

## PENSION FUND.

The Senate then proceeded to the consideration of the special order—being the report of the Committee on the Judiciary relative to the conduct of the Bank of the United States on the Pension Fund.

Mr. KANE resumed and concluded his remarks against the report of the committee in support of the message of the President. He was followed by Messrs. CLAYTON, WRIGHT, BIBB, FORSYTH, & KING of Alabama.

The question was then taken on the following resolution, offered as an amendment to the resolution reported by the Committee:

*Resolved*, That the act of Congress for the relief of certain officers and soldiers of the revolution passed on the 15th May, 1828, and the act supplementary to that act passed 15th May, 1828, and the act supplementary to that act passed on the 7th June, 1831, are properly acts providing for the payment of military pensions.

And decided by the following vote.

YEAS—Messrs. Bell, Bibb, Black, C. Brown, Chambers, Clay, Clayton, Ewing, Forsyth, Frelinghuysen, Kent, King, of Geo., Leigh, Mangum, Naudain, Poindexter, Porter, Preston, Robbins, Shipley, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Wagaman, Webster—28.

NAYS—Messrs. Benton, Brown, Grady, Hill, Kane, King of Ala., Linn, McKean, Morris, Robinson, Tallmadge, Tipton, White, Wilkins, Wright—15.

The question was then taken on the following resolution, as a further amendment to the resolution reported:

*Resolved*, That no power is conferred by law upon the Department or Secretary of War to remove the agency for the payment of pensions, under the said act of 7th June, 1831, and the funds, books and papers connected with that agency, from the Bank of the United States, and to appoint other agents to supersede that Bank in the payment of said pensioners.

By the following vote—

YEAS—Messrs. Bell, Bibb, Black, C. Brown, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Kent, King, of Geo., Leigh, Mangum, Naudain, Poindexter, Porter, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Wagaman, Webster—28.

NAYS—Messrs. Benton, Brown, Grady, Hill, Kane, King of Alabama, Linn, McKean, Morris, Robinson, Tallmadge, Tipton, White, Wilkins, Wright—15.

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By the following vote—

YEAS—Messrs. Bell, Bibb, Black, C. Brown, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Kent, King, of Geo., Leigh, Mangum, Naudain, Poindexter, Porter, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Wagaman, Webster—28.

NAYS—Messrs. Benton, Brown, Grady, Hill, Kane, King of Alabama, Linn, McKean, Morris, Robinson, Tallmadge, Tipton, White, Wilkins, Wright—15.

The question recurring on the following resolution, as amended by the foregoing, was

*Resolved*, That the Department of War is not warranted in appointing Pension Agent in any State or Territory where the Bank of the United States, or one of its branches has been established, except when specially authorized by act of Congress.

It was decided in the affirmative.

The Senate then, on motion of Mr. MCGUM, adjourned.

## RESIGNATION OF THE SPEAKER.—After reading of the Journal—

Mr. SPEAKER STEVENSON rose and formed the House that he had taken the Chair this morning, though still laboring under severe indisposition, for the purpose of opening the House, and preventing any delay in its business; and likewise for the purpose of announcing his determination of resigning the Speaker's Chair and his seat in Congress. This he proposed doing on Monday next at 11 o'clock. He had formed the resolution under a deep sense of duty, and because his state of health rendered it impossible for him (as must be apparent to the House) to discharge in person the laborious duties of the Chair; and he had therefore deemed it respectful and proper to give the early notice of his intention to retire.

INDIANA.—Messrs. Noah Noble, and James G. Read, the candidates of the rival parties for Governor, have given notice that they shall not traverse the State for the purpose of shaking hands and making stump orations during the canvass. This announcement appears to create some dissatisfaction. We hardly know what to think of the matter. The business of self-electioneering has certainly an indelicate office-hunting look; but it has a tendency to enforce the candidates' sense of his own responsibility to his constituents, and to make him acquainted with their wants and wishes. It is also unquestionably conducive to the general dissemination of political information, and especially in the ruder portions of our country where mails are tardy and newspapers scarce. We should not be surprised to see some maggoty arise, and, by a thorough round-bar-room declamation, contrive to "go ahead" of the "regular" candidates.

