

# LETTERS OF JAMES BUCHANAN

By WILLIAM FREDERIC WORNER

(Continued from page 172)

TO THE DEMOCRATIC ASSOCIATION OF THE FOURTH WARD,  
PHILADELPHIA.<sup>10</sup>

"Washington, March 12th, 1836.

"To the Democratic Association of the Fourth Ward, Philadelphia:

"Gentlemen:

"I have this moment received the resolution, unanimously adopted by your association, on the 9th instant, expressing an opinion, that in case the Legislature of Pennsylvania should instruct its senators to vote against Col. Benton's expunging resolutions, we 'should not, under any circumstances, recognize' this instruction.

"Entertaining, as I do, the highest respect both for your patriotism and your judgment, it is with unaffected regret that I feel myself constrained to dissent from this opinion.

"There are some political principles of a character so sacred that we ought never even to think of sacrificing them at the shrine of expediency. You will agree with me, that of these none deserves to occupy a higher rank than *that the public will ought to be obeyed by the public servant, or he ought to resign his seat.* This is a principle which I adopted in my early youth. 'It has grown with my growth, and strengthened with my strength.' All my experience has convinced me that the safety of the people demands that this rule should be inflexibly obeyed by all their representatives. The sentiments which I expressed upon this subject in my letter to the Democratic members of the Legislature, at the time of my election to the Senate, were only the repetitions which I had a hundred times expressed before.

"This principle of *obedience* or *resignation* is the very key-stone of the arch, which indissolubly unites together the Democracy of all the States of the Union. However divided it may sometimes have been on other questions, on this there has been an entire unanimity of opinion.

"Is this, then, a moment when a Pennsylvania senator, elected by a Democratic Legislature, should do any act which, in its consequence, might shake this adamant foundation? We have just witnessed in our State the effect which has been produced by disobedience of the public will. A vast monied institution, which we all believe to be dangerous to the rights and liberties of the people of the whole Union, and which had been condemned by a large majority of the people of Pennsylvania, has just been chartered for a period of thirty years by our State Legislature. If the Republican party justly believed that, as a national institution it was fraught with dangers to the people of all the States, how much more alarming ought it to be to the people

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<sup>10</sup> Lancaster Journal, Friday, April 29th, 1836.

of a single State, within which, all its energies and all its influence are now concentrated? If the power of the general Government, united with the well-deserved popularity of General Jackson, could scarcely make head against it, what will be our condition in Pennsylvania with a State administration devoted to its interests?

"At the present crisis, we have nothing to rely upon but a strict adherence to the principles and usages of the Democratic party. For the sake of any temporary advantage, no public servant should even think of betraying the great cause of liberty into the hands of power. If we all act upon this principle, we have nothing to fear. The free and manly spirit of the people; the deep conviction which is everywhere felt that the approaching contest will be a struggle for life or for death, and that the Democracy must either triumph over the bank, or the bank must crush the Democracy, will ensure us a glorious victory.

"I believe, with you, that the present Legislature of Pennsylvania will not speak the voice of the people of the State, should they instruct me to vote against the expunging resolutions. You will readily perceive, however, that if the senator himself is to be made the judge, if his opinion, as to what may be the people's will, is to determine his obedience or disobedience to Legislative instructions, the right itself rests upon his own discretion, and might as well at once be abandoned. The conduct of the senators who have been so loudly condemned by the Democratic party throughout the Union, for acting upon this principle, is at once justified, and we must retract all we have said against the course which they have pursued. We must do more. We must virtually determine that no senator from Pennsylvania can ever be instructed; because our territory is so extensive, and our population so numerous, it is almost impossible for a majority of the whole people ever in this form to communicate their will to their senators.

"There may possibly be extreme cases, as I have intimated in my letter to the Democratic members of the Legislature, in which the senator, in order to avert a great public evil, might be justified in deciding that the Legislature had violated the will of the people in voting him instructions. I do not now say, that such cases might or might not exist; but certainly the present is not one of them. My vote can neither pass nor defeat the expunging resolutions at the present session. Besides, the voice of the American people has decreed that the resolution of the Senate condemning President Jackson, shall be expunged; and whether the actual process shall be performed during the present, or the next year, is not a matter of any great importance.

