

THE CAMPAIGN TO EXPUNGE THE CENSURE  
OF THE PRESIDENT, 1834-1837

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A Thesis  
Presented to  
the Faculty of the Department of History  
University of Houston

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In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts

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by  
Margaret Newsom Lambert

August 1973

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## ABSTRACT

The first session of the Twenty-third Congress which met from December, 1833, to June, 1834, was remarkable for the intense controversy which took place between the Senate and the President of the United States. During its seven months of deliberation, the Senate, which was in the firm control of Andrew Jackson's opponents, passed an extraordinary resolution of censure against the President who answered with an equally unprecedented protest which the Senate in turn refused to receive.

As the Senate was preparing to adjourn on June 30, 1834, Senator Thomas Hart Benton of Missouri rose to present a resolution that was designed to continue the warfare between the Senate and the Chief Executive. His resolution called for the Senate to expunge the resolution of censure from its journal. Benton's campaign to vindicate Jackson from the reproaches of his enemies continued intermittently throughout the remainder of Jackson's term of office until finally, on January 16, 1837, his efforts were rewarded with victory. It was a campaign that was fought not only on the floor of the Senate, but also in state legislatures throughout the nation, and indeed, in some instances, in local political contests.

An investigation of contemporary newspapers and state histories reveals that Benton and the proponents of the expunging

movement used two tactics to achieve their goal. In some states they vigorously campaigned to defeat Whig senators who were candidates for reelection, and in others, they tried to influence the state legislatures to instruct their senators either to vote for expunging or resign from their seats. Although the Whigs responded to this campaign by denying the right of the state legislatures to instruct their senators, they used the doctrine of instructions themselves during the expunging campaign.

During its early phases the expunging campaign received several setbacks, but the campaign picked up momentum after the prestigious state of Virginia acted positively on the measure in January, 1836. The advocates of expunging were so successful that only fourteen of the twenty-six senators who voted for censure were still around to vote against expunging on January 16, 1837. In an age in which personalities often overshadowed issues, the Jacksonian Democrats were wise to promote the expunging measure. Their campaign to vindicate the Old Hero was a major factor in turning control of the Senate from Jackson's enemies to his friends.

The successful conclusion of the expunging campaign also contributed to the growth of the presidential power during the Age of Jackson. The passage of the expunging resolution seemed to put the stamp of popular approval on Jackson's view that the president was the direct representative of the people and, as such, was responsible to the people, not Congress. It is also

noteworthy that neither house of Congress, perhaps considering the fate of the Senate of 1834, has since censured a president.

Ultimately the passage of Benton's expunging resolution was a personal victory for Andrew Jackson. Now that the stigma of official censure had been removed, he could honorably retire to private life. As Benton later noted, the Old Hero regarded the expunction of the resolution of censure as the greatest victory of his civil career.

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## CHAPTER I

### BENTON SETS THE BALL IN MOTION

The first session of the Twenty-third Congress, which met from December, 1833, to June, 1834, was remarkable for the intense controversy which took place between the Senate and the President of the United States. While Andrew Jackson could count on a majority in the House of Representatives, the Senate was in the firm control of his opponents. During its seven months of deliberation, the Senate passed an extraordinary resolution of censure against the President who answered with an equally unprecedented protest which the Senate in turn refused to receive. Jackson's opponents, charging him with usurpation of power, assumed for themselves the name of "Whigs," likening his actions to the alleged tyrannies of George III.

As the Senate was preparing to adjourn on June 30, 1834, Senator Thomas Hart Benton of Missouri rose to present a resolution that was designed to continue the warfare between the Senate and the President. His resolution called for the Senate to expunge the resolution of censure from its journal. When Henry Clay of Kentucky objected to the timing of the resolution (more than one-third of the senators had already left the capital), Benton readily agreed to postpone its consideration until the next session.<sup>1</sup> Benton's campaign to vindicate Jackson from

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<sup>1</sup>Congressional Globe, 23 Cong., 1 Sess., 479 (June 30, 1834).

the reproaches of his enemies would continue intermittently throughout the remainder of Jackson's term of office until finally, on January 16, 1837, his efforts would be rewarded with victory. It was a campaign that would be fought not only on the floor of the Senate, but also in state legislatures throughout the nation, and indeed, in some instances, in local political contests.

The months preceding the censure had been difficult ones for Jackson and his followers. These difficulties stemmed from the dealings of President Jackson with the Bank of the United States. When Jackson was elected President in 1828, the Bank was operating efficiently under the direction of its energetic and capable president, Nicholas Biddle. Few public complaints were made of the institution although some still fixed the responsibility for the Panic of 1819 upon the Bank's early policies. In one of his first messages to Congress, Jackson questioned the constitutionality of the Bank and suggested its structure be altered. He regarded the Bank as a privileged monopoly and strongly resented its control over legislation and elections. When he and Biddle were unable to compromise, the Bank was doomed because "it got caught in a clash between two willful, proud, and stubborn men. . . ." <sup>2</sup>

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<sup>2</sup>Robert V. Remini, Andrew Jackson and the Bank War: A Study in the Growth of Presidential Power (New York, 1967), 10.



By 1832 Biddle had given up all hope of obtaining the administration's backing for recharter of the Bank. Although the institution's twenty-year charter did not expire until 1836, Clay advised Biddle to apply for recharter in 1832, an election year, believing Jackson would not dare to make the Bank an election issue. Yet the Old Hero, Andrew Jackson, met the challenge of Biddle and Clay and responded to the recharter bill passed by Congress with a forceful veto.

The Bank War became a crucial issue in the 1832 presidential campaign between Jackson and Clay. The Democrats claimed that the Bank struggle represented the fight of the people against a monied aristocracy. Recent studies indicate that the Bank issue may have hurt Jackson's campaign; however, his popularity assured his victory.<sup>3</sup> At any rate Jackson interpreted his triumph at the polls as a mandate from the people and, after the nullification crisis had passed, decided to hasten the Bank's death by removing the federal deposits and placing them in select state banks, soon to be referred to as "pet banks." This action required an order by the Secretary of the Treasury. Jackson first promoted Secretary of the Treasury Louis McLane to the State Department and subsequently dismissed his successor, William J. Duane, in order to appoint Roger B. Taney who was amenable to the deed. Biddle responded to the removal by adopting a policy of contraction in an attempt to force recharter. A period

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<sup>3</sup>Remini, Andrew Jackson and the Bank War, 41-43.

of financial distress followed which was keenly felt in many sections of the country. The opposition, now assuming the name of Whigs, rallied around the issue of the alleged usurpations of power by "King Andrew."

The first session of the Twenty-third Congress met in December, 1833, and soon became known as the "Panic session" because it was flooded with distress memorials. "Every morning for three months," Benton later noted, "the presentation of these memorials with speeches to enforce them, was the occupation of each House. . . ." <sup>4</sup> During this period, Jackson was frequently confronted with protests over his Bank policy. Yet when "men of all sorts, even beardless youths" assailed him, and the "nation seemed to be in arms, and the earth in commotion against him," Jackson remained steadfast in his plan to destroy Biddle's Bank and its power. <sup>5</sup> In the Senate, the Whig majority was led by a triumvirate of Clay, John C. Calhoun, and Daniel Webster. Jackson's friends in the Senate, including Old Bullion Benton, endeavored to answer the opposition's verbal assaults on the President.

The fireworks in the Senate exploded on December 26, 1833, when Henry Clay introduced a resolution condemning Jackson for

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<sup>4</sup>Thomas Hart Benton, Thirty Years' View; or, A History of the Working of the American Government for Thirty Years, From 1820 to 1850 (New York, 1854), I, 416.

<sup>5</sup>Ibid., 424.

dismissing Duane and ordering the removal of the federal deposits from the Bank. The resolution also stated that the reasons given by Taney for the removal were "unsatisfactory and insufficient." In a speech supporting his resolution, Clay asserted that the country was in the midst of a bloodless revolution in which one man was trying to acquire all governmental power.<sup>6</sup>

During the next three months, the removal of the deposits was the chief topic of discussion in the Senate. Clay modified his resolution several times in order to assure its passage. Eventually the Whigs were triumphant and, on March 28, the Senate passed the following resolution: "Resolved, That the President, in the late Executive proceedings in relation to the public revenue has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."<sup>7</sup>

By passing this resolution the Whigs sought to put a blot on the character of Jackson. They expected it to weaken the Old Hero's popularity since they believed "that a senatorial condemnation would destroy whomsoever it struck--even General

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<sup>6</sup>Cong. Globe, 23 Cong., 1 Sess., 54 (December 26, 1834).

<sup>7</sup>The vote was 26-20. Yeas: Bibb, Black, Calhoun, Clay, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Tyler, Waggaman, Webster. Nays: Benton, Brown, Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Linn, M'Kean, Moore, Morris, Robinson, Shepley, Tallmadge, Tipton, White, Wilkins, Wright. Ibid., 271 (March 28, 1832).

Jackson."<sup>8</sup> The Whigs were soon to discover that they had underestimated the limits of Jackson's public appeal.

The passage of Clay's resolution came as a severe shock to Jackson. He determined to draw up a protest against the censure in the hopes that it would encourage the enactment of a constitutional amendment to shorten the terms and provide for the recall of United States senators.<sup>9</sup> The resolution, Jackson charged, was "unauthorized by the Constitution, and in derogation of its entire spirit." The censure was, in effect, an impeachment although its vague form did not specifically state what actions "in relation to the public revenue" had violated the Constitution and laws. Jackson reasserted his Presidential power of appointment and dismissal and said the Senate's resolution "presupposes a right in that body to interfere with this exercise of Executive power." The President also criticized senators from three states for voting for Clay's resolution and violating the will of their constituents as expressed through resolutions passed by their state legislatures favorable to the actions of the Executive. Finally he requested that his message of protest be entered in the journal of the Senate.<sup>10</sup>

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<sup>8</sup>Benton, Thirty Years' View, I, 423.

<sup>9</sup>Andrew Jackson to Andrew Jackson, Jr., April 16, 1834, John Spencer Bassett (ed.), Correspondence of Andrew Jackson (Washington, 1931), V, 259-260.

<sup>10</sup>James D. Richardson (ed.), A Compilation of the Messages and Papers of the Presidents, 1789-1897 (Washington, 1897), III, 1288-1312.

The reception of the protest on April 17 caused a great deal of excitement in the Senate. One administration newspaper went so far as to say, "guilt and terror were depicted on the countenances of the USURPERS in the senate." George Poindexter of Mississippi, who, according to his detractors, "skulked at the battle of New Orleans, and has never forgiven general Jackson for refusing to certify his bravery," moved that the protest not be received.<sup>11</sup> He claimed that Jackson was using the Senate for personal appeals to the people and exercising a power "which might overturn the constitution itself." He maintained that the protest was an assault on the Senate.<sup>12</sup> Peleg Sprague of Maine likewise accused Jackson of attempting to claim too much power. He objected to Jackson's reference to the Secretary of the Treasury as "his Secretary," and the government as "my Government." He said he acted out of a sense of duty and would not allow the President to "dictate to him."<sup>13</sup> Theodore Frelinghuysen of New Jersey asserted the right of the Senate to rebuke the President. The citizens of New Jersey, he said in reply to Jackson's remarks, believe it is "pure arrogance in their servants at home to dictate to their servants

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<sup>11</sup>Niles' Weekly Register, XLVI (May 3, 1834), 147, quoting the New York Standard.

<sup>12</sup>Cong. Globe, 23 Cong., 1 Sess., 317 (April 17, 1834).

<sup>13</sup>Ibid., 317-318.

here."<sup>14</sup>

In defense of the President, Benton recalled how a resolution of the British House of Commons regarding the Middlesex election of 1768 was expunged after a period of fourteen years. He then announced a similar plan to have the resolution of censure expunged from the journal of the Senate. He had decided to undertake this task "without consultation with any human being, and without deigning to calculate the chances, or the time of success." The actions of the Senate would now be on trial and he intended to give the people the facts. Benton then described the alterations made in Clay's resolution between its introduction and passage. He claimed that although the resolution had become more vague in order to insure its adoption it still accused the President of violating the Constitution and laws, which was an impeachable offense. The object of the resolution was to destroy Jackson's political power so that "the charter of the Bank will be renewed, and in its renewal, a political party, now thundering at the gates of the Capitol, will leap into power."<sup>15</sup>

After Benton had finished, Samuel Lewis Southard of New Jersey said he regarded the protest as an eulogy of Jackson's life and an attempt to use the Senate as a "medium through

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<sup>14</sup>Cong. Globe, 23 Cong., 1 Sess., 318 (April 17, 1834).

<sup>15</sup>Ibid., 318-321.

which to operate on the public."<sup>16</sup> At this point, Senator William Rufus King of Alabama arose to defend Jackson's character and then denied Poindexter's declaration that the reception of the protest had filled every senator with indignation. Clay's resolution, in his opinion, was a political move. The country had more to fear from legislative than from executive usurpation. Now both the censure and the protest could be closely examined by the people.<sup>17</sup> Benjamin Watkins Leigh of Virginia said he agreed with Benton's belief that this was an important issue and felt the Senate should adjourn before its spirit of calm deliberation vanished.<sup>18</sup>

On the following day, Leigh addressed the Senate on the subject of the protest and predicted that if Jackson gained popular support for his actions in relation to the Bank he would attempt to reduce the tenure of senators and make them liable to recall.<sup>19</sup> John M. Clayton and Calhoun denied the right of the President to send such a message and suggested that the Senate should not confirm any executive nominations or deal with any executive business until it had vindicated its dignity.<sup>20</sup>

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<sup>16</sup>Cong. Globe, 23 Cong., 1 Sess., 321-322 (April 17, 1834).

<sup>17</sup>Ibid., 322-323.

<sup>18</sup>Ibid., 323.

<sup>19</sup>Ibid., 326-329 (April 18, 1834).

<sup>20</sup>Ibid., 329.

On April 21 Jackson sent a short message to the Senate explaining his protest. He said he did not refute the power of Congress to provide, by law, for the custody and disposition of the property and public money of the United States. Poin-dexter immediately rose and moved that this message should also not be received.<sup>21</sup> On May 7, after considerable debate, the Senate passed two resolutions dealing with Jackson's message of protest. The first stated that Jackson claimed powers not granted to him under the Constitution. The second affirmed the right of the President to send messages pertaining to the laws and Constitution but denied "any right in him to make a formal protest against votes and proceedings of the Senate, declaring such votes and proceedings to be illegal and unconstitutional, and requesting the Senate to enter such protest on its journals."<sup>22</sup>

Jackson was determined that his message of protest should reach the people because he was confident that they would concur in his judgment that the Senate was guilty of legislative tyranny. In a private letter he noted that the terms of seven senators who had defied the will of their constituents ended on March 3, 1835, and he hoped the seven would be replaced by more faithful men.<sup>23</sup> The Senate's refusal to receive Jackson's

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<sup>21</sup>Cong. Globe, 23 Cong., 1 Sess., 331 (April 21, 1834).

