

The Maryland Gazette.

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NO. 40.

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JONAS GREEN,
Church-Street, Annapolis.
PRICE—THREE DOLLARS PER ANNUM.
BANK OF THE U. STATES.

From the Globe.

It has been generally known for some weeks past that the propriety of withdrawing the public deposits from the Bank of the United States was under consideration and engaged much of the attention of the President and of the different members of his Cabinet, all of whom had been called upon by the President to assist him in his deliberations on this subject. After a very full and careful examination, the President came to the conclusion that the public deposits ought to be removed from the Bank, and his opinion was communicated in writing to his Cabinet on Wednesday last, at a meeting held specially for that purpose, and the facts and reasons on which it was founded. As public attention has been drawn to this subject, it is deemed expedient to prevent misunderstanding by a presentation, to lay before the people the communication made by the President, as here mentioned, and a copy has been furnished to each of the newspapers, which we now reproduce as follows:

Ohio, April 20, 1833.
Diligent search has been made, and as a trace of the above child can be found, the distressed parents have been induced to believe she has been stolen. Editors will confer a favor on the deeply distressed, by giving the above an insertion in their respective papers.
Aug 29
JOHN BULLOCK

FOR ANNAPOLIS CAMBRIDGE AND EASTON.
The Steam Boat MARYLAND, commences her route on TUESDAY the 9th inst. leaving the lower end of Dogfish Wharf, at 7 o'clock, A. M. for Annapolis (Cambridge by Castle Haven,) and Easton, and return from the Eastern Shore on every Wednesday and Saturday, leaving Easton at 7 A. M. by Castle Haven and Annapolis. She will commence her Chestertown Trip on Monday, 22d April, leaving Baltimore at 6 o'clock, and return the same day, leaving Chestertown at 1 o'clock, calling at Corsica wharf, for the Centreville passengers.
N. B. All baggage at the owner's risk. Passage to or from Easton or Cambridge, \$2.50. Passage to or from Annapolis, 1.50. Passage to Chestertown or Corsica, 2.00. Children under 12 years of age half price.
LEWIS G. TAYLOR, Master.

Saint-Mary's County Court, Acting as a Court of Equity.
August Term, 1833.
Joseph Stone, Adm'r. of William Williams vs.
William T. Mattingley, James C. Mattingley, Richard H. Miles, Adm'r. of Clement Mattingley, and Priscilla Mattingley.

ORDERED BY THE COURT, That in sale made and reported by Gerard Cassin, trustee under a decree of this court passed on the above case, be ratified and confirmed on the first Monday of November next, unless good cause be shown to the contrary, or before that day, provided a copy of this order be published once a week for three successive weeks in some newspaper printed in the State of Maryland on or before the 20th day of September next. The report returns the land sold for one thousand and one dollars.
C. DORSEY, Clerk.

TAXES! TAXES!!
NOTICE is hereby given, that the city and school Taxes for 1833; and county Taxes for 1832, are now due and payable. The demands upon the respective funds to which the Taxes are applicable, are such, as to make the imperative duty of the undersigned, to use all diligence in completing his collections as early as possible: To those persons who are in arrears for Taxes, he gives this notice, that no longer indulgence can be given, as he is compelled, of necessity, to resort to the law, to place in his hands by law, to enforce payment from all delinquents.
RICHARD RIDGELY, Collector.
CITY AND COUNTY COLLECTOR'S OFFICE,
Next door to Mr. J. Hughes' Printing office.

R. R. having received a commission as Justice of the Peace, offers his services to the public, for drawing of DEEDS, taking ACKNOWLEDGMENTS, and will attend to other business appertaining to his office.
August 22.

NOTICE IS HEREBY GIVEN,
THAT the subscriber hath obtained from the Orphan Court of St. Mary's county, in Maryland, letters testamentary on the personal estate of Margaret Biscoe, late of said county, deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereunto, to the subscriber, at or before the 15th day of February 1834, they may otherwise be excluded from all benefit of the said estate. Given under my hand this 15th day of August 1833.
MORDECAI C. JONES, Kt'y.

