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FOR THE COUNTRY.

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THE MADISONIAN.

THOMAS ALLEN, Editor and Proprietor.

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Twenty-Seventh Congress.

FIRST SESSION.

IN SENATE,

MONDAY, June 8, 1841.

Mr. CLAY presented a memorial from citizens of Dahlonega, Georgia, for the suppression of the branch mint at that place.

Mr. BAYARD, from the committee on the subject of the demise of President Harrison, reported a series of resolutions to the effect, that members of both Houses wear crape on the left arm for thirty days,—that the Chairs of the presiding officers of both Houses be covered with black for the session, that a letter of condolence be sent to Mrs. Harrison; report accepted.

Mr. CLAY called the attention of the Senate to the subject proposed by the Secretary of the Treasury in his report—the expediency of a Bank of the United States. Feeling the importance of knowing the views of that officer, he therefore introduced a resolution requesting the Secretary to communicate to Congress, with as little delay as possible, a plan for such a Bank of the U. S. as should be best adapted for the purposes of the Government.

Mr. KING would not object to prompt action on the resolution, if the Senator would modify his resolution to correspond with the terms of the Secretary's report. That officer speaks of "a fiscal agent," without mentioning a bank.

Mr. CLAY said he had not a copy of the report at hand, but he thought that upon a reference to it, it would be found that the Secretary does speak of a bank.

Mr. WRIGHT thought the resolution had two objections on its face: 1. It conveyed a *command* to the Secretary. 2. It required a bank, which should be an *incorporation*. He wished to allow the Secretary more discretion.

Mr. RIVES thought the resolution ambiguous in its present terms. If the object of the Senator from Kentucky were to obtain such a plan of compromise so as to procure a Fiscal Agent, free from constitutional objections, a modification of the terms was desirable. He felt grateful to the Senator for having introduced it.

Mr. CLAY wished that if Senators wished for modifications they would introduce amendments.

Mr. BUCHANAN was very anxious to get a view of this Fiscal Agent, so much talked about.—The political Millenium was about approaching. The leopard was to lie down with the lamb. If such an agency were to be created—if it was to discount notes, he cared not by what name it was called, nor whether it was located in the District of Columbia, or in Wall street, New York, it would be a bank. He wished for the adoption of the amendment expected from the Senator from Virginia.

Mr. RIVES introduced his amendment, striking out the words "a United States Bank," and inserting "such a Fiscal Agent as shall be best adapted to avoid all constitutional objections, produce the happiest results, and confer lasting benefits on the country."

Mr. CLAY would not object to the amendment, if it might read, "a Bank, or a Fiscal Agent, &c."

Mr. RIVES consented in a spirit of concession.

Mr. BENTON made some remarks approving of the amendment. It passed then unanimously.

Mr. MERRICK presented a memorial from citizens of Georgetown in reference to restrictions on our commerce. He moved to refer to the Committee of Commerce.

Mr. KING objected to the consideration of any ordinary business at this session.

Mr. CLAY moved to lay on the table. He then presented a series of resolutions, stating a schedule of subjects proper to be taken up this session. He should ask for their printing, but did not wish for any decisive action upon the subject now.

The following are the resolutions:

Resolved, As the opinion of the Senate, that, at the present session of Congress, no business ought to be transacted but such, as being of an important or urgent nature, may be supposed to have influenced the extraordinary convention of Congress, or such as that the postponement of it might be naturally detrimental to the public interests.

Resolved, Therefore, as the opinion of the Senate, that the following subjects ought first, if not exclusively, to engage the deliberations of Congress at the present session, viz.:

1. The repeal of the Sub-Treasury.
2. The incorporation of a Bank adapted to the wants of the people and of the Government.
3. The provision of an adequate revenue for the Government by the imposition of duties, and including an authority to contract a temporary loan to cover the public debt created by the last administration.
4. The prospective distribution of the proceeds of the public lands.
5. The passage of necessary appropriation bills, and
6. Some modification of the Banking System of the District of Columbia, for the benefit of the people of the District.

Resolved, That it is expedient to distribute the business, proper to be done at this session, between the Senate and House of Representatives, so as to avoid both Houses acting on the same subject at the same time.

Mr. WOODBURY asked to modify the resolution with the leave of the Senator. He would suggest that the Senator had omitted one important subject besides the Bankrupt Bill. To the mention of "the debt incurred by the *past* Administration," he would add and the *present* Administration. The Senator had proposed, in his resolutions, to create a debt of six or seven millions, and he thought that this should be included.