<sup>22</sup>Ibid., 369 (May 7, 1834).

<sup>23</sup>Jackson to Edward Livingston, June 27, 1834, Bassett (ed.), Correspondence, V, 271-272.



original protest did not prevent it from being extensively circulated; on the contrary, Jacksonian newspapers gave it widespread publicity, and the President's partisans distributed thousands of copies of his message. Although Clay charged that a "Secret Service Fund" was paying for these publications, the Washington Globe, organ of the administration, insisted they were financed by private individuals.<sup>24</sup>

The first major response to Benton's plan to expunge the censure of the President came before Congress adjourned. The New Hampshire Legislature passed resolutions supporting the actions of Jackson on the Bank question and criticizing the actions of the Senate. It instructed its senators to vote to expunge the stricture from the Senate journal and called upon Samuel Bell to resign since he was misrepresenting the state. Isaac Hill presented these resolutions in the Senate on June 23.<sup>25</sup> Webster objected to their consideration on the grounds that the New Hampshire Legislature had not intended them to be presented to the Senate. He felt they were only instructions to the senators from the state.<sup>26</sup> The resolutions were tabled on the following day by a vote of twenty-six to eighteen.<sup>27</sup>

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<sup>24</sup>Washington Globe, May 16, 1834.

<sup>25</sup>Cong. Globe, 23 Cong., 1 Sess., 468 (June 23, 1834).

<sup>26</sup>Washington Globe, July 2, 1835, quoting the Albany Argus.

<sup>27</sup>Cong. Globe, 23 Cong., 1 Sess., 469 (June 24, 1834).

Benton followed up the action of the New Hampshire Legislature by submitting his expunging resolution on the last day of the session in the hope that it would stimulate other states to follow the lead of the Granite State and instruct their senators to expunge the opprobrious resolution of censure. The issue would now be brought to the people, and the power of Jackson's personality would be tested. The expunging resolution represented a method of vindicating the Old Hero's character. "At once," Henry A. Wise later wrote, "the work of expunction began which hurled senators from their seats in order to fill them with the pliable and supple tools of executive power to draw black lines on that journal around that resolution which dared to censure President Jackson!"<sup>28</sup>

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<sup>28</sup>Henry Alexander Wise, Seven Decades of the Union . . . (Philadelphia, 1881), 137.

## CHAPTER II

### "EXPUNGING" IS EXPUNGED

The proponents of the expunging movement, realizing the necessity of changing the political complexion of the Senate, used two tactics to achieve their goal. In some states they vigorously campaigned to defeat Whig senators who were candidates for reelection, and, in others, they tried to influence the state legislatures to instruct their senators either to vote for expunging or resign from their seats. The Whigs responded to this campaign by denying the right of the state legislatures to instruct their senators. Thus the expunging resolution became involved in bitter debates between the Jacksonians and Whigs over the practice of senatorial instructions.

The legislative practice of instructing senators was not a new one. Under their original state constitutions Massachusetts, Vermont, North Carolina, and Pennsylvania had permitted their legislatures to instruct their delegates to Congress. Since under the Constitution United States senators, like delegates to the old Continental and Confederation Congresses, were elected by the state legislatures, many believed that their votes should reflect the legislatures' will.<sup>1</sup>

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<sup>1</sup>Francis Newton Thorpe (ed.), The Federal and State Constitutions . . . (Washington, 1909), III, 1892, V, 2802, 3084, VI, 3764; Clement Eaton, "Southern Senators and the Right of Instruction, 1789-1860," Journal of Southern History, XVIII (August, 1952), 303.

The debate over the use of instructions was as old as the practice itself. Many of the arguments used during the expunging debate had been anticipated at the first Congress when Representative Thomas Tudor Tucker of South Carolina proposed a constitutional amendment giving state legislatures the right of instruction. During the ensuing debate Thomas Hartley of Pennsylvania argued that instructions were not always wise. "When the passions of the people are excited," he observed, "instructions have been resorted to and obtained, to answer party purposes; and although the public opinion is generally respectable, yet at such moments it has been known to be often wrong. . . ." Instructions, he warned, would aid special interest groups and create many factions within Congress.<sup>2</sup>

The supporters of Tucker's amendment rested their case on the right of the people to control their representatives. "Our Government is derived from the people," John Page of Virginia declared, "of consequence the people have a right to consult for the common good; but to what end will this be done, if they have not the power of instructing their representatives?"<sup>3</sup> The question was eventually settled when the House defeated the amendment by a vote of forty-one to ten.<sup>4</sup>

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<sup>2</sup>Annals of Congress, 1 Cong., 1 Sess., 761 (August 15, 1789).

<sup>3</sup>Ibid.

<sup>4</sup>Ibid., 776.

Although the doctrine of instruction was not incorporated in the Federal Constitution, instructions were commonly issued by the state legislatures. Despite professed opposition to the principle of instruction during the expunging controversy, the Whigs had only recently used the doctrine to serve their own political purposes. In February, 1834, Democratic Senator William C. Rives of Virginia resigned rather than bow to instructions from the Whig-controlled legislature which called upon him to oppose the removal of deposits from the Bank of the United States.<sup>5</sup> Many senators, however, did not consider themselves constitutionally bound to yield to instructions and did so only when it was politically expedient.

Just as Whigs and Democrats often clashed over the doctrine of instructions, so have modern historians disagreed in discussing its application during the Jacksonian era. Clement Eaton viewed the matter of legislative instructions and the expunging battle from the Whig perspective. He sees the Jacksonians as ruthless men who "found the doctrine of instruction a ready instrument for their purposes." The Whigs, fighting the doctrine of instruction, "were cast in the role of defender of minority rights and upholders of the federal Constitution. . . ."<sup>6</sup> William S. Hoffmann, on the other hand, has

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<sup>5</sup>Niles' Weekly Register, XLV (February 22, 1834), 436; ibid., XLVI (March 8, 1834), 25-27.

<sup>6</sup>Eaton, "Southern Senators and the Right of Instruction," 305.

defended the Jacksonians against this Whig interpretation. He contends that in many cases the Whigs "were the bitterest partisans and the ones who originated some of the most unsavory political maneuvers of the era." He points out that the Whigs used instructions themselves and gained more political benefit from the instruction controversy than the Jacksonians. The Whigs, he concludes, "might have championed 'free thought' for senators when they voted against the registered will of constituents, but it was free thought for themselves, not for all men."<sup>7</sup>

Following the adjournment of Congress in June, 1834, one of the first battles over expunging and the use of instructions occurred in New Jersey. The removal of the deposits from the Bank of the United States had created a great deal of political excitement within the state. The state legislature, which was in the firm control of the Jacksonians, instructed its Whig senators, Theodore Frelinghuysen and Samuel Southard, to support the removal policy. The senators refused to obey these instructions, claiming that they were responsible to the people, not the legislature.<sup>8</sup>

Both parties were extremely actively in the months before the October legislative elections. The Whigs called county

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<sup>7</sup>William S. Hoffmann, "Willie P. Mangum and the Whig Revival of the Doctrine of Instructions," Journal of Southern History, XXII (August, 1956), 338-339, 354.

<sup>8</sup>Herbert Ershkowitz, "New Jersey Politics During the Era of Andrew Jackson, 1820-1837" (Unpublished Ph.D. dissertation, New York University, 1965), 214-216.

meetings throughout the state in an attempt to demonstrate popular support for the actions of Frelinghuysen and Southard. The Democrats also used county meetings to defend the right of instruction.<sup>9</sup> One of these meetings referred to the Whig position on instructions as a "palpable insult to the intelligence of the people. . . ." <sup>10</sup>

The Jacksonians capitalized on several issues in their struggle to gain support in the impending elections. They exploited a feeling of resentment among many New Jersey voters over Southard's earlier resignation from the governorship to become a senator. Many believed that Southard had used the office of governor to advance his own political career.<sup>11</sup>

The Jacksonians also gained political benefit from a religious dispute. New Jersey, a state dominated by Quakers, was divided into two camps: (1) the Orthodox, who believed in adhering to certain basic beliefs, and (2) the Hicksites, who claimed that an individual had the right to choose his own beliefs. When a dispute between these two groups concerning a property division was taken to court, Frelinghuysen was one of the attorneys for the Orthodox and Southard and Federal District Attorney Garret Wall represented the Hicksites. After

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<sup>9</sup>Ershkowitz, "New Jersey Politics," 215-218.

<sup>10</sup>Washington Globe, May 26, 1834, quoting the Trenton Emporium.

<sup>11</sup>Ershkowitz, "New Jersey Politics," 192, 200.

the Orthodox won the case, the Hicksites directed their anger against Frelinghuysen who had used theological arguments to support the Orthodox case. The Hicksite agitation reached its greatest height in October, the month in which the legislative elections were held.<sup>12</sup>

The chief campaign issue was the election of a United States senator by the new state legislature when it convened. Legislative candidates were pledged to support either Frelinghuysen, whose term expired the following March, or Garret Wall, the Democratic candidate.<sup>13</sup> The election of a senator, the Hicksite agitation, and feelings of resentment toward Southard all produced an unprecedented voter turnout which gave the Jacksonians the victory by a narrow margin.<sup>14</sup>

When the new legislature met in late October, the Jacksonian Democrats were in firm control and secured the election of Wall to succeed Frelinghuysen.<sup>15</sup> The legislature, taking aim at Southard, then instructed the state's senators to vote for Benton's expunging measure or to resign.<sup>16</sup>

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<sup>12</sup>Ershkowitz, "New Jersey Politics," 194-199.

<sup>13</sup>Ibid., 213-214.

<sup>14</sup>Ibid., 219.

<sup>15</sup>Niles' Weekly Register, XLVII (November 8, 1834), 150.

<sup>16</sup>Washington Globe, November 17, 1834, quoting the Essex (N.J.) Democrat.



In North Carolina the conflict over the expunging resolution and the doctrine of instruction was likewise bitter. The controversy centered around Willie P. Mangum, a Whig senator, who had been elected as a Jacksonian Democrat only to oppose the President during the nullification crisis and the controversy over the removal of the deposits from the Bank of the United States.<sup>17</sup>

Following the passage of Clay's resolution of censure, which Mangum had supported, Bedford Brown, the state's Democratic senator, charged Mangum with misrepresenting the state. Mangum answered Brown's accusation by claiming that it was really Brown who was disregarding the wishes of his constituents. During the so-called Panic session, Mangum frequently introduced petitions from citizens of North Carolina hostile to the administration and called upon Brown to obey these "instructions" or resign.<sup>18</sup>

As in New Jersey, national issues were the chief concern of North Carolina voters in the legislative elections of 1834. One of the major campaign issues used by the Whigs was Brown's refusal to recognize instructions from the people. Candidates for the state legislature were called upon to pledge themselves upon the subjects of Brown's reelection and the removal of the

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<sup>17</sup>Eaton, "Southern Senators and the Right of Instruction," 306-307.

<sup>18</sup>Hoffmann, "Willie P. Mangum and the Whig Revival of the Doctrine of Instructions," 342-344.

deposits. The legislative election returns were close and both parties, claiming victory, predicted that they had sufficient strength to control the state legislature. When the new legislature convened the Whigs supported Governor David L. Swain for senator since they believed he had the best chance of defeating Brown; Swain, however, withdrew from the senatorial race when it became apparent that Jackson's popularity within the state would guarantee Brown's continuance in the Senate.<sup>19</sup>

Nevertheless the Whig newspapers expressed shock and indignation over the news that Brown had been reelected by the new state legislature. They maintained that the vote had been "forced" early in the session in order to obtain the election.<sup>20</sup> "The choice," the Daily National Intelligencer reported, "has been brought about by the use of all the arts learnt in the New York Regency School. . . ." <sup>21</sup>

The Whig frustration increased still more during the following weeks. On November 28, 1834, Dr. John Potts of Edgecomb County introduced resolutions in the legislature, asserting the right of a state to instruct its senators and instructing Mangum to vote to expunge the resolution of censure from the

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<sup>19</sup>Hoffmann, "Willie P. Mangum and the Whig Revival of the Doctrine of Instructions," 344-345.

<sup>20</sup>Niles' Weekly Register, XLVII (November 29, 1834), 198; Washington Daily National Intelligencer, November 26, 1834.

<sup>21</sup>Washington Daily National Intelligencer, November 26, 1834.

Senate journal.<sup>22</sup>

The acrimonious debate which followed lasted several days. One of the Whig legislative leaders was Representative William A. Graham who, in a private letter to Mangum, said he believed that the process of expunging was unconstitutional.<sup>23</sup> Jackson's conduct and the expunging resolution, he maintained during the debate on Potts' proposal in the House of Commons, were attempts to limit the power of the Senate of the United States.<sup>24</sup> Samuel Fleming of Burke County, in a speech which was carried by the Daily National Intelligencer, likewise argued that Jackson was guilty of executive tyranny and predicted that the passage of the resolutions would result in a "reign of terror."<sup>25</sup>

The debate also directly touched on the principle of instruction. Although the Whigs had previously used the doctrine to their political advantage, many of them now denied the authority of the legislature to instruct United States senators, claiming only the people had that right. Hugh McQueen of Chatham County, seeking to exonerate the Whigs from the charge of

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<sup>22</sup>Earl R. Franklin, "The Instruction of United States Senators," Trinity College Historical Society, Papers, vii (Durham, 1907), 9; Hoffmann, "Willie P. Mangum and the Whig Revival of the Doctrine of Instructions," 346.

<sup>23</sup>William A. Graham to Willie P. Mangum, December 8, 1834, Henry Thomas Shanks (ed.), The Papers of Willie Person Mangum (Raleigh, 1952), II, 230-231.

<sup>24</sup>Eaton, "Southern Senators and the Right of Instruction," 308.

<sup>25</sup>Washington Daily National Intelligencer, December 27, 1834.

inconsistency, maintained that instructions, while permissible under some circumstances, could not be used in those instances where a constitutional interpretation was involved.<sup>26</sup>

The Democrats generally left most of the speaking to the Whigs. When they did respond to the Whig arguments, they rested their case upon the right of the legislature as representatives of the people to instruct the state's senators.<sup>27</sup>

As the Whigs continued their attacks upon the right of instruction, the actions of the administration, and Jackson himself, Graham despaired over his party's lack of discipline and the tendency of each man to struggle "on his own hook."<sup>28</sup> He also realized that the Whig philippics against Jackson were creating sympathy among the people for the Old Hero.<sup>29</sup>

Graham's fears proved correct when the House passed by a vote of sixty-nine to fifty-seven the resolution instructing Mangum to vote in favor of expunging.<sup>30</sup> The resolution upholding the doctrine of instruction carried by an even larger

<sup>26</sup>Hoffmann, "Willie P. Mangum and the Whig Revival of the Doctrine of Instructions," 346.

<sup>27</sup>Franklin, "The Instruction of United States Senators," 11.

<sup>28</sup>Graham to Mangum, December 8, 1834, Shanks (ed.), Papers of Mangum, II, 230.