New York.

PARTY MADNESS.—We learn that Samuel J. Cox, Esq. the Postmaster at Zanesville, was removed a few days since, and Col. W. Blockson appointed in his place. Mr. Cox has held the office for some years past, and admitted by all to have discharged its duties with exemplary fidelity, and to the entire satisfaction of his fellow-citizens. He is, we believe, a worthy member of the Methodist Church, and universally esteemed for his piety and his social public virtues. His removal which is attributed to the influence of the office-holders convention of the 8th of January last, has occasioned much excitement in Zanesville and its vicinity; and a general meeting of the citizens was to have been held on Wednesday evening last, for the purpose of expressing their indignation at the outrage cast upon this community by a few traitors at a distance."—Ohio State Journal.

sun of the readiness of the Committee to visit the Bank on the ensuing day, at any hour agreeable to him. In reply, the President informed the Committee that the papers thus received should be submitted to the Board of Directors, at a special meeting to be called for that purpose. It appears, in the journal of the proceedings of the Committee, herewith presented to the House, that this was done; and that the Directors appointed a Committee of Seven of their Board to receive the committee of the House of Representatives, and to offer for their inspection such books and papers of the Bank as may be necessary to exhibit the proceedings of the corporation, according to the requirement of the charter. In the letter of John Sergeant, Esq., as Chairman of the Committee of Directors, communicating the proceedings of the Board, he says, that he was directed to inform the Chairman of this Committee, that the committee of the Directors "will immediately direct the necessary arrangements to be made for the accommodation of the Committee of the House of Representatives," and would attend at the Bank to receive them the next day, at 11 o'clock. Your Committee attended, and were received by the Committee of Directors.

Up to this period, nothing had occurred to justify the belief that a disposition was felt, on the part of the managers of the Bank, to embarrass the proceedings of the Committee, or have them conducted differently from those of the two preceding Committees of Investigation. On assembling, however, the next morning, at the Bank, they found the room which had been offered for their accommodation, pre-occupied by the Committee of the Board, with the President of the Bank as an *ex officio* member, claiming the right to be present at the investigations and examinations of this Committee. This proceeding the committee were not prepared to expect. When the appointment of the Committee of Seven was first made, it was supposed that that measure, however designed, was not well calculated to facilitate the examination.

The officers of the Bank were believed to be the most appropriate agents of the Board of Directors, to exhibit their books and papers. By them the entries in the books are made, and by them such entries are most readily explained. It is their duty, too, to be daily at the banking house, and on that account they could assist in the examination more readily than the Committee of Directors.

On the 28th ult. this Committee assembled at the banking house, and again found the room they expected to find set apart for their use, pre-occupied by the Committee of Directors, and others, officers of the Bank. And, instead of such assurances as they had a right to expect, they received copies of two resolutions adopted by the Board of Directors, in which they were given to understand that their continued occupation of the room must be considered a favor, and not a matter of right; and in which the Board indulge in unjust commentaries on the House of Representatives, and intimate an apprehension that your Committee design to make their examinations secret, partial, unjust, oppressive and contrary to common right.

When this communication had been read, your Committee adjourned to meet at their own chamber, at the North American Hotel. Notwithstanding all that had occurred, the correspondence with the Committee of Directors was continued. If, in doing so, an error was committed, let it be imputed to the belief that great forbearance well became the Committee of the immediate Representatives of the People.

While it was thus doubtful whether a room could be obtained in the banking house, without conditions being attached derogatory to the rights and dignity of the House, and a concession in advance of a claim set up by the Bank, which might seriously inconvenience your Committee in their business, they determined to execute your resolution, if practicable, without intruding on the Directors of the Bank; they therefore required of the President and Directors, in writing, to submit, for the inspection of the Committee, at their committee room, on the 3d day of May, certain books and papers of the Bank, which might have been thus produced without interruption to the ordinary business of the Bank. The requisition in forms implied the presence of the Directors or their Committee.

