JOHN TYLER
OUR FIRST ACCIDENTAL PRESIDENT
HENRY KING SIEBENECK

PART II

Upon his inauguration as President on March 4, 1841, General William Henry Harrison named Daniel Webster as secretary of state (after Henry Clay declined); Thomas Ewing, his Ohio mentor, as secretary of the treasury; John Bell, a Clay man, as secretary of war; George E. Badger, chosen by the North Carolina Congressmen, as secretary of the navy; John J. Crittenden, another Clay man, as attorney-general; and Francis Granger, his 1836 running mate, as postmaster-general. The cabinet was above the average in ability and reputation. The two most conspicuous places went to Northern men as well as the politically important postmaster-generalship.

In March, 1841, the hungry swarm of office-seekers milling around the old general from morning till night did what neither the Indian Tecumseh nor the British General Proctor succeeded in doing—they broke down his physical resistance. He died on April 4, just a month after his inauguration.

The Vice President, John Tyler, was at home in Williamsburg when the messenger arrived with news of Harrison's death. There was no such thing as a bank in the former capital of the Old Dominion. Tyler had to confess that the local money-lender had refused him a loan shortly before that and he had to call on friends to supply him with money for his traveling expenses.¹

On April 4, 1841, John Quincy Adams’ diary recorded: “Tyler is a political sectarian of the slave-driving Virginian Jeffersonian school principalled against all improvements, with the interests, 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.” On April 20, it resumed: “I had reason to conclude that the policy of Mr. Tyler will look exclusively to his own election for the next four year term and that of Mr. Webster will be to secure it for himself and that Mr. Clay will be left to fight his own battles for the Land Bill without aid

¹ John S. Wise, Recollections of Thirteen Presidents, 14 ff. (1906).
or support from the Administration." The Bay State sage proved to be nearly right in his prophecy.

On April 9, 1841, Tyler delivered his inaugural address. It stressed the importance of keeping "the sword and the purse" in separate hands to prevent despotism. (Parenthetically, this utterance bore as heavily against an Exchequer as against Van Buren’s Sub-Treasury). Tyler would, he said, sanction any constitutional measure Congress might enact for the purpose of restoring a sound circulating medium. In deciding on its constitutionality he would consult "the fathers of the great republican school." Undoubtedly Jefferson, Gallatin, and Madison were the "fathers" referred to. Their acts were the true criteria of their creed—not the variegated opinions that during the course of half a century may have found lodgment in their correspondence. Those acts in effect sustained the validity of a national bank. Jefferson had morally guaranteed the constitutionality of the First Bank’s charter when he sold its stock in 1802 to the English bankers at a premium of 45%. Gallatin, the real financier of the fathers, to whom since 1795 the others looked for expert knowledge on money matters, was heart and soul for the First Bank’s charter extension and his urge obtained Jefferson's approval of the act extending its functions to Louisiana. Madison, after his bitter experience of having no such bank during the war years, 1812-1815, signed the Second Bank’s charter. Truly Henry Clay could say that Tyler's inaugural was sound Whiggery.

On April 30, he wrote to Clay in the tone of a subordinate addressing a superior, suggesting that the failure of Biddle's new bank in January, 1841, would furnish demagogues with weapons to assail advocates of a bank, adding: "If, however, you see nothing in this of force—then I desire you to consider whether you cannot so frame a Bank as to avoid all constitutional objection . . . I make these suggestions for your consideration . . . I have no intention to submit anything to Congress."

Henry A. Wise (1806-1876), hitherto pro-Bank Whig Congressman from Accomac County, Virginia, who had "drunk at the pure fountain of Madisonian philosophy," was a friend of Tyler's of some

years' standing. Wise hastened to Washington on hearing of Harrison's death and advised Tyler to form a new cabinet, retaining only Webster; to annex Texas; and to veto the recharter of a bank, a protective tariff, and land proceeds distribution. Except as to the cabinet, Wise says Tyler assented to his suggestions. Wise's recollections were not published until after the Civil War. So his dating may be wrong. If correct, Tyler's various utterances between April 9 and September 9 were deceptions pure and simple.