NOTICE IS HEREBY GIVEN,
THAT an Election will be held in the several Election Districts of Anne-Arundel county, on MONDAY the 7th day of October next, for the purpose of choosing Delegates to represent said county in the General Assembly, a Representative in Congress, and a Sheriff for the county.
BUSHROD W. MARRIOTT, Sheriff.
August 22.

election which ensued? Had the veto been equivocal, or had it not covered the whole ground—if it had merely taken exceptions to the details of the Bill or to the time of its passage—if it had not met the whole ground of constitutionality and expediency, then there might have been some plausibility for the allegation that the question was not decided by the people. It was to compel the President to take his stand that the question was brought forward at that particular time. He met the challenge, willingly took the position into which his adversaries sought to force him, & frankly declared his unalterable opposition to the Bank as being both unconstitutional and inexpedient. On that ground the case was argued to the people, and now that the people have sustained the President, notwithstanding the array of influence and power which was brought to bear upon him, it is too late, he confidently thinks, to say that the question has not been decided.— Whatever may be the opinions of others, the President considers his re-election as a decision of the people against the Bank.— In the concluding paragraph of his Veto Message he said:—

"I have now done my duty to my country. If sustained by my fellow citizens, I shall be grateful and happy, if not, I shall find in the motives which impel me, ample grounds for contentment and peace."

He was sustained by a just people, and he desires to evince his gratitude by carrying into effect their decision, so far as it depends upon him.

Of all the substitutes for the present Bank which have been suggested, none seems to have united any considerable portion of the public in its favour. Most of them are liable to the same constitutional objections for which the present Bank has been condemned, and perhaps to all there are strong objections on the score of expediency. In holding the country of an irresponsible power which has attempted to control the Government, extreme must be taken not to unite the same power with the Executive branch. To give a President the control over the currency and the power over individuals now possessed by the Bank of the United States, even with the material difference that he is responsible to the people, would be as objectionable and as dangerous as to leave it as it is. Neither the one nor the other is necessary, and therefore ought not to be resorted to.

On the whole, the President considers it as conclusively settled that the charter of the Bank of the United States will not be renewed, and he has no reasonable ground to believe that any substitute will be established. Being bound to regulate his course by the laws as they exist, and not to anticipate the interference of the legislative power, for the purpose of framing new systems, it is proper for him seasonably to consider the means by which the services rendered by the Bank of the United States are to be performed after its charter shall expire.

The existing laws declare, that the deposits of the money of the United States, in places in which the said Bank and branches thereof may be established, shall be made in said Bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct, in which case the Secretary of the Treasury shall immediately after the commencement of the next session, the reason of such order or direction.

The power of the Secretary of the Treasury over the deposits is *unqualified*. The provision that he shall report his reasons to Congress, is no limitation. Had it not been inserted, he would have been responsible to Congress, had he made a removal for any other than good reasons, and his responsibility now ceases, upon the rendition of sufficient ones to Congress. The only object of the provision, is to make his reasons accessible to Congress, and enable that body more readily to judge of their soundness and purity, and thereupon to make such further provision by law as the legislative power may think proper in relation to the deposits of the public money. Those reasons may be very diversified. It was asserted by the Secretary of the Treasury without contradiction, as early as 1817, that he had power to control the proceedings of the Bank of the United States at any moment by changing the deposits to the State Banks; and it is an illiberal course towards the institutions; that the Secretary of the Treasury will always be disposed to support the credit of the State Banks, and will invariably direct transfers from the deposits of the public money in aid of their legitimate exertions to maintain their credit; and he asserted a right to employ the State Banks when the Bank of the United States should refuse to receive deposits of the notes of such State Banks as the public interest required should be received in payment of public dues. In several instances he did transfer the public deposits to State Banks, in the immediate vicinity of branches for reasons connected only with the safety of those Banks, the public convenience and the interests of the Treasury.