Mr. CLAY would not object, but wished that the resolutions might now be laid on the table and printed, according to his motion. Printing ordered, without division.

Mr. TALLMADGE presented memorials for a Bankrupt Law.

Mr. BENTON presented resolutions calling upon the President for statements as to orders issued to officers of the Army and Navy of the U. S., on the subject of political interferences; also, for the authority of law by which the Commissioner on the Public Buildings, in the District, had been created. He also moved to call up the resolutions presented by him the other day for information on the subject of the Finances, Banks, &c.

Mr. HUNTINGTON objected. It was within five minutes of the time of the special order, and it would be impossible to discuss them now. Resolutions allowed to lie on the table.

The CHAIR announced the order of the day to be the election of a Secretary of the Senate, and a Sergeant-at-Arms, and Door-keeper.

On the first ballot, 43 votes were given. Asbury Dickens received all the votes but *two*, and was declared elected. Dr. Naudain received *one*. Blank, *one*.

On the ballot for Sergeant-at-Arms and Doorkeeper, 42 votes were given, of which Edward Dyer received *forty*, and was declared elected. R. Beall received *two*.

On the ballot for Assistant Door-keeper, 44 votes were given, of which Robert Beall received 41, Robert P. Anderson 2, —— Basset 1.

Mr. CLAY'S bill for the repeal of the Sub-treasury was taken up on its second reading, in Committee of the whole.

Mr. CLAY, said he had a word or two only by way of explanation. The first section was a repeal of the Sub-treasury act. In case of that repeal would come into operation the act of 1789, establishing the Treasury Department, the resolution of 1816, and the act of 1836, providing for the Deposit of Public Moneys in the State Banks. The second section was a provision designed to remedy the defects in former legislation against embezzlement.

As to the permanent adoption of the State Banks as Depositories, he supposed that there was no disposition on either side of the Senate to recur to it. It had been tried and found impracticable. He had not at first thought it necessary to introduce a section repealing the act of 1836, expecting that this bill would be immediately followed by the creation of a Bank of the U. S., or a Fiscal Agent, as some gentlemen preferred to call it, and as there seemed to be some sensitiveness on that term. He thanked God his nerves were not so delicate. But that act forbade the Secretary of the Treasury to make any deposites in a Bank not paying specie, or in any issuing notes of an amount less than five dollars. He believed that there were no banks now pyaing specie, that did not issue notes of denominations under five dollars. It was therefore necessary to provide for this change of circumstances It was necessary, also, to provide against the contingencies of delay in the creation of a National Bank.—He, therefore, moved to repeal the act of 1836. He did not wish to open the discussion of this subject now. He considered the whole already sufficiently discussed.

Mr. CALHOUN objected to the state of things created by the repeal of the act of 1836, as subjecting the Treasury again, as before that, wholly to the Executive control. He asked for the yeas and nays.

Mr. CLAY, in reply, called the attention of the Senate to the change of circumstances since that period. The danger to the Treasury at that time consisted in the assumptions of the control of the Treasury by the Executive, and in the maintenance of the doctrine that the Secretary of the Treasury was a mere creature of the President. Such was the state of things at the time of the removal of the Deposites—the Treasury Circular. But these were not the sentiments of the party now entrusted with power. They were opposed to the union of the purse and the sword. The act of 1789, with the reservations made of later acts, would be sufficient to secure the safe-keeping of the public money.

Mr. BENTON replied that the Senator from Kentucky had advanced the doctrine that different laws were necessary for different Administrations. It was the first time that *he* had ever heard, on that floor, the principle that laws were so modified according to the *men* in power, and he called on the Senate to take notice of it. He rejoiced that the Senator from South Carolina had called for the yeas and nays to give the Senators on the other side an opportunity to exhibit their principles to the country by their votes. They had declared that, under President Jackson, before the passage of that act, the Treasury had been under the perfectly *lawless* control of the Executive, and they now asked that it should be restored to precisely that position in their hands.

Mr. CALHOUN insisted that it would be the only wise and prudent course to leave the sub-Treasury act in operation till a substitute was provided. He could not consent that the public money should be left for a single day under the control of the Executive. After some remarks to this effect, he moved an amendment removing the disabilities, under the act of 1836, of banks issuing notes less than five dollars.

