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John Tyler's Attitude Toward the Presidency

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'JOHN TYLER'S ATTITUDE TOWARD

THE PRESIDENCY

By

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF MASTER
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1948
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CHAPTER I

PRESIDENT TYLER THE MAN

It has generally been the habit of posterity to judge the leaders of our country in the light of their actions—the work achieved. Such evidence as ordinarily appears to the eye is not a rightful basis for evaluating a man's place in history and it is not uncommon to find opinions based on such judgments, incorrect and often unjust.

A record evincing changes in party adherence is often labeled "vacillating," one of apparent indecision at moments which, when viewed in retrospect, appear as crises, is classified as cowardly; one of unusual firmness can, in the light of many years, be branded stubbornness. Such reversal of policy is not always a sign of weakness; at times it can indicate strength; indecision does not always denote cowardice, it may reflect caution; nor is tenacity to principle, obstinacy; it may be fortitude, based on the courage of conviction.

The ordinary student might find in John Tyler, tenth President of the United States, a composite of contradictions. Originally a Republican, he became a Democrat and finally entered the Whig ranks. Tyler reached the Presidency on the strength of Whig affiliations only to be read out of the party. Surely this is a record of inconsistency! However, an explanation of this seeming incompatibility of political thought can probab-
ly be found in the times in which Tyler lived and in the problems con­
fronting his administration.

The history of American political life does not portray many men
who have enjoyed the cultural and educational background which was the
privilege of John Tyler. He was born at Greenway, Charles County, Vir­
ginia, on March 29, 1790. Information concerning his childhood is very
meager, biographers having stressed the accomplishments of his father,
John Tyler, Governor of Virginia. From a record compiled in 1845, we
find these significant lines:

John Tyler, the father of the late President
of the United States, resided in this county. He
was one of the leading revolutionary characters of
Virginia, was many years a member of the House of
Delegates and in 1781 succeeded Mr. Benjamin Harr­
ison as speaker. After being governor of Virginia
to which office he was elected in 1808, he was
judge of the District Court of the United States
for Virginia. He died in Charles City County, Jan­
uary 6, 1813. He was simple in his manners yet
distinguished for the uprightness and fidelity with
which he discharged his official duties and enjoyed
in an uncommon degree the esteem and confidence of
his fellow-citizens.1

The author has not been as generous in recording statistics relating
to President Tyler. Of him he states: "John Tyler, the tenth President
of the United States, and sixth from Virginia, was born on the James River
in this county in 1790, about five miles below Berkley. Four miles lower
down on the river is his present residence."2 It is small wonder that

1 Henry Howe, Historical Collections of Virginia, Babcock and Co.,
Charleston, S.C., 1845, 119.
2 Ibid., 221.
later biographers of President Tyler would dismiss his early life with the statement: "The childhood and youth of President John Tyler are largely veiled in obscurity." The second son of Mary Armistead and John Tyler, the future President was richly endowed both in heredity and environment. His parents came from families which for generations had played leading roles in the history of Virginia and while not wealthy, the Tylers were able to give their sons the best education offered in America at that time.

It would be interesting and certainly not uncommon to relate several stories of the usual pranks of boys played on their teachers with John Tyler the central figure. However, there is an amazing scarcity of such, even of those which might have solely a legendary origin. One story has come down to posterity, however, concerning the unusual precocious boy who at the age of eleven led a rebellion of the students against their school master, Mr. McMurdo, who seems to have been something of a tyrant. The rebellion took the form of an attempt of the boys to lock up their tyrant and young John was one of the ringleaders. When poor Mr. McMurdo saw John, his favorite, arrayed against him he exclaimed, "Et tu, Brute!" In reporting the incident to John's father, Mr. McMurdo repeated the Latin quotation. The elder Tyler responded, "Sic semper tyrannis." In 1802 John was sent to William and Mary College from which he graduated in 1807 at the age of seventeen. While at college he showed a strong interest in poetry and

4 L. G. Tyler, Letters and Times of the Tylers, Whitter & Shepperson, Richmond, Va., 1884, II, 200.
music, and, like Thomas Jefferson was a skillful performer on the violin. Under the brilliant Edmund Randolph and his own father, a celebrated lawyer, John continued his study of law for two years. On reaching his majority in 1809 he was admitted to the bar and soon had built up a good practice in his own right.

At the age of twenty-one John Tyler began his political career—a career which evinces great qualities of leadership. Elected delegate to the General Assembly of Virginia in 1811, Tyler found himself in the midst of the bank controversy which was to be a burning issue before the country for many years, and over which Tyler as President became alienated from his party. Those who would defend Tyler point to this incident as indicative of not only his attitude toward the bank but of his attitude toward the obligations of representatives to their constituents. Mr. B. Giles and Richard Brent, the senators from Virginia, ignored instructions from their state Legislature to vote against the re-chartering of the Bank of the United States. Mr. Tyler introduced a resolution in the House of Delegates censuring the two senators for their actions. In this resolution, which was passed, the principle was to be established thereafter, "that any person accepting the office of Senator of the United States from the State of Virginia, by such acceptance tacitly bound himself to obey, during the period he should serve, the instructions he might receive from its Legislature." Sometime later Tyler himself would be in a position to fulfill

5 A. G. Abell, Life of John Tyler, Cushing, N. Y., 1858, 80.
the requirements stipulated in this resolution, his own handiwork, or, acting according to his own desires, ignore it. To his credit, he chose the former.

Mr. Tyler was re-elected annually to the Legislature until 1815, when he was chosen as a member of the Executive Council. The next year a vacancy occurred in his congressional district and he was chosen for the unexpired term. Elected for two successive terms, Tyler served in the House of Representatives until 1821, when, because of ill health he was forced to resign.

The young representative was not at all reticent on his views. Already Tyler had become a "strict constructionist" and in this period as Representative he opposed Mr. Calhoun's bill for internal improvements by the Federal Government on the grounds of unconstitutionality; the enactment of a bankruptcy law because of its apparent lack of uniformity; and made a great speech against the bank.6 Mr. Tyler had been appointed on the Committee of Investigation of the Bank of the United States, which had been chartered two years before. The report states that the Bank had violated its constitution on certain grounds and the debate which followed concerning what action was to be taken was long and heated. Tyler addressed the House in a speech occupying a part of two days in favor of a resolution to direct scire facias proceedings against the Bank.7 Tyler likewise opposed the adoption of the Missouri Compromise of 1820 and his Virginia col-

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6 Ibid., 126.
7 Scire facias—a judicial writ founded upon some matter of record, calling upon a person to show why the party bringing it should not have the advantage of the record.
leagues in Congress supported him in his denial that the Federal Government had the right to control the question of slavery in the territories. The Tylers, both father and son, were consistent in their opposition to the slave trade and wished to see slavery pass away, but they trusted to time and climate to accomplish this end. Meanwhile they held that while slavery existed it should be assured the protection of any other property.8

One other important incident must be recorded here—Tyler's reaction to General Andrew Jackson's high-handed dealing in the Florida question. While opposing Jackson at this point and severely criticizing his actions, Tyler would later support the President during a good portion of his administration and finally swing over to the opposition side. "Vacillating" has been the accusation hurled at Tyler as a result of these actions and it is important to point out along just what lines he censured Jackson in this particular instance.

...however great may have been the services of General Jackson, I cannot consent to weigh those services against the Constitution of the land;...(Why do gentlemen point to the services of the hero in former wars? For his conduct there he has received a nation's plaudits and a nation's gratitude)... From what quarter do you expect your liberties to be successfully invaded? Not from the man whom you despise;...you have more to fear from a nation's favorite; against his errors you have to guard, lest they grow into precedents...It is the precedent growing out of the proceedings in the case that I wish to guard against. It is this consideration, and this only, which will induce me to disapprove the conduct of General Jackson.

8 Tyler, II, 313.
...Our sympathies have been appealed to in his behalf...Are we about, by this vote, to wither the laurels which bloom on his brow—to deprive him of character, of standing? No, sir, we arraign not his motives...we disapprove only his acts.9

The following evidences lack of the personal element:

...we are denounced as the enemies of General Jackson and of the President of the United States. Enemies of General Jackson!...No, sir; I, for one, feel no enmity towards him, I am the enemy of no man, but I trust I am a friend to the Constitution and the law.10

In 1821 shortly before the close of Congress, Mr. Tyler was forced to leave his seat because of ill health. He left the House of Representatives with the reputation of a firm "state's right" advocate, an honest and consistent statesman, and a gifted orator.

John Tyler was not permitted to rest very long, for two years later he was requested to become a candidate once again for the Virginia legislature, to which he finally consented after much persuasion. At this time he took a leading part in the exciting events connected with the presidential campaign of 1824, supporting Crawford. After the election of Adams and the appointment of Clay as Secretary of State, Tyler refused to believe the "corrupt bargain" story, and wrote to Clay stating his opinion.11 In December of 1820 Tyler was elected Governor of the State of Virginia by the House of Delegates, one hundred thirty-one votes cast for him against eighty-one for a Mr. Floyd and two scattered votes.12 This office he

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10 Ibid., 244.
12 Abell, 211.
faithfully executed until December of 1827 when he was elected to the Senate of the United States, where he served until his resignation in 1836.

One cannot but admit that John Tyler was a great man—a leader, at least in the eyes of the Virginians. His record of repeated public offices being tendered him by his constituents would belie any statement to the effect that he was distrusted or disliked by those who had the greatest opportunities of knowing him. It is with little difficulty one accepts the viewpoint expressed by William C. Stoddard who was later private secretary to Abraham Lincoln.

...He (Tyler) was approachable, courteous, always willing to do a kindly action or speak a kindly word. His light blue eyes were penetrating, having a humorous twinkle which aided the notable faculty he possessed for telling a good story and making keen conversational hits.13

Jefferson Davis testified that Tyler was among the most felicitous orators he had known,14 and H. W. Hilliard, another of Tyler's contemporaries, remarked that "the rich treasure of his cultivated mind displayed itself without effort or ostentation in the Senate Chamber, and in conversation he surpassed even Mr. Calhoun."15 Charles Dickens, who visited the White House in 1842, regarded the President as "somewhat worn and anxious, and well he might, being at war with everybody—but the expression of his face was remarkably unaffected, gentlemanly, and agreeable. I thought that in

14 Tyler, III, 163.
15 H. W. Hilliard, Politics and Pen Pictures at Home and Abroad, N. Y., G. P. Putman's Sons N. Y., 1892, 19.
his whole carriage and demeanour he became his station singularly well.\textsuperscript{16}

In answer to those who found Tyler a difficult individual, Poage, a modern historian, makes the following observation on his popularity, which is not to be denied, "On the other hand, the vanity, stubbornness, opinionated self-sufficiency, and priggishness sometimes attributed to him seem equally out of keeping with that popularity."\textsuperscript{17}

During Tyler's first senatorial term there occurred a dissolution of old political alliances on the questions of the bank, tariff, removal of deposits, and the formation of new alliances, the nature of which can only be explained in terms of opposition to the administration.

The National Republicans had become divided; the Democrats were gaining throughout the West and even in the South. Soon, under the leadership of Jackson, many would rally to the cry of the common man. By 1825 the strict constructionists were now gradually becoming organized in opposition to President Adams, and many of those who had supported Crawford for President, went over to the Jacksonian hosts in their desire to defeat the present administration. Tyler, however, succeeded in maintaining a certain independence in opposition and it is here that he became directly connected with those political forces which eventually severed his alliance with the Whigs. It was to the friends of Clay in the Virginia legislature and those of Adams, combined with several Democrats who could no longer endure the

\textsuperscript{16} Charles Dickens, \textit{American Notes}, Burns, London, 1843, 145.
tactics of John Randolph, that Tyler owed his elevation to the Senate. He was elected by the narrow majority of one hundred fifteen votes to one hundred ten. This was the formative period.

In the Senate Tyler took a very strong stand against the Tariff of Abominations. On the occasion of Jackson's famous veto of the Maysville Turnpike bill, May 27, 1830, the Virginia Senator found himself drawn toward President Jackson. Tyler's independent course at this time can be explained only by the fact that he was a strict constructionist and on that policy he based his actions. Fiske makes the point that it was,

...quite proper and characteristic for him to attack the irregularity of Jackson's appointment of commissioners to negotiate a commercial treaty with Turkey, without informing the Senate; but at the same time he showed good will toward the President by voting in favour of confirming the appointment of Van Buren as minister to Great Britain.

