

lines of travel which had been before occupied by turnpike corporations, will be put in jeopardy. We shall be thrown back to the improvements of the last century, and obliged to stand still, until the claims of the old turnpike corporations shall be satisfied; and they shall consent to permit these states to avail themselves of the lights of modern science, and to partake of the benefit of those improvements which are now adding to the wealth and prosperity, and the convenience and comfort, of every other part of the civilized world. Nor is this all. This court will find itself compelled to fix, by some arbitrary rule, the width of this new kind of property in a line of travel; for if such a right of property exists, we have no lights to guide us in marking out its extent, unless, indeed, we resort to the old feudal grants, and to the exclusive rights of ferries, by prescription, between towns; and are prepared to decide that when a turnpike road from one town to another, had been made, no railroad or canal, between these two points, could afterwards be established. This court are not prepared to sanction principles which must lead to such results. . . .

C. The Debate on Internal Improvements

1. Jackson Vetoes the Maysville Road Bill (1830)

Although Jackson generally looked favorably on internal improvements, he vetoed a bill in 1830 providing for a government subscription of stock, in the amount of \$150,000, in a company that proposed to build a sixty-mile road near Maysville, Kentucky. Jackson's veto message offered some thoughtful commentary on the question of federal-state relationships and on the general role of government in society. His action also stung his political rival Henry Clay, whose home state of Kentucky would have benefited directly from the legislation. In the following excerpt from Jackson's veto message, how does he defend his states' rights philosophy?

May 27, 1830.

To the House of Representatives

Gentlemen: I have maturely considered the bill proposing to authorize "a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike Road Company," and now return the same to the House of Representatives, in which it originated, with my objections to its passage. . . .

Although many of the States, with a laudable zeal and under the influence of an enlightened policy, are successfully applying their separate efforts to works of this character, the desire to enlist the aid of the General Government in the construction of such as from their nature ought to devolve upon it, and to which the means of the individual States are inadequate, is both rational and patriotic, and if that desire is not gratified now it does not follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guaranty that at the proper time this policy will be made to prevail under circumstances more auspicious to its successful prosecution than those which now exist. But great as

¹J. D. Richardson, ed., *Messages and Papers of the Presidents* (1897), vol. 3, pp. 1046–1055.

this object undoubtedly is, it is not the only one which demands the fostering care of the Government. The preservation and success of the republican principle rest with us. To elevate its character and extend its influence rank among our most important duties, and the best means to accomplish this desirable end are those which will rivet the attachment of our citizens to the Government of their choice by the comparative lightness of their public burthens and by the attraction which the superior success of its operations will present to the admiration and respect of the world. Through the favor of an overruling and indulgent Providence our country is blessed with general prosperity and our citizens exempted from the pressure of taxation, which other less favored portions of the human family are obliged to bear; yet it is true that many of the taxes collected from our citizens through the medium of imposts have for a considerable period been onerous. In many particulars these taxes have borne severely upon the laboring and less prosperous classes of the community, being imposed on the necessaries of life, and this, too, in cases where the burthen was not relieved by the consciousness that it would ultimately contribute to make us independent of foreign nations for articles of prime necessity by the encouragement of their growth and manufacture at home. They have been cheerfully borne because they were thought to be necessary to the support of Government and the payment of the debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence when it is known that the necessity for their continuance would cease were it not for irregular, improvident, and unequal appropriations of the public funds? Will not the people demand, as they have a right to do, such a prudent system of expenditure as will pay the debts of the Union and authorize the reduction of every tax to as low a point as the wise observance of the necessity to protect that portion of our manufactures and labor whose prosperity is essential to our national safety and independence will allow? When the national debt is paid, the duties upon those articles which we do not raise may be repealed with safety, and still leave, I trust, without oppression to any section of the country, an accumulating surplus fund, which may be beneficially applied to some well-digested system of improvement.

. . . With the best disposition to aid, as far as I can conscientiously, in furtherance of works of internal improvement, my opinion is that the soundest views of national policy at this time point to such a course. Besides the avoidance of an evil influence upon the local concerns of the country, how solid is the advantage which the Government will reap from it in the elevation of its character! How gratifying the effect of presenting to the world the sublime spectacle of a Republic of more than 12,000,000 happy people, in the fifty-fourth year of her existence, after having passed through two protracted wars—the one for the acquisition and the other for the maintenance of liberty—free from debt and with all her immense resources unfettered! What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free government throughout the world! Would we not ourselves find in its effect an additional guaranty that our political institutions will be transmitted to the most remote posterity without decay? A course of policy destined to witness events like these can not be benefited by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement, and whose good effects must of necessity be very limited. . . .

. . . [I]f it is expected that the people of this country, reckless of their constitutional obligations, will prefer their local interest to the principles of the Union, such expectations will in the end be disappointed; or if it be not so, then indeed has the world but little to hope from the example of free government. When an honest observance of constitutional compacts can not be obtained from communities like ours, it need not be anticipated elsewhere, and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned, and the degrading truth that man is unfit for self-government admitted. And this will be the case if *expediency* be made a rule of construction in interpreting the Constitution. . . .

Andrew Jackson

2. Clay Protests (1830)

Henry Clay blasted Jackson's veto message in the following speech. What were his principal points? To what extent was his dispute with Jackson a matter of principle, and to what extent was it a matter of politics?

If any thing could be considered as settled under the present Constitution of our Government, I had supposed that it was its authority to construct such internal improvements as may be deemed by Congress necessary and proper to carry into effect the power granted to it. For near twenty-five years the power has been asserted and exercised by the Government. For the last fifteen years it has been often controverted in Congress, but it has been invariably maintained in that body, by repeated decisions, pronounced after full and elaborate debate, and at intervals of time implying the greatest deliberation. Numerous laws attest the existence of the power, and no less than twenty-odd laws have been passed in relation to a single work. This power, necessary to all parts of the Union, is indispensable to the West. Without it, this section can never enjoy any part of the benefit of a regular disbursement of the vast revenues of the United States. . . .

If I could believe that the Executive message which was communicated to Congress, upon the application of the Veto to the Maysville Road, really expressed the opinion of the President of the United States, in consequence of the unfortunate relations which have existed between us, I would forbear to make any observation upon it. It has his name affixed to it: but it is not every paper which bears the name of a distinguished personage, that is his own, or expresses his opinions. . . . It is impossible that the veto message should express the opinions of the President, and I prove it by evidence derived from himself. Not forty days before that message was sent to Congress, he approved a bill embracing appropriations to various objects of internal improvement, and among others, to improve the navigation of Conneaut Creek. Although somewhat acquainted with the geography of our country, I declare I did not know of the existence of such a stream until I read the bill. I have since made it an object of inquiry, and have been told that it rises in one corner of Penn-

²Speech by Henry Clay before the Mechanics' Collation in the Apollonian Garden in Cincinnati, August 3, 1830. Recorded in the *Daily National Intelligencer* (Washington, D.C.), September 1, 1830.