

SEMI-WEEKLY JOURNAL.

INDIANAPOLIS:

SATURDAY, SEPTEMBER 18, 1841.

VETO, No. 2.

Not unexpected, but unwished, will be found in our columns to-day. We have no comment to make upon it further than to say, it is regarded here as sealing the fate of President Tyler with the Whigs. It is evident, however, that he does not wish to be cast off by them. In the latter part of it he begs them to forgive him as it is the only one measure on which he differs from them.

IMPORTANT FROM WASHINGTON— CABINET RESIGNATIONS.

A letter from Washington of the 11th says that vacancies having occurred by resignations of four of the Cabinet, the following gentlemen were nominated to the Senate to supply their places:

WALTER FORWARD, of Pa., (at present First Comptroller,) Secretary of the Treasury in place of Mr. Ewing;

JOHN MCLEAN, of Ohio, Secretary of War in place of Mr. Bell;

JUDGE URSHUR, of Va., Secretary of the Navy in the place of Mr. Badger;

HUGH L. LEGARE, of South Carolina, Attorney General, in place of Mr. Crittenden.

Messrs. Webster and Granger had not resigned. It was supposed, however, that they would as soon as they could set their houses in order for their successors. So the last great legacy Gen. Harrison left to the Whigs of the Union is denied them.

The four new members were ardent friends of the election of Gen. Harrison, but were all original friends of Gen. Jackson, we believe.

P. S. Since the above was put in type, we have seen the Madisonian, which says Mr. Granger has resigned, and that Charles A. Wickliffe of Kentucky has been appointed in his stead. Mr. W. was, originally, a Jackson man.

THE SENATORIAL ELECTION.

To-day the special election to fill the vacancy in the Indiana Senate, occasioned by the resignation of Gen. Hanna took place, and resulted in the choice of N. West, the candidate of the Loco Focos. This announcement will be received with feelings of disappointment and deep regret by our friends throughout the State, we doubt not. It is a matter, we will not deny, of mortification and chagrin to the Whigs of Marion county.

The causes that wrought our defeat are palpable and unmistakable here. Notwithstanding those causes, however, had all the Whigs turned out who would have voted for Mr. Hannaman, he would have been elected by a decisive majority.

The question of temperance had a very considerable bearing on the election. Last spring a few ultra friends of the temperance cause of both political parties got up a remonstrance to the county commissioners, against the licensing of groceries to retail spirituous liquors within the incorporated limits of Indianapolis. This remonstrance was signed by a majority of the householders of the town of both parties, and, of a consequence, the commissioners were required by law not to issue any license. This, as a matter that was expected, incensed a portion of our population, as well as a great many in the country, who have not, however, any thing more to do with the internal regulation of Indianapolis than have the people of Boone, or any other county in the State. All the ill-will and odium engendered by this movement against the groceries, were thrown upon the Whigs, because they constitute a large majority of the town. The fact that some of the most active in the matter are as thorough-going and unmitigated Locofoocs as are any where to be found was altogether unheeded. The Whigs must take all the blame, and those professed friends of temperance who are politically opposed to them laugh in triumph at the predicament in which they find themselves.

It cannot be denied that there are belonging to both parties, a great many that can be influenced on the day of election in their voting by copious drenching with liquor. Mr. West and his temperance friends, being fully aware of that fact, used it to the utmost extent during the day. The groceries were made free. All who wished drank freely without money and without price, at Mr. West's cost. In consequence of this immoral and highly censurable mode of electioneering, there were more intoxicated men and more fighting than have been altogether in our town for the last five years. Mr. West's temperance friends, however, winked at it and thought it a most excellent and justifiable way of beating the rascally Whigs.

Mr. Hannaman's being a Director of the Branch Bank, also operated strongly against him. Many Whigs believe that the Branch at this place is not

conducted as it should be, and they could not be made to believe that he would go as far as his opponent in reforming the abuses they say exist.

Notwithstanding his affected abuse of them, every broker and shaver in town supported Mr. West; and, as they have a great many in their power and consequently under their influence their support told.