Tyler gave his support to Jackson in the presidential election of 1832 in preference to Clay, Wirt, or Floyd. Yet when Jackson endeavored to suppress the nullification of South Carolina with a firm hand, Tyler opposed him unflinchingly. In a special message to Congress, the President asked for full authority to use the army and navy to suppress armed insurrection. Congress replied with the famous "Force Bill."

The debate on this bill proceeded for several days. Although advised by many to remain silent on this issue for fear of decreasing his popular-

18 John Fiske, Harrison, Tyler and the Whig Coalition, Macmillan, N. Y., 1903, 333.
19 Ibid., 334.
ity, Tyler rose to speak regardless of the threat to his political career.

He stated,

...I have followed the example of Virginia in opposition to the protection policy...I have all proper confidence in the President, but I have an instinctive abhorrence to confiding extravagant power in the hands of any one man...If the majority shall pass this bill, they must do it on their own responsibility; I will have no part in it. Yes, sir, 'the Federal Union must be preserved.' But how? Will you seek to preserve it by force...If war shall grow out of this measure, you alone are responsible. I will wash my hands of the business. Rather than give my aid, I would surrender my station here.20

And Tyler was a man of his word. When the bill was voted on in the Senate many of its opponents under the leadership of Calhoun left the Senate Chamber, feeling further opposition was useless. Not so Tyler, who remained to cast his vote—a vote of convictions, and the Force Bill went through: Yeas, thirty-two; Nay, one, the vote of John Tyler.21 Here occurred the decisive break between Jackson and Tyler and the formation of the Clay-Tyler alliance. Henry Clay had been working feverishly on some compromise whereby South Carolina could be mollified without too much condescension on her part. He introduced his Compromise Tariff Bill of 1833 hoping to win Calhoun and his followers to a policy of conciliation. It was Tyler who became the mediator between the two and in the acceptance of the Compromise Bill by the South Carolinans, war clouds blew over.22

20 Register of Debates, 22nd Congress, 2nd sess., 20-21.
21 Niles Register, XVIII, 430.
During the preceding session Tyler had been reelected to the Senate for six years from the 4th of March, 1833. In the session of 1833-34 the most significant event was the removal of deposits ordered by the President. In the charter granted to the Bank of the United States it was provided that the public money placed in its keeping could be removed by the Secretary of the Treasury whenever such removal should be necessary for the public interests; providing that the reasons for so doing should be laid before Congress at the next session. In order to accomplish this Jackson found it necessary to dismiss the Secretary of the Treasury, Mr. Duane, and replace him with Mr. Taney, who accomplished the work desired by the Executive. Great was the indignation against such procedure and at the next session Congress took up the question. After discussion, resolutions were introduced censuring the President for his action, and Tyler, together with Webster, voted in the affirmative. Memorials poured in from all over the country in protest, and Tyler received several from his state.

Meanwhile President Jackson sent in a reply to the censure and at the same time Mr. Benton, supporter of the administration, gave notice of his intended "expunging" movement. He proposed to have the words of censure against the chief executive stricken from the books. No action was taken on the subject at that session. However, friends of the President brought pressure to bear on the individual legislatures, and the Legislature of Virginia passed resolutions instructing her senators to vote for the "expunging resolutions" proposed by Benton. The governor, Mr. Tazewell, was requested to forward these instructions to the two senators from Virginia,
Mr. Leigh and Mr. Tyler. This he refused to do, and by the direction of the Assembly, the instructions were forwarded to the two senators by the speakers of respective houses.23

Mr. Leigh, acknowledging the right of instruction where no constitutional point was involved, refused to be bound to obey instructions to do an act which he conscientiously could not support. He pointed out that the very resolution to be expunged had been the one voted for by Tyler in concurrence with the opinions of the Legislature of Virginia, at that time. He would neither obey nor resign.

Tyler, however, since he could not in conscience vote for the "expunging resolution" bowed to the "right of instruction" on which he had taken so definite a stand years before. On February 20, 1836 he placed in the hands of the President of the Senate his resignation, in spite of the attempts of Calhoun and Clay, Whig leaders, to dissuade him from such sacrifice to idealism. To them he replied:

Gentlemen, the first act of my political life in the Virginia Assembly was a censure of Messrs. Giles and Brent for opposition to instruction. The chalice presented to their lips is now presented to mine and I will drink it even to the dregs.24

With this action Tyler took leave of the Congress of the United States to which he would later return as chief executive.

In view of such a public career it is difficult to see John Tyler as ambitious, haughty, or self-centered. His political record is one of

23 Tyler, II, 225.
24 Niles Register, LVII, 249.
courage, straightforwardness, and adherence to principle in spite of cost. From the time of his entrance into the Whig Party he had been accused of ambition and hypocrisy. Was it Tyler who sought the Whig Party for his own personal aggrandizement or did the Whig Party seek Tyler?

The Whig Party had come into existence during the year 1834. In the North, the National Republicans, the party of Clay and Webster, were beginning to call themselves "Whigs" while the southern strict constructionist gladly took the name of "States' Rights" Whig. The name of the party was given it by James Watson Webb, editor of New York Courier and Enquirer and it was intended to suggest opposition to the encroachment of the executive. A more accurate title would have been the "Anti-Jackson party" for the source of Whig unity was not in its members' conformity to political faith but in their opposition to Jackson which was carried over to Van Buren as following in the "footsteps of his illustrious predecessor". It included "followers of Clay, Webster and Calhoun, Anti-Masons, Conservatives, Bank men, Anti-Bank men, Tariff-men and Nullifiers." To all appearances every element that could be rallied to the attack of Jackson and Van Buren was to be found within the Whig ranks.

While John Tyler was a Virginian of the extreme States' Rights Jeffersonian School and had little in common with Clay and the National Republican party, nevertheless, when the newly-formed Whigs announced opposition to the consolidation of power in Washington, he felt his place was with that party.

25 Fiske, 339.
26 Ibid., 340.
Thus in 1836 after having opposed Benton's expunging resolution and submitting his resignation when Virginia's legislature instructed him to vote for it, Tyler severed his last link with the Democratic party.

The forthcoming presidential election presented a golden opportunity to the conglomerate Whigs convened at Harrisburg. It was not one to be lost! Clay hoped for the nomination, but Clay had too many enemies, and Harrison was chosen instead. In the hopes of holding the southern Whigs fast, "it was deemed wise to name Tyler, a Southern Whig in 1836, and the widespread indignation at his resignation from the Senate since that time attested to his popularity in the State."27 And so John Tyler was sought by the Whig Central committee to bolster up their ticket.

The crafty central committee did not commit itself to any hard and fast platform--its battle ground was the deficiencies of the Jackson-Van Buren administrations.

In the light of what followed it is worth while to compare statements of Clay with those of Tyler.

Clay spoke in this campaign at Hanover County, Virginia. There he declared that executive power should be circumscribed by limiting the executive to one term and by having the veto overridden by a majority of Congress. He declared the Treasury should be controlled by Congress and that the tariff was settled fairly by the Compromise Act of 1833. As for the Bank question, Clay held it "should be left to the arbitrament of an enlightened public opinion."28

28 Colton, IV, 271.
On the other hand John Tyler addressed a group of Whigs in Louisville in July of 1839. He emphasized what he considered Whig policies. "Though differences of opinion existed among its members, yet the platform of principles was broad enough for all to battle for the common good. The Senate should be restored to its original position of dignity and power." In October of 1840 speaking in Ohio, Tyler expressed his conviction that the Bank was unconstitutional.

The Whig denials that the Bank was an issue, the claim of its Whig State Convention that Harrison was opposed to the institution, Webster's refusal to discuss it at Richmond, Clay's ambiguity and Tyler's open opposition, all would indicate that the Virginia Whigs had no idea they were voting for the reestablishment of the Bank. Indeed, in a speech made in the Senate in 1891, Buchanan declared that during the whole election campaign of 1840 he never saw one single resolution in favor of a national bank which had been passed by any Whig meeting in any part of the country.

The election of 1840 was a Whig victory. It was a strange victory and one that would soon fade away. The Whig platform was all-embracing in its vagueness, the president-elect inclined to republican principles, but the vice-president-elect was neither vague nor evasive in his doctrine of state rights.

Just one month after his inauguration on April 4, 1841, President Harrison died, and a few hours later Fletcher Webster, son and assistant to

29 Tyler, I, 617-618.
30 Ibid., 621.
31 ibid., 75, 77.
32 Simms, 154.
Daniel Webster, Secretary of State, was en route to Williamsburg, Virginia, the home of John Tyler, with the following message addressed to the Vice President and bearing the signatures of the members of Harrison's cabinet:

John Tyler,
Vice President of the United States:

Sir:

It has become our most painful duty to inform you that William Henry Harrison, late President of the United States, has departed this life. We lose no time in dispatching the chief clerk in the State Department as a special messenger to bear you these melancholy tidings.\(^{33}\)

Since Harrison was the first president to die in office there was no precedent to determine whether the Vice President should receive the title, power, and dignity of an officially elected President or merely the power and duties. The text of the constitution provides that "in case of the removal of the President from office or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice President."\(^{34}\) At once the question arose whether "the same" referred to the office or the duties. In the Senate J. B. Allen of Ohio contended that the chief executive be addressed as "the Vice President, on whom by the death of the late President, the powers and duties of the office have devolved."\(^{35}\) This resolution was defeated by a vote of thirty-eight to eight.\(^{36}\) Meanwhile, in the House of Representatives, Henry A. Wise of Virginia offered a resolution proclaiming that Tyler was by the

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\(^{33}\) National Intelligencer, April 5, 1841.
\(^{34}\) United States Constitution, Article II, Section I.
\(^{35}\) Congressional Globe, 27th Cong. 1st Sess., 34.
\(^{36}\) Ibid., 41.
Constitution, by election, and by the act of God, President of the United States. This resolution was passed unanimously.\(^{37}\) In the nation there was a division of opinion regarding the official status of the new President. Some referred to him as "acting president", some, as serving "ad interim", while others were convinced that he possessed all the powers of the presidential office as if he had been originally elected to it.

Tyler, himself, in collaboration with his cabinet, disregarded all doubt and dispute and assumed his new duties with full and unqualified authority. Thus the rule was established that has been consistently followed from that day to this when the office of chief executive of the United States becomes vacant.

Tyler's accession was gladly acclaimed by the States-Rights wing of the Whig party. Ex-Governor Glimer of Virginia, typical of this group, voiced the following estimate of the new President:

> It is a source of great consolation and encouragement under these circumstances that the executive trust of the Federal government has devolved on one who is well known and justly appreciated in Virginia, and who comes up to the standard prescribed by our Jefferson in honesty, capacity, and fidelity to the Constitution. I venture to say that John Tyler will never disappoint the confidence that has been reposed in him; that he will regard his own and every other office under the government as a sacred trust, created for the public good and not for party or private emolument.\(^{38}\)

By no means was this high opinion shared either by the Democrats or even by all members of Tyler's party. Prominent among those who regarded

\(^{37}\) Ibid., 72.