Mr. RIVES maintained that the operation of the amendment of the Senator from Kentucky was to re-establish the most objectionable features of that very sub-Treasury act which the bill proposed to repeal. It would leave the public money in the hands of the Treasurer of the United States, who held his office at the will of the President. This state of things had been ably objected to, at the time of the removal of the deposites, by the then Opposition, and the supporters of President Jackson acknowledged the force of the objection. President Jackson himself called on Congress to provide, by legislation, for the keeping of the public money.

He had understood the object of this bill to be the removal of the sub-Treasury alone, to make room for a new system. He hoped that it might be still limited to that object, and that the State Bank system might stand until a new system could be created. He had hoped that here was neutral ground where all might meet for awhile.

Mr. MANGUM thought that the discussion had arisen very unnecessarily. He believed that there was no real difference of opinion between the Senator from Virginia and the majority of the Committee of Finance. The Treasury Department would find it totally impossible to make provision under the act of 1836, for the keeping of the public moneys. Such banks as it described were not now in existence.—Minute inquiry and new provisions would be required in order to act under that arrangement. He had understood that this Congress was not to adjourn until provision had been made for the legal and constitutional guardianship of the public money. Not more than a month could pass before the creation of a new fiscal agent; and it was impossible that the Treasury could return as before to the custody of the Executive.

Mr. BARROW spoke at some length in support of Mr. Calhoun's amendment. He replied, particularly, to Mr. Mangum. He thought it enough now to repeal the Sub-treasury, and leave the State Bank system to operate under the act of 1836, until the creation of a new fiscal agent.

Mr. PRESTON said that there seemed to be no difference of opinion between the two sides, on the point that the Executive power should be kept distinct from the control of the Treasury. He reminded them that, in 1834, when this was the subject of much discussion, it was admitted on all sides that, notwithstanding the existence of the law of 1789, due regulation for this legal control of the Treasury, and its security from Executive usurpation, did not exist.—This must be equally conceded now. He did not concur fully with the Senator from N. C. in all his positions. He did not wish to name the time in which a new, minute and thorough legal provision could be made. He did not wish the Treasury to remain, even for the shortest time, under Executive control. When they opposed the Sub-treasury, it was on the very ground that the State Bank system, bad as it might be, was better than the Sub-treasury. He thought so then. He thought so now.

Mr. CLAY said that he was quite indifferent about the fate of his amendment; but he thought it had been misunderstood. He insisted that the act of 1836, no more secured the money against usurpation than that of 1789, so long as the President (as then) exercised his own will on every part of the system by means of his Executive power.

The restoration of the State Bank system would be the revival of a paralytic rickety thing, the moiety only of which was in actual existence, or capable of performing its part. He spoke eloquently for some time in defence of his amendment.

Mr. CALHOUN replied. He thought that the Senator from Kentucky was in a fair way to prove that the Sub-treasury ought not to be repealed. He had contended that the revival of the State Bank system was impossible, but he had presented no constitutional alternative. It was not, however, true that there were no specie-paying Banks in the South. The Banks in South Carolina, some in Georgia, one in Missouri, and one in Arkansas, continued to pay specie. His own amendment only went to repeal the disabilities of Banks issuing small notes.

Mr. RIVES spoke forcibly and eloquently in reply to Mr. Clay. He reminded him that in 1836, he (Mr. Clay,) had with great power supported the State Bank system on the very ground that the act *did* secure the custody of the public moneys.

Mr. CLAY asked did that act after all secure the public money against the Executive so far, that if the President had then commanded the Secretary to remove the deposites from a given Bank on penalty of being expelled from office, he could not have succeeded.

Mr. RIVES replied that he could not. He continued his remarks to a great length, and will be spread before our readers, if possible, hereafter.

Mr. BERRIEN wished for more time to deliberate before coming to a conclusion.

Mr. CLAY expressed a willingness to withdraw the amendment for the sake of speedy action.

Mr. BERRIEN objected to voting now even upon the question in that form. He, therefore, moved to adjourn.

Adjourned at half past three till twelve to-morrow.

HOUSE OF REPRESENTATIVES.

MONDAY, June 7, 1841.