<sup>29</sup>Hoffmann, "Willie P. Mangum and the Whig Revival of the Doctrine of Instructions," 347.

<sup>30</sup>Niles' Weekly Register, XLVII (December 20, 1834), 261.

margin of ninety-nine to twenty-eight.<sup>31</sup> The Senate passed the resolution dealing with the right of instruction by a vote of forty-one to twenty-eight. The Whigs tried to weaken the effects of this defeat by claiming that the thirty-four counties in favor of instructing Mangum represented only a minority of the state's voters.<sup>32</sup>

The passage of these resolutions placed Mangum in a difficult position since he had previously supported the use of instructions. According to the Washington Globe, Mangum had indicated to other senators that he would resign if the resolutions were passed by the North Carolina Legislature. Yet the Globe believed that Mangum would disregard the instructions and "prove as false to his word as he has to his constituents."<sup>33</sup>

For several reasons Mangum declined either to comply with the instructions or to resign. The majority of his Whig friends thought it would be a serious mistake for him to obey the instructions. They pointed out that the composition of the next state legislature might change after the next election and rescind the instructions. They also raised doubts as to the constitutionality of the act of expunging and claimed his resignation would

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<sup>31</sup>Hoffmann, "Willie P. Mangum and the Whig Revival of the Doctrine of Instructions," 347.

<sup>32</sup>Ibid.; Washington Daily National Intelligencer, January 5, 1835, quoting the Raleigh Register.

<sup>33</sup>Washington Globe, December 16, 1834.

weaken the stability of the Senate.<sup>34</sup>

In two letters to Graham, Mangum outlined his views on the matter. He saw the Senate as "the only barrier to an absolute power practically on the part of the Executive. . . . " Thus his resignation would seriously undermine the strength of this barrier.<sup>35</sup> In addition, he realized his resignation would set a precedent for other Whig senators who might be similarly instructed. "If I resign," Mangum wrote, "Jackson will be able to command the Senate in the next Congress.--if I stand firmly, the opposition will continue in the ascendancy in the next Congress."<sup>36</sup>

Another Whig senator who faced expunging instructions was Gabriel Moore of Alabama. In December, 1834, the Alabama House of Representatives, in which the pro-Jackson forces were in the majority, passed an anticipated resolution calling for Moore's resignation since his views were no longer in harmony with those of his constituents. The Senate of Alabama followed the House's lead and, later in the month, passed a similar resolution and instructed the state's senators to vote in favor of

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<sup>34</sup>For example, Benjamin S. King to Mangum, December 15, 1834; William M. Sneed to Mangum, December 21, 1834; William J. Alexander to Mangum, December 22, 1834; Henry Potter to Mangum, December 31, 1834, Shanks (ed.), Papers of Mangum, II, 238-239, 249, 252-253, 263-266.

<sup>35</sup>Mangum to Graham, December 16, 1834, ibid., 240-244.

<sup>36</sup>Mangum to Graham, December 17, 1834, ibid., 245-247.

Benton's expunging resolution.<sup>37</sup>

The passage of these resolutions was a serious blow to Moore. In a letter which Mangum wrote Graham on December 28, 1834, his mental anguish is revealed:

Gov'r Moore of Ala. has this morning rec'd intelligence of the resolutions having passed the Ala. Legislature by so large a majority, that the firmness of his friends at home is much shaken; & he in turn is so deeply shaken in his purpose, that I think his resignation at the close of this session exceedingly probable.<sup>38</sup>

The Jacksonians were also pleased by events in Pennsylvania. There they were able to muster sufficient strength in the state legislature to obtain the election of James Buchanan, a staunch Jackson supporter, to fill the vacancy left by the resignation of William Wilkins.<sup>39</sup> The Jacksonian victory was completed when both houses of the legislature passed resolutions instructing the state's senators to vote in favor of expunging.<sup>40</sup>

Events in Maine were complicated by the decision of Senator Peleg Sprague to run as the Whig candidate for governor in the 1834 state elections.<sup>41</sup> His defeat and the election of

<sup>37</sup>Niles' Weekly Register, XLVII (January 10, 1835), 317.

<sup>38</sup>Mangum to Graham, December 28, 1834, Shanks (ed.), Papers of Mangum, II, 260.

<sup>39</sup>Washington Globe, December 9, 1834.

<sup>40</sup>Washington Daily National Intelligencer, December 15, 1834.

<sup>41</sup>Niles' Weekly Register, XLVI (August 9, 1834), 395.

a state legislature favorable to the administration crushed Whig expectations within the state.<sup>42</sup> Sprague took his defeat seriously and considered it as a mandate for his resignation from the Senate.<sup>43</sup> Sprague's resignation shocked Whigs who did not want him to set a precedent which other Whig senators would feel bound to follow. One Whig newspaper expressed regret over Sprague's decision and said there was no logical reason for it, since "the Senate was intended to be the balance wheel of the government--to stand between Executive encroachments and popular caprice."<sup>44</sup> The vacancy left by Sprague's resignation was filled by the election of John Ruggles, a Jacksonian.<sup>45</sup>

There was little doubt that New York, a state under the control of Martin Van Buren's political machine, would act favorable on Benton's expunging resolution. Colonel John Young introduced the anticipated resolution in the New York Senate instructing the state's senators "to use their best efforts" to have the censure of Jackson expunged from the Senate journal.<sup>46</sup> This resolution was passed in the state's

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<sup>42</sup>Washington Globe, September 18, 1834.

<sup>43</sup>Niles' Weekly Register, XLVII (November 29, 1834), 203.

<sup>44</sup>Washington United States Telegraph, December 1, 1834, quoting the New York Commercial.

<sup>45</sup>Washington Globe, January 22, 1835.

<sup>46</sup>Niles' Weekly Register, XLVII (January 31, 1835), 374.



Senate by a vote of twenty-four to four and in the Assembly by a vote of eighty-nine to thirty-one.<sup>47</sup>

In Illinois the Jacksonians enjoyed a large numerical majority when the General Assembly convened in December, 1834. The political power of the Jacksonians was soon demonstrated when the legislature passed a resolution expressing disapproval of the Senate's resolution of censure and of its failure to receive Jackson's protest, endorsing Jackson's position on the Bank of the United States, and instructing the state's senators to vote against the Bank's recharter.<sup>48</sup> The passage of this resolution indicated to the Jacksonian Democrats that they could expect Illinois' support in the expunging controversy.

The friends of Jackson were also in the majority in the Georgia Legislature. The political power of this majority was shown on November 12, 1834, when the Committee on the State of the Republic presented a resolution in the Georgia Senate praising Jackson and supporting his Bank policy.<sup>49</sup> The pro-Jackson sentiment within the state legislature was further demonstrated by the reelection of John Pendleton King and the election of Alfred Cuthbert, both loyal Democrats, to the Senate. These

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<sup>47</sup>Niles' Weekly Register, XLVII (February 14, 1835), 411. Washington Daily National Intelligencer, February 7, 1835.

<sup>48</sup>Washington Globe, February 2, 1835; Charles Manfred Thompson, The Illinois Whigs before 1846 (Urbana, 1915), 49.

<sup>49</sup>Washington Globe, November 25, December 1, 1834.

Jacksonian victories guaranteed that the views of the state legislature would be adequately represented in Washington.<sup>50</sup> The Democratic majority in the legislature was also successful in pushing through resolutions praising Jackson and instructing Georgia's senators to work for expunging and against the recharter of the Bank of the United States.<sup>51</sup> The Governor of Georgia, Wilson Lumpkin, enthusiastically supported the actions of the legislature and forwarded a copy of the resolutions to Governor Robert Lucas of Ohio believing that the expunging proposal would interest the people of that state.<sup>52</sup>

The Georgia expunging resolutions were not received kindly in Ohio. When Governor Lucas presented them to the Ohio Legislature, the House voted not to receive them since they did not call for any action on the state legislature's part.<sup>53</sup> During the previous year there had been a rising sentiment against Jackson's economic policies within the state. The October elections had given the Whigs a majority in both houses of the state legislature. The new state legislature was now expected to rescind the instructions passed by the previous legislature which called upon the state's senators to work against the

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<sup>50</sup>Niles' Weekly Register, XLVII (December 13, 1834), 237.

<sup>51</sup>Washington Globe, December 23, December 30, 1834; Niles' Weekly Register, XLVII (January 10, 1835), 317.

<sup>52</sup>Washington Daily National Intelligencer, January 14, 1835.

<sup>53</sup>Ibid.

recharter of the Bank of the United States and to support the removal of the deposits. In January, 1835, the Ohio House, asserting that the right of instruction belonged to the people rather than the legislature, voted to rescind these instructions by a margin of twelve.<sup>54</sup> The Ohio Senate shared the lower house's sentiments on these issues and concurred on the House's resolution.<sup>55</sup>

Jackson's war against the Bank of the United States created a great deal of excitement within Mississippi since both George Poindexter and John Black, the state's senators, opposed the removal of the federal deposits.<sup>56</sup> Their stand upset many Mississippians since both men had been elected as friends of the administration. One meeting in Simpson County, reflecting this dissatisfaction, denounced the actions of Poindexter and Black and called for their resignations.<sup>57</sup>

An important contest between Whigs and Democrats was expected when the state legislature met since Poindexter's term expired on March 3, 1835. The Jacksonian Democrats hoped to use Poindexter's shift in loyalties as a key issue in their attempt to unseat him. Robert J. Walker was chosen as the

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<sup>54</sup>Niles' Weekly Register, XLVII (December 20, 1834), 264; ibid. (January 24, 1835), 355; ibid. (February 7, 1835), 402, quoting the Ohio State Journal.

<sup>55</sup>Cong. Globe, 23 Cong., 2 Sess., 300 (February 27, 1835).

<sup>56</sup>Niles' Weekly Register, XLVII (October 18, 1834), 102.

<sup>57</sup>Washington Globe, November 18, 1834.

Democratic senatorial candidate at the state's party convention.<sup>58</sup> Rumors began to pass that the Democrats would be successful in defeating Poindexter during the legislative contest over the senatorship.<sup>59</sup>

The plans of the Democrats, however, were soon thwarted. Following a dispute over the seating of representatives from newly created counties, the Whig-dominated Mississippi Senate adjourned without meeting with the House to select a new senator. Therefore, the senatorial election was postponed until the next year.<sup>60</sup> The Democrats did achieve one goal before the House adjourned. In late January they succeeded in pushing a resolution through the House criticizing the actions of Black, calling for his resignation, and instructing the state's senators to vote in favor of rescinding the resolution of censure.<sup>61</sup>

In Rhode Island the Whigs won an early victory in May, 1834, when a joint resolution was passed by the legislature which condemned the removal of the deposits as "a measure, unwarranted, ill-advised, and injurious to the public interest."<sup>62</sup> Later in November, the Assembly passed resolutions expressing

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<sup>58</sup>Edwin Arthur Miles, Jacksonian Democracy in Mississippi (Chapel Hill, 1960), 99.

<sup>59</sup>Washington Globe, January 8, 1835.

<sup>60</sup>Miles, Jacksonian Democracy in Mississippi, 100-101.

<sup>61</sup>Washington Globe, March 7, 1835.

<sup>62</sup>Niles' Weekly Register, XLVI (May 17, 1834), 195.

disapproval of the administration and supporting the Bank and ordered copies of the resolutions to be sent to the state's senators.<sup>63</sup>

John M. Clayton's announcement of resignation effective March 3, 1835, created a stir in Delaware since he was an ardent opponent of Jackson. At least one Jacksonian newspaper attributed his resignation to the fact that the people of the state were showing displeasure toward him.<sup>64</sup> Clayton evidently expected this response and issued a contradictory statement. In a letter addressed to the citizens of Delaware, he said he believed he could now resign since the recent state elections had given the Whig party a decided majority in the state legislature which assured that his replacement would have similar political beliefs.<sup>65</sup> Yet the Whigs were undoubtedly pleased when, in January, 1835, Clayton agreed to run for another term.<sup>66</sup>

Vermont, a state inclined to favor the Whig party, did not act favorably on the expunging issue. Instead the state legislature adopted a report of the Committee of Ways and Means

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<sup>63</sup>Niles' Weekly Register, XLVII (November 22, 1834), 191-192.

<sup>64</sup>Washington Globe, December 13, 1834, quoting the Baltimore Republican.

<sup>65</sup>Niles' Weekly Register, XLVII (December 6, 1834), 220-221.

<sup>66</sup>Ibid. (January 24, 1835), 356.

which claimed that Jackson's actions constituted an usurpation of power and asked that the state's senators be so instructed.<sup>67</sup>

In Connecticut the Whigs won a narrow victory in the April, 1834, legislative elections as a result of a recent business depression within the state. The political effect of the election was demonstrated when, upon the request of the state's newly elected Whig governor, the Assembly drew up resolutions criticizing Jackson's removal policy and supporting his censure by the Senate.<sup>68</sup>

Thus by the beginning of the second session of the Twenty-third Congress several states had taken some action on Benton's expunging resolution and there was every indication that others would follow. Although the expunging resolution had been regarded as an "idle menace" when it was first proposed, it was becoming a "serious proceeding."<sup>69</sup>

The subject of expunging came before this session for the first time on January 28, 1835, when Senator William R. King of Alabama presented the resolutions from his state expressing disapproval of the Senate's resolution of censure and instructing its senators to vote in favor of expunging it.<sup>70</sup> During the

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<sup>67</sup>Niles' Weekly Register, XLVII (November 22, 1834), 191.

<sup>68</sup>Jarvis Means Morse, A Neglected Period of Connecticut's History, 1818-1850 (New Haven, 1933), 293-294.

<sup>69</sup>Benton, Thirty Years' View, I, 524.

<sup>70</sup>Cong. Globe, 23 Cong., 2 Sess., 175 (January 28, 1835).

lively debate which followed King's request to print and table these resolutions, Clay asked King if he wished to propose an expunging resolution himself before any action be taken on the Alabama resolutions.<sup>71</sup>

Benton responded for King and reminded the Senate of the notice he had given at the previous session of his intention to endeavor to expunge the resolution of censure from the Senate journal. Expunging rather than merely repealing or reversing was necessary, he asserted, in order to show future generations that the resolution should never have been passed. The presentation of the Alabama resolutions had given him an excellent opportunity to reaffirm his intention of vindicating Jackson. He had decided to offer his expunging resolution the previous evening when Senators William C. Preston and Calhoun had threatened to impeach the President for his failure to provide effective administration of the Post Office Department.<sup>72</sup>

King, following Benton, rose to express his determination to obey the instructions of the Alabama Legislature and said he would gladly introduce the expunging resolution himself if Benton had not expressed a willingness to do so.<sup>73</sup> Clay

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<sup>71</sup>Cong. Globe, 23 Cong., 2 Sess., 175 (January 28, 1835).

<sup>72</sup>Ibid.