\(^{38}\) Tyler, I, 610.
him with misgiving was Ex-President John Q. Adams who writes:

Tyler is a political sectarian of the slave-driving Virginia Jeffersonian school, principled against all improvement, with all the interests and passions and vices of slavery rooted in his moral and political constitution; with talents not above mediocrity and a spirit incapable of expansion to the dimensions of the station upon which he has been cast by the hand of Providence, unseen through the apparent agency of chance. No one ever thought of his being placed in the executive chair.39

To Henry Clay, nationally acknowledged leader of the Whig party, the unforeseen accession of Tyler was disconcerting to say the least. Clay had devised carefully formulated plans by which he, as chief pilot, would direct the Harrison administration. But would Tyler lend himself to this puppet role? The Kentuckian wondered, and in a letter to his friend Sen. Brooke remarked: "I repair to my post in the Senate with strong hopes—not unmixed with fears."40

40 Colton, 451.
CHAPTER II
PRESIDENT TYLER THE FINANCIER

One of the most important results of the financial policy adopted by the Washington administration was the formation of the "two-party" system, a system which has dominated American politics to the present day. Those who followed the leadership of Hamilton, advocating a strong central government, were termed Federalists. The opposition group led by Jefferson and Madison styled themselves Democratic-Republicans. Among other policies Hamilton advocated the creation of a national bank modeled on the bank of England. Hamilton believed that a bank of this type would provide the much needed currency, banking facilities for carrying on commercial transactions, act as a depository for public funds, and as a fiscal agent for the government. Jefferson, aided by Randolph, opposed the creation of this institution on the grounds of "state rights", maintaining that the Constitution nowhere conferred such creative powers on the government. They held that the phrase "laws necessary and proper", did not mean, laws merely convenient. In defense of his proposed measure, Hamilton advocated a "loose construction" interpretation of the Constitution arguing that:

If the end be clearly comprehended within any of the specified powers, and if the measure be clearly comprehended within any of the specified powers, and if the measures have an obvious relation to that end and is not forbidden by any particular provision of

2 Ibid., 54. (20)
the Constitution, it may safely be deemed to come within the compass of the national authority.3

Hamilton's logic prevailed, and in 1791 a national Bank of the United States was chartered for twenty years with a capital of $10,000,000 one fifth of which was to be subscribed by the government. The notes of the bank were limited to the amount of the capital stock and were to be receivable in taxes as long as they were redeemable in specie. Faulkner says of this Hamiltonian victory:

For such a bank there was a real need, but the bill to establish it aroused the bitter opposition of the group that opposed further federal centralization and feared the control of the government by the monied interest.4

So, from its infancy the government of the United States was faced with the struggle over the existence of a national bank. The conflict centered around two points: first, was it Constitutional? Secondly, had it become a monopoly in the hands of a few, working to the disadvantage of the common man while favored and safeguarded by the government? The problem of the bank was to be of paramount importance for years; over it political parties would be wrecked and new ones arise; because of it, individual political careers would either be made or ruined.

The bank became an issue again when in 1811 its charter expired. The Jeffersonian Republicans were able to prevent its recharter, for by this time the cause of "state rights" had gained in strength. On the occasion of the struggle for the recharter in Congress the name of John Tyler makes

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3 Ibid., 96.
its initial appearance in the wearisome bank controversy. At that time
Tyler was serving as Representative in the Virginia House of Delegates.
Virginia had instructed her two senators, Giles and Brent, to vote against
the chartering of a United States Bank. The instruction was disobeyed, and
Mr. Tyler introduced a resolution of censure into the House of Delegates
which set down the principle to be established:

...Hereafter that any person accepting the office
of Senator of the U. S. from the state of Virginia,
by such acceptance tacitly bound himself to obey,
during the period he should serve, the instructions
he might receive from its Legislature.5

This resolution would have great consequences in the life of Mr. Tyler some
twenty years later.

There is no inconsistency in the policy of Tyler toward the Bank—at
least no more than in that of any political leader of that day. Throughout
his career prior to the Presidency one can see clearly the effect of his
Virginia birth and training, for his convictions were those of a staunch
"state's right's" adherent. It is not on the question of the soundness of
his convictions that Tyler has been attacked, but rather on the sincerity
of those convictions. Consequently, it is of great importance that we focus
our attention on the latter if we are to evaluate properly the charges a-
against and counter-charges for Tyler.

When in 1816, the second Bank of the United States was created by the
party that had caused the first to cease to function, because the War of
1812 had shown clearly the necessity of some such institution, we find many

5 Abell, 61.
of its old opponents on the "other side of the fence." Clay, who had voted against a recharter in 1811 strongly urged a second bank of the United States, while Madison, who had denounced Hamilton's bill as unconstitutional, signed in 1816 the bill creating a similar institution.6

Unfortunately within the next two years the bank disappointed its friends. Malpractices in the administration of its affairs were no longer secret. A committee was appointed by the House of Representatives, to which Tyler had been elected in 1816, and Tyler was named on that body. The committee turned in a report that the provisions of the charter had been violated and concluded with the statement, that:

...They have not recommended the adoption of any immediate measures to correct the many evils and mischief they have depicted—because by the provision of the charter, the Secretary of the Treasury has full power to apply a prompt and adequate remedy whenever the situation of the Bank shall require it.7

Three different propositions were made in the House as a result of this report. One provided that the public funds be withdrawn from the Bank, and that the Attorney General should direct a scire facias unless the Bank complied with certain recommendations. Another, more radical, required that a scire facias should be issued immediately, unconditionally, and that proceedings prosecuted to a final judgment. A third resolution instructed the Committee of the Judiciary to bring in a bill at once to repeal the charter of the Bank.

It is in this instance that Tyler spoke out clearly and fearlessly—

6 Bolles, 122.
7 Abell, 114.
voicing his opposition to the Bank in terms that cannot be misunderstood and therefore cannot inadvertently be misconstrued.

In a speech that lasted part of one day and into the next Mr. Tyler spoke against the proposition of Mr. Johnson and supported that of Mr. Trimble. The following quotations from the speech are hardly those of a vacillating cowardly individual; they are too powerful and too denunciatory not to commit the speaker to a path from which turning would be much too difficult, even if he were of the type to swerve.

...The question, whether it be proper to issue a scire facias against the Bank, divides itself into two heads of inquiry. First, whether the charter has been so violated as to insure a forfeiture. And so, is it expedient to exact the forfeiture? The decision of the first would preclude me from the inquiry into the second; for, inasmuch, as I believe the creation of this corporation to be unconstitutional, I cannot, without a violation of my oath, hesitate to repair the breach thus made in the Constitution, when an opportunity presents itself of doing so without violation of the public faith....

...I presume, then, that this charter has been violated and that, if subjected to an investigation before a court of justice, it will be declared null and void. Under every view, then, which I have been able to take, I think that the Bank has forfeited its charter, or at least that it becomes us to direct a scire facias....Is it expedient to direct a scire facias or in other words, to put down this corporation? I contend that it is. For one, I enter my protest against the banking system as conducted in this country; a system not to be supported by any correct principle of political economy.9

...There remains, then to be considered but one other point. How would the government be affected

8 Congressional Globe, 15th Congress, 2nd session, 1309.
9 Ibid., 1327.
by the dissolution of this charter? I protest against the idea that the government cannot get on without the bank. We are not dependant on this corporation.10

No drastic steps were taken by the House, however, in the instance. One of the resolutions was withdrawn and the other two were lost by large majorities and so the second National Bank weathered this ordeal only to go down under the assault of Jackson.

Jackson's animosity toward the second Bank reflected his western origin. Eyeing it as a monopoly dominated by eastern capitalists it was not too difficult to convince himself that the bank opposed his election in 1828.

In successive messages Jackson questioned the constitutionality and the expediency of the bank, asserting that it had failed in the great end of establishing a uniform currency. He might question the constitutionality of the bank, in spite of Marshall's opinions upholding it but the second charge according to Faulkner is without foundations:

...The enmity to it was in no small part due to the fact that it had succeeded only too well in providing a stable currency and in restraining the inflationary tendencies of the state banks. Committees in both houses investigated the bank and reported favorably, while Jackson on his part stated in his message of 1831 that he held to his former view but he left the question for the people and their representatives to settle.11

John Tyler was now a member of the Senate and from the time the bill for rechartering the second Bank of the United States was before the Senate he opposed it at every step. When it was certain that the bill would be

10 Ibid., 1328.
11 Faulkner, 194.
passed, Tyler lent his aid to make it as little objectionable as possible. In defense of his action he said:

...these considerations lead me to oppose my vote to all moneyed corporation; but while I feel constrained to vote against the rechartering of this bank, if it is to pass, I wish to protect the other interests of the country against evil.12

The fate of the bill at Jackson's hand was hailed as a great victory of all true Jeffersonians. Although it passed the Senate, Jackson, fulfilling his many threats, vetoed the bill, and the second Bank of the United States had two years in which to put its house in order before its lease on life expired.

A Senate Committee was appointed to investigate the charges against the Bank and again Mr. Tyler was named on that body. One of the most outstanding of the charges was that of unusual loans being made to Congressmen. Evidently Mr. Tyler's report was not too denunciatory, for according to Caterall:

...in the matter of granting unusual loans to congressmen, the bank seems to have laid itself fairly open to censure. Yet, much of this must be mitigated if the loans were safe. Mr. Tyler's committee in 1834 reported on this head that of loans made by the Philadelphia office to individuals then in Congress only $400 had been carried to the account of "suspended debt" and one not of $500 protested. These it considered debts which would ultimately be paid. Some cases existed at branches, but all these loans seem to have been made "upon as good security" as was customary in other cases.13

It is consistent with a man of character, while making a report on an

12 Register of Debates, 23rd Congress, 2nd Session, 32.
issue to which he was unalterably opposed to present facts as they really were and not endeavor to criticize or color where there was no opposition.

A point in favor of Mr. Tyler's fair play was his reaction to President Jackson's removal of the deposits. It can hardly be held that Tyler's opposition to the Bank sprang from personal grievances, as did Jackson's, or that his antagonism was as a crusade—or as a fanatic wishing to crush it once and for all. His hostility seems to be more that of steadfastness based on principle. Tyler supported the President in his opposition to the Bank and rejoiced at the veto of the Bill, but, when Jackson struck at the already doomed bank to deal it a deathblow by removal of government deposits, Tyler spoke out in protest at such usurpation of power:

For one, I say, if it is to die, let it die by law. It is a corporate existence created by law, and while it exists, entitled to the protection which the law throws around private rights. The rights of the Bank are the rights of individuals; and shall it be held to be a justification for violent proceedings against it, that in the estimation of the President it is dangerous to the community, a monster of such powers that it should be suppressed? 14

Charges of inconsistency were made against Tyler drawn from the speech of Mr. Wilken, (Penn.) who referred to a speech delivered by Tyler in 1819, when, as a member of the House Committee to investigate the Bank, a report was returned acknowledging that the Secretary of the Treasury had absolute power over the deposits. In reply Tyler said:

Nothing in that report justifies the effort which has been made to convert a sentence of it into the declaration that the secretary possessed unlimited power over the deposits when we declared that the committee

14 Register of Debates, 23rd Congress, 1st session, 58-59.
have not recommended the adoption of immediate measures to correct the money evils they have depicted, because by the provision of the charter, the Secretary of the Treasury has full power to apply a prompt and adequate remedy whenever the situation of the Bank shall require it....The honorable senator from Pennsylvania (Mr. Wilken) has referred to a speech which I delivered as justificatory of the course pursued by the Secretary on this occasion. Now I deny that there is a single expression in the whole speech which countenances such an idea. If a single sentence in that speech can be arrayed against me on the present occasion, then, sir, I am willing to acknowledge myself guilty of inconsistency. There is no such sentence.16

...I am against the Bank...but I oppose it because it is unconstitutional. If the Constitution authorized its creation, no man with the experience of the past could well doubt the propriety of a well-guarded bank. But no benefit, however great, should lead us to make an inroad on the Constitution, except by amendment....If my opinion could have any influence over the country, my advice would be, restore the deposits, and amend the Constitution....This contest has continued long enough; its agitation has never failed to produce disastrous results; whatever affects the currency affects every interest of society. Why shall this dispute be periodically continued? Let it be settled in the one way or the other by the states, and settled permanently. The question of bank or no bank has been always made a political stepping-stone; ambition seeks to vault into the presidential saddle through its influence. Sir, it is the last subject which ought to be handed over to the politician.16

This speech was made in 1833. The Bank was destroyed and in its place Jackson's "pet banks" became custodians of the federal deposits.

Certainly no student of history, nor any contemporary of Tyler who sat with him in Congress, could have doubted but that any Bank erected on the principle of the first two of the United States would be considered

16 Ibid., 119-23.
16 Ibid., 136-41.
constitutionsal by John Tyler. Nor could they in the light of this last speech claim that he was against all Banks—he had already stated how a bank could be made acceptable to him.

Within the next six years the anti-Jackson forces were consolidated into the Whig Party. The great opportunity for the Whigs came in the presidential election of 1840 and John Tyler was offered the vice-presidency. Can it possibly be held that those of the Whig Party who offered him the vice-presidency thought he had changed and was now pro-Bank? Hardly, although Clay and his supporters would give such an impression. If they had thought that, there is an instance that dispelled any such idea.