The prejudice that exists in many parts of the country against the town was brought to bear more than usual in this election. In particular places Mr. West would denounce as grinders of the poor, purse proud aristocrats, and Shylocks of the most dreaded kind, men whom he is in the habit daily of taking by the hand. There is hardly a Whig in Indianapolis, who is engaged in business, but was held up to scorn and detestation, and as a being unfit to associate with—and yet, strange as it is, Mr. West associates with them and is apparently proud of the privilege; and stranger yet, these denounced individuals associate with him and take him by the hand!

All these causes contributed to the defeat of the Whigs to-day. There are no professed changes among them. There are as many in Marion county now calling themselves Whigs as ever. But that they will ever again become active and efficient, time and opportunity will show.

CONGRESS.

This body adjourned on the 13th inst. A few days before the adjournment, and while the motion was pending to concur with the Senate in striking out from the appropriation bill, the salary for a minister at Naples, the following described disgraceful scene took place.

Mr. Fillmore said he was informed that Mr. Throop had been recalled, and was on his way home—

BREACH OF PRIVILEGE.

While Mr. Fillmore was in the midst of a sentence the Reporter (who had noticed Mr. Wise cross over to the seat of Mr. Stanly, and had observed those two gentlemen in conversation apparently of a very excited character) saw Mr. Wise raise his hand violently and aim a blow at the face of Mr. Stanly, who as instantaneously met or returned it. A violent fight followed, and, in less time than it can be described in this report, a scene of mingled uproar and fight such as the Reporter in many years' experience has never witnessed on the floor of the House, ensued.—Messrs. Wise and Stanly were lost to the sight of the Reporter in the general rush, whilst Mr. Arnold of Tennessee, and Mr. Butler of Kentucky, were noticed in a violent personal struggle, striking and grappling with each other. Mr. Dixon H. Lewis and Mr. Gilmer, and others, were seen in the midst endeavoring to quell the disturbance, which had now reached a point at which it seemed impossible to arrest its progress. The members had rushed from all parts of the Hall, some rushing over and others standing upon the tables, literally piling themselves one on the other, and several canes were seen by the Reporter raised as if in the act of striking. The Speaker during this time had resumed the chair informally, but no one paid the least regard to his voice, and he called in vain on the officers none of whom were observed by the Reporter, with the exception of the door-keeper, who was endeavoring to close the doors and windows against the crowd from without, who attempted to rush within the hall.

The general melee (of which the reporter was taking notes) continued from two and a half to three minutes. It then subsided, as it appeared though by what direct process the Reporter could not understand; but he heard the voice of

Mr. Wise, who had returned to his seat, addressing the chair.

The Reporter thinks it proper to remark that the entire statement under the head of "Breach of Privilege" is given by himself, according to his own notes, and that no part of it has been submitted to revision.

Something like order having been restored—

Mr. Wise said he had risen for the purpose of apologizing to the House in the most humble manner, and of asking its pardon as he most sincerely did.—He had in its presence, under the excitement of the moment, violated its order—an excitement which he could not repress. The House had witnessed what had passed between the gentleman from North Carolina (Mr. Stanly) and himself, in the course of the debate, and had heard the language used by that gentleman towards him. He (Mr. W.) had passed over to that gentleman's seat, in order to remonstrate with him in a friendly way. The gentleman from N. Carolina was excited, and he (Mr. W.) becoming so, they were soon engaged in very hot words. Our friendly relations, continued Mr. W., were interrupted. I will not state to the House circumstantially all that took place; but he repeated to me what he had said, and I gave him warning that he had not met me in the spirit in which I—

Mr. W., at the close of the sentence which was thus lost to the Reporter, was interrupted by

Mr. Andrews, of Kentucky, who said that he objected to the gentleman going into the facts, which he hoped would be ascertained by a committee of persons wholly uninterested.