On the day named, the Board addressed a written communication to the Committee, declaring "that they cannot comply with that part of the resolution of the Committee of Investigation which requires that certain books of the Bank be sent to the North American Hotel, this day, at 11 o'clock."

Your Committee are of opinion that this refusal of the Board of Directors to submit the books of the Bank to the inspection of your Committee, is a violation of the Bank charter, and a contempt of the laws and authority of the House of Representatives.

The reasons for this opinion need not be here repeated or enlarged.

It has been maintained, and is insisted, that the right to inspect the books of the Bank carries with it the power to perform that office out of the banking house, if it cannot be done conveniently and effectually therein, and your Committee cannot perceive that just ground of complaint exists against a claim of power in a Committee of either House of Congress, which, by the laws, and with a wise regard to public interest, is conceded to the judicial tribunals of both the Federal and State Governments.

The facts already stated, demonstrate that a room could not be procured in the Bank for the use of the Committee, without a concession not to be recalled, which would have made your Committee dependant on the courtesy of the Directors of the Bank at every step of the

inquiry, and the various communications received from the Directors and their Committee, annexed to this report, will fully corroborate this statement.

Having failed to accomplish the object of procuring the books of the Bank for inspection, at their committee room, your Committee felt it to be their duty to demand their submission for that purpose, at the Bank, of the President and Cashier of the Bank, the usual and general agents of the corporation. For that purpose, on the 5th day of May, having apprised the Committee of Directors of their intention, at 1 o'clock they repaired to the Bank, and then required the President and Cashier, each of them respectively, to produce certain of the books of the Bank for inspection of the Committee. This was refused by each of those officers, for reasons stated in writing, and to be found in the Appendix to this report.

In this refusal, your Committee believe there was a substantial violation of the Bank charter, and a contempt against the authority of the House committed.

They are of opinion, that your Committee were under no obligation of right to recognize any agent of the Bank other than those generally known as such, and make their duty and right to inspect the books depend on the convenience or caprice of such deputation.

If such be the fact, then the examinations of the Bank will, in all cases, depend on the disposition of the Directors to have their proceedings examined.

Having been thus denied, by the officers of the Bank, and having been informed by the Directors, that they were not aware of having declined to furnish a room for the exclusive use of the Committee, your Committee, sincerely desirous to meet the wishes and directions of the House, believed it to be their duty to seek another interview with the Committee of Directors, and by arrangement met the Committee of the Board, at the Bank, on the 7th day of May, at an hour fixed by themselves.

Your Committee then and there, in writing, required of the Committee of the Board, to produce to your Committee, for inspection, certain books and papers of the Bank, to enable your Committee to inquire into the truth of representations made by the Government Directors to the President of the United States and to Congress; and to ascertain whether the Board of Directors had violated the charter of the Bank, by authorizing the exercise of illegal powers by their Committees or officers, and whether the Bank had any agency, through its management or money, in producing the present pressure, or had used its corporate power or money to control the press, to interfere in politics, or influence elections.

Without giving a specific answer to these calls for books and papers, the Committee of Directors presented a written communication, which was said to be "indicative of the mode of proceeding deemed right by the Bank." The Committee of the Board in that communication, express the opinion, that the inquiry can only be rightfully extended to alleged violations of the charter, and deny virtually the right of the House of Representatives to authorize the inquiries required in the resolution.

They also required of the Committee of Investigation, "when they asked for books and papers, to state specifically in writing, the purposes for which they are proposed to be inspected; and if it be to establish a violation of the charter, then to state specifically in writing, what are the alleged or supposed violations of charter, to which the evidence is alleged to be applicable."