A letter from a group of citizens of Henrico County, Virginia, was sent to the candidate asking him if he still held his anti-Bank views, and, in the event he was elected vice-president, and a bill to recharter a Bank of the United States received a tie vote in the Senate, what would be his course. Tyler replied that he would never sign a charter for such an institution while the Constitution remained in its present form. The Whig central committee suppressed the letter feeling it would be unwise to array themselves directly against the opinion of many Whigs who were in favor of a Bank. 17

It was in answer to a group of Democratic citizens of Pittsburgh, who questioned him on his belief in the constitution of a Bank of the United States, that Tyler reiterated his unyielding opposition to the recharter of

17 Henry A. Wise, Seven Decades of the Union, Lippincott and Co., Philadelphia, 1876, 177.
According to Mr. Wise:

Mr. Tyler addressed to me, in Washington, a letter from West Virginia, saying that a meeting of the Democrats of the city of Pittsburgh, Pennsylvania, had called on him especially to say whether he would, in any event, sanction the incorporation of a United States Bank; he inclosed to me the proceedings of their meeting and their resolutions, and sent me his reply, with instructions to submit it to the leading members of the Whig party for them to determine whether it should be transmitted to Pittsburgh, and be published, or not. The substance of the reply I remember well—that a Bank of the United States was unconstitutional, and that he could not sanction the incorporation of one, without an alteration of the Constitution. He then emphatically asked those who addressed him, if these were their sentiments, whether they would maintain them at the polls, or whether their object was to divide the Whig party by publishing them. This reply thus given I did submit to several Whig members of Congress whose opinions I thought most entitled to respect and deference, and they decided it was politic to give it publicity; that Mr. Tyler's opinions were already known, and that it was unnecessary to array them directly against those of many who were in favor of a bank; and all who made the Bank a test could ascertain his sentiments in the past, which had never been recanted, and no one could plead that they had either been concealed or that any deception was practiced. I accordingly returned the papers to Mr. Tyler. 18

Since this incident occurred after the nomination and before the election the political leaders could hardly assert truthfully that they were ignorant with respect to Tyler's attitude toward a United States Bank.

In his inaugural address President Tyler pledged himself, "to carry out the principles of that Constitution which I have to protect, preserve, and defend," and promised to sanction, "any constitutional measure, which, originating in Congress, shall have for its object the restoration of a

18 Ibid., 184.
sound circulating medium." Later in his special session message he expressed the need of a "fiscal agent" and mentioned the alternative of a Bank of the United States, the use of state banks as depositories, and the Subtreasury. In submitting the question to Congress, however, the President concluded:

I shall be ready to concur with you in the adoption of such a system as you may propose, reserving to myself the unlimited power of rejecting any measure which may, in my view of it, conflict with the Constitution or otherwise jeopardize the prosperity of the country.20

One week after the special session of Congress had begun Henry Clay presented to the Senate his program which was intended as an outline of the forthcoming legislation. This included the repeal of the Subtreasury; the incorporation of a Bank; adequate revenue duties, and a temporal loan and distribution of the proceeds of sales of the public lands.21

On June 8 a resolution was presented in the Senate requesting the Secretary of the Treasury to draw up a plan for a national bank with "as little delay as possible."22 Secretary Ewing made his report on June 13 recommending a central bank in the District of Columbia with branches or offices of discount and deposit located in the several states but with the consent of the said state. This could not be considered unconstitutional since it might be considered an Act of Congress in its capacity as the legislative body of the District of Columbia rather than of the nation.

19 James D. Richardson, A Compilation of the Messages and Papers of the Presidents, 1789-1902, Pub. by Authority of Congress, 1902, IV, 39.
20 Ibid., 51-53.
21 Congressional Globe, 27th Congress, 1st session, 22.
22 Ibid., 47.
Since the bill provided that no branch could be located in any state without that state's consent there was no infringement on "state's right." This bill had the approval of Tyler who was anxious for Clay to endorse it. Webster likewise was in favor of it and considered the plan "the only scheme on which an agreement could be reached." The bill was reported to the Senate committee for investigation. Clay reported on the bill on June 21, stating that after careful examination the proposal was not wholly acceptable but that a compromise might be reached by which a state gave implied assent to the establishment of Bank branches, if its legislature did not object at its first session thereafter. Clay further stipulated that according to the revised bill, Congress, in chartering the bank, was acting in its capacity as the legislature of the United States rather than of the District of Columbia. The final point of revision was that the consent of the states would not be necessary for the establishment of branches. Such a provision would insure the national character of the bank.

Ewing's bill, in the original form, is credited by some authorities to Tyler, who hoped without compromising his own principles, to meet the wishes of the Whig party. Clay's support was necessary and Tyler made a strong appeal to the Senator, but failed. In a private conference with Clay, Tyler asked if he should be required to surrender the consistency

23 Tyler, II, 54.
25 Congressional Globe, 27th Congress, 1st session, 79.
26 Poage, 39.
of his whole life upon a great question of policy and when Clay remained obdurate, Tyler declared:

Then, sir, I wish you to understand this, that you and I were born in the same district, that we have fed upon the same food, and breathed the same natal air. Go you now, then, Mr. Clay to your end of the avenue, where stands the Capitol, and there perform your duty to the country as you shall think proper. So help me God, I shall do mine at this end of it as I think proper.27

And so the die was cast; Clay refusing to support Tyler's bill, presented one to which the President could not subscribe. Such is the attitude of Chitwood, Tyler's strongest advocate, who makes the point, that had Clay responded favorably to Tyler's request and accepted the measure, Congress undoubtedly would have passed it. With the President's signature the bill would have become a law and the bitter fight between him and the Whig majority might have been avoided. "But Clay willed otherwise."28

Lambert on the other hand feels that bank bill or no bank bill, the disruption would have come since it was a battle for the presidency, and all the power that goes with it that was really being waged.29

On August 2, the Bank Bill was taken up by the Committee of the Whole in the House. Marshall of Kentucky enlivened the discussion of the bill by a proposal to strike out the Clay compromise provision and give the Bank unlimited power to establish branches. Adams assailed the compromise measure as "unconstitutional," since, he said, "it contained the whole poison

28 Chitwood, 221.
of nullification." With a vote of 128 to 97 the bill finally passed the House. The decision now rested with Tyler. That the president spent adequate reflection on the issue is apparent from the length of time that the bill was in his hands. He returned it to the Senate with his veto on August 16, the last day allowed by the Constitution.

In a special message to Congress accompanying the vetoed bill, Tyler pointed out that he had always held such a bank to be unconstitutional. He declared opposition to the bill's provision that the consent of any state to the location of a bank within its limits should be assumed if the legislature after its first meeting following the passage of the law should not expressly declare against the establishment of a branch. Many of the states elections for the legislature had already been held, he maintained, without any knowledge by the people that such a question would be proposed. In these states the representatives might wish to submit the question to their constituents before making a decision, but this would not be permitted under the bill. Furthermore, if the legislature should vote against the establishment of a branch and the governor should veto the bill, the legislature would still be considered as having given its consent. "To inferences so violent, as they seem to me, and irrational, I cannot yield my consent.... Far better to say to the states boldly and frankly, Congress wills and submission is demanded." 32

At the news of the veto, excitement in Washington became intense.

31 Ibid., 326.
32 Richardson, IV, 63-68.
Among Whig leaders a storm of opposition was aroused while the Democrats rejoiced. Clay addressed the Senate a few days later condemning the veto and refuting Tyler's objections. Referring to the President's indictment of the bill because of its unconstitutionality, he pointed to the Supreme Court decision. 33 With regard to consistency said Clay, "Could the President have been disgraced and dishonored in yielding his private opinion to the judgment of the Nation? Why could not Tyler have suffered the bill to become a law without his signature?" 34

Meanwhile in cabinet meetings and in a caucus with Whig Congressional leaders Tyler was endeavoring to find some common meeting ground with the members of his party. 35 During these meetings the President remained firm in refusing to modify his opinion regarding the constitutional powers which Congress might confer on a bank, but pointed out that the assent of the states was not necessary for a bank not dealing in local loans. 36 At the conclusion of the Cabinet meeting Tyler warned the group against his being committed to a bill before he had seen it in writing. To Secretary of War, Bell, the President remarked, "I want it understood that I cannot sanction a bill if it is to be made the basis of a bank with all the powers of the late Bank of the United States." 37

On August 19 a new Bank Bill was submitted in the House. Just how far

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33 In the Supreme Court decision of McCulloch vs. Maryland, 1819, the legality of the Bank had been affirmed.
34 Colton, 358-359.
36 Bells "Letter of Resignation," Niles Register, LXI, 54.
37 Ibid., 106.
the committee which prepared the bill endeavored to conform to Tyler's views is uncertain, but in completed form, the bill, while eliminating local discounts, left out of account the weightier question of constitutionality. The new bill provided for a "Fiscal Corporation of the United States." it was passed in the House on August twenty-third by a vote of 125 to 94, and in the Senate on September third by a vote of 27 to 22. The President returned the bill with his veto repeating the objections stated in his former veto message and condemning the Fiscal Corporation. The new bill, declared Tyler,

...was in fact a charter for a national bank, with power to deal in exchanges; and the only provision which connected it with the District of Columbia was the fact that the parent board was to be located at Washington instead of Philadelphia. It limited ostensibly the power to dealing in exchanges, and yet it was, in fact, a bank of local discount. Moreover the bill provided for a corporation created by Congress to operate over the Union by the naked authority of Congress.

In a reply to Clay's statement that if the President could not agree to the combined wisdom of Congress, he should yield his convictions, the message replied:

To say that because a majority in Congress passes a bill he (the Executive) should therefore sanction it, is to abrogate the power of veto and render its insertion in the Constitution a work of absolute supererogation.

At the announcement of the veto the fury of the Whigs broke forth and all the members of Tyler's Cabinet resigned, except Webster, Secretary of

38 Congressional Globe, 27th Congress, 1st session, 352.
39 Richardson, IV, 68-72.
40 Ibid., 76.
State. The latter saw no sufficient reason for the dissolution of the Cabinet and thought its members had been too precipitate. In a letter to the editors of the Intelligencer, Webster declared:

Lest any apprehension should exist, I wish to say that I remain in my place—first because I see no sufficient justification for the dissolution of the late Cabinet... In the second place, if I had seen reasons to resign my office, I should not have done so without giving the president reasonable notice and affording him ample time to select the hands to which he should confide the delicate and important matters now pending in the department.41

Webster publicly ridiculed the Cabinet members in an unsigned editorial in the Madisonian, the official presidential newspaper. The editorial in the Secretary of States handwriting is found among his papers:

Mr. Ewing, who leads off, rejects the veto as ground of resignation and goes out on 'personal dignity'.

Mr. Crittenden follows—having no complaint on personal dignity, he goes out on the veto.

Then comes Mr. Badger, who does not go out on the bank question, but because it is a measure embraced and then repudiated; an effort promoted and then dis—owned; service rendered and then treated with scorn and neglect. That is to say, Mr. Badger resigned because the president trifled with his Cabinet.

But now hear Mr. Bell: 'Nor was it because the president thought it proper to trifle with or mislead his Cabinet, as there is too much reason that he intended to do in the affair of the late Fiscal Bank that I resigned my place. There are other pre-existing causes.' What these other pre-existing causes are or were, Mr. Bell does not inform us. In regard to these, the world is yet to be enlightened!