In his message to the special session of Congress on June 1, 1841, Tyler submitted the whole money question to that body, reserving, of course, his right to determine the constitutionality of its enactments. It is proper here to recall that the unanimous judgment of the Supreme Court had validated the Second Bank's charter and that no voice had been raised to question it until the pioneer demagogue, Jackson, asserted every official's right to determine the question of constitutionality for himself and vetoed the recharter. If Tyler now meant to veto any bank charter, why subject the legislators to the strain of enactment in the torrid atmosphere of the capital? Tyler, the politicians might justifiably have argued, should have changed his views on the bank since 1832; the panic and three years of depression should have had an educational effect on his financial comprehension. Madison changed his views on the same subject between 1811 and 1815.

At any rate Congress called on Secretary Ewing for a draft of a bank charter. He complied, possibly without Tyler's approval. Clay in the Senate modified Ewing's draft.

Between June 1 and August 16, when Tyler vetoed Clay's bank bill, many influences may have been at work on him. Two and a half months of appointing officials—gratifying this politician, offending that, with the constant toady- ing by his entourage—may have exaggerated his ego already swollen nearly to the bursting point. His son says that Tyler could not believe that "the Whigs would be so blind as to deliberately sacrifice the results of the recent election by a conflict with their own president." The Tylerian creed was that patronage was the alpha and omega of politics, and that Congressional leaders

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4 Lyon G. Tyler, Letters and Times of the Tylers, 2:38 (Richmond, 1885).
must bow to the man who had the power of appointment.

To the present writer it seems that during the spring and summer that year the idea gradually developed in Tyler's mind that he could "dish" Clay, Webster, and other leaders, uniting his own appointees with State Bank Democrats, nullifiers, and aspirants for office and make himself a second Andrew Jackson in a new party to be moulded by his own hands. The small group in Congress called "The Corporal's Guard," consisting of Wise, the "dreffle smart man" Caleb Cushing, and a few others, assiduously fostered this idea.

In vetoing Clay's bank bill, Tyler said that the power to safeguard the public revenue "and incidentally to regulate the commerce and exchanges" did not warrant chartering a bank of discount such as Clay had devised. "What can the local discounts of a bank have to do with the collecting, safekeeping, and disbursing of the revenue? ... What influence have local discounts, granted by any form of bank, in the regulating of the currency and the exchanges?" Then he went into the history of the Second Bank. Until 1823 its dealings in exchanges amounted to little more than $7,000,000 a year, while its discounts were huge. Then a change took place (that is, Nicholas Biddle became bank president). By 1833 its dealings in exchange amounted to upwards of $100,000,000. The currency of the country became sound. In the purchase of exchanges losses sustained were merely nominal, while in the line of discounts the "suspended debt was enormous." Tyler found that under the Clay bill offices of discount might be established in any state without the consent of the state. He could not sanction this. It implied a superiority of the federal over the state governments and "deprives the transaction of all pretence to compact between them, and terminates ... freedom of action on the part of the states." 5

Tyler overlooked the fact that the Articles of Confederation of 1781 had provided that "each state retains its sovereignty," while to form "a more perfect union" the Constitution (after seven years' experience with the deficiency of the Confederation) had provided that it and the statutes and treaties made thereunder should be the "supreme law of the land, anything in the constitution or laws of any state to the contrary notwithstanding." The two instruments being in pari materia are to be construed together; so the very glaring omission of

the state-sovereignty clause and its replacement by the supreme law clause should put a quietus on state equality theories.

Webster’s friends had recently bought him a fine house in Washington. He told Ewing he did not want to give up office and resume the practice of the law. He may not, therefore, have been quite as frank in advising with Tyler about local discounts as he could have been. But he told the President: “If that which the United States wishes to do be necessary in the discharge of its constitutional duties, it already has the assent of the states, granted in the constitution. If that which it seeks to do is not necessary, there is no right to do it with such assent.”