<sup>73</sup>Ibid.

responded by suggesting that King withdraw the resolutions since the act of expunging was unconstitutional.<sup>74</sup> Moore spoke next and said he was responsible for the Alabama resolutions having been passed. While he recognized the right of instruction on policy matters, he believed that on constitutional questions he was "bound by higher and paramount obligations to his conscience."<sup>75</sup> King then declined to withdraw his resolutions.<sup>76</sup>

Preston, addressing himself to Benton's remarks, said he saw no connection between his desire to censure the Post Office and Benton's proposition. He believed that not even the exposure of the corruption of the Post Office would lower the popularity of the President.<sup>77</sup> Benton retorted that there were many similarities in the actions of the Senate regarding the Post Office investigation and the censure of Jackson.<sup>78</sup>

At this point Calhoun moved to table the Alabama resolutions in order to give Jackson's friends time to prepare the expunging resolution. It would be a difficult task, he said, because they would have to "reconcile a proposition to expunge, with the Constitution of the United States, which said that a

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<sup>74</sup>Cong. Globe, 23 Cong., 2 Sess., 175 (January 28, 1835).

<sup>75</sup>Ibid.

<sup>76</sup>Ibid.

<sup>77</sup>Ibid., 175-176.

<sup>78</sup>Ibid.



journal of the proceedings of this body should be kept." Expunging, Calhoun feared, would threaten the Senate itself and carry out the doctrines contained in Jackson's protest of the preceding year--"doctrines as despotic as those which were held by the Autocrat of all the Russians."<sup>79</sup> Clay objected to the proceedings and moved that the Alabama resolutions not be acted upon since "they are not addressed to the Senate, nor contain any request that they be laid before the Senate. . . ." In addition, he restated his conviction that expunging was unconstitutional.<sup>80</sup>

The next speaker was John M. Clayton of Delaware who reminded the Senate how Benton, in December, 1830, had similarly proposed to expunge the proceedings when an investigation of the Post Office Department was proposed. Clayton was glad this action had not been adopted and hoped "they should learn wisdom from experience." He then questioned how expunging could be carried out since the Senate journal had been printed and distributed among the Senate members.<sup>81</sup>

Benton answered Clayton by pointing out that it was the House of Representatives, not the Senate, which should be the "Grand Inquest of the Nation." Concerning the manner of

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<sup>79</sup>Cong. Globe, 23 Cong., 2 Sess., 176 (January 28, 1835).

<sup>80</sup>Ibid.

<sup>81</sup>Ibid.

expunging, he described how the journal of the Yazoo swindle in Georgia had been burnt and that of the Wilkes case in Great Britain had been expunged by having each line obliterated. Benton concluded by saying he was determined to "move on to that journal with the precision of a steam engine, and nothing should prevail to throw him off his track."<sup>82</sup>

After Benton finished, the motion of Calhoun to table the Alabama resolutions was agreed to.<sup>83</sup> King again moved to print the resolutions; however, a motion to table them prevailed by a vote of twenty-seven to twenty.<sup>84</sup> Clay gave notice that if the subject were brought up again he would propose a resolution that they not be acted upon since they were not addressed to the Senate.<sup>85</sup>

The refusal of the Senate to receive and print the Alabama resolutions created a wave of indignation among the Jacksonians. It was ironic, they claimed, for the supporters of the doctrine of states' rights to refuse to receive the views of a state.<sup>86</sup> Benton was not discouraged over the fate of the resolutions since he was convinced that "such conduct would sooner

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<sup>82</sup>Cong. Globe, 23 Cong., 2 Sess., 176 (January 23, 1835).

<sup>83</sup>Ibid.

<sup>84</sup>Ibid., 176-177.

<sup>85</sup>Ibid., 177.

<sup>86</sup>Washington Globe, February 2, 1835; Benton, Thirty Years' View, I, 528.

induce the change of senators in the democratic States, and permit the act to be done."<sup>87</sup>

On February 18, 1835, Benton submitted his resolution to expunge the censure of March 28, 1834, from the Senate journal. The censure, he charged, was

illegal and unjust, of evil example, indefinite and vague, expressing a criminal charge, without specification; and was irregularly and unconstitutionally adopted by the Senate, in subversion of the rights of defence which belong to an accused and impeachable officers; and at a time, and under circumstances to involve peculiar injury to the political rights and pecuniary interests of the People of the United States.<sup>88</sup>

Poindexter, claiming that Benton's resolution was out of order, objected to its reception. He believed that any motion to amend the journal had to be made on the day it was read.<sup>89</sup> Bedford Brown agreed that the issue of the constitutionality of Benton's resolution was at stake but also pointed out that several states had instructed their senators on this matter and asked if the Senate would refuse to listen to these states.<sup>90</sup> Senator Benjamin Watkins Leigh of Virginia asked Poindexter to withdraw his resolution so that the controversial matter could be debated although he believed expunging would actually expunge

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<sup>87</sup>Benton, Thirty Years' View, I, 528.

<sup>88</sup>Cong. Globe, 23 Cong., 2 Sess., 259 (February 18, 1835).

<sup>89</sup>Ibid.

<sup>90</sup>Ibid., 259-260.

the constitutional power of the Senate.<sup>91</sup> Poindexter agreed to remove his motion and Benton's resolution was ordered to be printed.<sup>92</sup>

On February 27, Thomas Ewing of Ohio presented a joint resolution from the Ohio Legislature rescinding its instructions of the past year calling for its senators to support Jackson's removal policy and oppose the recharter of the Bank of the United States.<sup>93</sup> Benton's expunging resolution came up for consideration at this time and Benton made a lengthy speech in its defense.<sup>94</sup> Southard spoke in opposition to expunging and attacked the use of senatorial instructions before the matter was tabled.<sup>95</sup> Benton's speech had been "intended for effect upon the country--to influence the forthcoming elections--and not with any view to act upon the Senate . . ." since it was still largely composed of the same members who had voted to censure Jackson.<sup>96</sup>

Mangum, on March 3, as the end of the session neared, presented the resolutions of the North Carolina Legislature which instructed him to vote in favor of expunging and gave

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<sup>91</sup>Cong. Globe, 23 Cong., 2 Sess., 260 (February 18, 1835).

<sup>92</sup>Ibid.

<sup>93</sup>Ibid., 400 (February 27, 1835).

<sup>94</sup>Ibid.

<sup>95</sup>Ibid.

<sup>96</sup>Benton, Thirty Years' View, I, 549.

notice that he would not comply with the instructions since he considered them unconstitutional.<sup>97</sup> Frelinghuysen, who was in a similar position, agreed that expunging was unconstitutional. The Senate journal, he maintained, should not be harmed since it was a "record of the acts of the Senate, guaranteed by the constitution, for the benefit of the minority."<sup>98</sup> Calhoun next said he regretted that this matter which he considered "the most important subject" before Congress had been brought up so late in the session.<sup>99</sup> King quickly reminded Calhoun that the presentation of the Alabama resolutions had provided an excellent opportunity to debate Benton's resolution. Calhoun, not the Jacksonians, had preferred to take up the Senate's time with reports and bills. Finally King angrily denied Calhoun's previous charges that he was the "supple tool of Executive power."<sup>100</sup> Clayton of Delaware then presented his state's instructions to work to prevent expunging.<sup>101</sup> After several more remarks, the Senate voted to consider Benton's resolution.<sup>102</sup>

At this point, Senator Hugh L. White, a long-time friend

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<sup>97</sup>Cong. Globe, 23 Cong., 2 Sess., 324 (March 3, 1835).

<sup>98</sup>Ibid.

<sup>99</sup>Ibid.

<sup>100</sup>Ibid.

<sup>101</sup>Ibid.

<sup>102</sup>Ibid.

and supporter of Jackson, surprised Benton by suggesting that Benton's resolution be amended and the words "rescind, reverse, and to make null and void" be substituted for the word "expunge."<sup>103</sup> White made this change since he could not "vote to obliterate and deface the journal of the Senate."<sup>104</sup> Webster rose and expressed a preference to have the Senate vote on the original resolution.<sup>105</sup> Speaking in defense of his resolution, Benton said he considered the word "expunge" as "strictly parliamentary" and explained that he did not want literally to obliterate the journal. Yet the word "rescind" was not acceptable to him since it admitted "the lawfulness of the act at the time it was done."<sup>106</sup> White reasserted his desire not to deface the journal and said that declaring the censure "null and void" was an admission that the resolution should not be in the journal.<sup>107</sup>

The next speaker was Senator Arnold Naudain of Delaware who moved to change the resolution so that it would reaffirm the censure of Jackson but then withdrew the motion.<sup>108</sup> When

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<sup>103</sup>Cong. Globe, 23 Cong., 2 Sess., 324 (March 3, 1835); Benton, Thirty Years' View, I, 549.

<sup>104</sup>Cong. Globe, 23 Cong., 2 Sess., 324 (March 3, 1835).

<sup>105</sup>Ibid.

<sup>106</sup>Ibid.

<sup>107</sup>Ibid.

<sup>108</sup>Ibid.

Silas Wright of New York attempted to bring up the expunging instructions of his state, Clayton objected.<sup>109</sup> At this point, White agreed to a suggestion of Samuel McKean of Pennsylvania to include the words "repeal and reverse" which were used in the instructions passed by one branch of the Pennsylvania Legislature.<sup>110</sup>

During the heated debate which followed, Gabriel Moore said he believed that he was under an obligation, in spite of poor health, to make it known that he had two sets of instructions from the Alabama Legislature. One instructed him to resign; the other, to vote in favor of expunging. Although he supported the right of instruction, he had decided to obey neither since they were contradictory. He said he would be willing to vote to repeal or rescind the resolution of censure but would not vote to expunge it. Moore also reported that his colleague, King, who had earlier supported Benton's expunging resolution, now thought it would be unconstitutional "to expunge, deface, or falsify the journal."<sup>111</sup>

King then moved to amend Benton's resolution by first striking out the words "ordered to be expunged from the journals."<sup>112</sup>

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<sup>109</sup>Cong. Globe, 23 Cong., 2 Sess., 324 (March 3, 1835).

<sup>110</sup>Ibid.

<sup>111</sup>Ibid., 324-325.

<sup>112</sup>Ibid., 325.

Benton soon discovered that many of the friends of the administration doubted the constitutionality of the act of expunging. Upon their urgings to give up the controversial word, "he yielded a mortifying and reluctant assent . . . to emasculate his own motion. . . ." <sup>113</sup> King's motion was agreed upon by a vote of thirty-nine to seven with Benton himself voting in the affirmative. <sup>114</sup> Webster, gloating over this vote, claimed: "Men may change, opinions may change, power may change, but, thanks to the firmness of the Senate, the records of this body do not change." He then moved that the resolution be tabled and this was decided in the affirmative by a vote of twenty-seven to twenty. <sup>115</sup>

The tabling of the resolution and Webster's words stung Benton and he resolved to renew his efforts to vindicate Jackson. In the evening session of the same day, Benton gave notice that during the second week of the next session he would again present a resolution to rescind and reverse the resolution of censure. <sup>116</sup>

In spite of Benton's determination to continue the expunging campaign, many believed that the project would be abandoned.

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<sup>113</sup>Benton, Thirty Years' View, I, 550.

<sup>114</sup>Ibid.; Cong. Globe, 23 Cong., 2 Sess., 325 (March 3, 1835).

<sup>115</sup>Benton, Thirty Years' View, I, 550; Cong. Globe, 23 Cong., 2 Sess., 325 (March 3, 1835).

<sup>116</sup>In his memoirs, Benton wrote that he used the word "expunge" when he submitted this resolution although the word does not appear in the Congressional Globe. Benton, Thirty Years' View, I, 550; Cong. Globe, 23 Cong., 2 Sess., 325 (March 3, 1835).



The Niles' Weekly Register reported that Benton's plan of "'expunging' . . . was itself expunged . . . and voted down almost unanimously--the original mover himself being amongst those who voted to abandon the idea of 'expunging.'"<sup>117</sup> But the campaign to vindicate the President, though it had received a setback, was far from being squelched. In giving notice to the Senate, Benton, according to one reporter, predicted that the word "expunge" would again be used in reference to the resolution of censure.<sup>118</sup> Events would prove the Senator from Missouri to be correct.

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<sup>117</sup>Niles' Weekly Register, XLVIII (March 7, 1835), 2.

<sup>118</sup>Washington Globe, March 4, 1835.

## CHAPTER III

### EXPUNGE IS THE WORD

The second session of the Twenty-third Congress had barely adjourned before Benton and the other advocates of the expunging resolution renewed their efforts. The occurrences of the preceding year, it soon became apparent, had served to strengthen their determination to vindicate the President. Moreover, the events in the Senate had aroused Jackson's hostility to such an extent that he now decided to take a personal role in the expunging campaign in some states.

The Jacksonians were particularly active in Mississippi since they had a great deal at stake in the state elections which were to be held in November, 1835. These elections would select the state's new governor and determine the composition of the state's next legislature which would elect a senator to succeed Jackson's implacable foe, George Poindexter. The refusal of the previous legislature to elect a senator had resulted in political flurry in the state, and leaders of both parties stumped the state stating their case and promoting their candidates.<sup>1</sup>

The Democratic chances were hurt when Franklin Plummer, a popular congressman heretofore regarded as a Jacksonian,

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<sup>1</sup>Richard P. McCormick, The Second American Party System: Party Formation in the Jacksonian Era (Chapel Hill, 1966), 298.

decided to oppose the Democratic candidate for United States Senator, Robert J. Walker, chosen by a state convention in November, 1834. Although the Whigs did not formally endorse a senatorial candidate, they provided Plummer with financial assistance and, in return, he supported several Whig candidates for other offices. During his campaign, Plummer, angry over the failure of the Democrats to select him as their senatorial candidate, claimed that the use of the convention system to choose candidates was undemocratic; he also criticized the presidential candidacy of Martin Van Buren, chosen by a national convention in May, 1835.<sup>2</sup> Plummer also tried to bolster his own candidacy by implying that Jackson did not have confidence in Walker. In order to weaken the effects of Plummer's charge, Doctor William M. Gwin, Mississippi's United States Marshal and a long-time friend of Jackson, wrote the President and requested that he publicly refute the charge. Jackson obliged by writing a letter to Anthony Campbell of Natchez, stating, "I have never spoken of Mr. Walker's character without expressing the high opinion I entertained of his talents and worth."<sup>3</sup> Democratic orators and editors widely publicized Jackson's letter.

The resulting state elections were close. The Whigs

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<sup>2</sup>McCormick, The Second American Party System, 298; Miles, Jacksonian Democracy in Mississippi, 105-106.