The inference is fair that there is no plain and substantial cause for breaking up the Cabinet such as the public mind can readily understand and justify. Time will show what opinion the country may come to, but of one thing we may feel entirely confident—and that is that when the passions of the moment have passed away, the revealing of the Cabinet secrets for the purpose of attacking the president is a proceeding which will meet with general condemnation.\(^{42}\)

In the House of Representatives, Botts was abusive in his condemnation:

> The President betrays, as the nation will discern, a destitution of sincerity and candor.... It (the veto) may have come from some hireling scribbler for a dirty penny paper, advocating at times the most detestable doctrines.... Mr. Ritchie in a number of the "Enquirer" fed him for a time on soft corn which he took to as kindly as a house pig.... It is impossible to serve God and Mammon both, so I conceived it impossible to serve Mr. Tyler and my Country at the same time.... They say the President has differed with us on one point only, but Benedict Arnold and Commodore Hull differed on only one point—and that was whether they should fight for or against their country.\(^{43}\)

When a select Committee of the House headed by John Q. Adams investigated the circumstances relating to the bill and the veto message, a majority claimed that Tyler had favored the bill prior to its passage by Congress and later repudiated it.\(^{44}\) The President publicly denied this accusation.\(^{45}\)

On the day the special session of Congress adjourned, the Whig members held a meeting at which was issued the "Whig Manifesto" reading Tyler out

\(^{42}\) Ibid., 204-6.
\(^{43}\) Miles Register, September 18, 1841.
\(^{44}\) Ibid., LXI, 33-35.
\(^{45}\) Richardson, IV, 930.
of the Party for his failure to conform to the Clay program. John Tyler was now a President without a party.

Tyler promptly organized a new Cabinet composed of men who like himself as he asserted "were all original Jackson men and meant to act upon Republican principles." 47

Writers of United States history present varied explanations regarding Tyler's attitude toward the Whig Bank measures. One historian claims that the second veto was the President's reaction to an insolent letter addressed to him by a prominent Whig congressman from Virginia, John M. Botts. 48 He is charged by another with being influenced by the flattery of a group of personal friends toward aspirations to a second term. This could be best achieved by a break with the Clay dominated Whigs. 49

To the judicious observer these explanations seem less logical than that Tyler, motivated by courage and consistency, acted in accordance with principle, and that he conducted himself in his quarrel with the Whigs in the manner of one whose political reputation had proclaimed him a strong advocate of state rights.

Thus was the bank project concluded and it is significant that after Tyler's bank vetoes, the scheme of a great United States Bank never gained vitality. The Whig party itself treated it in subsequent campaigns as an obsolete idea.

46 Niles Register, LXI, 35-36.
47 Tyler, II, 125.
The state of the nation's finances was serious at this time, and, as has been mentioned before, the third issue on Clay's Congressional program was the raising of an adequate revenue by the imposition of tariff duties. When Congress met in regular session in March, 1842, President Tyler sent to the House a special message in which he called its attention to the urgent needs of the Treasury. He pointed out that it would be necessary to raise the tariff above the twenty percent maximum and expressed regret for the necessity of departing from the Compromise Tariff of 1833, since this would cause the distribution of land sales automatically to cease. 50

The Whigs, still antagonistic, were in no mood to comply with the executive wishes and three months elapsed before the House became concerned about the tariff question. Finally two tariff bills were introduced. These measures provided for the postponement until August 1, of the final reduction under the act of 1833, which was to take place July 1, and fixed the same date for distribution. 51 It was obvious that the bills violated the Distribution Act of 1841 and moreover were directly opposed to Tyler's wishes. Clearly Congress was attempting to coerce the Executive to abandon his stand. The provisional tariff act passed Congress June 27, 1842, and two days later the President returned it with his veto. His objection, he stated, lay in the fact that the bill abrogated the Compromise Act of 1832, without sufficient grounds. 52 The House at once took up the proposition of overriding the veto, but without success.

50 Richardson, IV, 185.
51 Congressional Globe, 27th Congress, 2nd session, 615-688.
52 Richardson, IV, 180-183.
On August fifth the permanent tariff bill was ready for the President's consideration. It provided for an increase of the duties on many articles and at the same time permitted the proceeds from the public lands to be distributed among the states. In reality it differed little from the temporary tariff measure and met the fate of another presidential veto. In stating his objections Tyler declared that the bill made the fate of the tariff depend in the future on political favor incurred through the power to distribute public lands funds. While the question of distribution was merely one of political importance, the tariff, in his estimation, was a permanent issue and should be considered apart from politics.53

There was no doubt that the Whigs were using their power to aggravate President Tyler and increase the severity of political strife. The veto message was referred to a select committee headed by John Quincy Adams which reported on August 16th. This report reviewed the relations of the President and the existing Congress, condemned his course in the strongest terms, and offered a resolution recommending an amendment to the Constitution that would enable a simple majority to pass a bill over the executive veto.54

The report was adopted by the House, but the proposition to amend the Constitution failed for want of a two-thirds majority. The President then directed a protest message against the action of the House condemning its injustice.

I have been accused without evidence and condemned without a hearing....I am charged with violating pledges which I never gave and because I execute what I believe to be the law, with usurping powers

53 Richardson, IV, 183-189.
54 Congressional Globe, 27th Congress, 2nd session, 894-896.
not conferred by law, and above all, with using the powers conferred upon the President by the Constitution from corrupt motives and for unwarr­ rantable ends. And these charges are made without any particle of evidence to sustain them, and as I solemnly affirm without any foundation in truth.55

The protest was refused a place in the House Journal. But meanwhile Tyler had won the victory, for the Whigs, not daring to face their constituents without having passed some kind of a revenue measure, finally broke ranks and allowed a bill to pass without the distribution clause.56 This measure known as the McKenna Tariff Bill was signed by President Tyler on August 11th and the stormy contest was over.

55 Richardson, IV, 190-192.
56 Congressional Globe, 27th Congress, 2nd session, 973.
CHAPTER III

PRESIDENT TYLER THE DIPLOMAT

In foreign affairs the most difficult problem which confronted President Tyler concerned relations between the United States and Great Britain. The question of the northeastern boundary had been a matter of controversy since the treaty of peace in 1783. The dispute was referred to the King of the Netherlands in 1827 but his decision was not accepted by either nation. Meanwhile the state of Maine had been organized out of the territory of Massachusetts and between its authorities and those of Canada there was constant turmoil and conflict. Great Britain was angered at the failure of the United States to grant her the right to police the seas for the suppression of the slave trade while the United States, with memories of the vicious English practice of impressment before the war of 1812, distrusted the motives of Great Britain in asking for this right. A problem of peculiar difficulty had arisen in connection with the Canadian Insurrection against Great Britain in 1837. An American vessel, the Caroline, used by the insurgents, had been seized by the English while at dock on the American shore of the Niagara River and sent blazing into the current. In the excitement an American citizen had been killed. Delay in the adjustment of these difficulties was merely augmenting them and the public mind of the two countries was infected with hostility.¹

President Tyler evinced a strong desire for a complete settlement of all outstanding disputes between the two countries and gave hearty support and invaluable aid to Daniel Webster, Secretary of State, upon whose shoulders American responsibility rested. That the British Government was in agreement with the United States was shown by the selection of Washington instead of London as the place of negotiation and of Lord Ashburton as negotiator.

Ashburton was the head of the great banking house of Baring Brothers and was universally known to be a friend of the United States. In the controversies preceding the war of 1812 he had supported many of the American contentions. Moreover, he was a personal friend of Webster and both men looked forward to the pleasure of meeting again during the negotiations.

In a letter to Webster written soon after his appointment Ashburton said:

The principal aim and object of that part of my life devoted to public objects during the thirty-five years that I have had a seat in one or the other House of Parliament, has been to impress on others the necessity of, and to promote myself, peace and harmony between our countries; and although the prevailing good sense prevented my entertaining any serious apprehensions on the subject, I am one of those who have always watched with anxiety at all times any threatening circumstances, and clouds, which however small, may through the neglect of some or the malevolence of others end in a storm, the disastrous consequences of which defy exaggeration.

Lady Ashburton, who was the daughter of William Bingham, a member of the Continental Congress and afterwards a senator from Pennsylvania, wrote

3 Webster, II, 205.
to Webster, "the honors thrust upon my husband came from his being the person most zealous in the cause of America and most sanguine as to the possibility of settling the differences between the two countries." 4

Contrary to the usual rule, the negotiations between Ashburton and Webster were carried on by informal conference. Years later President Tyler made a statement that no minutes were kept of the meeting and no protocols were prepared for the drafting of the treaty. "The letters," wrote Tyler, "were written after agreement and each submitted to me and received my corrections." 5

Rapidly Webster and Ashburton cleared the field. In the settlement of the boundary issue they abandoned interpretation and made compromise and division the basis of their settlement. This method was more difficult for Webster than for Ashburton as both Maine and Massachusetts were concerned and representatives from these states present at the conference had to be separately convinced. 6

The non-conciliatory attitude taken by the Maine commissioners constituted the most serious drawback in the adjustment of the boundary. During one part of the negotiations a stalemate occurred due to their unwillingness to accept the terms proffered by Ashburton. This, in addition to the excessive heat of the Washington summer, caused the British representative to become so discouraged that he contemplated abandoning his mission and returning to England. In a communication to Webster on July 1, 1842, he

4 Ibid., 254.
5 Tyler, II, 242.
wrote: "I contrive to crawl about in these heats by day and spend my nights in restless fever. In short I shall positively not outline this affair if it is to be much prolonged." It was at this dark hour that President Tyler made an overture to Ashburton and saved the situation. The President invited Ashburton to the White House to confer with him and during this interview succeeded in placating the aged envoy.

The negotiators finally agreed upon an arbitrary boundary, leaving in the hands of Great Britain a strip of land east of the St. Lawrence, which, in the possession of the United States, might have been a military menace to Canada, and which would permit the British to maintain highway communication between Quebec and New Brunswick. The United States was to obtain about 7,000 of the 12,000 square miles under dispute.

Webster knew that Maine would not accede to this arrangement unless some compensations were offered. He therefore proposed that the United States should pay to Maine and Massachusetts $125,000 each and should also reimburse Maine for expenses incurred in calling out the militia in 1839 for the protection of the disputed area. While admitting that the settlement did not secure all the American claims, the Secretary of State insisted that no further concessions could be expected from England. He made a strong appeal to the two states and in a few days the commissioners involved accepted the plan of readjustment.

7 Webster, I, 232.
8 Tyler, II, 458.
10 Latane, 120.
With the north-eastern boundary thus disposed of by compromise, Webster and Ashburton addressed themselves to the task of settling the non-territorial questions in dispute. The first of these was the question of the Caroline. Great Britain had refused to apologize for the destruction of the vessel, having pleaded self-defense as an explanation of the Canadian attack on a ship belonging to citizens of a friendly power. Webster, however, stressed the violation of our territorial sovereignty and finally succeeded in withdrawing from Ashburton the admission that the United States was correct in its interpretation of international law. The British envoy was induced to write a letter deprecating the occurrence. "Looking back at what passed at this distance of time," he wrote, "what is most to be regretted is that some explanation and apology for this occurrence was not immediately made."¹¹ Seizing upon the vital work "apology," which Webster declared it took him two days to bring Ashburton to use, the Secretary of State closed the matter through a note, in which he said that the President, in response to the admission "that an explanation and apology for this violation was due at the time," was ready to receive these acknowledgments and assurances "in the conciliatory spirit which marks your Lordship's letter."¹²

The next problem to be considered was in reference to the suppression of the slave trade. Our government, traditionally averse to admitting that foreign nations possessed the "right of search," had refused to sanction

¹¹ Niles Register, LXIII, Official Correspondence of Daniel Webster, 40-47, 53-63.
¹² Ibid., 65.
the stopping on the high seas of American ships engaged in slave trade. Inevitably citizens of other countries had protected themselves in the slave traffic by raising the American flag. 13

The agreement of 1840 between the American and British commanders for joint cruising in African waters, an agreement which had been disavowed by the Van Buren administration, gave Tyler the idea of a method of policing the slave trade without introducing the danger of search or visitation. Webster presented the plan to Ashburton, who accepted it, and it became a part of the treaty. According to this pact, the two nations agreed to keep on the coast of Africa a naval force of not less than 80 guns for the suppression of the trade. Each squadron was to be independant of the other, but the government of each was to give such orders as to enable the officers of the respective fleets to act in concert and to cooperate upon mutual consulation as exigencies might arise. 14 Such an agreement of course was also in the nature of a compromise. Ashburton was assured of the maintenance of a fleet which would act in concert with British force. Tyler and Webster held to their position of not conceding a right of search.

