adams wrote to the Reverend Charles W. Upham that Jackson's victory in the 1828 presidential campaign had signaled an end to the principle of internal improvements at federal expense. Adams feared that a unified system of roads and canals was "never to rise again."<sup>1</sup> Six years earlier in December 1830, the Greensboro (Tennessee) Journal had similarly remarked:

That internal improvements are essential to the welfare and prosperity of the country is undeniable. That these improvements, to the extent required by the public interest, never can and never will be made by the states, is obvious . . . . There are but two possible alternatives. The improvements must be made by the general government, or the nation must do without them.

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<sup>1</sup>Adams to Upham, 2 February 1837, John Quincy Adams, The Selected Writings of John Quincy Adams, ed., Andrienne Koch (New York: Alfred A. Knopf, 1946), p. 389.

<sup>2</sup>Greensboro Journal, December 1830, as quoted in Niles Weekly Register, 11 December 1830.

Jackson's refusal to involve the federal government in the construction of a national system of roads and canals did not mean an end to road and canal construction. In 1840, 3,326 miles of canals had been built. Over 2,000 miles of this total had been initiated between 1830 and 1840. After the Maysville Road and Washington Turnpike vetoes and Jackson's second annual message, state government and private corporations responded to the continued demand for a better transportation system. Private capital proved to be important, but state intervention provided the major impetus in the surge of improvements construction. The construction of roads and canals, far from decreasing, then, greatly increased after 1830 because there was little reluctance on the part of state government to assume a greater portion of the responsibility.<sup>3</sup>

Many of these new projects were financed by deficit spending. In most cases this meant the issuing of state bonds. Between 1830 and 1835, over \$40,000,000 in state bonds were issued. The following three years this figure

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<sup>3</sup>Taylor, Transportation Revolution, p. 52; White, Jacksonians, p. 437; Frederick Jackson Turner, Rise of the New West, 1819-1829 (New York: Harper & Brother, 1906), pp. 293-94; Edward Pessen, Jacksonian America: Society, Personality, and Politics (Homewood, Illinois: Dorsey Press, 1969), p. 326.

increased to almost \$108,000,000. Most of these bonds were issued for the purpose of internal improvements. In 1838 state debts stood at \$60,200,000 for canal projects, \$42,800,000 for railroad construction, and \$6,600,000 for turnpike construction.<sup>4</sup> Thomas Hart Benton was quite correct in believing that "individual enterprise [had] dispensed with national legislation" in the construction of roads and canals.<sup>5</sup>

There were other types of internal improvements besides the construction of roads and canals. Jackson approved appropriations for river and harbor improvements, surveys, lighthouses, and other related construction on a far greater scale than any previous President. He believed that internal improvements could be distinctly divided into two categories: roads and canals, and rivers and harbors. Jackson supported the idea that the nation's rivers were a legacy important to all citizens. He realized, however, that every river or stream could be deemed to be of national importance. River and harbor legislation lent itself to logrolling and excessive

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<sup>4</sup>Meyers, Jacksonian Persuasion, p. 113; U.S., Congress, House, House Miscellaneous Document 42, pt. 7, 47th Cong., 2d sess., 1883, pp. 523-24, 526; Pessen, Jacksonian America, p. 125.

<sup>5</sup>Benton, Thirty Years View, 1:26.

appropriations. To curtail these excesses, the President attempted to formulate a set of guidelines for river and harbor improvements. These guidelines evolved from his second annual message in 1830 and reached their final form in his sixth annual message in 1834. They were essentially based on the local or national nature of a project in relation to a port of entry or delivery. To emphasize further the need for restraint, Jackson vetoed three river and harbor bills during this period. Appropriations for river and harbor improvements continued to rise, however. While the President was unable to solve the problem completely, it should be noted that he held the rest of government spending in check and by 1836 had completely extinguished the national debt.

When Jackson took office in 1829, he cut appropriations for internal improvement projects from \$1,020,120 to \$608,500. By 1836 internal improvement appropriations had risen to \$1,837,520. For one who supposedly opposed excessive internal improvements spending, his approval of such increases seems hypocritical. The bulk of this increase was for continuation of the Cumberland Road and river and harbor improvements. To understand Jackson's attitude clearly, the distinction between roads and canals and rivers and harbors must be made.