<sup>3</sup>Miles, Jacksonian Democracy in Mississippi, 107; Niles' Weekly Register, XLIX (October 10, 1835), 92.

captured the governorship but neither party enjoyed a clear majority in the state legislature.<sup>4</sup> In order to block Walker's election to the Senate, the supporters of Plummer and Poindexter, who belatedly launched a campaign for his reelection, needed to unite their two forces. Since they were unable to do this, Walker, who could be counted upon to support the expunging movement, was eventually selected as the state's new senator.<sup>5</sup> There can be little doubt that Jackson's letter in support of Walker's candidacy was a major factor in his victory. "The election of Walker," one historian has written, "bore eloquent witness to Jackson's continuing popularity in Mississippi."<sup>6</sup> The Old Hero viewed Walker's election with delight since it meant the forced retirement of Poindexter, who had led the successful fight to block senatorial reception of the presidential protest against the resolution of censure.<sup>7</sup>

Connecticut experienced many shifts in political dominance during the Jacksonian period.<sup>8</sup> Although the Whigs had controlled the 1834 state legislature, the Democrats were victorious in the spring elections of 1835. In May, 1835, the newly elected

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<sup>4</sup>Miles, Jacksonian Democracy in Mississippi, 110.

<sup>5</sup>Ibid., 111; Niles' Weekly Register, XLIX (January 30, 1836), 362; Washington Globe, January 27, 1836.

<sup>6</sup>Miles, Jacksonian Democracy in Mississippi, 112

<sup>7</sup>Claude G. Bowers, The Party Battles of the Jacksonian Period (New York, 1928), 365.

<sup>8</sup>McCormick, The Second American Party System, 68-69.

state legislature quickly reversed the stand of the previous session and voted, by a comfortable margin of 111 to 76, to instruct the state's senators to vote in favor of expunging.<sup>9</sup> One Jacksonian newspaper observed that the passage of these instructions made the political futures of Connecticut's two Whig senators, Gideon Tomlinson and Nathan Smith, uncertain.<sup>10</sup> The editor of the Globe praised Connecticut's action and took the opportunity to urge Tennessee to follow her example.<sup>11</sup>

Jackson was keenly interested in having Tennessee, his home state, act favorably on the expunging issue. Senator Hugh L. White's opposition to Benton's expunging proposal and decision to seek the Whig presidential nomination had greatly annoyed the Old Hero. Because of White's apostasy (as Jackson viewed it), the President encouraged Senator Felix Grundy and Representatives James K. Polk and Cave Johnson to stump the state in order to "stir up the people." He directed them to set up county meetings which would instruct their representatives in the Tennessee Legislature to vote in favor of instructing the state's senators to support the expunging resolution.<sup>12</sup>

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<sup>9</sup>Washington Globe, June 1, 1835; Morse, A Neglected Period of Connecticut's History, 295-296.

<sup>10</sup>Washington Globe, June 2, 1835, quoting the Albany Argus.

<sup>11</sup>Washington Globe, June 1, 1835.

<sup>12</sup>Jackson to James K. Polk, August 3, 1835, Bassett (ed.), Correspondence, V, 358-359.

The opposition tried to mitigate the effects of the Jacksonian efforts by picturing the expunging campaign as an attempt to destroy the political influence of White, who was held in high esteem by most Tennesseans.<sup>13</sup>

White's senatorial term was due to expire on March 3, 1837, and Jackson was determined that Benton's expunging resolution should be adequately discussed before the Tennessee Legislature selected a new senator. In a letter to Senator Grundy, Jackson predicted that a public disclosure of White's conduct during the expunging debate would destroy his political career.<sup>14</sup> Therefore, Jackson sent Governor William Carroll of Tennessee copies of extra editions of the Globe containing Benton's speeches and other materials relating to the expunging issue in the hopes that Carroll might find them "usefull references on this occasion."<sup>15</sup> Using his franking privilege the President also sent similar packets to each member of the Tennessee Legislature before the fall session convened. In a letter to Colonel Robert Armstrong, Jackson explained that he had no intention of interfering in local politics but did want the

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<sup>13</sup>Powell Moore, "The Revolt Against Jackson in Tennessee, 1835-1836," Journal of Southern History, II (August, 1936), 345-346; McCormick, The Second American Party System, 228-229.

<sup>14</sup>Jackson to Felix Grundy, September 24, 1835, Bassett (ed.), Correspondence, V, 367.

<sup>15</sup>Jackson to Polk, September 15, 1835, ibid., 365.

members of the legislature to "have a full view of the illegal, and unconstitutional proceedings of the majority of the senate against the Executive of the united states."<sup>16</sup>

Jackson's efforts in behalf of the expunging campaign in Tennessee were in vain. When the expunging resolution was introduced in late October, 1835, the Tennessee Legislature by a vote of fifty to twenty-two tabled it and unanimously reelected White to the Senate.<sup>17</sup> The Niles' Weekly Register exulted over this blow to Benton's campaign and predicted that the expunging resolution would remain tabled "till doomsday."<sup>18</sup>

It is somewhat ironical that Jackson, an extremely popular president, was unable to get his home state to support an attempt to vindicate his honor. Despite the fact that Tennesseans voted for Jackson at the polls, one historian has observed that Jackson really had little control over Tennessee politics.<sup>19</sup> It also appears that the people of the state were impressed by the Whig argument that the expunging issue represented a conflict between Jackson and White. The President certainly underestimated White's popularity in the state. A study of the Tennessee Legislature's vote on the expunging resolution indicates that

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<sup>16</sup>Jackson to Colonel Robert Armstrong, September 15, 1835, Bassett (ed.), Correspondence, V, 367.

<sup>17</sup>Washington United States Telegraph, October 20, 1835; Niles' Weekly Register, XLIX (October 31, 1835), 141.

<sup>18</sup>Niles' Weekly Register, XLIX (October 31, 1835), 141.

<sup>19</sup>McCormick, The Second American Party System, 227.

legislators who voted to table the expunging resolution came largely from counties which subsequently voted for White in the presidential election of 1836. Powell Moore, a specialist in the state's political history, has noted that Tennessee "was willing to run the risk of damaging Jackson's reputation rather than of injuring White's chances for the presidency."<sup>20</sup>

The Democrats and the expunging movement also lost ground in Alabama when the legislative elections in the fall of 1835 gave the Whigs a majority in the state legislature.<sup>21</sup> As in Tennessee, Jackson tried to aid the Democratic cause by sending each member of the newly elected legislature two copies of the Extra Globes containing information in support of the expunging proposal.<sup>22</sup> Jackson's personal intervention in state politics irritated many citizens and prompted John W. Womack, a member of the Alabama House of Representatives, to write the President in protest.<sup>23</sup> The futility of Jackson's efforts was later demonstrated when the Alabama Senate rejected a resolution instructing the state's senators to vote in favor of expunging the resolution of censure.<sup>24</sup> The results of the 1835 legislative elections and the Senate's refusal to endorse

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<sup>20</sup> Moore, "The Revolt Against Jackson in Tennessee," 346.

<sup>21</sup> Niles' Weekly Register, XLIX (September 5, 1835), 5.

<sup>22</sup> Ibid. (December 26, 1835), 294.

<sup>23</sup> John W. Womack to Jackson, November 18, 1835, ibid., 294-295.

<sup>24</sup> Ibid. (January 30, 1836), 362.



Benton's expunging resolution allowed Gabriel Moore, who had considered resigning during the previous year, to continue to represent the state in the United States Senate.

Like Connecticut, Ohio was marked by political instability during the Jacksonian period. The state had already reversed itself once on its position toward Jackson's Bank policies, and the Jacksonian victory in the fall legislative elections of 1835 forced still another reversal. Although the previous legislature had opposed the removal of the deposits and the legislative practice of instructing senators, the legislature which convened in the fall of 1835 took a different position on these matters. On December 22, 1835, the Ohio House of Representatives passed by a vote of forty-six to twenty-four resolutions declaring that the Senate of the United States, not the President, was guilty of usurpations of power, supporting the right of the state legislature to instruct the state's senators, and instructing Ohio's senators to vote in favor of Benton's expunging resolution.<sup>25</sup> The Jacksonian-controlled Ohio Senate concurred and, on December 28, 1835, passed similar resolutions.<sup>26</sup>

In reply, the Whigs in the Ohio Senate issued a strong protest which stated that only the people had the right to instruct senators. Since instructions requested compliance or

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<sup>25</sup>Washington Globe, January 5, 1836.

<sup>26</sup>Niles' Weekly Register, XLIX (February 13, 1836), 403-404.

resignation, they also declared that instructions violated the provision of the Constitution of the United States which set the senatorial term at six years.<sup>27</sup> The opposition also tried to minimize the effects of these resolutions by claiming that they were obtained only through the use of a party caucus.<sup>28</sup>

If the Jacksonians were cheered by the Ohio expunging resolution, they were disheartened by the events in Pennsylvania in 1835. In that year, the Democrats were unable to agree on a gubernatorial candidate and split into two factions. This schism hurt the party at the polls and caused the Jacksonians to lose both the governorship and control over the state legislature.<sup>29</sup>

When the new legislature convened, the anti-Jackson forces took advantage of their new political power and, in March, 1836, pushed through resolutions instructing the state's senators, James Buchanan and Samuel McKean, to vote against Benton's expunging measure.<sup>30</sup> Buchanan, in a letter to the Democrats in Philadelphia which was published in the Globe,

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<sup>27</sup>Niles' Weekly Register, XLIX (February 13, 1836), 403-404.

<sup>28</sup>Washington United States Telegraph, January 11, 1836.

<sup>29</sup>McCormick, The Second American Party System, 143; Washington Globe, October 19, 1835.

<sup>30</sup>Niles' Weekly Register, L (March 12, 1836), 17.

condemned these "Bank bought instructions" and pointed out that his vote alone would not determine the final outcome of Benton's resolution. He did state, however, that since he believed in the right of instruction he would either obey the instructions or resign.<sup>31</sup> Buchanan and McKean, hoping to win popular support for the expunging movement in Pennsylvania, eventually decided to delay their resignations until after the next legislative elections.<sup>32</sup>

The proponents of the expunging resolution, however, were encouraged by events in Illinois in the fall of 1835. Early in 1835, the Illinois Legislature had condemned the Senate's censure of the President and, in late December of that year, it decided to take action on Benton's expunging proposal. The resolution to instruct the state's senators to vote to expunge the censure of Jackson from the records of the Senate was carried by a vote of fifteen to ten in the Illinois Senate and by thirty-six to sixteen in the Illinois House. "Expunge is the word," the Globe joyfully reported.<sup>33</sup>

Perhaps the most important battle in the expunging campaign occurred in Virginia. The Jacksonians regarded Virginia as a key state in their campaign because the Old Dominion had traditionally exerted a great deal of influence over national

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<sup>31</sup>Washington Globe, April 25, 1836.

<sup>32</sup>Ibid., April 7, 1836, quoting the Columbia, Pennsylvania Observer

<sup>33</sup>Washington Globe, December 30, 1835.

politics. They hoped that other states might follow Virginia's lead if she acted positively on the expunging issue. In addition, the Jacksonians saw an opportunity to capture two senatorial seats held by influential Whig leaders.

Jackson's policy toward the Bank of the United States and the removal of the deposits had originally been greeted with hostility by the state.<sup>34</sup> In February, 1834, the Virginia General Assembly passed resolutions denouncing Jackson's alleged usurpations of power.<sup>35</sup> The legislature also instructed John Tyler and William Cabell Rives, the state's senators, to vote in favor of restoring the federal deposits to the Bank of the United States. Tyler agreed with the stand of the state legislature, but Rives resigned rather than follow the instructions and was replaced by Benjamin Watkins Leigh.<sup>36</sup> The pro-Jackson newspapers lauded Rives' actions and pointed out that it was better to resign than to violate one's principles.<sup>37</sup>

From the time of his election to the United States Senate, Leigh was a "veritable storm center" in Virginia politics.<sup>38</sup>

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<sup>34</sup>Henry H. Simms, The Rise of the Whigs in Virginia, 1824-1840 (Richmond, 1929), 81, 85-86; Oliver Perry Chitwood, John Tyler: Champion of the Old South (New York, 1964), 127-128.

<sup>35</sup>Washington United States Telegraph, January 16, 1836.

<sup>36</sup>Washington Globe, March 7, 1834, quoting the Allegheny Democrat; Chitwood, John Tyler, 127-128.

<sup>37</sup>Washington Globe, March 7, 1834, quoting the Allegheny Democrat; Washington Globe, May 17, 1834, quoting the Zanesville Gazette.

<sup>38</sup>Simms, Rise of the Whigs in Virginia, 88.

He was unpopular with many Virginians, especially in the western section of the state, ever since he opposed unrestricted white manhood suffrage at the state's constitutional convention of 1829-1830.<sup>39</sup>

Leigh's term expired on March 3, 1835, and the Democrats regarded his defeat as one of their prime objectives. They attempted to use Leigh's aristocratic reputation against him and maintained that he was opposed to the principles of states' rights and unrestricted suffrage.<sup>40</sup> The Jacksonians also organized county meetings throughout the state for the purpose of issuing instructions to their representatives in the state legislature to vote against Leigh's bid for reelection to the Senate.<sup>41</sup> The Jacksonian political machine was especially effective in the western section of the state where several counties instructed their representatives to vote against Leigh.<sup>42</sup>

The Whigs had also been busy answering the accusations of the Jacksonians. Many Whigs objected to the instruction

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<sup>39</sup>Washington Daily National Intelligencer, September 9, 1835; Eaton, "Southern Senators and the Right of Instructions," 312; Charles Henry Ambler, Sectionalism in Virginia from 1776 to 1861 (Chicago, 1964), 223.

<sup>40</sup>Simms, Rise of the Whigs in Virginia, 88-89; Lyon G. Tyler (ed.), The Letters and Times of the Tylers (Richmond, 1884), I, 513.

<sup>41</sup>Simms, Rise of the Whigs in Virginia, 89; Tyler (ed.), Letters and Times of the Tylers, I, 513.

<sup>42</sup>Niles' Weekly Register, XLVIII (April 25, 1835), 130.

drive of the Jacksonians and claimed that many of the signatures on the instructions were fraudulent. In addition to defending Leigh against the attacks of the Democrats, the Whigs attempted to discredit Rives by maintaining that he was opposed to the institution of slavery.<sup>43</sup> Nevertheless, it is clear that the candidacy of the unpopular Leigh created divisions within the Whig Party in Virginia and contributed to the ultimate victory of the Democrats in the state.<sup>44</sup>

In December, 1834, the Virginia Legislature met amidst a great deal of excitement concerning the senatorial election scheduled for January 27, 1835.<sup>45</sup> The Jacksonians attempted to postpone the senatorial election until after the spring legislative election but were voted down by the Whigs, who still maintained a majority in the legislature. Leigh was subsequently reelected to the Senate by a vote of eighty-five to eighty-one although several representatives disregarded the instructions of their counties.<sup>46</sup> The elections were so close, said the Niles' Weekly Register, that one Whig member of the legislature was brought in from his sickbed to cast

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<sup>43</sup>Simms, Rise of the Whigs in Virginia, 91-92.

<sup>44</sup>Ibid., 92; Ambler, Sectionalism in Virginia, 223.

<sup>45</sup>Niles' Weekly Register, XLVII (December 20, 1834), 261; Simms, Rise of the Whigs in Virginia, 93.