The resolution to adopt the rules of the last session of Congress, with the amendment of Mr. Adams to "except the 21st rule," was passed. The vote on the amendment was as follows:

YEAS—Messrs. Adams, E. H. Allen, S. J. Andrews, Aycrigg, Babcock, Baker, Barnard, Beeson, Birdseye, Blair, Boardman, Borden, Botts, Bowne, Brewster, Briggs, Brockway, Bronson, Charles Brown, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, John C. Clark, Staley N. Clarke, Clinton, Cowen, Cranston, Cushing, Richard D. Davis, Dimock, Doig, Egbert, Everett, Ferris, Fessenden, Fillmore, John G. Floyd, Charles A. Floyd, Fornance, Foster, Gates, Giddings, Patrick G. Goode, Gordon, Greig, Gustine, Hall, Halsted, Hastings, Henry, Howard, Hudson, Hunt, Ingersoll, Irvin, Irwin, James, Andrew Kennedy, Lane, Lawrence, Linn, Littlefield, Lowell, Robert McClellan, McKeon, Marchand, Alfred Marshall, Mathiot, Mattocks, Maxwell, Maynard, Morgan, Morrow, Osborne, Parmenter, Partridge, N. G. Pendleton, Plumer, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Ridgway, Roosevelt, Russell, Saltonstall, Sanford, Sergeant, Simonton, Slade, Smith, Snyder, Stokeley, Stratton, Stuart, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Trumbull, Underwood, Van Buren, Van Rensselaer, Wallace, Thomas W. Williams, Winthrop, Yorke, Augustus Young, and John Young—112.

NAYS—Messrs. Alford, L. W. Andrews, Arnold, Arrington, Atherton, Barton, Bidlack, Boyd, A. V. Brown, M. Brown, Burke, Sampson H. Butler, Wm. Butler, W. O. Butler, G. W. Caldwell, P. C. Caldwell, J. Campbell, W. B Campbell, T. J. Campbell, Caruthers, Cary, Chapman, Clifford, Coles, Daniel, Garrett Davis, W. C. Dawson, J. B. Dawson, Dean, Deberry, Eastman, J. C. Edwards, Foster, Gamble, Gentry, Gerry, Gilmer, Goggin, W. O. Goode, Graham, Green, Habersham, Harris, Houck, Hays, Holmes, Hopkins, Hubbard, Hunter, Jack, W. C. Johnson, J. W. Jones, Isaac D. Jones, Keim, Kennedy, King, A. McClellan, McKay, Mallory, T. F. Marshall, S. Mason, J. T. Mason, Medill, Merriwether, Miller, Moore, Newhard, Nisbet, Oliver, Owsley, Pearce, Pickens, Pope, Powell, Proffit, Rayner, Reding, Rencher, Rhett, Riggs, Rodney, Rogers, Saunders, Shaw, Shepperd, Sollers, Stanly, Steenrod, Summers, Sumter, Taliaferro, J. B. Thompson, Triplett, Turney, Ward, Warren, Washington, Watterson, Westbrook, J. W. Williams, C. H. Williams, J. L. Williams, Wise, Wood—104.

The modified resolution of Mr. Briggs was adopted providing for the appointment of the regular standing committees, and also a select committee of nine members, to which should be referred the subject of a fiscal agent for Government, &c.

The House adjourned to 12 o'clock to-morrow.

IN SENATE,

TUESDAY, June 8.

Mr. TALLMADGE presented resolutions of the General Assembly and Senate, of the State of New York, in favor of a distribution of the proceeds of the sales of the public lands.

Mr. EVANS presented petitions of citizens of Maine, for a general Bankrupt Law,—also, for a Bank of the United States. Referred—the first to Committee on the Judiciary,—the second to the Committee of Nine.

Mr. BUCHANAN presented the petition of E. Littell, of Philadelphia, for a Bank of the United States—submitting, also, a plan for the same. Mr. B. stated, somewhat at length, the details of the paper, and moved for the printing.

Mr. BENTON objected, and Mr. Buchanan withdrew his motion.

Mr. PORTER, Mr. Morehead, Mr. Merrick, Mr. Benton, Mr. Young, Mr. King, presented petitions which were referred to appropriate Committees. Several were for a Bankrupt Law, which were referred to the Judiciary Committee.

Mr. BENTON'S resolutions, calling on the President for information as to Banks, Disbursements, &c., were taken up.

Mr. CLAY did not object to the resolutions, but wished for a change of form. They were addressed to the President, *requesting* information. They should be addressed to the Secretary of the Treasury, *directing* him to give information.

Mr. BENTON accepted the amendment as applicable to a part of the resolutions.

Mr. PRESTON moved to amend in the last line of the first resolution by striking out the words "reported to have been," so as to read "moneys *not* paid over according to law."