Mr. Wise. I have but a few words to say. [Cries of "Go on, go on."] In the warmth of my excitement I used harsh language, and the gentleman returned to me a word which I could not brook, either here or elsewhere. Never, whatever may be the consequences, will I brook that word. I struck him. I have offended against the House; I humbly ask its pardon, and I submit myself to any penalty which it may please to impose.

Mr. Stanly then took the floor, and said he had not risen to ask pardon of the House. If he had offended against it—if he had been guilty of any violation of its rules, he would submit to any penalty the House might impose—even to be expelled or forced to resign. But, (continued Mr. S.) I believe I have done what any other man on this floor would have done under similar circumstances.

The honorable gentleman from Virginia, (Mr. Wise,) whose insolence I will not say is notorious, came round to my seat, not, as he says, to remonstrate—not, not to remonstrate—but to scold, to lecture, to browbeat me, as he does every body who presumes to differ with such a high-born Virginian as he is. I could not tolerate it. I told him what I understood him to have said, and what I had said in reply. He then said, "I want to warn you." To which I replied, "No, I will not take your warning." He then said, "Come out of the Hall with me," and started towards the door. I replied, "No, sir; you have heard what I said; you can take your own course; I have nothing more to say." He then said, "You deserve my contempt;" and I said, "Sir, you are a liar."—

Mr. Wise. That is not the fact.

Mr. Stanly. That is the state of facts. I assert it

before my constituents, before this House, and before the world.

The gentlemen then raised his hand and struck me; and if the members of the House had not interfered, I would have given him the severe punishment which he deserves for his insolence.

Mr. Ingersoll rose and offered the following resolution:

Resolved, That a special committee be appointed to inquire into the circumstances of the recontra on the floor of this House between Mr. Wise and Mr. Stanly, members of this House, and to report thereon to the House.

Mr. Andrews, of Ky., said that at the last Congress a committee had been appointed on a similar subject when a similar occurrence had taken place. How that investigation ended every body knew. He was opposed to the appointment of a committee. He considered the former occurrence disgraceful to the House, as he considered this. He thought that the two members engaged deserved to be expelled, and he believed they should be expelled now, upon the spot, and without further delay.

[Cries in many parts of the House. "Agreed—agreed."]

There was no other way in which the House could vindicate its character and its dignity. The committee appointed in a similar case at the last Congress had done nothing—had recommended nothing—and the indignity which had been offered to the House and the country went unpunished and unrebuted. He was for no committee—it would be a mere whitewashing affair—a mere humbug, such as we had heretofore had.

Mr. Hopkins (after a remark which the Reporter could not hear) moved the previous question.

Mr. Andrews moved to lay the resolution of Mr. Ingersoll on the table, with a view, he said, if that motion prevailed, to offer the following resolution:

Resolved, That the Hon. Henry A. Wise, a member of this House, having this day, by his own confessions on the floor of the House, while in session in Committee of the Whole on the state of the Union, committed an assault on the Hon. Edward Stanly, be therefore expelled the House.

Mr. Andrews moved to lay the resolution on the table, for the reasons above stated by him.

Which motion was rejected.

The question then recurred on the motion of Mr. Hopkins for the previous question.

And there was a second.

And the main question (being on the resolution) was ordered; and being taken—

The resolution, by ayes 124, was not counted, was adopted.

And the committee was ordered to consist of seven members.

MESSAGE

From the President of the United States, returning, with his objections, the bill "To provide for the better collection, safe-keeping, and disbursement of the public revenue, by means of a Corporation, to be styled the Fiscal Corporation of the United States."

SEPTEMBER 9, 1841.

To the House of Representatives of the United States:

It is with extreme regret that I feel myself constrained, by the duty faithfully to execute the office of President of the United States, and to the best of my ability to preserve, protect, and defend the Constitution of the United States, to return to that House in which it originated, the bill "to provide for the better collection, safe-keeping, and disbursement of the public revenue, by means of a Corporation to be styled the Fiscal Corporation of the United States," with my written objections.