<sup>46</sup>Niles' Weekly Register, XLVII (January 31, 1835), 371; Washington Globe, February 2, 1835; Niles' Weekly Register, XLVII (February 7, 1835), 386; Simms, Rise of the Whigs in Virginia, 94.

his vote for Leigh.<sup>47</sup>

The Virginia legislative elections of 1835 centered around Jackson's popularity, the expunging issue, the legislative practice of instructing senators, and the failure of several members of the previous legislature to follow instructions. The Democrats were victorious and obtained a majority in the state legislature.<sup>48</sup> Tyler later recalled that the Jacksonian victory was due to the superiority of their political machine.<sup>49</sup>

Following their victory at the polls, the supporters of Jackson now clearly wanted a demonstration of support for the administration by the state legislature. The Jacksonians were determined to reverse the actions of the previous Whig-dominated legislature. Vice-President Martin Van Buren, himself came down to Castle Hill to discuss political strategy with Rives. Following this meeting, Rives went to Richmond to confer with Democratic members of the state legislature concerning their plan of action.<sup>50</sup>

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<sup>47</sup>Niles' Weekly Register, XLVII (February 14, 1835), 414.

<sup>48</sup>Simms, Rise of the Whigs in Virginia, 98; McCormick, The Second American Party System, 193; Eaton, "Southern Senators and the Right of Instruction," 312.

<sup>49</sup>Tyler (ed.), Letters and Times of the Tylers, I, 522.

<sup>50</sup>Raymond Dingleline, "The Political Career of William Cabell Rives" (Unpublished Ph.D. dissertation, University of Virginia, 1947), 247.

On January 28, 1836, the Virginia Legislature voted to rescind the resolution of 1834 which had censured Jackson and, on February 11, after an animated debate, passed one resolution in favor of expunging and another upholding the right of the state legislature to instruct the state's senators.<sup>51</sup> The Whigs strongly protested the passage of these resolutions and maintained that the resolutions reflected the will of the Democratic Party rather than the will of Virginia's citizens.<sup>52</sup> Governor Littleton W. Tazewell refused to send copies of the expunging instructions to the state's senators because he considered them unconstitutional, but the presiding officers of the two houses of the legislature forwarded them to Tyler and Leigh.<sup>53</sup>

The passage of these resolutions placed Leigh and Tyler in awkward positions since they had both previously favored the use of instructions.<sup>54</sup> Many Whigs in the state believed that Leigh and Tyler should make the expunging instructions an issue in the spring elections and resign only if the Whigs were

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<sup>51</sup>Dingledine, "The Political Career of William Cabell Rives," 247; Washington Daily National Intelligencer, February 25, 1836; Niles' Weekly Register, L (March 19, 1836), 47-48.

<sup>52</sup>Niles' Weekly Register, L (March 19, 1836), 48.

<sup>53</sup>Ibid. (March 5, 1836), 11-12; Washington Daily National Intelligencer, February 25, 1836.

<sup>54</sup>Tyler (ed.), Letters and Times of the Tylers, I, 522.



defeated.<sup>55</sup> Tyler, however, was aware of Leigh's unpopularity in parts of the state and believed that this plan would be risky. In a letter to his son Robert Tyler, he wrote, "Leigh or no Leigh, would again be the question, and we should be beaten."<sup>56</sup>

Tyler was also influenced by John Hampden Pleasants, the editor of the influential Richmond Whig, who encouraged the Senator to resign before the Jacksonians stirred up "another uproar about violated instructions."<sup>57</sup> By the middle of February, Tyler decided to resign rather than obey the expunging instructions. In his letter of resignation which was presented in the Virginia Legislature on March 2, 1836, he noted that although he would have been willing "to rescind or repeal" the censure of Jackson, he could not vote in favor of expunging since he considered it unconstitutional. He also warned the members of the legislature not to use the doctrine of instructions for partisan purposes. "The men of to-day," he observed, "give place to the men of to-morrow; and the idols which one set worship, the next destroy."<sup>58</sup> Early in March,

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<sup>55</sup>Chitwood, John Tyler, 137; William Crump to John Tyler, February 14, 1836, Tyler (ed.), Letters and Times of the Tylers, I, 533-534.

<sup>56</sup>Tyler to Robert Tyler, January 16, 1836, Tyler (ed.), Letters and Times of the Tylers, I, 529-530.

<sup>57</sup>John Hampden Pleasants to Tyler, January 13, 1836, ibid., 526-527.

<sup>58</sup>Niles' Weekly Register, L (March 21, 1836), 27.

the legislature filled the vacancy left by Tyler's resignation by voting to restore Rives to the Senate.<sup>59</sup>

In its coverage of Tyler's resignation, the Globe suggested that Tyler had been willing to sacrifice his seat in the Senate in the hopes of obtaining the Whig nomination for the vice-presidency.<sup>60</sup> Yet the Jacksonians were certainly pleased with the resignation and hoped that Leigh would follow Tyler's example.

In spite of Tyler's resignation, Leigh adamantly refused either to obey the instructions or resign. "I will not be instructed out of my seat," he had earlier confided to Tyler. He would vote in favor of expunging the censure of the President only when he became a "fool, knave, and slave, and not before."<sup>61</sup> In a letter to the Virginia General Assembly dated March 2, 1836, Leigh announced that he would not obey his instructions since he considered them unconstitutional. He shrewdly observed that the present legislature had not "expunged" when it rescinded the resolution of the 1834 legislature which had criticized Jackson's Bank policy. Although he had previously planned to resign from the Senate, the passage of the instructions changed his mind and he now intended to take the issue to the people

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<sup>59</sup>Dingledine, "The Political Career of William Cabell Rives," 248.

<sup>60</sup>Washington Globe, March 1, 1836.

<sup>61</sup>Benjamin Watkins Leigh to Tyler, July 5, 1835, Tyler (ed.), Letters and Times of the Tylers, I, 523.

at the next election. "I shall hold my seat only long enough to signalize my resistance to what I honestly believe to be unconstitutional instructions," he informed the legislature.<sup>62</sup>

Leigh's decision not to resign prompted the Whigs to come to his support. Many prominent Whigs announced their approval of his actions and criticized Tyler's resignation. The Whig-dominated Maryland Legislature even let it be known that it did not endorse Tyler's course of action and implied that it would not support his bid for the vice-presidency.<sup>63</sup>

Although the Niles' Weekly Register had reported at the end of the previous session of Congress that the campaign to vindicate the President had been "expunged," the expunging movement was picking up momentum when the first session of the Twenty-fourth Congress convened in December, 1835. "The constitutional records of the land are to be mutilated, to flatter and sooth the vanity of a tyrannical and despotic old President," lamented one opposition newspaper.<sup>64</sup>

The expunging issue was brought before this session for the first time on February 2, 1836, when Senator Samuel Southard dutifully presented resolutions passed by the New Jersey Legislature. These resolutions instructed the state's senators to

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<sup>62</sup>Niles' Weekly Register, L (March 21, 1836), 28-29; Washington United States Telegraph, March 9, 1836.

<sup>63</sup>Tyler (ed.), Letters and Times of the Tylers, I, 537.

<sup>64</sup>Washington Daily National Intelligencer, March 22, 1836, quoting the Albany Daily Advertiser, March 14, 1836.

vote in favor of Benton's expunging resolution and against the recharter of the Bank of the United States and requested them to resign if they could not follow their instructions.<sup>65</sup>

On March 4, Benton reminded the Senate that he was pledged to vindicate Jackson and announced his plan to introduce a resolution to expunge the censure of the President as soon as all the senators were present.<sup>66</sup> Fourteen days later, he presented the promised resolution in which, true to his prediction, he had reinstated the word "expunge."<sup>67</sup> In a lengthy speech in defense of his resolution, Benton answered objections to the word "expunge," cited various precedents for the act of expunging, attacked the Bank of the United States, and praised the President. "Expunge is the word," he pompously declared, "and expunge is the remedy." It was "a severe remedy, but a just one." Benton referred to Jackson's role in the removal of the deposits as "the most glorious action" in the Old Hero's life and urged the senators to heed the wishes of their states and restore the President's honor. In Benton's opinion, Jackson deserved vindication because he had "done more for the human race than the whole tribe of hack politicians put together. . . ."<sup>68</sup>

On March 21, William Cabell Rives, the newly elected Senator

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<sup>65</sup>Cong. Globe, 24 Cong., 1 Sess., 147 (February 2, 1836).

<sup>66</sup>Ibid., 207 (March 4, 1836).

<sup>67</sup>Register of Debates, 24 Cong., 1 Sess., 880 (March 18, 1836).

<sup>68</sup>Ibid., 877-930; ibid., 933 (March 21, 1836).

from Virginia, submitted the resolutions passed by the Virginia General Assembly in favor of Benton's expunging resolution.<sup>69</sup> The Little Expunger, as the Whigs derisively referred to Rives, had been urged by Benton to hurry to Washington so that he could participate in the debate on the expunging measure.<sup>70</sup>

On the following day, Thomas Ewing of Ohio, realizing that a fellow Whig senator wished to comment on the expunging proposal, moved that Benton's resolution be considered.<sup>71</sup> Alexander Porter of Louisiana then rose and began a two-day assault on the proposed measure, calling it "unsound, illegal, and unconstitutional." He asserted that the Senate's journal needed to be preserved since it served as a "beacon to warn, as well as a light to direct." While attempting to discredit Benton's precedents for expunging, Porter sardonically suggested that it might be more in keeping with the British precedents if President Jackson came into the Senate and did the expunging himself. Although Porter did not believe that evil motives had been behind Jackson's actions, he maintained that a national bank would promote the best interests of the country and disagreed with Benton's statement that Jackson was the greatest politician available. He concluded that the

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<sup>69</sup>Cong. Globe, 24 Cong., 1 Sess., 245 (March 21, 1836).

<sup>70</sup>Dingledine, "The Political Career of William Cabell Rives," 249.

<sup>71</sup>Cong. Globe, 24 Cong., 1 Sess., 248 (March 22, 1836).

people supported the President "in spite of his opposition to the Bank."<sup>72</sup>

James Buchanan later recalled that Porter had delivered the most persuasive speech in opposition to the expunging resolution.<sup>73</sup> Realizing its propaganda value, the Daily National Intelligencer assured its readers that it planned to publish the complete text of Porter's speech.<sup>74</sup>

A test measure for Benton's expunging proposal occurred on March 25 when Calhoun submitted a resolution to instruct the Committee on the Judiciary to investigate various means of providing for the safety of the journal of Congress and other public papers so that they would not be "mutilated, obliterated, erased, defaced, expunged, disfigured. . . ."<sup>75</sup> John Milton Niles of Connecticut, a Jacksonian stalwart who had been appointed to fill the vacancy left by the death of Nathan Smith,<sup>76</sup> objected to Calhoun's resolution and contended that the Constitution insured the safety of the journal.<sup>77</sup> In reply, Calhoun said that he thought that some type of law was necessary to prevent individuals, acting under partisan influences, from

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<sup>72</sup>Cong. Globe, 24 Cong., 1 Sess., 248 (March 22, 1836); ibid., 252-253 (March 23, 1836).

<sup>73</sup>Wendell Holmes Stephenson, Alexander Porter, Whig Planter of Old Louisiana (Baton Rouge, 1934), 50.

<sup>74</sup>Washington Daily National Intelligencer, March 24, 1836.

<sup>75</sup>Cong. Globe, 24 Cong., 1 Sess., 260 (March 25, 1836).

<sup>76</sup>Washington Globe, May 19, 1836.

<sup>77</sup>Cong. Globe, 24 Cong., 1 Sess., 260 (March 25, 1836).

"tampering with records of so sacred a nature."<sup>78</sup>

The chief objection of the Democrats to Calhoun's proposal, however, concerned the nature of the Committee on the Judiciary. Since the Committee consisted of four Whigs and one Democrat, Benton pointed out that its report would be against expunging. The Whigs, he observed, were trying to avoid the verdict of the people.<sup>79</sup> After more debate, the friends of the administration succeeded in tabling Calhoun's resolution by a vote of nineteen to fifteen.<sup>80</sup>

On March 28, John M. Clayton of Delaware suggested that the debate on Benton's resolution proceed.<sup>81</sup> Rives was ready and, exactly two years after the passage of the resolution of censure, delivered a lengthy speech supporting the constitutionality of expunging.<sup>82</sup> After enumerating many precedents, Rives concluded: "Expunging is, in fact, the . . . voice of the people, bursting, by its legitimate power, the doors of

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<sup>78</sup>Cong. Globe, 24 Cong., 1 Sess., 260 (March 25, 1836).

<sup>79</sup>Ibid.

<sup>80</sup>The vote was 19-15. Yeas: Benton, Cuthbert, Ewing of Ill., Hendricks, Hill, Hubbard, King of Ala., King of Ga., Linn, Morris, Nicholas, Niles, Rives, Robinson, Shepley, Tallmadge, Walker, Wall, and Wright. Nays: Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Mangum, Moore, Robbins, Southard, Swift, Tomlinson, and White. Ibid., 260-261.

<sup>81</sup>Ibid., 265 (March 28, 1836).

<sup>82</sup>Register of Debates, 24 Cong., 1 Sess., 981-999 (March 28, 1836).

legislative assemblies, and correcting, in the most solemn form, the deviations and assumptions of their servants."<sup>83</sup>

Three days later Thomas Morris presented the resolutions of the Ohio Legislature instructing the state's senators to vote in favor of expunging. After giving a brief history of the political shifts in the state since the Panic session, Morris noted that the recent fall legislative elections in Ohio had indicated popular support for the expunging instructions. He also reported that a resolution endorsing the legislative practice of instructing senators had been unanimously passed at a convention of about five hundred men representing sixty counties in Columbus, Ohio, on January 8, 1836. Morris concluded that a senator should resign if he believes his instructions to be unconstitutional.<sup>84</sup>

Morris' remarks prompted a bitter exchange of words between himself and the other Senator from Ohio, Thomas Ewing. Ewing immediately said that he considered Morris' comments "a deliberate attack." Ewing also informed his colleague that he did not accept the right of the state legislature to instruct its senators since, in his opinion, the right of instruction belonged only to the people. He, for one, intended to "pursue a manly and independent course. . . ." Ewing added that he had not presented the Ohio expunging resolutions himself

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<sup>83</sup>Niles' Weekly Register, L (May 7, 1836), 168-173.

<sup>84</sup>Cong. Globe, 24 Cong., 1 Sess., 274 (March 31, 1836).



because they were addressed to the state's senators, not the Senate. After Ewing had concluded, the Ohio resolutions were tabled.<sup>85</sup>

At this point, Senator Lewis F. Linn presented resolutions from Missouri, the home state of Benton, which lauded Jackson, criticized the Bank of the United States, and expressed disapproval of the Senate's censure of the President.<sup>86</sup> These resolutions surprised no one; Benton's influence and authority in the state were common knowledge.<sup>87</sup>

Benjamin Watkins Leigh of Virginia brought up the subject again on April 4 when he began a major speech in opposition to Benton's expunging proposal. He maintained that the expunging campaign was an attempt to debase the Senate and defended the Senate's refusal to receive Jackson's protest concerning the resolution of censure.<sup>88</sup> The next day Leigh resumed and questioned the constitutionality of expunction, saying that "in parliamentary language to keep a journal implied to preserve it." Expunging, he believed, would set a dangerous precedent for destroying and changing the records of the land. Since the Senate had not charged Jackson with criminal wrongdoing,

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<sup>85</sup>Cong. Globe, 24 Cong., 1 Sess., 274 (March 31, 1836).