Tyler was muddle-headed. Recalling, from his investigation in 1818 of the Second Bank, that the Buchanan-Smith orgy of discounts of local promissory notes secured by the bank’s own stock had made most of the trouble when the bull market collapsed, Tyler regarded this as proof that the discounting of local notes was the cause of the breakdown. Of course, a man with a clear head like Caleb Cushing could have told him that the use made of the proceeds of a loan was in the long run the test of the soundness of that sort of loan. If a merchant had his note discounted for the purpose of paying for imported merchandise which he would forthwith sell to jobbers, the note was as good as a bill of exchange. If a bill of exchange, with drawer, drawee, and payee all of different states, were negotiated for the purpose of utilizing the proceeds in speculating in bank stock, the name of the commercial paper would not save its condemnation by a sound banker.

The first veto plants itself squarely on the proposition that Congress had no power to charter a bank to make local discounts of promissory notes. On August 16, 1841, when the veto message was sent, Ewing’s diary records that Tyler said his veto “indicated what kind of a bank he would approve” and “that they might pass such a bill in three days.” That, if taken as meant sincerely, showed that the elimination of local discounting powers was all that was necessary. Tyler may have changed his mind later, for on August 16, Congressman John M. Botts wrote an open letter to Richmond saying that “our Captain Tyler” had resolved to veto the bank bill. “He is making desperate efforts to set himself up with the loco-focos [Democrats], but he will be headed yet and I regret to say it will end badly for him.”

6 “Diary of Thomas Ewing, August and September, 1841,” in American Historical Review, October, 1912.
disrespectful language applied to the Grand Llama incensed Tyler beyond words. Then on the night of the veto a crowd of rowdies gathered round the White House as if intent on stoning its windows, and when deterred by the show of muskets from within, left and burned Tyler in effigy on a neighboring eminence. Naturally the sensitive Virginian was not appeased.

On August 17, Ewing recorded that he and two Congressional Whigs conferred with Tyler, who said: “Do not talk to me of Mr. Ewing’s bill; it contained the odious feature of local discounts.” Then Ewing, reciting the President’s views, said that a bank to be approved might establish agencies in the several states with power to deal in bills of exchange without the assent of the states. He quoted Tyler as replying: “Yes, if they be foreign bills or bills drawn in one state and payable in another. That is all the power necessary for transmitting the public funds and regulating the exchanges and the currency.”

Webster is then quoted as saying: “I would like such a bill with power to deal in exchanges alone without authority derived from the states, much better than if it combined the power of discount with the assent of the states,” and Ewing adds that Tyler acquiesced in Webster’s view. Congressman John Sergeant, it was agreed, should introduce a bill so circumscribed.

Webster, in a letter written in July, 1841, to Hiram Ketchum of New York, in an effort to defend the President’s position, said that if a bank confined itself to local discounts its creation would not be within the power of Congress. This was obviously correct as far as it went. Congress never asserted any general incorporating powers, such as chartering a coal-mining company in any state. A bank confined to local discounts would have as much influence on the currency as a coal-mining company. But the practical question as to the Clay bill was more complex. If a branch bank such as had functioned in 1830 was deprived of its power to make local discounts, could it be self-sustaining in most of the smaller cities where in 1830 the Second Bank had branches?

Take Pittsburgh, for instance. In 1840 it had a population of 21,115 with several state banks located there having about $3,000,000 capital. If a federal branch bank had in 1841 been established there with powers excluding local discounts, but embracing dealing in inter-

7 George T. Curtis, Life of Daniel Webster, 1:72 ff. (1870).
state bills of exchange, could it have paid for its upkeep as part of a nation-wide banking system, as the branch established in 1818 did? Of course, even with the limited powers Webster suggested, that branch in 1841 could have bought a bill of exchange drawn by Bakewell on Bullitt and Company of Louisville for a cargo of table glass shipped thither. But if the Exchange Hotel wanted to borrow money to pay for sundry dray-loads of beer bought at the Shiras Brewery, the transaction would, under the Websterian scheme, have been outside the power of the new branch bank. Confined to business like the Bakewell example, the branch would have had slender pickings. Every interstate deal implies many more local transactions. Bakewell would have had to pay for the fuel used in making the glass shipped and to meet his pay roll with exacting punctuality, and this necessity would have driven him and most employers to banks that could grant such accommodation. In all probability the branch system such as the one Biddle worked out was needed for the proper functioning of a national banking institution.