To this extraordinary requirement, made on the supposition that your Committee were charged with the duty of crimination, or prosecution, for criminal offence, and implying a right on the part of the Directors to determine for what purposes the inspection should be made, and what books or papers should be submitted to inspection, your Committee replied that they were not charged with the duty of criminating the Bank, its Directors, or others; but simply to inquire, amongst other things, whether any prosecution in legal form, should be instituted, and from the nature of their duties, and the instructions of the House of Representatives, they were not bound to state specifically, in writing, any charges against the Bank, or any special purpose for which they required the production of the books and papers for inspection.

A specific answer was requested to the calls which had been made.

The Committee of the Board, after deliberation, made a communication to your Committee, in writing, in which they announced their purpose to adhere to their resolution, and refused to submit the books and papers of the Bank, required by your Committee to be produced for their inspection.

These calls were made in the Bank, and in the presence of the Committee of the Board, and then and there a compliance with them was refused. Not feeling authorized to regard this unexpected and unequivocal refusal as the act of the Board of Directors, your Committee submitted the proceedings of their Committee to the Board, and they were by the Board "fully approved and sanctioned."

In this act of refusal, which nothing that had occurred had prepared them to anticipate, your Committee are of opinion, that the charter of the Bank was violated, and a contempt of the authority of the House of Representatives committed.

Your Committee, actuated by the instructions of the House of Representatives, who have the power to modify or enlarge them, do now inquire, and not authorized to adjourn or resign, except in their report to the House of Representatives, armed with the limited authority of the Board, unauthorized to pain-

fully compelled to the conclusion that the face of the obstructions already detailed, they could not efficiently prosecute the inquiries with which they were charged, without the aid of the power of the House of Representatives.

Anxious, however, to perform their duty without complaint to the House, and in conformity with the proceedings of the Committee of Investigation of 1819 and 1832, your Committee called on the Bank, in a series of resolutions, to furnish statements and certain extracts and copies from their books and papers, which, in the opinion of your Committee, were all intimately connected with their duties, and many of them indispensable to afford to the House of Representatives the information which they had directed you Committee to obtain.

The first of these was responded to by the Committee of Directors, and the information furnished. Though useful, it was comparatively unimportant.

The Board of Directors, after deliberation, refused to comply with the other calls, for reasons which will be found in their resolution in the Appendix, and which reasons deserve examination, as manifesting the deliberate purpose of the Directors to resist all attempts to examine into the proceedings of the corporation in the latitude required by your resolution.

They say, that the Board of Directors do not feel themselves at liberty to comply with the requirement of the Committee of Investigation, because "part" of the copies called for relate to matters over which the Board have no control."

This reason, it is plain, cannot have had much weight in producing the decision of the Board. If only a part of the information desired was beyond the control of the Board, that fact could have been stated, and this Committee would have cheerfully received the residue.

2d. The Board say, they cannot comply, because it would be impossible for them to do so "within any reasonable time, having ascertained by a careful examination, that the copies and statements called for by the resolutions of the 29th ultimo alone, would require the uninterrupted labor of two clerks for at least ten months."

This reason, it is also fair to presume, could not have materially influenced the decision of the Board, if, in truth, an entire compliance with all the resolutions would require great labor, still that did not justify the refusal to comply with any one of them. Besides, the whole objection could have been obviated by the employment of more clerks than two, the compensation to whom, if paid either by the Bank or this Committee, would have been well expended in gratifying the requirement of the House of Representatives.

3d. The Board say they cannot "comply, inasmuch as in respect to a part of the papers called for, the effect would be the same as the surrender of their books and papers to a secret and *ex parte* examination."

Who can read this last reason for refusing, given by the Directors, and fail to perceive that this Committee is justified in declaring, that without the aid of *compulsory process*, they cannot obey the directions of the House. If extracts from their own books, made by their own clerks, will not be furnished, because they might be used to conduct an *ex parte* examination, what benefit could this Committee expect to derive by access to the books themselves?