Mr. BENTON objected to the amendment as clogging the inquiry.

Mr. PRESTON supported his amendment, and it was accepted by the Senate. The resolution, as amended, was passed.

The remaining resolutions were taken up in order, and passed, severally, without opposition—some being amended in their form, like the first, according to Mr. Clay's suggestion.

Mr. SEVIER'S resolution, calling on the President for information as to the reasons for the removal of Gen. Arbuckle from Fort Gibson to Baton Rouge.

Mr. PRESTON objected to a call on the Commander-in-Chief for a purely Executive act.

Mr. SEVIER made a very animated and energetic speech in favor of the call. He denounced the removal as made merely to please John Ross.

Mr. PRESTON replied, to the effect, that he knew nothing of the particular circumstances of the case, but he opposed it on general principles. The Senate was not competent to inquire into the exercise of the mere military functions of the Commander-in-Chief If Gen. Arbuckle had been disgraced by this order, he had his remedy in a court of inquiry.

After some conversational debate as to the propriety of taking up the general orders—(one o'clock having arrived)—Mr. SEVIER replied to Mr. Preston reiterating his former assertions. He called for the yeas and nays; which were ordered. The resolution was then postponed.

Mr. BAYARD then called up the joint resolutions manifesting the sensibility of Congress on the death of President Harrison; which were passed.

Mr. CLAY moved that 1500 extra copies of the Report of the Secretary of the Treasury be printed.

Mr. WOODBURY objected to the immediate adoption of the resolution, as he wished to make some remarks on the report.

Mr. CLAY hoped he would not object. If the Senator had a speech to make, they would furnish him with fifty appropriate occasions.

Mr. W. persisted; and Mr. Clay consented to the postponement of the motion.

The General Orders were then taken up, and Mr. BERRIEN, having the floor at the adjournment yesterday, addressed the Senate at some length in opposition to Mr. Calhoun's amendment, and against Mr. Clay's proposition for the repeal of the State Bank Deposite act of 1836.

Mr. CALHOUN spoke in reply partly by way of explanation.

Mr. WALKER explained his reasons for voting against Mr. Calhoun's amendment. He had always been opposed to the State Bank Deposite system—in 1836 and ever since. He was elected as such. He knew the Sub-treasury would be repealed; but this would be the last substitute that he would vote for.

Mr. BENTON replied briefly to Mr. Walker, and opposed Mr. Clay's order of proceedings in attacking the Sub-treasury first.

Mr. CALHOUN replied also to Mr. Walker; and some explanations ensued between them.

Mr. WALKER replied fully to both Mr. Benton and Mr. Calhoun.

Mr. YOUNG, of Illinois, proposed to amend the bill, first by inserting the words "neglect or" before the word "refuse," in the clause making a refusal to pay over public moneys to the order of Government *prima facie* evidence of embezzlement; which amendment was accepted by Mr. CLAY, and adopted by the Senate: and in the second place further to amend the bill in such a manner as to provide that if an agent of the Government, previous to his refusal to pay over the public money, should put his property out of his hands by assignment or other conveyance, that act should be pronounced a felony, and subject him to all the penalties of embezzlement.

Mr. CLAY said he could not agree to this amendment. He thought it pushed the penal principle rather too far. To declare the fraudulent conveyance of property a felony was going beyond any law with which he was acquainted, and there might, besides, be many cases where the fact of conveyance was doubtful.

Mr. YOUNG observed that the case was one of very frequent occurrence, at least in the West, and some punishment ought to be provided for it. If gentlemen would not declare it felony, would they consent that it should be held as a conspiracy to defraud the United States?

Mr. HUNTINGTON admitted that it was very desirable to prevent such frauds, but the courts were open, and he thought would provide a sufficient remedy. At all events, he could not consent to declare a fraudulent conveyance felony.

The amendment was rejected.

Mr. BENTON moved the following amendments:

And provided further, That the following sections and parts of said bill shall be excepted from this repeal and shall remain and continue in force, to wit: Sections 19 and 20, section 21, section 25, section 2, and so much of the 19th section as makes it felony in disbursing officers and persons connected with the Post Office Department to use the public money for their own or other purposes; and a neglect or refusal to pay over public moneys on demand or to transfer or disburse them shall be prima facie evidence of an embezzlement of the same.