"Again, I am proud to say, that I have acquired some little character with the Democracy of the other twenty-three States of this Union. However small this may be, yet it is still dear to me, and I wish to preserve it. They are not familiarly acquainted, as we are, with the local politics of Pennsylvania. They have already seen that our House of Representatives have passed the 'Instructions' by a vote of 64 to 25; and they will probably pass the Senate by a large majority. If I shall neither yield obedience to these 'Instructions,' nor resign, I will be placed in the same list, in their estimation, with those

senators, who have felt it to be their duty to disregard instructions altogether. It will be said of me, that I have professed the duty of obedience or resignation when it effected political opponents, but have shrunk from its application to myself.

"I shall never consent to consider the present as a question of mere expediency; but if I were to do so, I should unhesitatingly declare it to be my conviction, that the party, to which I am proud to belong, would lose more—much more—by my abandonment of one of its essential principles, than they could gain by my vote in favor of the expunging resolutions, or by all the votes I should be able to give, during the remainder of my term in the Senate.

"Every friend with whom I have conversed upon the subject, in this city, and these include many of the most distinguished Republicans throughout the Union, is clearly and decidedly of opinion that I ought either to obey or resign. Either alternative will bring the question distinctly before the people of the State, at their next general election, whether, what I believe to be the unconstitutional and unjust resolution of condemnation against the President, for one of the most meritorious acts of his long and useful life, shall or shall not be expunged from the journals of the Senate.

"To obey or resign, is then, my fixed determination. Should I adopt the former course, I shall declare at the time I give my vote, that I do it merely as an agent in obedience to Legislative instructions, and against my own opinion.

"If I consult my own feelings, I shall resign. A public man, in his public conduct, ought not only to be chaste, but unsuspected. I should be sorry to have it even suspected by any citizen of my native State, that I was capable of clinging to an office, however high and honorable, for a moment longer than I could retain it without the sacrifice of any principle. Which of the two alternatives I shall finally adopt I have not yet fully determined. When the proper time arrives, I shall be prepared to act promptly and decidedly.

"I herewith transmit to you an extract from my letter to the Democratic members of our Legislature, dated on the 22nd day of December, 1834, containing that part of it which relates to the subject of 'Instructions.' <sup>11</sup>

"Sincerely hoping that the sentiments which I have expressed may meet with your approbation, and declaring, most unfeignedly, that I shall place a high value upon it,

"I remain, very respectfully,

"Your obedient servant,

"JAMES BUCHANAN."

TO THE EDITOR OF THE RICHMOND ENQUIRER.<sup>12</sup>

"Washington, December 7th, 1838.

"My Dear Sir:

"I have this moment received yours of yesterday, and hasten to answer your inquiries respecting the 'Keystone State.' I can readily conceive that its

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<sup>11</sup> Printed in Moore, Vol. II, pp. 403-6.

<sup>12</sup> The Lancaster Intelligencer, Tuesday, December 25th, 1838.

present condition must occasion anxiety and alarm in its sister States; and they must be desirous to learn the true and exciting cause of the revolutionary movements at Harrisburg.

"At the general election, on the second Tuesday of October last, two Democratic senators, and eight Democratic representatives, were elected over their Whig competitors by a clear majority of the people of the county of Philadelphia. In all the seventeen election districts into which that county is divided, C. Brown, the highest Democratic candidate for the Senate, received 10,036 votes, and W. Wagner, the highest Whig candidate for the same office, received 9,490 votes, leaving an undisputed majority of 546 votes in favor of Mr. Brown. The majority of Mr. Stevenson, the other Democratic candidate, over Mr. Wagner, was 520 votes. On the ticket for representatives, the lowest of the eight Democratic candidates, received a majority of 385 votes over the highest Whig candidates. And yet, strange as it may appear, all the tumult, and all the outrages at Harrisburg have arisen from the attempt of the two defeated Whig candidates for the Senate, and the eight defeated Whig candidates for the House, to seize and occupy the seats of those who have been elected by a majority of the people.