Congressman Sergeant introduced his substitute bank bill with reduced capital and the exclusion of local discounts. Senator Thomas H. Benton and others pointed out in debate that bills of interstate exchange might easily be perverted to local purposes, and perhaps Secretary Badger told Tyler the same thing. Possibly Congressman Caleb Cushing (the man, Lowell said, “who had been on all sides that gave power or pelf”), who was making himself a White House intimate, explained the matter to Tyler. At any rate the new bill passed both Houses on September 4. And on the ninth, Tyler vetoed it.\(^8\) No one can read both vetoes without sensing the inconsistency between them. In August the function of exchange is extolled as the essential feature of a valid bank act. In September he finds that the Constitution does not permit even that. By September he had learned (what he ought to have known a generation earlier) that an interstate bill of exchange may in effect be utilized for local discount purposes almost as readily as a promissory note.

This second veto was too much for the cabinet. Except Webster, they resigned in a body. Ewing in a public letter excoriated the vacillating President, saying that “the bill was framed and fashioned according to your own suggestion. I and another member of the

\(^8\) _Statesman’s Manual_, (1846), 2:1248 ff.
Cabinet were made your agents and negotiators. Nevertheless your veto message attacks in an especial manner the very propositions inserted at your request."

Ewing privately ascribed Tyler’s change of mind to the Botts letter about “heading” Captain Tyler. “Heading” was a word used to describe the farmer’s way of driving cattle and hogs to their destination. Not a very refined term to apply to a President, but considering the financial plight of the country and the fillip that a new national bank act would have given to business, a conscientious executive would have ignored the personal side of the matter for the public good. Perhaps Wise was correct in saying that Tyler in the previous April had determined to veto any bank bill—and, perhaps he was merely maneuvering with the object of gaining Democratic support for his renomination—as Botts intimated.

The Whigs met and formally read Tyler out of the party. The Democratic leaders had already acclaimed his first veto. But they did not trust him. They did not adopt him into their party. He became the “President without a Party.”

Ethically, what was his duty as the beneficiary of the Whig party? He could not charge that sectionalism exonerated him, for Bell, Crittenden, and Badger, all Southerners, resigned from his cabinet along with Ewing and Granger. Even though Tyler was anti-bank before the Panic of 1837 and before the wildcat banking extravaganza that preceded it, and though he could not, like Madison, learn by experience what was “necessary and proper,” still, since he accepted the Whig nomination and contributed nothing to that party’s victory, not even carrying his own state at the election, he should have submitted to the will of the great majority of the party and at least have let the bank bill become law without his signature.

George M. Dallas of Pennsylvania, had shortly thereafter to face a similar issue. He had favored the protective tariff of 1842 and he was named as vice presidential candidate by the Democrats in 1844. They adopted a platform with a straddling tariff plank. The cry, “Polk, Dallas and the Tariff of ’42,” enabled him to carry the pivotal state of Pennsylvania for the Democrats in 1844 by a slender two per cent majority, the manufacturers contending that the tariff had brought a return of prosperity. Yet when the low tariff wing of their party got control of the Polk Administration and pushed a low tariff
bill through to a tie vote in the Senate in 1846, Dallas, in obedience to the will of the party majority, gave the casting vote in favor of that measure. His course was ethical. In politics cooperation is necessary to attain results. Without subordination of the individual to the will of the party, majority cooperative activity is out of the question.

Tyler had anticipated the resignation of his cabinet. In July he had sent Duff Green to Kentucky to solicit Charles A. Wicliffe's acceptance of the postmaster-generalship. That office, from a patronage distribution viewpoint, was the most important political office of an aspirant for re-election.9

On September 13, Walter Forward was elevated from the controllership to the secretaryship of the treasury: Abel P. Upshur, Virginia Slavocrat, became secretary of the navy; and Hugh S. Legaré of South Carolina, attorney-general.

The Whigs in Congress and the press let loose a torrent of vituperation on Tyler's head. "Traitor" was among the mildest terms applied to him. The effect was to produce a slight reaction in his favor, but the Whig party suffered badly from desertions and abstinence from the polls in the fall elections.

In 1842 when the federal treasury's condition was nearly at its worst, Tyler sent Duff Green to France in an attempt to sell treasury obligations there. The Paris Rothschild calling himself the head of European finance absolutely refused to allow any loan to be made to any American government, state or national.