<sup>86</sup>Ibid., 275.

<sup>87</sup>McCormick, The Second American Party System, 304-306.

<sup>88</sup>Cong. Globe, 24 Cong., 1 Sess., 279 (April 4, 1836).

expunging would be "vengeance and not justice. . . ."89

According to Henry A. Wise, Leigh was an excellent orator because of his superior intellectual capabilities and exceptional style of delivery. Leigh was lame and he used his lameness to his advantage by creating sympathy in his listeners for his handicap. In order to compensate for his shorter leg, he wore a cork sole on one of his shoes. While speaking, Leigh would emphasize his statements by grasping his left wrist with his right hand, sinking back on his disabled leg and hesitating there until he reached the high point of his remarks when he would rise on his good leg and release his hands. Wise believed Leigh's speech on Benton's expunging resolution to be one of the ablest and most dramatic on the subject.<sup>90</sup> The Globe, however, noted that it had expected a better summation from a lawyer of his reputation.<sup>91</sup>

Following Leigh's speech, the subject of expunging came up intermittently. On April 8, Senator Henry Hubbard, a Jacksonian who had replaced Senator Samuel Bell,<sup>92</sup> submitted resolutions passed by the New Hampshire Legislature instructing the state's senators to vote in favor of Benton's resolution. Remembering the difficulties of the state's senators in 1834,

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<sup>89</sup>Cong. Globe, 24 Cong., 1 Sess., 282 (April 5, 1836).

<sup>90</sup>Wise, Seven Decades, 140-143.

<sup>91</sup>Washington Globe, April 6, 1836.

<sup>92</sup>Niles' Weekly Register, XLVII (September 6, 1834), 6.

the state legislature also instructed its senators to present these resolutions to the Senate.<sup>93</sup> Arnold Naudain, on April 11, presented resolutions from the Delaware Legislature which instructed the senators from that state to vote against Benton's measure and, the next day, Robert Goldsborough introduced similar resolutions passed by the Maryland Legislature.<sup>94</sup> Despite these anti-expunging instructions, the Globe still predicted that the expunging resolution would pass during this session if senators complied with their instructions.<sup>95</sup>

On April 30, Senator Hugh L. White of Tennessee introduced his resolution that the censure of the President should be "rescinded, reversed, and annulled. . . ." As in 1835, White argued that expunging was contrary to the Constitution. The deliberations on White's resolution were postponed without further debate so that the Senate could consider an appropriation bill.<sup>96</sup>

Benton's proposal was taken up again on May 27 when Senator Isaac Hill, who had recently been elected to the governorship of New Hampshire, delivered his valedictory address to the Senate in support of the expunging resolution. In his speech

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<sup>93</sup>Cong. Globe, 24 Cong., 1 Sess., 290 (April 8, 1836).

<sup>94</sup>Ibid. (April 11, 1836); ibid., 298 (April 12, 1836).

<sup>95</sup>Washington Globe, April 11, 1836.

<sup>96</sup>Cong. Globe, 24 Cong., 1 Sess., 338-339 (April 30, 1836); Register of Debates, 24 Cong., 1 Sess., 1427-1428 (April 30, 1836).

which centered around the constitutionality of the act of expunging, Hill sought to discredit the arguments of Leigh and pointed out that White's resolution had a "hermaphrodite character which pleases neither side."<sup>97</sup> As the reporter for the Globe noted, the speech was a fitting farewell for a loyal Democrat.<sup>98</sup>

On June 28, White again moved that his resolution be considered and spoke for nearly three hours in its support.<sup>99</sup> Jackson, declared White, had used Benton's expunging resolution as a tool with which to purge senators who had voted in favor of the resolution of censure.<sup>100</sup> Robert J. Walker of Mississippi retorted that he would not support White's resolution since expunging was "the only proper remedy. . . ."<sup>101</sup> When the vote was taken, White's resolution was easily defeated; only White and John P. King voted in the affirmative.<sup>102</sup>

Senator Silas Wright of New York then presented resolutions passed by the New York Legislature instructing the state's

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<sup>97</sup>Register of Debates, 24 Cong., 1 Sess., 1593-1598 (May 27, 1836).

<sup>98</sup>Washington Globe, May 30, 1836.

<sup>99</sup>Cong. Globe, 24 Cong., 1 Sess., 471 (June 28, 1836).

<sup>100</sup>Register of Debates, 24 Cong., 1 Sess., 1884-1888 (June 28, 1836).

<sup>101</sup>Cong. Globe, 24 Cong., 1 Sess., 471 (June 28, 1836).

<sup>102</sup>Ibid.

senators to vote in favor of Benton's resolution.<sup>103</sup> At this point, Clay suggested that the expunging resolution again be considered now that White's resolution had been disposed of.<sup>104</sup> John M. Clayton noted that he was agreeable since the Delaware Legislature had instructed him to vote against expunging.<sup>105</sup> Yet the matter was postponed until the next day when Wright pointed out that only thirty senators were present.<sup>106</sup> Although one Whig newspaper predicted that the fate of the expunging resolution would be settled at this session,<sup>107</sup> the subject was dropped on June 30 when Benton said that he would leave the fate of his resolution up to the Senate.<sup>108</sup>

The failure of the Jacksonian majority in the Senate to secure the passage of Benton's expunging resolution was sarcastically reported in the Whig newspapers.<sup>109</sup> The Globe, however, maintained that Benton, fearing that White might cause the defeat of his expunging measure, had decided to wait until the next session. Then Leigh would hopefully be replaced and the

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<sup>103</sup>Cong. Globe, 24 Cong., 1 Sess., 471 (June 28, 1836).

<sup>104</sup>Ibid.

<sup>105</sup>Ibid.

<sup>106</sup>Ibid.

<sup>107</sup>Washington Daily National Intelligencer, June 30, 1836.

<sup>108</sup>Niles' Weekly Register, L (July 9, 1836), 312-314.

<sup>109</sup>Washington Globe, August 9, 1836, quoting the Nashville Republican; Washington United States Telegraph, July 21, 1836.

pro-Jackson senators from the newly created states of Michigan and Arkansas would be seated; then "WHITE, and EWING, and SOUTHARD, and MANGUM, and TOMLINSON, and BLACK, the contumacious Senators, together with the whole body of their confederates, could be voted down by a triumphant majority."<sup>110</sup> The delay would also permit the will of the nation to be expressed in the presidential election of 1836. If Vice President Martin Van Buren, the hand-picked choice of President Jackson, should win that contest, the advocates of expunging anticipated that their hopes of victory would be even further enhanced.

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<sup>110</sup>Washington Globe, August 9, 1836.

## CHAPTER IV

### THE KNIGHTS OF THE BLACK LINES

During the summer and fall of 1836 the Democrats and Whigs were actively engaged in important political contests on state and national levels. The outcome of those elections, which indicated that Andrew Jackson's popularity was on the ascendant, insured the success of Thomas Hart Benton's campaign of more than two years to expunge the Senate's resolution of censure against the President.

The major object of political attention in 1836 was the presidential election. The Whigs were unable to unite behind one candidate to oppose Van Buren, the Democratic nominee and favorite of Jackson, and hoped that they could force the presidential election into the House of Representatives by supporting several candidates who were supposedly popular in various states or regions. General William Henry Harrison was the major Whig standard bearer, but Hugh L. White and Daniel Webster were also Whig candidates in certain states, while the South Carolina electors, chosen by the legislature, voted for Willie P. Mangum. The chief campaign issue was Jackson himself, and his prestige was the deciding factor of the election. The Whig strategy failed, and Van Buren received 170 electoral votes to 124 for his combined opponents. The campaign to vindicate Jackson's honor was clearly aided by the outcome of the presidential

election.

Jackson's popularity also advanced the expunging campaign in several states. In Pennsylvania the Jacksonians reunited following the party breach of the previous year and gained control of the state legislature in the fall legislative elections. This victory made it possible for the state's Democratic senators, Samuel McKean and James Buchanan, to disregard the anti-expunging instructions issued by the previous legislature and retain their seats in the United States Senate.<sup>1</sup>

The Democratic strength in the Senate was also increased by the resignations of three important members of the opposition, Benjamin Watkins Leigh, Willie P. Mangum, and Alexander Porter. On December 5, 1836, Leigh wrote a letter of resignation to the Virginia Legislature in which he claimed that he was resigning for personal reasons and emphatically denied that the expunging instructions passed by the legislature had influenced his decision.<sup>2</sup> Nevertheless, the criticism which he received for his refusal to comply with instructions and the resignation of Tyler probably hastened his resignation. Richard E. Parker, a Jacksonian, was elected to succeed Leigh.<sup>3</sup>

Events in North Carolina in the fall of 1836 also encouraged

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<sup>1</sup>Washington Globe, October 15, 1836; Roger B. Taney to Jackson, October 15, 1836, Bassett (ed.), Correspondence, V, 430-431.

<sup>2</sup>Niles' Weekly Register, LI (December 17, 1836), 243.

<sup>3</sup>Ibid., 241.



the supporters of the plan to expunge the censure of the President. After the Democrats obtained a majority in the state legislature following a special election, Mangum decided to resign in the hopes that another less controversial Whig might be chosen in his stead. His plan failed, and the Democratic legislature replaced him with Robert Strange, who supported the President.<sup>4</sup>

In Louisiana the Democrats likewise gained control of the state legislature following the fall legislative elections. After this Jacksonian victory, Alexander Porter, a bitter foe of the President on the Senate floor, decided to resign voluntarily.<sup>5</sup>

During this period the Democrats also managed to push expunging instructions through the Arkansas Legislature. Resolutions instructing the state's senators, Robert Fulton and Ambrose H. Sevier, to vote in favor of Benton's expunging proposal were passed by a vote of thirty-three to fifteen in the lower house and by fourteen to three in the Arkansas Senate.<sup>6</sup> The Whigs attempted to minimize the effect of these instructions by suggesting that an office seeker had introduced the expunging

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<sup>4</sup>Hoffmann, "Willie P. Mangum and the Whig Revival of the Doctrine of Instructions," 352-353; Washington Daily National Intelligencer, December 6, 1836; Washington Globe, December 6, 1836.

<sup>5</sup>Washington Globe, January 6, 1837; Stephenson, Alexander Porter, 97-100.

<sup>6</sup>Niles' Weekly Register, LI (November 5, 1836), 145, quoting the Arkansas Gazette.

resolutions.<sup>7</sup>

The political character of the Senate which met in December, 1836, was decidedly different from the Senate which had voted to censure Jackson in 1834. The political friends of Jackson, now in control of both the Senate and the House of Representatives, decided that the President's honor should be vindicated before Van Buren began his presidency. They regarded expunction as an appropriate retirement gift for the Old Hero.

Early in the second session of the Twenty-fourth Congress, Benton announced that he planned to introduce his expunging resolution as soon as the Senate was sufficiently full and urged his fellow senators to dispose of the matter as soon as possible.<sup>8</sup> On December 26, the third anniversary of the presentation of Clay's resolution of censure, Benton formally presented his expunging resolution, which was ordered to be printed.<sup>9</sup>

On January 12, Benton opened debate on his resolution with a lengthy speech in its support. He described the various means by which the nation had indicated its approval of the expunging measure. Many state legislatures had instructed their senators to support the vindication of the President, and the states had

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<sup>7</sup>Washington United States Telegraph, October 21, 1836, quoting the Arkansas Advocate.

<sup>8</sup>Cong. Globe, 24 Cong., 2 Sess., 9 (December 7, 1836).

<sup>9</sup>Register of Debates, 24 Cong., 2 Sess., 128 (December 26, 1836).

also aided the project by giving the supporters of Jackson a majority in both houses of Congress. Finally, the people had demonstrated their deep admiration of Jackson by selecting Van Buren, the personal choice of Jackson and an unpopular figure in many states, as their president. After developing an elaborate defense of Jackson's administration, Benton noted that the goal which he had set three years before was not possible. "Solitary and alone, and amidst the jeers and taunts of my opponents, I put this ball in motion," he recalled. "The people have taken it up, and rolled it forward, and I am no longer any thing but a unit in the vast mass which propels it." The Senator from Missouri concluded by demanding that the Senate respect the will of the people and restore the President's honor by voting to expunge the censure from the Senate journal.<sup>10</sup>

Judah Dana of Maine then took the floor and enlarged further on the merits of the expunging measure, but the Senate adjourned before he had completed. The next day he continued and asserted that he favored expunging since the censure of Jackson might set a harmful precedent.<sup>11</sup>

Senator William C. Preston of South Carolina led off for the opposition by questioning the extent of popular support for

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<sup>10</sup>Register of Debates, 24 Cong., 2 Sess., 380-391 (January 12, 1837); Benton, Thirty Years' View, I, 719-727.

<sup>11</sup>Register of Debates, 24 Cong., 2 Sess., 391 (January 12, 1837); ibid., 391-396 (January 13, 1837).

the expunging resolution. He despaired over the expunging instructions issued by the state legislatures, especially those from Virginia, but pointed out that these instructions did not necessarily reflect the views of the people. "The argument is exhausted," he declared, "the verdict has been rendered; the judgment given; execution is demanded--ay, sir, and let me add, the executioners are here with ready hands." Preston stated that the measure presently before the Senate made him fear for the country and its Constitution.<sup>12</sup>

After brief comments on the expunging resolution by Senators William Cabell Rives of Virginia and Gabriel Moore of Alabama, John Milton Niles of Connecticut rose to deliver the major rebuttal to Preston's speech. He accused the members of the opposition of disregarding the wishes of the people. The state legislatures, he insisted, did reflect the views of the electorate. He then warned the Senate that the censure of the President might lead to excessive conflict between the branches of the government. The friends of Jackson, he contended in conclusion, desired justice, not blood.<sup>13</sup>

Before the Senate adjourned for the day, Calhoun spoke in opposition and attacked the measure on constitutional grounds. Benton's resolution, he argued, was unconstitutional since the Constitution required the Senate to "keep" a record of its

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<sup>12</sup>Register of Debates, 24 Cong., 2 Sess., 397-406 (January 12, 1837).