"You will naturally ask, how any difficulty could have arisen in a case so plain? I shall proceed to tell you; but it will first be necessary to furnish you with a brief statement of the election laws of Pennsylvania, so far as they relate to the return of senators and representatives from the county of Philadelphia.

"In this county, there are seventeen election districts; and, consequently, seventeen return judges, being one from each district. It is the duty of these judges to meet at the state house, in the city of Philadelphia, on the first Friday succeeding the general election, and ascertain from the returns of all the districts, the persons elected senators and representatives. Having performed this duty, they are then bound to make duplicate general returns of the whole election; one of which is to be deposited in the prothonotary's office at Philadelphia; and the other, so far as it relates to the election of senators, having been first enclosed, sealed, and addressed to the Senate, is then, under a second sealed cover, directed to the secretary of the Commonwealth, to be placed by the return judges 'in one of the nearest post-offices.' A similar course is to be pursued in regard to that portion of the general return which relates to the election of members of the House, except that it is to be directed to the House of Representatives. The return judges are also required to transmit to each of the persons elected, senators or representatives, a certificate of his election. This is the sum and substance of the law.

"In obedience to the law, all the seventeen return judges of the county of Philadelphia met at the state house on the first Friday after the general election, for the purpose of performing their duty. A question was raised before these assembled judges, whether the return of the votes in the Northern Liberties should be received. After investigating the alleged frauds and irregularities in this district, it was decided, by a majority of ten to seven, that this return should be rejected. Whether this decision be right or wrong,

it cannot affect the election of the Democratic senators and representatives to the State Legislature. In either alternative, they have been elected by a decided majority of the people. By rejecting the district of the Northern Liberties, their majority is increased from some five to fifteen hundred votes.

"The return judges, having ascertained that the two Democratic senators, and the eight Democratic members of the House, had been duly elected, then prepared duplicate returns of the election, according to the act of Assembly, which were signed by ten of their number. One of these returns was deposited in the prothonotary's office, at Philadelphia; and the other was transmitted to, and received by, the secretary of the Commonwealth. A regular notice was sent to each of the successful candidates for the Senate and the House, of his election; and here their duty ended. It will thus be perceived that the Democratic senators and representatives elect, were regularly returned as elected, by a majority of the return judges, according to the requisitions of the law.

"After the return judges had completed their business and adjourned, six of the whole number of seventeen retired to another room in the state house, and then and there prepared and signed, in conjunction with the return judges from the city of Philadelphia, a return of the votes polled in seven only of the seventeen election districts of the county of Philadelphia. No objection whatever had been made, certainly no testimony had been offered, to impair the validity of the election in any one of the other disfranchised districts but it was necessary to exclude the votes in these ten districts, in order to furnish a pretext for the minority to usurp the rights of the majority. The only reason which I have ever heard assigned for this attempted violation of the rights of the people, was, that as a majority of the return judges had excluded the votes of the district of the Northern Liberties, and thereby had returned Mr. Ingersoll as duly elected to Congress, therefore, the minority of the judges were justified in excluding the votes of these ten districts, and thus returning the defeated Whig candidates as elected to the Senate and House of Representatives.

"It is scarcely necessary to state that, in point of law, this minority return, signed by six judges, when it is a notorious fact that there were, and from the acts of Assembly that there must be, seventeen judges in the county of Philadelphia, was a perfect nullity, and must ever continue such, until it can be established that the minority shall rule the majority.

"This minority return was delivered to the sheriff, and by him sent by express on a steam engine to the secretary of the Commonwealth, and was received at his office before the official majority return had arrived. Thus stand the facts.