President Tyler signed the treaty on August 9th and sent it to the Senate on August 11th. Although it was received at the close of a long session during which Whig anger had reached white heat, nevertheless in spite of the strong opposition of Democratic Senator Benton of Missouri, it was approved on August 20th by the decisive vote of 29 to 9. 15 Strange-

13 Curtis, 184.
14 Niles Register, LXXXII, 72-75.
15 Congressional Globe, 27th Congress, 3rd session, 92.
ly enough was the fact that among the nine opponents of the treaty there was only one Whig, Conrad of Louisiana.16

While the treaty is regarded as Webster's greatest achievement in diplomacy, and deservedly so, no small credit for its success belongs to President Tyler. Perhaps no one recognized this fact more keenly than the secretary himself. In a letter to the President written soon after the treaty was signed, Webster wrote:

I shall never speak of this negotiation, my dear Sir, which I believe is destined to make some figure in the history of the country without doing you justice. Your steady support and confidence, your anxious and intelligent attention to what was in progress, and your exceedingly obliging and pleasant intercourse, both with the British minister and the commissioners of the States, have given every possible facility to my agency in this important transaction.17

Thus amicable relations were restored between Great Britain and the United States despite the prediction of John Quincy Adams who had noted in his diary on March 18, 1842, that "negotiations upon the Maine boundary, the South sea boundary, the slave-trade, and the seizure of our ships on the coast of Africa, are thorns to be extracted by purer and more skillful hands than are to be found in the administration of John Tyler."18

A minor triumph of diplomacy during President Tyler's administration was the establishment of diplomatic relations with China. Soon after the independence of the United States was attained, American vessels began to make voyages to the Far East, and in a few years a direct trade was built

16 Ibid., 102.
17 Webster, I, 247.
up and an important commerce was carried on with China. In a message to Congress December 30, 1842 Tyler communicated information respecting the trade with China and urged that adequate provision be made for representation to that empire. 19 In concluding his communication the President said:

Being of opinion, however, that the commercial interests of the United States connected with China require at the present moment a degree of attention and vigilance such as there is no agent of this Government on the spot to bestow, I recommend to Congress to make appropriation for the compensation of a commissioner to reside in China to exercise a watchful care over the concerns of American citizens and for the protection of their persons and property, empowered to hold intercourse with the local authorities, and ready, under instructions from his Government, should such instructions become necessary and proper hereafter, to address himself to the high functionaries of the Empire, or through them to the Emperor himself. 20

As a result of this latter recommendation an appropriation was made by Congress "to establish the future commercial relations between the United States and the Chinese Empire on terms of national equal reciprocity." 21

Caleb Cushing accepted the appointment of commissioner to China much to the gratification of Tyler who felt indebted to Cushing for his staunch support of the administration in Congress. In the carefully prepared instructions to Mr. Cushing Secretary Webster laid down the policy which has ever since been followed by our government of disinterested friendship for China, but at the same time of a strict enforcement of the rights of American citizens. Since the Chinese rulers had been accustomed to look upon

19 Richardson, IV, 211.
20 Ibid., 212.
21 Congressional Globe, 35th Congress, 1st Session, 1203.
other nations as dependents and their representatives as tribute-bearers, Cushing was directed to make clear to the Chinese Government that he was no tribute-bearer and furthermore to make known "that the United States Government pays tribute to none and expects tribute from none; and that even as to presents, the United States Government neither makes nor accepts presents."22

Soon after his arrival at his post Cushing was able to negotiate the treaty which was signed at Wanghia, China July 3, 1844. In communicating the treaty to the State Department, Cushing wrote, "By the treaty the laws of the Union follow its citizens, and its banner protects them even within the domain of the Chinese Empire."23 The treaty opened five ports to United States trade and provided that all citizens of the United States in China should be wholly exempted in criminal and civil matters from the local jurisdiction of the Chinese government and subject to the jurisdiction of the proper authorities of the United States alone.24

President Tyler submitted the treaty to the Senate December 10, 1844, and it was duly ratified, thus inaugurating the United States official political and commercial relations with the vast Chinese empire.

Another diplomatic achievement to the credit of President Tyler was the opening of consular relations between the United States and the Hawaiian Islands. These islands in the distant Pacific, commonly known as the Sandwich Islands, had been visited by New England missionaries early in the

24 Wharton, 208-209.
century and under this influence, the natives had renounced their heathen practices to a considerable degree. Later the tribal chiefs had organized a government based upon the pattern of Christian nations. In 1842 a delegation representing the government of the Islands visited the United States and asked recognition and protection from this country. President Tyler and the State Department readily granted the request of the Hawaiian delegates. In a special message to Congress on December 30, 1842 Tyler stated that due to the proponderating trade and intercourse between the United States and those islands and because of the greater interest of our country in their fate, our government would insist that no European nation should take possession of or colonize them, nor subvert the native government.

With a request for an appropriation for the establishment of a United States Consulate on the Islands, the President continued:

....The United States seeks no peculiar advantages, no exclusive control over the Hawaiian Government, but is content with its independent existence and anxiously wishes for its security and prosperity. Its forbearance in this respect under the circumstances of the very large intercourse of their citizens with the islands would justify this Government, should events hereafter arise to require it, in making a decided remonstrance against the adoption of an opposite policy by any other power. Under the circumstances I recommend to Congress to provide for a moderate allowance to be made out of the Treasury to the consul residing there, that in a Government so new and a country so remote, American citizens may have respectable authority to which to apply for redress in case of injury to their persons and property, and to whom the Govern-

26 Richardson, IV, 211-212.
ment of the country may also make known any acts committed by American citizens, to which it may think it has a right to complain. 27

One of the most perplexing domestic problems which occurred during Tyler's administration was the Dorr Rebellion in Rhode Island. That state had failed to keep pace with the trend toward democracy characteristic of the times and holding tenaciously to her old system of government still used the charter granted by Charles II in 1663 as her constitution. This limited the franchise to freeholders, and since the rise of manufactures had introduced a large operative class who were not property owners, more than half of the adult male population was disfranchised. The result was a contest to change the old system but the state legislature resisted all demands for a democratic basis of government. 28 In 1841 a serious attempt was made by a determined group under the leadership of Thomas Wilson Dorr to carry through a revision of the constitution independent of legislative action. A convention was held in October of that year which framed a constitution and submitted it to a vote of the people. This "Peoples Constitution" as it was called was adopted by a majority of the votes cast. 29

The strong following of Dorr alarmed the old party which, in a convention ordered by the state legislature, prepared a constitution known as the "Freemen's Constitution." When this was submitted to a vote of the people it was rejected. The most important difference between the two constitutions was that the "Peoples Constitution" provided for white manhood suf-

27 Richardson, IV, 208.
29 Ibid., 111.
frage and the "Freemen's Constitution" required one year's residence for landowners, two years for citizens who were not landowners, and three years after naturalization for foreign born citizens, as suffrage qualifications.30

Since their constitution had more votes than that of the regular government, the Dorr party announced that their plan was law and ordered an election for governor and legislature. Dorr was chosen governor, and on May 3, 1842, the new government was formally inaugurated by its supporters at Providence where they were in the majority. Meanwhile the regularly elected General Assembly met at Newport, inaugurated the officers as usual and passed resolutions declaring that an insurrection existed in the state and calling on President Tyler for aid. Dorr also made a special trip to Washington to secure assistance and approval from the President.31

Tyler was placed in the critical position of supporting either the authoritative group which discountenanced democratic practice or the illegal faction which held popular approval. With courage and sagacity the President faced the situation. He recognized the legality of the charter government and promised Governor King military aid in case an insurrection should break out, but stressed the fact that he could do nothing until violence had begun. In his communication to the governor Tyler wrote:

"...Your excellency will not fail to see that no power is vested in the Executive of the United States to anticipate insurrectionary movements against the government of Rhode Island so as to sanction the interposition of the military authority, but that there must be an actual insurrection, manifested by

30 Ibid., 124-126.
31 Congressional Globe, 27th Congress, 2nd Session, 430.
lawless assemblages of the people....I have, however, to assure your excellency that should the time arrive—and my fervent prayer is that it may never come—when an insurrection shall exist against the government of Rhode Island, and a requisition shall be made upon the Executive of the United States to furnish that protection which is guaranteed to each State by the Constitution and laws, I shall not be found to shrink from the performance of a duty which, while it would be the most painful, is at the same time the most imperative.32

Tyler also pointed out to King that he was opposed to the use of military force against the people except as a last resort. He further exhorted the Governor to adopt conciliatory measures, to offer amnesty and pardon, and to make use of every means to promote peace and harmony. To call a new convention upon somewhat more liberal principles, Tyler suggested, might aid in solving the difficult situation.33

At the close of his second letter to Governor King the President wisely counseled:

A government never loses anything by mildness and forbearance to its own citizens, most especially when the consequences of an opposite course may be the shedding of blood. In your case the one-half of your people are involved in the consequences of recent proceedings. Why urge matters to an extremity? If you succeed by the bayonet, you succeed against your own fellow citizens and by the shedding of kindred blood, whereas by taking the opposite course you will have shown a paternal care for the lives of your people.34

To Dorr and his associates Tyler also recommended compromise and conciliation as more effective means to attain their objective than recourse

32 Richardson, IV, 287.
33 Ibid., 290.
34 Ibid., 293.
to arms. However, it appeared that the rebel group did not follow the President's advice and in May, 1842, a conflict occurred between Governor King and Dorr. The governor was about to arm the members of his party when Dorr marched on the arsenal with cannon but was kept from actual violence when the pieces would not fire. His action frightened away most of his supporters who deserted him in large numbers and he fled with a small group of companions to Woonsocket. In the following summer Dorr returned to Rhode Island and fortified himself in the northwestern part of the state. At this juncture President Tyler determined to take action. The Secretary of War was sent to Rhode Island authorized to call upon Federal troops to aid Governor King should the occasion arise. However, it did not, for when the state militia was sent against Dorr and his followers they fled again, thus terminating the insurrection. A year later Dorr was arrested, tried for treason, and sentenced to jail for life, but in 1845, he was set at liberty. Meanwhile the conservative group recognized the wisdom of yielding to the demands of the people, called a convention and drew up a liberal constitution.

An unfortunate anti-climax to the Dorr incident was precipitated by Tyler's political enemies in Congress who were influenced by a criticism of Tyler by the popular party in Rhode Island. When a number of Democrats from this latter group in the Rhode Island legislature sent a memorial to the House of Representatives on February 19, 1844 complaining of executive

35 Mowry, 161.
36 National Intelligencer, June 11, 1842.
37 Mowry, 256.
38 Niles Register, LXV.
interference in the suffrage movement in their state, a resolution was adopted by the House requesting an investigation of the matter. The President was asked to lay before the House all documents referring to the action taken by the Federal Government in the Rhode Island Insurrection. Tyler complied with this request and sent with the documents a message containing a detailed account of the entire proceeding.

It is unlikely that those who examined the documentary evidence presented by the President could fail to be impressed with the dignity and wisdom displayed in his management of an exceedingly difficult problem.

On April 18, 1844, less than a month after Tyler's position in relation to the Rhode Island Insurrection had been vindicated in the House, the President received a letter from Daniel Webster congratulating him on the role played by him in the Rhode Island drama. The letter read:

...I write now to signify to you how greatly I was pleased with your message to the House on the Rhode Island business. That paper has given a great deal of satisfaction in this quarter to sensible men of all parties. Indeed your conduct of that affair will appear hereafter, I am sure, worthy of all praise, and one of the most fortunate incidents in your administration, for your own reputation. The case was new and was handled with equal discretion and firmness. On the one hand it was wise to be slow in directing the use of military force in the affairs of a State; and on the other equally wise to look to the existing government of the State, as that government which the executive of the United States can alone regard in the discharge of its high and delicate duties.
CHAPTER IV
PRESIDENT TYLER THE EXPANSIONIST

During the preceding administration of Van Buren the question of the annexation of Texas to the United States was held in abeyance. The trial of strength in Congress between friends and foes of annexation was postponed by the terrible business collapse known as the panic of 1837. President Van Buren refused to turn aside from what he deemed the larger issue, for, with the business of the country prostrate, the danger of inciting war with Mexico by annexing Texas could not be incurred. Moreover, while the South desired annexation, the North believed that the whole Texan issue had resulted from a conspiracy to add one or more slave states to the Union. Thus the question was too dangerous to national harmony to be considered when it could be avoided.