Believing that they had now exhausted, in their efforts to execute the duty devolved upon them, all reasonable means depending solely upon the provisions of the Bank charter, to obtain the inspection of the books of this corporation, your Committee were at last reluctantly compelled to resort to the subpoenas which had been furnished to them under the seal of this House, and attested by its clerk. They, thereby, on the 9th inst. directed the Marshal of the Eastern District of Pennsylvania to summon Nicholas Biddle, President, and thirteen other persons, Directors of the Bank, to attend at their committee room, on the next day, at 12 o'clock, at noon, to testify concerning the matters of which your Committee were authorized to inquire, and to bring with them certain books therein named for inspection.—The Marshal served the summons in due form of law, and, at the time appointed, the persons therein named appeared before the Committee and presented a written communication signed by each of them, as the answer of each to the requirements of the subpoena, (which is in the appendix to this report.) In this paper they declare "that they do not produce the books required, because they are not in the custody of either of us; but, as has been heretofore stated, of the Board," and add, "considering that as corporators and Directors, we are parties to the proceeding—we do not consider ourselves bound to testify, and therefore respectfully decline to do so."

Your Committee will not dwell long to answer these technical excuses for this contempt of the law, and nose immersed in blood, and so gorged as to be unable to leave the place. A medical examination took place, and the result was from the loss of blood by the child and the great quantity found in the cat, which was killed, that the life of the child was taken by the cat.

The supreme court of Massachusetts, at the last March session, decided that a grand child, born eight months and a half after the death of its grandmother, is included in a bequest to "grandchildren."

The facts already stated, demonstrate that a room could not be procured in the Bank for the use of the Committee, without a concession not to be recalled, which would have made your Committee dependant on the courtesy of the Directors of the Bank at every step of the

in another room of the same house, by a transmigration not knowing to Heathen philosophy, their identity is gone; they have become mere ideal creatures, on which not even a subpoena ad testificandum can be served. To make this excuse still more extraordinary, let it be remembered that seven of the gentlemen by whom it is offered had been appointed by the Board of Directors to exhibit the books of the Bank for inspection, and of course must have had the right to that exclusive possession for that purpose.

The reason assigned for the refusal to be sworn, is parallel with that which has been considered—that, as corporators and Directors, they are parties to the proceedings of the House, and therefore not bound to give testimony. It is a humane rule, to be found in the criminal law, which declares that no man shall be compelled to criminate himself, and one which this Committee would be unwilling, under any circumstances, to deny; but your Committee are not aware of any principle of evidence which will excuse a person for refusing to give testimony, simply because it may subject him to a civil action.

Thus, your Committee conclude, the just power and authority of the House of Representatives have been set at naught, defied, and contemned.

Thus have the just expectations of the House and of their constituents been disappointed, and all means of obtaining the best and most accurate information concerning operations of a controlling moneyed institution, been cut off and denied.

It remains for the House and the country to decide how far this conduct of that Directory has been dictated by their solemn duty, as declared, to protect the interests of others committed specially to their protection. How far it conforms to those principles of action which are based on conscious integrity and uprightness of purpose, which defies scrutiny, and invites investigation; and how far it shall be received as a plea of guilty to the high misdemeanors which they insist have been charged against the corporation of which they have the management and control.

These grave questions, with others growing out of the transactions and proceedings, are left to be decided by the House of Representatives. To elicit those opinions, the following resolutions are most respectfully submitted:

*Resolved*, That by the charter of the Bank of the United States, the right was expressly reserved to either House of Congress, by the appointment of a Committee, to inspect the books, and to examine into the proceedings of the said Bank, as well as to ascertain if at any time it had violated its charter.

*Resolved*, That the resolution of the House of Representatives, passed on the 4th of April, 1834, for the appointment of a committee, with full powers to make the investigation embraced in said resolution, was in accordance with the provisions of the charter of said Bank and the power of this House.

*Resolved*, That the