In my message sent to the Senate on the 16th day of August last, returning the bill "to incorporate the subscribers to the Fiscal Bank of the United States," I distinctly declared that my own opinion had been uniformly proclaimed to be against the exercise "of the power of Congress to create a National Bank to operate *per se* over the Union;" and entertaining that

opinion, my main objection to that bill was based upon the highest moral and religious obligations of conscience and the Constitution. I readily admit, that whilst the qualified *reto* with which the Chief Magistrate is invested, should be regarded, and was intended by the wise men who made it a part of the Constitution, as a great conservative principle of our system, without the exercise of which, on important occasions, a mere representative majority might urge the Government in its legislation beyond the limits fixed by its framers, or might exert its just powers too hastily or oppressively; yet, it is a power which ought to be most cautiously exerted, and perhaps never, except in a case imminently involving the public interest, or one in which the oath of the President, acting under his convictions, both mental and moral, imperiously requires its exercise. In such a case he has no alternative.

He must either exert the negative power intrusted to him by the Constitution chiefly for its own preservation, protection, and defence, or commit an act of gross moral turpitude. Mere regard to the will of a majority must not, in a constitutional republic like ours, control this sacred and solemn duty of a sworn officer. The Constitution itself, I regard and cherish, as the embodied and written will of the whole People of the United States. It is their fixed and fundamental law, which they unanimously prescribe to the public functionaries—their mere trustees and servants. This, their will, and the law which they have given us as the rule of our action, has no guard, no guarantee of preservation, protection, and defence, but the oaths which it prescribes to the public officers, the sanctity with which they shall religiously observe those oaths, and the patriotism with which the people shall yield it by their own sovereign will, which has made the Constitution supreme. It must be exerted against the will of a mere representative majority, or not at all. It is alone in pursuance of that will that any measure can ever reach the President; and to say that because a majority in Congress have passed a bill the President should therefore sanction it, is to abrogate the power altogether, and to render its insertion in the Constitution a work of absolute supererogation. The duty is to guard the fundamental will of the people themselves from (in this case I admit unintentional) change or infraction by a majority in Congress. And in that light alone, do I regard the constitutional duty which I now most reluctantly discharge.

Is this bill, now presented for my approval or disapproval, such a bill as I have already declared could not receive my sanction? Is it such a bill as calls for the exercise of the negative power under the Constitution? Does it violate the Constitution, by creating a national bank, to operate *per se* over the Union? Its title, in the first place, describes its general character. It is "An act to provide for the better collection, safe-keeping, and disbursement of the public revenue, by means of a corporation, to be styled the *Fiscal Corporation of the United States*." In style, then, it is plainly national in its character. Its powers, functions, and duties, are those which pertain to the collecting, keeping, and disbursing the public revenue.—The means by which these are to be exerted is a corporation, to be styled the *Fiscal Corporation of the United States*.

The two Houses of Congress have distinguished themselves at this extraordinary session, by the performance of an immense mass of labor at a season very unfavorable both to health and action, and have passed many laws which I trust will prove highly beneficial to the interest of the country, and fully answer

United States. It is a corporation created by the Congress of the United States, in the character of a National Legislature for the whole Union, to perform the *fiscal* purposes, meet the *fiscal* wants and exigencies, supply the *fiscal* uses, and exert the *fiscal* agencies of the Treasury of the United States. Such is its own description of itself. Do its provisions contradict its title? They do not. It is true, that by its first section, it provides that it shall be established in the District of Columbia, but the amount of its capital—the manner in which its stock is to be subscribed for and held—the persons, bodies, corporate and politic, by whom its stock may be held—the appointment of its directors, and their powers and duties—its fundamental articles, especially that to establish agencies in any part of the Union—the corporate powers and business of such agencies—the prohibition of Congress to establish any other corporation with similar powers for twenty years, with express reservation in the same clause, to modify or create any bank for the District of Columbia, so that the aggregate capital shall not exceed five millions; without enumerating other features which are equally distinctive and characteristic, clearly show that it cannot be regarded as other than a Bank of the United States, with powers seemingly more limited than have heretofore been granted to such an institution. It operates *per se* over the Union, by virtue of the unaided, in my view, assumed authority of Congress as a National Legislature, as distinguishable from a bank created by Congress for the District of Columbia, as the local Legislature of the District. Every United States Bank heretofore created has had power to deal in bills of exchange, as well as in local discounts. Both were trading privileges conferred, and both exercised, by virtue of the aforesaid power of Congress, over the whole Union. The question of power remains unchanged, without reference to the extent of privilege granted. If this proposed Corporation is to be regarded as a local bank of the District of Columbia, invested by Congress with general powers to operate over the Union, it is obnoxious to still stronger objections. It assumes that Congress may invest a local institution with general, or national powers. With the same propriety that it may do this in regard to a bank of the District of Columbia, it may as to a State bank. Yet who can indulge the idea that this Government can rightfully, by making a State bank its fiscal agent, invest it with the absolute and unqualified powers conferred by this bill?—When I come to look at the details of the bill, they do not recommend it strongly to my adoption.—A brief notice of some of its provisions will suffice.