Sec. . *And be it further enacted*, That the Bank of the United States, commonly called the Pennsylvania Bank of the United States, and its branches and the local banks and agencies owned by it, shall not be entrusted with the collection or safe-keeping or transfer or disbursement of the public moneys or any part thereof.

And he asked that the question be divided, and that a vote be taken on each question by yeas and nays, and they were ordered by the Senate.

The item with regard to the Bank of the United States at Philadelphia having been read,

Mr. CLAY said that he had no hesitation in declaring, after all the disclosures that had recently been made, that he should deprecate as much as any gentleman could do the employment of that bank by the Government as a depository for the public funds. He had intimated the opinion as much as three years ago that the Government was cut loose from that institution from the period of its charter by the State of Pennsylvania. But still he could not consent to the adoption of such an amendment as that proposed. If the Senate was to declare its disapprobation of the management of a particular bank, there were many others, such as the Owl Creek bank, &c., which might, with equal justice, be included in the denunciation.—He did not, however, consider it as comporting with the dignity of the Senate to enter upon any such course of discrimination, and he hoped the amendment would not prevail.

Mr. BENTON admitted that other banks had behaved very badly, but the case of this bank stood distinguished from all others, because it had originally come into existence under a charter from the United States, and the eyes of foreigners were in a peculiar manner fixed upon it. Mr. B. proceeded to speak with much warmth against the course of the bank generally, and especially on its bringing upon itself the last suspension by an underhanded and swindling endeavor to break the New York banks. He accused it as having plotted the suspension in 1837, and as being in effect the only obstacle to a resumption of specie payments by all the banks of the South. They had recently made an effort to resume, but this bank had instantly run upon them and forced them to return to a suspension.

The question being now taken on Mr. CALHOUN'S amendment to the amendment of Mr. CLAY, it was decided by yeas and nays, as follows:

YEAS—Messrs. Allen, Archer, Barrow, Benton, Berrien, Buchanan, Calhoun, Clay, of Alabama, Fulton, Kerr, King, McRoberts, Merrick, Nicholson, Pierce, Preston, Rives, Sevier, Smith, of Connecticut, Sturgeon, Tappan, Williams, Woodbury, Wright, Young—25.

NAYS—Messrs. Bates, Bayard, Choate, Clay, of Kentucky, Clayton, Dixon, Evans, Graham, Henderson, Huntington, Mangum, Miller, Morehead, Phelps, Porter, Prentiss, Simmons, Smith, of Indiana, Southard, Tallmadge, Walker, White—22.

So the amendment to the amendment was adopted.

The question then recurring on the amendment as thus amended, it was decided by yeas and nays, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay, of Alabama, Fulton, King, McRoberts, Nicholson, Pierce, Sevier, Smith, of Connecticut, Sturgeon, Tappan, White, Williams, Woodbury, Wright, Young—19.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clay, of Kentucky, Clayton, Dixon, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Prentiss, Preston, Rives, Simmons, Smith, of Indiana, Southard, Tallmadge, Walker, Woodbridge—29.

So the amendment, as amended, was rejected.

Mr. CLAY said that the effect of the last vote was, to leave the bill in the form in which it had been reported. If it should in this form pass both Houses of Congress, and become a law, the State Bank system, as regulated in 1836, would be revived and continue in force until a substitute should be adopted by Congress.

Mr. C. took it for granted that a substitute of some description would pass; but if, unfortunately, Congress should be unable to agree upon any substitute, whether in the form of a bank or other fiscal agent, then he presumed that Congress would set about discharging the duty of rendering the State bank system as efficient and perfect as possible. After the gallant course pursued by the honorable Senator from Mississippi, (Mr. WALKER,) Mr. C. considered it as proper for him, also, to state that he would vote for that system under no circumstances—none whatever—none. He had ever been opposed to the plan, and would not have given his vote for the law of 1836 on any other ground than that that law contained the principle of a distribution of the surplus fund among the States.—No, if gentlemen on the other side choose to put themselves in command of such a miserable fleet, he did not care under what Commodore, Mr. C. and his friends were ready to meet them upon any sea, and he doubted not that the encounter would result in such a victory as Perry had achieved on one of our great lakes, or the brave McDonough on another.

Mr. CALHOUN would say to the Senator from Kentucky that he was fighting against an imaginary flag if he supposed that the gentlemen on that side of the House meant to contend for the State bank system. No. They intended to go into battle under the noble flag of the sub-Treasury. He was glad that the Senator had been compelled to say that if the sub-Treasury should be repealed, the law of 1836 would be enforced. If that law as it now stood should in practice be found impracticable, the difficulty would fall chiefly in the South and Southwest.