If it was lawful for Mr. Crawford, the Secretary of the Treasury, at that time, to act on those principles, it will be difficult to discover any sound reason against the application of similar principles in still stronger cases. And it is a matter of surprise that a

power which, in the infancy of the Bank, was freely asserted as one of the ordinary and familiar duties of the Secretary of the Treasury, should now be gravely questioned, and attempts made to excite and alarm the public mind as if some new and unheard of power was about to be usurped by the Executive branch of the Government.

It is but a little more than two and a half years to the termination of the charter of the present Bank. It is considered as the decision of the country that it shall then cease to exist, and no man, the President believes, has reasonable ground for expectation that any other Bank of the United States will be created by Congress. To the Treasury Department is entrusted the safe keeping and faithful application of the public moneys. A plan of collection different from the present, must therefore be introduced and put in complete operation before the dissolution of the present Bank. When shall it be commenced? Shall no step be taken in this essential concern until the charter expires, and the Treasury finds itself without an agent, its accounts in confusion, with no depository for its funds, and the whole business of the Government deranged? or shall it be delayed until six months, or a year, or two years before the expiration of the charter? It is obvious that any new system which may be substituted in the place of the Bank of the United States, could not be suddenly carried into effect on the termination of its existence without serious inconvenience to the Government and the people. Its vast amount of notes are then to be redeemed and withdrawn from circulation, and its immense debt collected.— These operations must be gradual, otherwise much suffering and distress will be brought upon the community. It ought to be not a work of months only, but of years, and the President thinks it cannot, with attention to the interests of the people, be longer postponed. It is safer to begin it too soon than to delay it too long.

It is for the wisdom of Congress to decide upon the best substitute to be adopted in the place of the Bank of the United States; and the President would have felt himself relieved from a heavy and painful responsibility if the charter to the Bank, Congress had reserved to itself the power of directing, at its pleasure, the public money to be elsewhere deposited, and had not devolved that power exclusively on one of the Executive Departments. It is useless now to inquire how this high and important power was surrendered to those who are peculiarly and appropriately the guardians of the public money. Perhaps it was an oversight. But as the President believes that the charter to the Bank is to be considered as a contract on the part of the Government, it is not now in the power of Congress to disregard its stipulations; and by the terms of that contract the public money is to be deposited during the continuance of its charter, unless the Secretary of the Treasury shall otherwise direct. Unless, therefore, the Secretary of the Treasury first act, Congress have no power over the subject, for they cannot add a new clause to the charter or strike one out of it without the consent of the Bank; and consequently the public money must remain in that situation until the last hour of its existence, unless the Secretary of the Treasury shall remove it in earlier day.

The responsibility is thus thrown upon the Executive branch of the Government, of deciding how long before the expiration of the charter, the public interest will require the deposits to be placed elsewhere. And although to the frame and principle of our government, this decision would seem more properly to belong to the legislative power; yet as the law has imposed it upon the Executive Department, the duty ought to be faithfully and firmly met, and the decision made and executed upon the best lights that can be obtained, and the best judgment that can be formed. It would ill become the Executive Government, to shrink from any duty which the law imposes on it, to fix upon others the responsibility which justly belongs to itself. And while the President anxiously wishes to abstain from the exercise of doubtful powers, and to avoid all interference with the rights and duties of others, he must yet, with unshaken constancy, discharge his own obligations, and cannot allow himself to turn aside, in order to avoid any responsibility which the high trust with which he has been honoured requires him to encounter; and it being the duty of one of the Executive Departments to decide in the first instance, subject to the future action of the legislative power, whether the public deposits shall remain in the Bank of the United States until the end of its existence, or be withdrawn some time before, the President has felt himself bound to examine the question carefully and deliberately in order to make up his judgment on the subject; and in his opinion the near approach of the termination of the charter, and the public considerations heretofore mentioned, are of themselves amply sufficient to justify the removal of the deposits without reference to the conduct of the Bank, or their safety in its keeping.