First. It may justify substantially a system of discounts of the most objectionable character. It is to deal in bills of exchange drawn in one State and payable in another, without any restraint. The bill of exchange may have an unlimited time to run, and its renewability is no where guarded against. It may, in fact, assume the most objectionable form of accommodation paper. It is not required to rest on any actual, real, or substantial exchange basis; a drawer in one place becomes the acceptor in another, and so on in turn the acceptor may become the drawer, upon a mutual understanding. It may, at the same time, indulge in mere local discount under the name of bills of exchange. A bill drawn at Philadelphia on Camden, New Jersey; at New York on a border town in New Jersey; at Cincinnati on Newport, Kentucky, not to multiply other examples, might, for any thing in this bill to restrain it, become a mere matter of local accommodation. Cities thus relatively situated would possess advantages over cities otherwise situated, of so decided a character as most justly to excite dissatisfaction.

2d. There is no limit prescribed to the premium in the purchase of bills of exchange; thereby correcting none of the evils under which the community now labors, and operating most injuriously upon the agricultural States, in which the inequality in the rates of exchange are most severely felt. Nor are these the only consequences. A resumption of specie payments by the banks of these States, would be liable to indefinite postponement; for as the operation of the agencies of the interior would chiefly consist in settling bills of exchange, and the purchasers could only be made in specie, or in notes of banks paying specie, the State banks would either have to continue with their doors closed, or exist at the mercy of this national monopoly of brokerage. Nor can it be passed over without remark, that whilst the District of Columbia is made the seat of the principal bank, its citizens are excluded from all participation in any benefit it might afford, by a positive prohibition of the bank from all discounting within the District.

These are some of the objections which prominently exist against the details of the bill: others might be urged, of much force, but it would be unprofitable to dwell upon them: suffice it to add, that this charter is designed to continue for twenty years, without a competitor; that the defects to which I have alluded being founded in the fundamental law of the Corporation, are irrevocable; and that if the objections be well founded, it would be over hazardous to pass the bill into a law.

In conclusion, I take leave most respectfully to say, that I have felt the most anxious solicitude to meet the wishes of Congress in the adoption of a Fiscal Agent, which, avoiding all constitutional objections, should harmonize conflicting opinions. Actuated by this feeling, I have been ready to yield much, in a spirit of conciliation, to the opinions of others; and it is with great pain that I now feel compelled to differ from Congress a second time in the same session.—At the commencement of this session, inclined from choice to defer to the legislative will, I submitted to Congress the propriety of adopting a Fiscal Agent which, without violating the Constitution, would separate the public moneys from the Executive control, perform the operations of the Treasury, without being burdensome to the People, or inconvenient, or expensive to the Government. It is deeply to be regretted that this Department of the Government cannot, upon constitutional and other grounds, concur with the Legislative Department in this last measure proposed to attain these desirable objects. Owing to the brief space between the period of the death of my lamented predecessor, and my own installation into office, I was, in fact, not left time to prepare and submit a definite recommendation of my own