Mr. CLAY said he had never doubted that the law 1836 would revive; but, when he had introduced his bill to repeal the sub-Treasury, he had given notice that that was the first in a series, and had avowed, openly, his preference for a Bank of the United States. If, then, the law of 1836 did revive in its present form, he hoped it would be but for a very short time. But, if otherwise, it must undergo a complete revision.

Mr. BAYARD admitted the culpability of the bank, but opposed the amendment as unnecessary, because the law of 1836 expressly prohibited the Government from employing any bank which did not pay specie.

Mr. WOODBURY, in reply to this, explained the construction of that law by the Treasury Department. When that Department had funds to deposite, and no bank could be found which conformed to the provisions of the law of 1836, the Department considered itself as thrown back on the previous law, and under that law at liberty to place the deposites in non specie-paying banks. What else could it do, unless it threw the money into the streets?

Mr. DIXON said he should vote against the amendment, both because he thought it improper to refer to individual banks, and especially because this bank assigned as one cause of its suspension the hard treatment of the United States Government.

The question being taken, the amendment was rejected as follows:

YEAS—Messrs. Allen, Archer, Benton, Buchanan, Calhoun, Clay, of Ala., Fulton, King, McRoberts, Nicholson, Pierce, Sevier, Smith, of Conn., Sturgeon, Tappan, Walker, Williams, Woodbury, Wright, Young—20.

NAYS—Messrs. Barrow, Bates, Bayard, Berrien, Choate, Clay of Ky., Clayton, Dixon, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Prentiss, Preston, Rives, Simmons, Smith, of Ind., Southard, Tallmadge, White, Woodbridge—28.

Mr. TALLMAGE objected to that clause of the bill which made a refusal to pay over money to the order of the Government *prima facie* evidence of embezzlement, as violating the great principle of criminal law, that every man is to be held innocent until he is proved to be guilty. It might so happen that the innocent agent, through the death of his witnesses, might be unable to prove his innocence; and would it not be hard to convict and punish him in such a case, by throwing the burden of proof on him instead of taking it upon the Government.

Mr. MANGUM replied that, while the rule operated favorably for the Government, it inflicted no real injury on individuals. It was intended to cover such cases as that of the late Collector in New York, who set the Government at defiance, and held over the public moneys to a great amount, because he was subject only to a civil prosecution. As between man and man, Mr. M. should be unwilling to adopt such a principle; but if a man undertook to serve the Government, knowing beforehand that this was one of the conditions of his service, he thought it not unfair, for after all he was subjected only to a suit in a court of law.

Mr. WOODBURY approved of the clause in the bill, but wished it slightly amended by adding the words draft or order to the word warrant; which amendment was agreed to.

Mr. TALLMADGE further supported his position, insisting that it was a mere question of evidence, and that the Government gained nothing, while it violated a great principle of law, and ran the risk of inflicting cruel injury on an innocent man.

Messrs. BAYARD and PRESTON replied to his objecton, and defended the clause in question, denying that this was any more a violation of the principle of law than a multitude of other cases where the law assumed certain facts as *prima facie* evidence of guilt, and imposed the burden of proof on the accused. If one man killed another, it was *prima facie evidence* of murder; if a man held stolen goods, it was *prima facie* evidence of theft. The *prima facie* evidence did not convict him, but he was held to explain, because he, of all other persons, was best able to explain. And even in civil cases, when a man refused to deliver up goods claimed by another, the law held it as *prima facie* evidence of conversion, and as laying the foundation for an action of trover.

Mr. WALKER confirmed this view, and illustrated it by the case of infanticide, when the violent death of an illegitimate infant was *prima facie* evidence of murder on the part of the mother.

The amendment was rejected.

The bill was further slightly amended, on motion of Mr. HENDERSON, put how, the reporter could not hear.

The amendments were then concurred in by the Senate, and the bill ordered to be engrossed, by yeas nays, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Buchanan, Choate, Clay, of Ky., Clayton, Dixon, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merrick. Miller, Morehead, Phelps, Porter, Prentiss, Preston, Rives, Simmons, Smith, of Indiana, Southard, Tallmadge, White, Woodbridge—30.

NAYS—Messrs. Allen, Benton, Calhoun, Clay, of Ala., Fulton, King, Nicholson, Pierce, Sevier, Smith, of Conn., Tappan, Walker, Williams, Woodbury, Wright, Young—16.