In spite of the near bankruptcy of the government—even the soldiers' pay was in arrears—Tyler vetoed two tariff bills which provided for further "deposits" with the states of any surplus from land sales. Congress finally gave in and the celebrated Tariff of 1842 was enacted without any "deposit" rider. That act was a true protective tariff. Senator Silas Wright, the leading New York Democrat in Congress, proclaimed it as such when he voted for it. No sooner was it law than business revived; confidence returned; scores of mills and factories reopened; and prosperity bloomed throughout the country.10

TEXAS

Interest in the remainder of Tyler's administration centers in the plot to annex Texas.

10 McMaster, History of the People of the United States, 7:60.
Back of every system of laws lies an economic system—was a favorite adage of the late Woodrow Wilson. Back of States’ Rights and Strict Construction lay the economic interest of the slave owners. In 1789 slave owners were minority stockholders in the Union; they had ten fewer representatives in Congress than the Northerners then had and by the mid-forties the North’s excess had grown to 49 out of a total of 223. In the Senate only, had the South retained its equality. The fifty preceding years had witnessed a vast increase in cotton growing and a reversal of the emancipationist sentiment in the South where formerly Washington, Madison, and other Virginians had personified it.

While the cotton belt was booming the former tobacco center was decaying. Tyler’s close friend, Upshur, whom he made his secretary of state, was possibly the leading slavery man in the Old Dominion. In 1829, he publicly congratulated his fellow Virginians on the opening up of Texas, which, he said, would provide a wider market for his friends’ Negroes. In 1832, William Y. Gholson, of Mississippi, estimated that the Texan demand would cause a 50% rise in the price of slaves. In 1839 the New Orleans Courier of May 21 said that prohibition of the African slave trade had no other effect than to cause Louisiana planters to pay the Virginia slave owner $1,000 for a Negro who then in Cuba and later in Texas might be bought for $500, unless Texas were annexed.11 The sale of surplus Negroes to cotton planters enabled eastern Virginia to keep the wolf from the door. In 1829 Armistead and Franklin, Alexandria slave dealers, were believed to have cleared $33,000 in the domestic slave traffic.12

Charges as to Virginia’s interest in the domestic slave trade go back to 1787 when in the convention at Philadelphia, Oliver Ellsworth said: “Virginia is already a breeder of slaves for sale in the plantations of the lower South. Is this the explanation of the Old Dominion’s hostility to slave ships? Is the importation from a foreign land interfering with a prosperous home industry?”13

The trade must have been larger in the thirties than in earlier years, for we find that Virginia’s slave population actually decreased between 1830 and 1840 (from 469,757 to 449,087) while her white

13 Richard Barry, Mr. Rutledge of South Carolina, 333 ff. (1942).
population in the same decade increased from 694,300 to 740,858, and the free blacks also increased from 47,348 to 49,852. In the preceding decade, the increase in slaves had been over 5%. The inference is that slave exportation increased in the 1830's.14

This interest in slave trading does not imply that the typical planter habitually sold his slaves southward. Probably the pressure of dire necessity caused most of such transactions. The exhaustion of the Tidewater soil often brought about the disposal of the descendants of former tobacco field hands. Nor is there anywhere any reference to a sale by Tyler of his slaves such as Jefferson is known to have made: yet at times Tyler seems to have been pretty hard up. However, he was a representative of a class to whom such traffic was an unpleasant necessity, but one which they very naturally declined to surrender and which they were willing to fight for against outside interference.

Directly or indirectly slavery dominated the mind of Tyler during his middle life and it was the factor that motivated his actions rather than Strict Construction per se or States' Rights. In his youth his father's proclivities to provincialism rather than nationalism may have influenced his political beliefs, but, after Jefferson settled the British claims against the planters for pre-Revolutionary debts, the underlying cause of his creed was the urge to protect slaveholding interests and to secure the extension of slavery's domain—possibly with the concomitant of his own exaltation.

Wise, his enthusiastic henchman, writes that Tyler's only fault was his aspiration for office.15 The Democratic Review for July, 1843, speaking of his futile attempts to obtain the Democratic nomination said: “The favors of office are not only granted, but tendered to any Democrat of decent party standing willing to contaminate himself with such political prostitution. Tyler's venality of patronage . . . inspires us with disgust.”