But in the conduct of the Bank may be found other reasons very impetative in their character, and which require prompt action. Developments have been made from time to time of its faithlessness as a public agent, its misapplication of public funds; its interference in elections; its efforts, by the machinery of committees, to deprive the Government

Directors of a full knowledge of its concerns, and above all, its flagrant misconduct as recently and unexpectedly disclosed in placing all the funds of the Bank, including the money of the Government, at the disposition of the President of the Bank as means of operating upon public opinion and procuring a new charter without requiring him to render a voucher for their disbursement. A brief recapitulation of the facts which justify these charges and which have come to the knowledge of the public and the President, will, he thinks, remove every reasonable doubt as to the course which it is now the duty of the President to pursue.

We have seen that in sixteen months, ending in May, 1832, the Bank had extended its loans more than \$25,000,000, although it knew the Government intended to appropriate most of its large deposits during that year in payment of the public debt. It was in May, 1832, that its loans arrived at the maximum, and in the preceding March sensible was the Bank that it would not be able to pay over the public deposit when it would be required by the Government, that it commenced a secret negotiation without the approbation or knowledge of the Government, and the agents, for about \$2,700,000 of the three per cent. stocks held in Holland, with a view of inducing them not to come forward for payment for one or more years after notice should be given by the Treasury Department. This arrangement would have enabled the Bank to keep and use during that time the public money set apart for the payment of those stocks.

After this negotiation had commenced, the Secretary of the Treasury informed the Bank that it was his intention to pay off one half of the three per cent. on the first of the succeeding July, which amounted to about \$6,500,000. The President of the Bank, although the committee of investigation was then looking into its affairs at Philadelphia, came immediately to Washington, and upon representing that the Bank was desirous of accommodating the importing merchants at New York (which it failed to do) and undertaking to pay the interest itself, procured the consent of the Secretary after consultation with the President, to postpone the payment until the succeeding first of October.

Conscious that at the end of that quarter the Bank would not be able to pay over the deposits and that further indulgence was not to be expected of the Government, an agent was despatched to England secretly to negotiate with the holders of the public debt in Europe, and induce them by the offer of an equal or higher interest than that paid by the Government to hold back their claims for one year, during which the Bank expected thus to retain the use of \$5,000,000 of public money which the Government should set apart for the payment of that debt. The agent made an arrangement on terms, in part, which were in direct violation of the charter of the Bank, and when some incidents connected with this secret negotiation accidentally came to the knowledge of the public and the Government, then and not before, so much of it as was palpably in violation of the charter was disavowed. A modification of the rest was attempted with the view of getting the certificates without payment of the money, and thus absolving the Government from its liability to the holders. In this scheme the Bank was partially successful, but to this day the certificates of a portion of these stocks have not been paid, and the Bank retains the use of the money.

This effort to thwart the government in the payment of the public debt, that it might retain the public money to be used for their private interests, palliated by pretences, notoriously unfounded and insincere, would have justified the instant withdrawal of the public deposits. The negotiation itself rendered doubtful the ability of the Bank to meet the demands of the Treasury, and the misrepresentations by which it was attempted to be justified, proved that no reliance could be placed upon its allegations.

If the question of a removal of the deposits presented itself to the Executive in the same attitude that it appeared before the House of Representatives at their last session, their resolution in relation to the safety of the deposits would be entitled to more weight, although the decision of the question of removal has been confined by law to another department of the Government. But the question now occurs, attended by other circumstances and new disclosures of the most serious import. It is true that in the message of the President, which produced this inquiry and resolution on the part of the House of Representatives, it was his object to obtain the aid of that body in making a thorough examination into the conduct and condition of the Bank and its branches in order to enable the Executive Department to decide whether the public money was longer safe in its hands. The limited power of the Secretary of the Treasury over the subject, disabled him from making the investigation as fully and satisfactorily as it could be done by a committee of the House of Representatives, and hence the President desired the assistance of Congress to obtain for the Treasury Department a full knowledge of all the facts which were necessary to guide his judgment. But it was not his purpose, as the language of his message will show, to ask the Representatives of the people to assume a responsibility which