<sup>13</sup>Ibid., 408-416.

proceedings. "But why do I waste my breath?" the South Carolinian asked. "I know it is all utterly vain." In conclusion, he maintained that the expunging campaign was the product of "pure, unmixed, personal idolatry."<sup>14</sup>

The final plans of the expunging campaign were mapped out at a meeting of the Democratic senators at Boulanger's, a well-known restaurant, on the evening of Saturday, January 14. At this meeting the advocates of the expunging movement attempted to win the support of other Democratic senators who still had doubts concerning the constitutionality of that proposal. Benton later recalled that it took the best efforts of the most persuasive talkers--Silas Wright of New York, William Allen of Ohio, and Lewis F. Linn of Missouri--to achieve and preserve the unity in the party ranks which was essential for the success of the expunging project. Although Benton favored actual obliteration of the censure of Jackson, the senators compromised and agreed to enclose the stricture with black lines and write across it: "Expunged by the order of the Senate." The Democratic senators then pledged themselves to the measure and resolved that the Senate should not adjourn on the following Monday until the matter was decided.<sup>15</sup>

The Senate galleries were filled on January 16, the day on

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<sup>14</sup>Register of Debates, 24 Cong., 2 Sess., 417-418 (January 12, 1837).

<sup>15</sup>Benton, Thirty Years' View, I, 727.

which the fate of the expunging resolution was to be determined.<sup>16</sup> Anticipating that the debate would proceed well into the night, Benton arranged to have food and beverages, including wines, brought into a committee room which was adjacent to the Senate chamber so that his lieutenants and other Democratic senators could remain in "good humor" while continuing their work in behalf of his proposal.<sup>17</sup>

Deliberations began on Benton's resolution when the Senate resumed its business following the noon break. During the ensuing debate the Whigs were vociferous in their attacks on the expunging measure. Richard H. Bayard and John M. Clayton of Delaware, Samuel Southard of New Jersey, Thomas Ewing of Ohio, and William Preston of South Carolina were among the speakers who vigorously denounced the measure. The Whig strategy, according to Benton, was to delay the vote on Benton's resolution and force the Senate to adjourn.<sup>18</sup>

As night approached people crowded the already filled Senate galleries and floor while they waited for the dramatic moment when the censure would be expunged from the Senate record. "The scene was grand, impressive, and imposing: it was even solemn," a Whig spectator later wrote. "It seemed as

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<sup>16</sup>Nathan Sargent, Public Men and Events, From the Commencement of Mr. Monroe's Administration, In 1817, To the Close of Mr. Fillmore's Administration, In 1853 (Philadelphia, 1875), I, 336.

<sup>17</sup>Benton, Thirty Years' View, I, 727.

<sup>18</sup>Ibid.

if some terrible rite was to be performed, some bloody sacrifice about to be made upon the altar of Moloch."<sup>19</sup> The Whigs realized defeat was at hand. The supporters of Benton's resolution were now the "masters of the chamber--happy--and visibly determined to remain."<sup>20</sup> Now that the passage of Benton's resolution was imminent the opposition triumvirate of Clay, Calhoun, and Webster "broke silence, and gave vent to language which bespoke the agony of their feelings, and betrayed the revulsion of stomach with which they approached the odious subject."<sup>21</sup>

Before delivering his final arguments against the proposed measure, Clay hesitated, and the Senate, according to one witness, "became still as death."<sup>22</sup> Clay believed it was his duty to comment on the proceedings since he had been the originator of the resolution of censure. After defending the censure of Jackson and accusing the President of further usurpations of power, Clay maintained that Benton's resolution was unconstitutional. If the censure of Jackson was expunged, he concluded, he might "institute a new order of knighthood, and confer on it the appropriate name of the Knight of the Black Lines."<sup>23</sup>

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<sup>19</sup>Sargent, Public Men and Events, I, 337.

<sup>20</sup>Benton, Thirty Years' View, I, 728.

<sup>21</sup>Ibid.

<sup>22</sup>Sargent, Public Men and Events, I, 337.

<sup>23</sup>Register of Debates, 24 Cong., 2 Sess., 429-440 (January 16, 1837).

James Buchanan, who followed Clay, spoke in support of the expunging measure. The resolution of censure, insisted Buchanan, was unjust. The President was justified in taking action against the Bank of the United States and the people had indicated their support of Jackson's policies and Benton's expunging resolution. While admitting that he was opposed to the obliteration of the censure from the Senate journal, he indicated that he intended to vote in favor of the plan to draw black lines around the censure.<sup>24</sup>

Following a lengthy speech by Senator Richard H. Bayard of Delaware in opposition to the expunging resolution, William Hendricks of Indiana took the floor to give one of the most unusual speeches during the expunging debate. After reminding the Senate that he had opposed and voted against the censure of Jackson in 1834, Hendricks announced that he believed the resolution of censure to be constitutional while he considered Benton's expunging resolution to be unconstitutional. Therefore he would not vote in favor of the expunging proposal. In his opinion, the expunction of the censure of Jackson might lead to further defacement of the Senate journal. If the majority party uses its political power imprudently, he warned the Jacksonians, it "will be sure to meet with retaliation as soon as the opposite party shall triumph."<sup>25</sup>

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<sup>24</sup>Register of Debates, 24 Cong., 2 Sess., 440-457 (January 16, 1837).

<sup>25</sup>Cong. Globe, 24 Cong., 2 Sess., 98 (January 16, 1837).



After minor changes in the wording of the preamble to Benton's resolution were agreed to, the final Whig speaker, Daniel Webster, gave his arguments against the expunging measure. With his customary eloquence, Webster concentrated on the constitutional objections to the measure. "A record which is expunged, is not a record which is kept, any more than a record which is destroyed can be a record which is preserved," he declared in protest.<sup>26</sup>

Before Webster had finished his speech, the Whigs, realizing that it was futile to delay any longer, advised Benton that they were now willing to have the measure voted upon. After Webster concluded and took his seat, the room was quiet until "the silence was invaded by the single word 'question'--the parliamentary call for a vote--rising from the seats of different senators."<sup>27</sup> As midnight approached, the Senate at last brought itself to a vote, and Benton's expunging resolution prevailed by a vote of twenty-four to nineteen.<sup>28</sup>

Benton then moved that the order of the Senate be executed

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<sup>26</sup>Register of Debates, 24 Cong., 2 Sess., 473-485, 499-501 (January 16, 1837).

<sup>27</sup>Benton, Thirty Years' View, I, 730.

<sup>28</sup>Yeas: Benton, Brown, Buchanan, Ewing of Ill., Fulton, Grundy, Hubbard, King of Ala., Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Strange, Sevier, Tallmadge, Tipton, Walker, Wall, and Wright. Nays: Bayard, Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, Moore, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White. Cong. Globe, 24 Cong., 2 Sess., 99 (January 16, 1837).

and Asbury Dickens, the Secretary of the Senate, brought in the Senate journal, drew black lines around the resolution of March 28, 1834, which contained the censure of Jackson, and wrote across it: "Expunged by order of the Senate, this 16th day of January, 1837."<sup>29</sup> While Dickens performed his task, according to the report in the Globe, "the great body of the opposition absconded."<sup>30</sup>

As the resolution was being expunged, the crowd in the galleries, (composed mainly of friends of the Bank, according to Benton), began hissing. Anticipating trouble, many of the Jacksonians had brought in firearms with which to protect themselves, and Benton's wife, who feared for her husband's safety, stood beside him on the Senate floor.<sup>31</sup> When the disturbance increased, Benton moved that the sergeant-at-arms be ordered to "seize the bank ruffians."<sup>32</sup> Benton's motion was agreed to, and the suspected ringleader, William Lloyd of Ohio, was brought before the bar. Lloyd, however, was soon discharged from custody because the senators were unable to decide on the advisability and means of questioning him.<sup>33</sup> The Senate then

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<sup>29</sup>Register of Debates, 24 Cong., 2 Sess., 504-505 (January 16, 1837); Benton, Thirty Years' View, I, 730.

<sup>30</sup>Washington Globe, January 18, 1837.

<sup>31</sup>Benton, Thirty Years' View, I, 731.

<sup>32</sup>Ibid.

<sup>33</sup>Ibid.; Sargent, Public Men and Events, I, 342; Cong. Globe, 24 Cong., 2 Sess., 99 (January 16, 1837).

voted to adjourn.<sup>34</sup>

The following morning Benton sent his son to deliver to Jackson the pen which had been used to expunge the resolution of censure from the Senate journal. The President was pleased with the gift and wrote Benton that he would cherish the pen for the rest of his life. Jackson also stated that upon his death he would bequeath the pen to the Senator from Missouri as a token of his deep respect.<sup>35</sup>

Jackson also demonstrated his pleasure over the successful completion of the expunging campaign by honoring the expungers and their wives with an elaborate dinner at the White House. Since he was ill at the time, Jackson withdrew to his chamber after seating Benton, the "head-expunger," at the head of the table.<sup>36</sup>

The proponents of the expunging resolution had a great deal to celebrate that night. They had been successful both in obtaining expunging instructions from many state legislatures and in defeating several Whig senators who were candidates for reelection. Although political shifts had caused several states to reverse their position on Benton's measure during

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<sup>34</sup>Cong. Globe, 24 Cong., 2 Sess., 99 (January 16, 1837).

<sup>35</sup>Jackson to Benton, January 17, 1837, Bassett (ed.), Correspondence, V, 450-451; Niles' Weekly Register, LI (February 4, 1837), 353, quoting the Boston Advertiser.

<sup>36</sup>Benton, Thirty Years' View, I, 731.

the expunging campaign, fourteen states--New Hampshire, New Jersey, Virginia, North Carolina, Alabama, Pennsylvania, New York, Illinois, Georgia, Mississippi, Connecticut, Ohio, Missouri, and Arkansas--had instructed their senators to vote in favor of rescinding or expunging the censure of the President from the Senate journal before the final resolution was put to a vote on January 16, 1837.

Several senators who were opposed to the expunging measure chose to disregard legislative instructions while other senators preferred to resign. Senators Thomas Ewing of Ohio, Samuel Southard of New Jersey, Gideon Tomlinson of Connecticut, and Gabriel Moore of Alabama disobeyed instructions from their state legislatures when they voted against the expunging resolution (Moore sought to justify his action by noting the Alabama Senate's refusal to pass an expunging resolution in January, 1836). In addition, John P. King, a Jacksonian Democrat who had been instructed by the Georgia Legislature to support Benton's measure, refused to vote on the resolution because he objected to its wording although he desired a vindication of Jackson.<sup>37</sup> Another Jacksonian, Samuel McKean of Pennsylvania, who disapproved of the Senate's censure of the President, was not present when the vote was taken but later indicated that he would have opposed the measure for constitutional reasons if he had been in his seat.<sup>38</sup>

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<sup>37</sup>Washington Globe, January 18, 1837.

<sup>38</sup>Niles' Weekly Register, LI (February 25, 1837), 401, 404-405.

The Whig strength in the Senate was seriously weakened by the resignations of several senators during the expunging campaign. Although only the resignation of John Tyler of Virginia, a future president of the United States, was a direct result of the expunging campaign, the expunging issue was a contributing factor in the resignations of Benjamin Watkins Leigh of Virginia, Willie P. Mangum of North Carolina, and Peleg Sprague of Maine. On January 16, 1837, Tyler's successor, William Cabell Rives, voted in favor of expunging, as did Robert Strange, who replaced Mangum, and John Ruggles, who had been elected to fill the vacancy left by Sprague's resignation.

The expunging issue also played a role in several important senatorial elections in which Whig senators were defeated. Robert J. Walker, a Jacksonian, replaced the bitter foe of the President, George Poindexter, in Mississippi, and the New Hampshire Legislature elected Henry Hubbard, an advocate of the expunging resolution, to succeed Samuel Bell, who had indicated that he would not honor legislative instructions on the subject. In New Jersey Garret D. Wall, a staunch Jacksonian, defeated Theodore Frelinghuysen, who had voted in favor of censuring the President. Two opponents of the expunging campaign, Elias Kane of Illinois and Nathan Smith of Connecticut, died, and William L. Ewing of Illinois and John Milton Niles of Connecticut, both Democratic supporters of the expunging campaign, were elected to fill the Senate vacancies. The proponents of the expunging

movement were so successful that only fourteen of the twenty-six senators who voted for censure were still around to vote against expunging, and only William Hendricks of Indiana and Hugh Lawson White of Tennessee voted against censure and then opposed Benton's expunging measure.

The Whigs were extremely bitter over the success of the expunging campaign. On January 18, 1837, the United States Telegraph, under the headline of "The Knights of the Black Lines," published a list of the senators who had voted in favor of expunging and surrounded it with black lines.<sup>39</sup> Nevertheless the position of the Whigs during the expunging campaign was somewhat hypocritical. Although the Whigs maintained that they were opposed to the principle of instructions during the campaign, they used the doctrine themselves. In Ohio, Delaware, Connecticut, Rhode Island, Vermont, and Pennsylvania, Whig-dominated legislatures issued anti-expunging instructions; these instructions, however, were later reversed in Ohio, Connecticut and Pennsylvania when the Democrats obtained legislative control. The Whigs also contradicted their stand on the constitutionality of expunging. During the expunging campaign they claimed that expunging was unconstitutional, but, in February, 1837, the Delaware Legislature, which was controlled by the Whigs, instructed that state's senators to endeavor to expunge Benton's expunging resolution from the Senate journal.<sup>40</sup>

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<sup>39</sup>Washington United States Telegraph, January 18, 1837.

<sup>40</sup>Niles' Weekly Register, LI (February 25, 1837), 404-405.

Thus the doctrine of instructions was used by both political parties during the expunging campaign. Ordinarily one might consider the doctrine to be democratic in nature. Yet such conservative states as Virginia used instructions to make their senators more responsive to the will of the states (as reflected through the state legislatures). Therefore, in most cases, the state legislatures were more involved in the expunging campaign than the average voter. In some states, however, the electorate did become interested in the expunging campaign and elected state legislators, who in turn selected the states' senators, with the expunging issue in mind.

Jackson was a president whose personality polarized voters into two camps: friends and enemies. Toward the end of his term most of the electorate were apparently friends. Since the Whig Party originated in 1834 over the issue of executive usurpation of power, the campaign to expunge the censure of Jackson clearly sharpened party lines. In an age in which personalities often overshadowed issues, the Jacksonian Democrats were wise to promote the expunging measure. Their campaign to vindicate the popular Old Hero was a major factor in turning control of the Senate from Jackson's enemies to his friends.

The successful conclusion of the expunging campaign also contributed to the growth of presidential power during the Age of Jackson. The passage of the expunging resolution seemed to put the stamp of popular approval on Jackson's view of the role of the president as stated in his protest to the Senate following

the passage of Clay's resolution of censure. Future presidents would agree with Jackson that they were direct representatives of the people and, as such, were responsible to the people, not Congress. It is also noteworthy that neither house of Congress, perhaps considering the fate of the Senate of 1834, has since censured a president.

Ultimately the passage of Benton's expunging resolution was a personal victory for Andrew Jackson. Now that the stigma of official censure had been removed, he could honorably retire to private life. As Benton later wrote, the Old Hero regarded the expunction of the resolution of censure as "the 'crowning mercy' of his civil, as New Orleans had been of his military, life!"<sup>41</sup>

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<sup>41</sup>Benton, Thirty Years' View, I, 731.



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