After the failure of the LaFitte Loan to materialize in Paris, the Republic of Texas saw her paper money fall to two cents on the dollar. Shortly thereafter a gentleman arrived in Washington with a trunk full of Texas obligations, which he obligingly offered to sundry Whigs at

14 Lamed, History for Ready Reference, 3478-3493.
16 Henry A. Wise, Seven Decades of the Union, 232 (1876).
bargain rates, insinuating that annexation of Texas to the United States would very materially better the status of those promises to pay. Senator Benton noted the event but believed very few Congressmen stultified themselves in that manner. In January, 1842, Wise, Tyler's confidant, stated in the House that the annexation of Texas was not only desirable but necessary to preserve the balance between the two sections of the Union. America's unsettled claims against Mexico would be the ground for coercing Mexican consent. Webster's presence in the state department was an obstacle to the accomplishment of this design. Accordingly once the Ashburton Treaty was ratified, Tyler treated him with such studied coldness that he resigned, to be succeeded on May 9, 1843, by Legaré of South Carolina, after whose sudden death A. P. Upshur qualified on July 24, 1843, and held that office until killed by the explosion of a gun on February 28, 1844, on the U.S.S. "Princeton," when Wise procured the appointment of that grand old Slavocrat, John C. Calhoun.

Annexation was helped by the false report that Great Britain meditated intervention in the Mexican-Texan War for the purpose of abolishing slavery in Texas. The canard was exposed in due course but not before old Andrew Jackson, still sore at the British, had joined the annexationist ranks and openly favored their cause. The President of Mexico told our minister there that annexation was equivalent to a declaration of war. In January, 1844, the Texans demanded a promise in writing from Tyler that he would on his sole authority "cast" the United States into a war with Mexico, if need be, as the price of annexation. Calhoun in the following April answered that the President had ordered a powerful squadron to the Gulf of Mexico to convoy troops thither if necessary. On April 10 the Treaty of Annexation was signed and ten days later sent to the Senate, where action was delayed until after the Democratic nominating convention adjourned. On June 8, the Senate refused to ratify by a vote of 35 to 16.16

The Whigs then had 28 Senators, the Democrats 24, while in the House the Democrats had 142 seats, the Whigs 81. Except one, all the Senate Whigs voted against the treaty, and seven Democrats joined them.17 Both Senators from each of the states of Delaware, Maryland, Virginia, Kentucky, Tennessee, and Louisiana voted against ratifica-

17 McMaster, History of the People of the United States, 7:362.
tion. The vote was taken after the Democrats had beaten Van Buren and nominated the first "dark-horse," James K. Polk, for President. It would seem that Van Buren's friends in the Senate adhered to his anti-annexationist views in spite of their party platform declaration in favor of annexation.

In the ensuing election Clay, the Whig, was beaten by the defection of 15,000 anti-slavery Whigs in New York who cast their ballots for James G. Birney, the Liberty party candidate—a pure protest vote due to Clay's "Alabama" letter hedging on annexation. Tyler had his appointees hold a convention and nominate him. But the movement fell so flat that he soon withdrew from the race. This with Birney's "Splinter Party" vote enabled Polk to capture 15 of the 26 states' electoral votes.

Reverting to June, 1844, one may observe that two days after the Senate's refusal to ratify Texas annexation by such an emphatic vote, Tyler, advised by Calhoun, took a step which forever discredited his reputation for sincerity in belief of the Strict Construction theory. From his first public act in 1811 he had professed his adherence to the States' Rights dogma of the Strict Constructionists. That was perhaps natural for a citizen of the proud but decaying Commonwealth of Virginia. That Dominion had been the greatest state in the Confederation and had slowly sunk in importance, area, and caliber of her representatives until in 1840 she ranked barely fourth in white population, soon to be passed by Indiana and Massachusetts. No public men of her election equalled in fame Jackson, Van Buren, Webster, Clay, or Calhoun. Virginians strove to minimize the growing importance of the Union as against the waning influence of the Old Dominion. In his Kentucky Resolutions of 1798 Jefferson utilized this sentiment to advance his political fortunes and gained his objective by the aid of that sentiment. His followers in later years amplified his dogma till it became the basis of nullification in 1832, Calhoun then proclaiming the sovereign right of each state to adjudicate the invalidity of any Act of Congress.