"Shortly after the election, a rumor extensively prevailed that the Whigs intended, if possible, to force into the Legislature, as sitting members, their ten rejected candidates of the county of Philadelphia; and, by their votes, before they could be removed by contesting their elections, to pass laws, to elect the canal commissioners, the United States senator, and other officers, and to govern the State in direct violation of the legally declared will of a

majority of the people. I did not believe the rumor, and thought that the minority return had proceeded from the excitement and exasperation which defeat often produces after a hotly contested election, and that we should hear no more of it. Besides, I could not then imagine that such a palpable and daring usurpation of the most sacred rights not only of the electors of the county of Philadelphia, but of the Commonwealth at large, would be attempted. In this, it appears, I have been mistaken.

"Before and at the time of the meeting of the Legislature, there was, in the office of the secretary of the Commonwealth, the minority returns from the county of Philadelphia; and duplicates of the majority returns,—one transmitted through the sheriff as the minority report had been; and the other, through the post-office, which is the only legal channel. Now, Sir, in answer to your question, I can inform you that the sole cause of all the disturbances at Harrisburg is, *that this officer took upon himself the fearful responsibility of withholding from the Senate and House of Representatives the returns of the majority of the judges of the county of Philadelphia which had been directed to these bodies respectively, and delivered to them the minority returns only.* Had he delivered all these returns, as was clearly his duty, the Legislature would have organized in peace. The Whig members could not have contended, as they have done, that the minority returns delivered by the secretary to the Senate and House, were the only legal evidence of election which could be received by them in the first instance, and were conclusive of the right of the defeated Whig candidates to become the sitting members. It is upon this principle, and this alone, that they have proceeded to form a revolutionary House of Representatives consisting of forty-four regularly elected Whig members, and the eight rejected Whig candidates of the county of Philadelphia.

"In defense of the secretary, it has been said, that as he first received the minority return, it was his duty to consider it the only legal return and to withhold all those which came after. This would make the political rights of the people of Pennsylvania to depend upon the result of a race. If this were the law, defeated candidates might always seize the seats of the senators and representatives elected by the people, provided they could obtain a false return from the minority of the return judges, and command the fleetest courser or the swiftest locomotive. Indeed, in every instance, they might be able to deliver their returns *first*, by express, to the secretary of the Commonwealth; but the law requires the regular returns to be transmitted through the post-office, by due course of mail.

"But there is no pretext in the law for this defense of the conduct of the secretary. In regard to these election returns, he is a mere depository; and his whole duty is performed by delivering at the appropriate time, all such as he may have received, to the proper officer of the Senate and the House, respectively. If the law had assigned him any other part than that of a mere ministerial agent, it would have been an outrage on popular government. To confer upon the chief executive officer of the governor, dependant upon his will, any power whatever to decide, either first or last, on the validity

of the election returns of members of the Legislature, would be to place the legislative branch of the government under the control of the executive. This would violate one of the essential and fundamental principles of Republican liberty.

"The secretary, so far from possessing any power to withhold a sealed return, directed to the Senate or the House, has no right even to know its contents, because the law requires that it shall be first sealed and addressed to the Senate or the House, and afterwards be placed under a second sealed cover and directed to him. In delivering such papers according to their direction he is but a mere ministerial, not a judicial officer. But even if he were constituted a judge, what law has established it as the rule of his decision, that he shall declare the first paper in the form of a return which he may have received whether through the legal channel or not, to be absolute verity; and any return which may arrive afterwards, to be so perfect a nullity as to justify him in withholding it from the clerk of the Senate or House? If he were a judge in this question, it would be his duty to exercise judicial discretion, and then he would be bound to declare, that a return made by six out of seventeen judges, was a mere nullity, because it was signed by a minority instead of a majority of the whole number. But the law confers upon him no such authority; it imposes no such responsibility. The line of his duty was clearly marked. He ought to have delivered to the clerks of the respective houses all the returns which were directed to these bodies, and he would then have performed his office. As it is, his conduct in delivering the minority return to the clerks and withholding that of the majority, is a revolutionary and direct invasion of the dearest rights of the people by the executive branch of the government. What is the known and acknowledged remedy for such a daring usurpation of popular rights by executive power? Let the history of all free governments, let the most approved authors on the subject of civil liberty, answer the question.