Texas understood the situation and after 1838 refrained from offering itself where there was no apparent prospect of acceptance. Meanwhile the Lone Star Republic was experiencing many difficulties in attempting to provide adequate defense against Mexico and assistance from foreign sources became a vital necessity. Consequently, during the administration of Houston, Texas concluded treaties with France in 1839, and with Holland, Belgium, and Great Britain in 1840.¹

That President Tyler sincerely desired the annexation of Texas to the United States is apparent from the very outset of his administration. After the reorganization of his cabinet in 1841 he expressed his views upon the subject in a letter to his Secretary of State, Daniel Webster. Tyler declared:

....I give you a hint as to the possibility of acquiring Texas by treaty. I verily believe it could be done, could the North be reconciled to it....It seems to me that the great interests of the North would be incalculably advanced by such an acquisition. Slavery—I know that is the objection, and it would be well founded if it did not already exist among us, but my belief is that a rigid enforcement of the laws against the slave trade would in time make as many free states south as the acquisition of Texas would add of slave states and then the future, distant it might be, would present wonderful results.  

Again in his first Message to Congress, December, 1841, Tyler praised the young Texan Republic in glowing terms although there was no particular reason for the reference other than the significance of directing national attention toward a subject which was apparently of great executive interest. Tyler said:

....The United States cannot but take a deep interest in whatever relates to this young but growing Republic. Settled principally by emigrants from the United States we have the happiness to know that the great principles of civil liberty are there destined to flourish under wise institutions and wholesome laws and that through its example another evidence is to be afforded of the capacity of popular institutions to advance the prosperity, happiness, and permanent glory of the human race.  

2 Webster, II, 289.  
3 Richardson, IV, 79.
In the early winter of 1842 Representative A. V. Brown, a Democrat from Tennessee, who shared Tyler's desire for the annexation of Texas but who feared that the President's lack of party support might contribute toward diffidence in proposing the measure, appealed to Andrew Jackson. The latter, then in retirement at the "Hermitage" near Nashville, was well known to be a firm advocate of annexation. He wrote a letter to Brown in compliance with his request asserting that England could make an alliance with Mexico, organize an army on the border before the United States had become aware of her motive, and excite an insurrection among the slaves in the southern states. Whereas, Jackson pointed out, if the United States possessed Texas, the militia could repel an invading force until the arrival of the national army. This letter was circulated about the Capitol to the great satisfaction of the President who was not unmindful of the strong influence which Jackson still exerted upon Democrats in general and the West in particular.

That Secretary of State Webster did not share Tyler's enthusiasm for the annexation of Texas was commonly known. "The time had come," wrote Tyler's biographer, "when it was necessary to have in the office of secretary of state one who would go the full length of the Texas question. Certainly that man was not Daniel Webster." Since Webster resigned from the cabinet at about the same time that the President initiated the movement toward

4 J. S. Basset, Correspondence of Andrew Jackson, Carnegie Institution of Wash., Wash., D. C., 1935, VI, 131.
6 Tyler, II, 263.
annexation—it is highly probable that the secretary felt it would be unwise to block Tyler's plan merely because it held no interest for him. He took leave of the administration in May, 1843 and was replaced by Judge Abel P. Upshur of Virginia.

From the time of Upshur's appointment until annexation became a reality circumstances conducive toward its accomplishment were rarely lacking. The first of these occurred in the summer of 1843 when the United States government was notified that England and France had secured a truce between Mexico and Texas with a view to a permanent treaty.\(^7\) Isaac Van Zandt, official Texas representative at Washington was instructed to make an informal statement to the United States authorities "that the subject of annexation was not open to discussion."\(^8\) Later reports began to reach the government concerning a proposed use of British influence in Texas towards the abolition of slavery. The question arose as to why Great Britain should be concerned about slavery in Texas and the obvious answer was in order that she might have the trade of Texas, insure a plentiful cotton supply, and save the English sugar and cotton industries in the East and West Indies from United States competition. It was also evident that if England got as strong a hold over Texas as this plan involved, nothing but a war would break it.

The report, although denied by the British government, was credited in the South and by many people in the North, and the impression grew that if the United States did not wish to see the valuable Texas region slip out of its

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7 A. Jones, Memoranda and Official Correspondence relating to the Republic of Texas, Its History and Annexation, Wash., 1859, 82.
8 Ibid., 128.
grasp, action must be immediate. The North, however, laughed at the rumors and declared they were manufactured to influence the action of Congress.\(^9\)

However, later investigations have proved that these suspicions were well founded and that information possessed by the department of state at Washington confirmed the report that British influence was strong in Texas and that one of its aims was to secure the abolition of slavery.\(^10\)

While Texas could be admitted to the Union as a State by an act of Congress, Tyler no doubt deemed this method unwise because of the rising division in that body over the question of slavery. A treaty would admit the republic as a territory and the slavery issue would be thus deferred until the time for admission to statehood should arrive.

On October 16, 1843 Secretary Upshur opened negotiations for a treaty by writing to Van Zandt suggesting that Texas renew its offers of annexation. Van Zandt accordingly communicated Upshur's message to Jones, the Texas Secretary of State.\(^11\) The reply of Jones proved disheartening for he declared that Samuel Houston, the Texas president, was indifferent toward opening annexation negotiations with the United States since this might endanger the newly established relations between Texas and England.\(^12\)

At this report President Tyler consulted with his friends and satisfied himself that a treaty of annexation could be carried through the Senate.\(^13\)

Upshur communicated this information to Houston who at last offered to open

\(^9\) Niles Register, LXVI, 164.
\(^10\) Worley, 36.
\(^11\) Jones, 278.
\(^12\) Ibid., 312.
\(^13\) Tyler, II, 284-286.
annexation proceedings if the United States would send an army to the frontier to aid Texas in case Mexico attacked during the process of negotiation and that if the treaty failed the United States would guarantee the independence of Texas. This proposal was first made in a letter from Van Zandt to Upshur on January 17, 1844.\(^\text{14}\) The Texan charge d'affaires wrote:

> Should the president of Texas accede to the proposition of annexation, would the president of the United States, after the signing of the treaty and before it shall be ratified and receive the final action of the other branches of both governments, in case Texas should desire it, or with her consent, order such number of the military and naval forces of the United States to such necessary points or places upon the territory or borders of Texas or the Gulf of Mexico as shall be sufficient to protect her against foreign aggression?\(^\text{15}\)

This letter remained unanswered at the time of Upshur's tragic, accidental death on the ship of war Princeton, but a similar letter had been directed by the Texan government to the American minister William S. Murphy. The latter replied that "neither Mexico nor any other power will be permitted to invade Texas on account of any negotiation with the United States."\(^\text{16}\) This assurance determined Houston and the next day February 15, 1844, he sent a special envoy, J. P. Henderson, to cooperate with Van Zandt in concluding a treaty of annexation.

Whether intentionally or not Murphy had overstepped his authority in the offer of troops to Texas. John Nelson, whom Tyler appointed to replace Upshur until a permanent appointment might be made, informed Murphy of his

\(^{14}\) Senate Document, 349, 28th Congress, 1st session, 4.
\(^{15}\) Ibid., 6.
\(^{16}\) *Niles Register*, LXVI, 230.
error. Nelson wrote:

...The president is gratified to perceive in the course you have pursued in your intercourse with the authorities of Texas, the evidences of a cordial cooperation in this cherished object of his policy; but instructs me to say that he regrets to perceive in the pledges given by you in your communication to the Hon. Anson Jones of the 14th of February, that you have suffered your zeal to carry you beyond the line of your instructions, and to commit the President to measures for which he has no constitutional authority to stipulate.17

Accordingly on April 12, Murphy reported to the Texas government that his promise to use the troops was disapproved by his government and must be rescinded.18

The sudden death of Upshur was a great loss to the administration and the task of selecting a substitute a very delicate one. The treaty which had as yet been kept secret, would when submitted to the senate be certain to provoke criticism from both parties, so the new secretary besides being an ardent expansionist would have to be one who would add weight to the administration forces. The choice fell upon John C. Calhoun and the fact that Tyler did not rely wholly upon his own judgment in making the appointment is attested in a letter written to Calhoun on March 6, 1845. The President stated that the selection was made "after a free and frank conversation with our friends Governor McDuffie and Mr. Holmes of South Carolina."19

On March 28, 1845, Henderson, the Texan envoy, arrived in Washington. The treaty negotiations began immediately but a deadlock was reached when

17 Ibid., 233.
18 Jones, 144.
Henderson learned that Tyler refused to uphold Murphy's pledges to Texas. Calhoun finally satisfied Henderson by promising that a naval force would be sent to the Gulf of Mexico and an army to the southwestern frontier to protect Texas from invasion while the treaty provisions were pending. In this agreement placed in writing at the request of the Texan representative Calhoun stated:

I am directed by the President to say that the secretary of the navy has been instructed to order a strong naval force to concentrate in the Gulf of Mexico to meet any emergency; and that similar orders have been issued by the secretary of war to move the disposable forces on our southwestern frontier for the same purpose. Should the exigency arise to which you refer in your note to Mr. Upshur, I am further directed by the President to say that during the pendency of the treaty of annexation, he would deem it his duty to use all the means placed within his power by the constitution to protect Texas from all foreign invasion.

The distinction between Murphy's pledge and that of Calhoun was that the latter's limited Tyler's promise of aid not only to the pendency of the treaty but also to his constitutional authority. This situation might be cited as another instance in which adherence to the constitution dominated the President's mode of action.

The most important provisions of the treaty were that Texas should be annexed to the United States as a territory, and that the republic surrender its public lands, while the Texan debt to an amount not exceeding ten million dollars would be assumed by the United States. It was signed on April 12, 1844.

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20 Senate Document, 28th Congress, 2nd session, 28.
21 Niles Register, LXVI, 150.
Ten days later the treaty was transmitted to the Senate for ratification together with the documents relating to it and a dignified message from the President strongly urging its adoption. As a justification for negotiating the treaty, Tyler declared:

...The Executive saw Texas in a state of almost hopeless exhaustion, and the question was narrowed down to the simple proposition whether the United States should accept the boon of annexation upon fair and even liberal terms or by refusing to do so, force Texas to seek refuge in the arms of some other power, either through a treaty of alliance, offensive or defensive, or the adoption of some other expedient which might virtually make her tributary to such a power and dependent upon it for all future time. The Executive has full reason to believe that such would have been the result without its interposition, and that such will be the result in the event either of unnecessary delay in the ratification or of the rejection of the proposed treaty....Under every view which I have been able to take of the subject, I think that the interests of our common constituents, the people of the United States, and a love of the Union left the Executive no alternative than to negotiate the treaty. 22

All the treaty negotiations had been conducted in secret but when it was presented to the Senate, Senator Tappan of Ohio, in violation of confidence gave a copy of the document and its related papers to the New York Evening Post which published them five days after their submission to the Senate. 23 Tappan was severely censured and narrowly escaped expulsion. 24

Senator Crittenden of Kentucky introduced a resolution asking "a full account of all preparations for war including actual movements of military

22 Richardson, IV, 312-313.
23 Evening Post, New York, April 27, 1844.
24 Congressional Globe, 28th Congress, 1st session, 619.
or naval forces made or ordered since the treaty negotiations had begun. 25

President Tyler replied that he had at an earlier date communicated to Congress Mexico's threat to the United States that the annexation of Texas would be considered a declaration of war. In consequence of this danger and in view of the fact that he expected an early ratification of the treaty he deemed it his emphatic duty to send troops to the southwest as a precautionary measure. This message was transmitted to the Senate with copies of the orders issued to the navy and war departments. 26

The annexation treaty was before the Senate from April until June. Meanwhile the two political parties held their national nominating conventions, that of the Whigs on the first of May and that of the Democrats later in the same month. During the preceding month Clay and Van Buren, who were considered the likeliest candidates for their respective parties, had stated their opinions on the question of the annexation of Texas. Van Buren had declared that he believed annexation constitutional but inexpedient because it would involve a war with Mexico, violate our neutrality obligations, and hold us up to the world as willing to extend our power through a war of conquest. 27 Clay had also written a letter known as his "Raleigh letter" from Raleigh, South Carolina, in which it was written. His attitude did not differ greatly from that of Van Buren except that it included a criticism of Tyler. Clay wrote:

At New Orleans I heard that the government had made overtures for the annexation of Texas, and that

25 Ibid., 622.
26 Richardson, IV, 317.
27 National Intelligencer, April 26, 1844.
between thirty-five and forty-two senators were said to be ready to sanction a treaty, and I knew that the holders of and speculators in Texan lands and scrip were active in that cause; but I did not believe that the Executive would move without any general public expression in favor of the plan, and even against vigorous manifestations of the people's desire. He has done so, however, and therefore I feel bound to speak....I consider the annexation of Texas at this time, without the assent of Mexico, and a measure compromising the national character; involving us certainly in a war with Mexico, probably with other foreign Powers; dangerous to the integrity of the Union; inexpedient in the present financial condition of the country; and not called for by any general expression of public opinion.28

This letter did not defeat Clay's nomination for it pleased the North where his greatest strength lay, and the Whigs, in convention, made him their choice harmoniously without a dissenting voice.29

Among the Democrats the annexation issue produced a complicated intrigue. Most of the northern delegates stood by Van Buren, while the southerners were divided, some supporting Cass of Michigan who also had strong support. As the ballots were taken Van Buren declined and Cass gained strength, until on the seventh he seemed bound toward victory. But he was disliked by a northern section which succeeded in calling an adjournment until the next day in order to find a candidate strong enough to replace him. They finally decided upon James K. Polk of Tennesse whom his friends declared was supported by Jackson and who had declared himself in favor of "reannexation of Texas." On the first ballot, the next day, Polk received 44 votes and on the second Van Buren was withdrawn and Polk was

28 Niles Register, LXVI, 227.
29 Ibid., 231.
nominated. He is known as the first dark horse in the history of the presidency. The Democratic platform declared for Texas and Oregon.