Tyler sympathized with that school of thought. But when Texas annexation seemed an essential prop to slavery he reversed his traditional position completely. He sent to the House of Representatives on June 10, 1844, the Texan Annexation Treaty with supporting documents, and demanded that the Democratic House adopt a resolu-
tion to admit Texas as a state, to be followed by a similar resolution in the Senate, thereby securing the admission of Texas just as Ohio and Tennessee had been admitted—that is by a bare majority vote in each House instead of a two-thirds majority vote in the Senate alone—the requirement for treaty ratification.

Tyler's message conceded that treaty ratification would have been the more suitable method; hitherto the acquisition of foreign territory—in the only instances in which it had been acquired, Louisiana and Florida—had been effected by that method. Treaties from time immemorial had been the form by which independent states had expressed their legally binding agreements _inter sese_ on important matters. Why, asked Tyler's critics, should the Constitution confine treaty ratification to a Senate majority of two-thirds, if the President might after Senatorial rejection apply to Congress to reverse the Senate by a bare majority vote in each House?

Tyler's answer was simple and crushing: "How we shall bring annexation about is a matter of secondary consideration, but bring it about we must." Here for the first time the Slavocrats openly announced their defiance of all considerations which stood in the way of extending the domain over which the slave system obtained. Now the stern mask of States' Rights slipped off and the hideous features of the "very cruel" slave owner at last appeared. The right of one more than a third of the states to prevent the making of a treaty was to be nullified. What right could be more important to any free state than to preserve the _delictus personarum_, the choice of partners in the governmental firm? When the Constitution came into force in 1789 the three New England states plus New York could have vetoed attempted action by the eleven-states-Union to admit West Indian slave dominions; so the four Southern states could have prevented the annexation of Canada—thus the balance between Slave and Free States was to be preserved. Tyler urged the abolition of this veto power plainly against the admitted rights of the Northern states.

For the time being he was stopped by the adjournment of Congress. But after Polk's triumph on December 3, 1844, he asserted in his message that the sovereign will of a majority of the people expressed at the polls demanded annexation by a bare majority vote in each House. Clay, the defeated candidate, had more than one-third of the states—on its face a sufficient minority to defeat treaty ratification.
Politics is a curious vocation. With Polk's accession approaching, the very Senators, or some of them, who voted "no" in June, 1844, switched to "yes" on the joint resolution voting in February, 1845. Even Benton, opponent of a joint resolution in June, agreed to go along provided that the President might choose whether to act under the joint resolution or to await a treaty newly made. The House concurred on February 28, 1845. Whereupon Tyler on the eve of Polk's inauguration dispatched a messenger to Texas with the joint resolution. Calhoun declared this step was necessary because two-thirds of the Senators would never have assented to annexation.

And so Tyler passes from under the spotlight. Personally honest, courteous to his equals, decent in his way of life, he lacked the higher intellectual honesty of our foremost public men. He was never openly accused of favoring states bankers as Taney's and Jackson's friends had been—of feathering their own nests at the government's expense, but he succeeded in plaguing this country by means of a vicious paper money system which could not be terminated until the Civil War.

In the period of prosperity following the Tariff of 1842, Tyler sold his Kentucky real estate, his son relates, at a handsome profit which enabled him to live comfortably without practicing law. His second wife was of a wealthy New York family and contributed to the Tylers' affluence.

Tyler had fourteen children—more than any other President. One of his daughters by his second wife, a Mrs. Ellis, died as recently as 1947.\(^\text{18}\)

In spite of having had the highest office in the Union bestowed on him, he joined the Secessionists in 1861 and was elected to the Confederate Congress. He died on January 18, 1862, before taking his seat there.

\(^{18}\) Pearl Tyler Ellis, youngest daughter of President John Tyler, died on June 30, 1947, at the home of her daughter, Mrs. Ambrose M. Marye, near Elliston, Virginia—*Pittsburgh Sun-Telegraph*, July 1, 1947.