"But, fortunately, no occasion exists for resorting to extreme measures; and I should be the last man in the country who would advocate them, unless in a case of absolute and uncontrollable necessity.

"The law has made ample provision to remedy any defect of evidence arising from the withholding of the official return by the secretary. If any such return, sent to him through the post-office be either lost or destroyed, or, as upon the present occasion, be suppressed and withheld, there is another original in existence, in the prothonotary's office of the proper county. A certified copy of this original from the office in Philadelphia, was presented to the clerk of the House of Representatives, at the time of its organization, by one of the members elect, and under it, the eight members duly elected and returned, were qualified and took their seats. The number of legal representatives, under the constitution of Pennsylvania, is one hundred. The number which have already been qualified and taken their seats in the regular House, is fifty-six; and the Whig minority exclusive of the defeated Whig candidates, is forty-four; so that the Democratic majority will be twelve.

"The attempt to govern Pennsylvania by a minority of the people, must

and will speedily and peacefully terminate. It will end as every assault upon the liberty of the people has heretofore done, in this free and glorious Republic, by overwhelming every agent who has been employed in it with popular indignation, now and hereafter.

"Yours, very respectfully,

"JAMES BUCHANAN."

TO THE EDITORS OF THE DAILY PITTSBURGER.<sup>13</sup>

"Pittsburgh, September 17th, 1840.

"To the Editors of the Daily Pittsburger:

"My political friends have urged me to contradict a slander which has been extensively circulated against me, and I have reluctantly yielded to their request, without expecting that it will produce the least effect in preventing its repetition. I shall best accomplish my purpose by simply stating the only sale and purchase of real estate which I have made for a number of years.

"I sold a valuable farm near Lancaster in November, 1837, during the suspension of specie payments, and whilst the banks were contracting their issues and preparing for resumption, and loaned the greater part of the purchase money at a time when it was almost impossible to obtain a loan from the banks, to relieve the estate of a deceased friend. I bought another valuable farm in Franklin county, which had belonged to my deceased father, and paid for it just twenty-five per cent. more than the price for which it had been offered, a short time before I sold my farm in Lancaster county, in November, 1837. For the whole of the purchase money of this farm I went in debt. I have loaned no money on bond and mortgage since I purchased the farm which I now own in Franklin county.

"These are my only transactions in real estate for many years past.

"Yours, respectfully,

"JAMES BUCHANAN."

REPLY TO INVITATION FROM REPEAL ASSOCIATION  
OF PITTSBURGH.<sup>14</sup>

"Washington, March 10th, 1842.

"Gentlemen:

"I have received your kind invitation 'to attend the ensuing celebration of the anniversary of St. Patrick's Day, by the Repeal Association of the city of Pittsburgh.' For this token of your regard, please accept my grateful thanks.

"The son of an Irishman myself, *I was early taught to love my father's native land*, and to feel deeply for its misfortunes. Its history has demonstrated how tyranny and oppression can counteract the richest natural advantages, and reduce to misery and want as brave and generous a race of men as the sun ever beheld. But tyranny and oppression could do no more. They

<sup>13</sup> Lancaster Intelligencer and Journal, Tuesday, September 29th, 1840.

<sup>14</sup> Intelligencer and Journal, Tuesday, February 28th, 1843.



could not subjugate the immortal mind, nor subdue that ardent and manly spirit which characterizes Irishmen in every land. Centuries of oppression have not been able to make them slaves, nor arrest the flight of their free spirit. Their first instinct is to love liberty, and they have manifested their devotion by cheerfully shedding their blood under its standard in every battle field where it has been unfurled. *With my whole heart* I wish the cause of Repeal success; and if we can do no more to promote it, we can at least manifest to those patriots immediately engaged in the struggle, that millions of free hearts in this Republic beat in responsive sympathy with theirs in a cause so holy.

“Cherishing these sentiments, I need scarcely say that it would afford me the greatest pleasure to accept your invitation; and I have to regret that my public duties here render it impossible.

“Yours, very respectfully,

“JAMES BUCHANAN.”

“To P. McKenna, and others of the committee.”

*(To be continued)*