did not belong to them, and relieve the Executive branch of the Government, from the duty which the law had imposed upon it. It is due to the President that his object in that proceeding should be distinctly understood, and that he should acquit himself of all suspicion of seeking to escape from the performance of his own duties, or of desiring to interpose another body between himself and the people in order to avoid a measure which he is called upon to meet. But although, as an act of justice to himself, he disclaims any design of soliciting the opinion of the House of Representatives in relation to his own duties, in order to shelter himself from responsibility under the sanction of their council, yet he is at all times ready to listen to the suggestions of the Representatives of the people, whether given voluntarily or upon solicitation, and to consider them with the profound respect to which all will admit that they are justly entitled. Whatever may be the consequences, however, to himself he must finally form his own judgment where the constitution and the law makes it his duty to decide, and must act accordingly; and he is bound to suppose that such a course on his part will never be regarded by that elevated body as a mark of disrespect to itself; but that they will, on the contrary, esteem it the strongest evidence he can give of his fixed resolution conscientiously to discharge his duty to them and the country.

A new state of things has, however, arisen since the close of the last session of Congress, and evidence has since been laid before the President, which he is persuaded would have led the House of Representatives to a different conclusion, if it had come to their knowledge. The fact that the bank controls, and in some cases substantially owns, and by its money supports some of the leading presses of the country, is now more clearly established. Editors to whom it loaned extravagant sums in 1831 and 1832, on unusual time and nominal security, have since turned out to be insolvent, and to others apparently in no better condition accommodations still more extravagant, on terms more unusual and sometimes without any security, have also been heedlessly granted.

The allegation which has so often circulated through those channels that the Treasury was bankrupt and the bank was sustaining it, when for many years there has not been less, on an average, than six millions of public money in that institution, might be passed over as a harmless misrepresentation; but when it is attempted, by substantial acts, to impair the credit of the Government and tarnish the honour of the country, such charges require more serious attention. With six millions of public money in its vaults, after having had the use of from five to twelve millions for some years, without interest, it became the purchaser of a bill drawn by our Government on that of France for about 500,000 dollars, being the first instalment of the French indemnity. The purchase money was left in the use of the bank, being simply added to the Treasury deposit. The bank sold the bill in England, and the holder sent it to France for collection, and arrangements not having been made by the French Government for its payment it was taken up by the agents of the bank in Paris with the funds of the bank in their hands. Under these circumstances it has, through its organs, openly assailed the credit of the Government; and has actually made, and persists in a demand of fifteen per cent. or \$138,843 77 as damages, when no damage, or none beyond some trifling expense has in fact been sustained, and when the bank had in its own possession on deposit, several millions of the public money which it was then using for its own profit. Is a fiscal agent to the Government, which thus seeks to enrich itself at the expense of the public, worthy of further trust?

There are other important facts not in the contemplation of the House of Representatives, or not known to the members at the time they voted for the resolution.

Although the charter and the rules of the bank both declare that "not less than seven directors" shall be necessary to the transaction of business, yet the most important business even that of granting discounts to any extent, is entrusted to a committee of five members who do not report to the board.

To cut off all means of communication with the Government in relation to the most important acts at the commencement of the present year, not one of the Government Directors was placed on any one committee. And although, since, by an unusual remodelling of those bodies some of those directors have been placed on some of the committees, they are yet entirely excluded from the committee of Exchange, through which the greatest and most objectionable loans have been made.

When the Government directors made an effort to bring back the business of the bank to the bank, in obedience to the charter and the existing regulations, the board not only overruled their attempt, but altered the rules so as to make it conform to the practice, in direct violation of the charter which gave them existence.

It had long been known that the President of the bank, by his single will, organizes and executes many of the most important measures connected with the management and credit of the bank, and that the committee, See Fourth Page.