On the same day that the Democratic convention met in Baltimore, another known as the Tyler convention, assembled in the same city. Tyler's enemies contended that it consisted mainly of officeholders but there is no satisfactory basis for this charge. In a letter to his friend Henry A. Wise, the President declared that there were a thousand delegates present representing every state in the Union and that the convention had been called because of the fear of Van Buren's nomination by the Democrats and the consequent failure of the annexation issue. With the slogan "Tyler and Texas," the President was nominated and he accepted. Later he withdrew when it became known that the Democratic party sponsored annexation.

Prospects for ratification of the treaty became dimmer after the publication of Clay's letter. Although Clay had previously resigned his place in the Senate he still controlled the Whig majority in that body. Van Buren's derogatory opinion concerning annexation also added to the hostile group those Democrats who strongly upheld him. Furthermore, while the Democratic platform had declared in favor of annexation this view was not synonymous with approval of the Tyler-Calhoun treaty. On the other hand, Jackson exerted every possible effort toward a speedy ratification of the treaty. In a letter written April 8, 1844 to Representative Lewis of Alabama he said:

30 National Intelligencer, May 22, 1844.
31 Ibid.
32 Tyler, II, 317.
33 Ibid., 341.
34 Ibid., 343.
Men who would endanger by a postponement such great benefits to our country ought to be publicly exposed—the people of the South and West will withdraw all confidence from them....Have this matter pushed....If the Senate will not pass it this session, it can be laid upon the table until the next—this will prevent Mexico from invading Texas, and be a barrier against the intrigues of Great Britain. 35

Benton of Missouri was the strongest opponent of the treaty during the Senate debates. He asserted that Tyler's chief motive was to force the United States into a war with Mexico and "like Jackson appear before the nation as a Texas Candidate anointed with gunpowder, for the presidential chair." 36

On June 8, 1844 the treaty was rejected in the Senate by a vote of thirty-five to sixteen. 37 President Tyler was not discouraged, however, and two days later he transmitted the Texas documents to the House of Representatives together with a message declaring that Congress was fully competent in some other form of proceeding to accomplish everything that a formal ratification of the treaty could have accomplished. In conclusion the President said:

"....while I have regarded the annexation to be accomplished by treaty as the most suitable form in which it could be effected, should Congress deem it proper to resort to any other expedient compatible with the Constitution and likely to accomplish the object, I stand prepared to yield my most prompt and active cooperation....The great question is not as to the manner in which it shall be done, but whether it shall be accomplished or

35 Bassett, 267.
36 Congressional Globe, 28th Congress, 1st session, 474.
37 Ibid., 501.
The question of deciding this issue is now devolved upon you.38

No action, however, was taken by the House before adjournment on June 17 so the subject was postponed until after the presidential campaign.

While the campaign was not as enthusiastic as that of 1840 it was full of excitement and bitterness. The Texas men of the South declared for annexation or a dissolution of the Union.39 When Polk was denounced as a free trader by Pennsylvania he wrote a letter to Democratic leader Kane of that state declaring that he favored a judicious tariff which would yield enough revenue for the expenses of government economically administered. This wise stroke pleased the South which had strongly opposed the high protective tariff of 1842 but simultaneously Pennsylvania interpreted the statement to be in favor of the tariff for the tariff of 1842 was enacted to defray government expenditures. Thus, from Pennsylvania arose the slogan, "Polk, Dallas and the tariff of 1842", which enabled Polk to keep his party together in the North and retain the southern radicals.40 Clay was less successful. When he realized the strong tendency toward annexation in the South he wrote letters modifying his initial attitude of hostility by citing circumstances in which he might advocate annexation.41 This quibbling was so obvious that it alienated the strong New York faction of anti-slavery Whigs. They threw their support to James G. Birney, candidate of the Liberty party which emphatically denounced annexation.42 If Clay had received New York's 36

38 Richardson, IV, 323.
39 National Intelligencer, October 14, 1844.
40 Ibid.
41 Evening Post, New York, November 12, 1844.
42 Ibid.
electoral votes he would have been victorious but instead he received 105 votes and Polk 170. 43

Polk's triumph was a definite indication that the nation favored annexation, and President Tyler, in his last annual message to Congress in December, 1844, recurred to his previous suggestion regarding the Texas question. He declared: "Instructions have come up to both branches of Congress from their constituents in terms the most emphatic. It is the will both of the people and the States that Texas shall be annexed to the Union promptly and immediately." 44 He recommended that Congress achieve the objective by the method of annexation by joint resolution. 45 This method required only a majority vote in each house.

The Texas men in Congress adopted Tyler's recommendation with alacrity. Brown of Tennessee submitted a resolution to the House, proposing that the territory "rightfully belonging to the Republic of Texas" might be incorporated into the "state of Texas" in order to secure its admission to the Union and that the consent of Congress be given on the following conditions:

(1) Boundary questions concerning other governments must be subject to adjustment by the United States government and the constitution of the state must be submitted to the United States Congress for final action on or before January 1, 1846.

(2) Texas must surrender to the United States all public lands, buildings, and other property and means of public defense, but must retain its

43 Niles Register, LXVI, 452.
44 Richardson, IV, 344.
public debts, funds, and taxes.

(3) Additional states, not to exceed four, might be formed from the territory with the consent of Texas. Slavery might be permitted in those states formed from the section south of 36° 30', the Missouri Compromise line, but north of the line slavery should be prohibited. 46

The terms of the resolution were more favorable toward Texas than those of the rejected treaty had been. It was passed by the House on January 25, 1845 by a vote of one hundred and twenty to ninety-eight. 47 But when the House measure was submitted to the Senate, there was considerable opposition. Benton of Missouri attempted obstruction by offering a proposition for the negotiations of a new treaty for the annexation of Texas by the President. 48 Benton referred to the President-elect Polk, however, and not Tyler. Senator Walker of Mississippi finally offered a compromise by adding an amendment to the House resolution which gave the president the choice of either negotiating for annexation or submitting the Congressional resolution to Texas. In this form the bill passed the Senate by a vote of twenty-seven to twenty-five, was returned to the House and adopted by majority vote of one hundred thirty-two to seventy-six. 49

President Tyler received the joint resolution on March 1, 1845 and determined to act immediately on the offer of annexation which he considered could be more easily accomplished than the alternative, which would entail the drawing up of a new treaty and the consequent process of ratification.

46 Congressional Globe, 28th Congress, 2nd session, 128-193.
48 Ibid., 359.
49 Ibid., 372.
After Tyler signed the resolution Calhoun dispatched a special messenger to Donelson, the American chargé in Texas, with instructions to urge the Texan republic to accede to the offer of annexation. The message arrived none too soon, for, through the joint mediation of England and France a treaty was in process of negotiation between Texas and Mexico. This pace guaranteed Mexico’s recognition of Texan independence on condition that Texas abandon the possibility of annexation to the United States. A special session of the Texan Congress and a convention was called by President Jones on June sixteenth and July fourth respectively to consider the proposition of annexation. Except for a single dissenting vote in the convention, the decision of both groups was unanimously in favor of annexation. The question was ratified by a popular vote on October 13, 1845.

When Congress met in December, 1845, President Polk recommended in his opening message that Congress pass an act for the admission of the new state to the Union. Accordingly, a resolution for this purpose was introduced and passed in both Houses of Congress and signed by Polk on December 29, 1845.

The territory of Texas added to the domain of the United States an area greater than that of England and France combined. To President Tyler who strove unremittingly for its accomplishment no small credit can be attributed

50 Niles Register, 413.
51 Worley, 34.
52 Niles Register, LXXIV, 419.
53 Ibid., 423.
54 Richardson, IV, 386.
55 Congressional Globe, 29th Congress, 1st session, 92.
and he himself considered it the outstanding achievement of his administra-
tion.56

With the annexation of Texas consummated, the presidential career of
John Tyler ended, but his true position in American political life remains
to be established. In the light of the facts presented here, it is diffi-
cult to regard John Tyler's attitude toward the Presidency as that of a
disloyal politician. Rather does he appear to be a patriotic statesman,
a man of courage and conviction who saw in his unexpected elevation to
leader of the country a duty to be faithfully fulfilled despite party op-
position.

56 Tyler, II, 468.
CRITICAL ESSAY ON AUTHORITIES

1. Source Material.

The Letters and Times of the Tylers, by L. G. Tyler, II, Whitter Shipperson, Richmond, Va., 1884, gives a favorable but accurate account of John Tyler's major activities. A less detailed contemporary biography is A. G. Abell's Life of John Tyler, Cushing, N. Y., 1858. For reliable data concerning the reactions of the great statesmen of the period, The Private Correspondence of Henry Clay, Barnes, N. Y., 1897, by Calvin Colton, John Quincy Adams Memoirs, edited by C. F. Adams, J. P. Lippencott, Phil., 1877, The Correspondence of Andrew Jackson by J. S. Basset, Carnegie Institute of Washington, Wash., D. C., 1935, and The Private Correspondence of Daniel Webster, edited by Fletcher Webster, Little Brown and Co., Boston, 1857, were invaluable.

Congressional Globe, Washington, the Twenty-seventh and Twenty-eighth sessions of Congress, was consulted for information concerning the discussions which took place in the Senate and House of Representatives during Tyler's administration. A Compilation of the Messages and Papers of the Presidents by J. D. Richardson, vol. IV, was used for the messages, proclamations, and executive orders of President Tyler.

Of greatest value among the contemporaneous periodical literature of the period was Niles Register, volumes XVII, LVII, LXI, and LXIII; the National Intelligencer, Washington, 1841-1846; The American His-
torical Review; and The Texas State Historical Association Quarterly, 1844-1846. The only available newspaper which contributed any satisfactory material was the Evening Post, New York, 1844.


Special phases of the problem were treated in The Dorr War,
Preston and Rounds Co., Providence, R. I., 1901, by A. M. Mowry and J. H. Smith's The Annexation of Texas, Barnes and Noble Inc., N. Y., 1941. Both of these volumes were carefully documented and compiled from original sources.

The general histories of the period are written by competent scholars with widely varying points of view. Foremost among the works consulted were: A History of the People of the United States, by John B. McMaster, D. Appleton and Co., N. Y., 1913; Westward Extension 1841-1850 by G. P. Garrison, Harper Bros., N. Y., 1906; The United States of America under the Constitution, by James Schouler, Dodd Mead and Co., N. Y., 1913, IV; and Constitutional and Political History of the United States by Herman E. Von Holst, Callaghan and Co., Chicago, 1900, II.
The thesis submitted by Sister Mary Jeanne Therese O'Connell, B.V.M., has been read and approved by three members of the Department of History.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.

Jan 15th, 1949

Signature of Adviser