Both the President and Martin Van Buren stressed such a distinction. An understanding of this distinction also directly relates to another important question, the motivation behind Jackson's internal improvement vetoes, especially the Maysville Road veto.<sup>6</sup>

Too often historians have examined Jackson's internal improvement vetoes with the knowledge that more money was spent for internal improvements during his administration than in any previous administration. The conclusion reached is that these vetoes, especially the Maysville Road veto, were politically inspired. Jackson's approval of increased appropriations is seen as confirmation that he really favored internal improvements, including the construction of roads and canals. Such a conclusion ignores several factors. Jackson vetoed three road and canal bills and three river and harbor improvement bills. Each of the three road and canal bills involved federal stock subscriptions in a private corporation. These were the only three stock subscription bills presented for Jackson's approval. He opposed all three, not because it was politically expedient to do so, but because he believed that federal involvement in a private corporation in this manner was unconstitutional.

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<sup>6</sup>Senate Document 44, p. 44.

of a project still left the guidelines open to criticism. The President's inability to solve this problem satisfactorily offers some insight into his relationship with his advisors, especially Martin Van Buren.

Jackson's rough drafts and notes of his vetoes and annual messages often provided the basic ideas for the messages. Usually an advisor, using the President's notes, wrote the final copy. In many cases much of the directness of the President's ideas was modified and softened. Jackson's acceptance and approval of these changes in some cases meant not only a less obtrusive document politically but also a less than clear presentation of his views. The Maysville Road veto is an excellent example. Jackson's notes repeatedly stressed the stock subscription issue. Van Buren, in his attempt to alienate as few people as possible, revised the veto message, emphasizing the local nature of the road. The stock subscription issue was finally clarified in the Louisville and Portland Canal pocket veto, but only when it had become apparent that public reaction to the earlier veto was not as great as expected. Jackson always made the final decision on every issue, but his respect for Van Buren's counsel often resulted in some politically-ambiguous messages, which only created more

Naturally there were political benefits to be gained from his opposition, but such considerations must be considered as secondary.

Another factor often overlooked is that Jackson's stock subscription vetoes not only put an end to this practice but also, in effect, terminated the federal government's participation in road and canal construction within the states. It is true, of course, that failure to complete a national system of roads and canals was largely the result of state and sectional rivalries, but it is highly likely that stock subscriptions would have continued for some time in a piecemeal fashion. Jackson's constitutional objections, not those of Congress, provided the final blow to a nationally-planned system of roads and canals.<sup>7</sup>

The three river and harbor improvement vetoes can be understood within the context of the guidelines Jackson laid down in his annual messages. All three were attempts to implement the President's restrictions on river and harbor projects. Basing a decision on the local or national nature

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<sup>7</sup>Carter Goodrich, Government Promotion of American Canals and Railroads, 1800-1890 (New York: Columbia University Press, 1960, pp. 44-45; MacDonalld, Jacksonian Democracy, p. 146; Carter Goodrich, "National Planning of Internal Improvements," Political Science Quarterly, 63(1948):30.



confusion on what was already an extremely complicated issue. The President and his advisor attempted to straddle the issue of river and harbor improvements, and in so doing they never really came to grips with the central question of uniformly limiting appropriations for such projects.

An examination of Andrew Jackson's policy toward federally-financed internal improvements does not provide a complete understanding of his presidency, but it does offer some interesting insights. Far from being inconsistent and haphazard, Jackson's course of action was a consistent one. He favored internal improvements within certain limits. While he did not believe the Constitution provided authority for Congress to initiate a system of roads and canals, he did support continued federal appropriations for river and harbor improvements. Jackson's internal improvement vetoes were not constitutional rhetoric to disguise his actions against political opponents but rather attempts to implement his views on the federal government's role in directing national development. Unfortunately he was unable to solve completely the problem with respect to river and harbor improvements, and appropriations for these projects continued to increase. What Jackson basically did was to synthesize the main ideas of previous Presidents on internal improvements

into a program which was, in essence, a culmination of the Jeffersonian tradition. Payment of the national debt and constitutional limitations on power, both of which Jefferson had championed strongly, became the rationale of Jackson's program.

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