It was then ordered to be printed.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, June 8, 1841.

The following standing Committees were announced on the reading of the Journal:

The SPEAKER announced the following standing committees:

Elections—Messrs. Halsted, Blair, Craven, Borden, Summers, Gamble, Aaron V. Brown, Medill, and James W. Williams.

Ways and Means—Messrs Fillmore, Botts, Gilmer, Samson Mason, Thomas F. Marshall, Rencher, Pickens, John W. Jones, and Atherton.

Claims—Messrs. Giddings, Sprigg, Linn, Warren, Arnold, Cowen, Bank, Burke and Robert McClellan.

Commerce—Messrs. John P. Kennedy, Winthrop, Toland, Rayner, Benjamin Randall, Ed. D. White, Holmes, Brewster, and Charles Brown.

Public Lands.—Messrs. Wm. Cost Johnson, Morrow, Lewis Willliams, Smith Centry, Bronson, Howard, Chapman, and Cave Johnson.

Post Office and Post Roads.—Messrs. Briggs, Joseph L. Williams, Russell, Brockway, Morgan, Owsley, Andrew Kennedy, Hopkins, and Reding.

District of Columbia.—Messrs. Underwood, King, Powell, Harris, Alex. Randall, Richard W. Thompson, Keim, John Campbell, and John T. Mason.

Judiciary.—Messrs. Barnard, Trumbull, Maxwell, Thos. F. Foster, Milton Brown, Pearce, Ingersoll, Roosevelt, and Saunders.

Revolutionary Claims.—Messrs. Hall, Patrick G. Goode, Thomas J. Campbell, Mathiot, Washington, James, Parmenter, William O. Goode, and Van Buren,

Public Expenditures.—Messrs. Graham, Childs, Hudson, Alford, Clinton, Jeremiah Brown, Watterson, Green, and Littlefield.

Private Land Claims.—Messrs. Moore, R. D. Davis, Birdseye, Gamble, Stuart, Cross, J. B. Dawson, Turney, and Gordon.

Manufactures.—Messrs. Saltonstall, Randolph, Greig, Henry, Slade, Tillinghast, Nisbet, A. Marshall, and Eastman.

Agriculture.—Messrs. Deberry, Ridgway, Simonton, Doig, A. McClellan, Arrington, Mattocks, Shaw, and John Hastings.

Indian Affairs.—Messrs. Adams, Cooper, Barton, W. B. Campbell, Merriwether, Chittenden, Shepperd, William Butler, and Bidlack.

Military Affairs—Messrs. Wm. C. Dawson, Wallace, Caruthers, Pendleton, Goggin, Van Rensselear, William O. Butler, Sumpter and Miller.

Militia.—Messrs. Keim, Triplett, Coles, Stokeley, Ward, Weller, Sweney, Lowell, and S. H. Butler.

Naval Affairs.—Messrs. Wise, Stanly, G. Davis, T. W. Williams, King, Burnell, Fessenden, Mallory, and Clifford.

Foreign Affairs.—Messrs. Cushing, Everett, Hunt, John C. Clark, Allen, Proffit, Rhett, Hunter, and Ferris.

Territories.—Messrs. Pope, C. H. Williams, Sollers, Maynard, Hays, Gates, Green W. Caldwell, Daniel, and Dean.

Revolutionary Pensions.—Messrs. Taliaferro, Rodney, Lane, L. W. Andrews, Mathews, S. N. Clarke, Babcock, C. A. Floyd, and Fornance.

Invalid Pensions.—Messrs. Morris, Aycrigg, J. Edwards, Gerry, Gordon, Hubard, Doan, Stratton, and Gustine.

Roads and Canals.—Messrs. Lawrence, Joseph L. White, Boardman, Sherlock J. Andrews, John B. Thompson, John Young, Steenrod, William W. Irwin, and Beeson.

Patents.—Messrs. Osborne, Cranston, Plumer, Ramsay, and Sanford.

Public Buildings and Grounds.—Messrs. Boardman, Augustus Young, Cranston, Bowne, and Wood.

Revisal and Unfinished Business.—Messrs. James, Stratton, Dimock, Jack, and C. A. Floyd.

Accounts.—Messrs. Baker, L. W. Andrews, Marchand, J. G. Floyd, and Yorke.

Mileage.—Messrs. Thomas W. Williams, Patrick C. Caldwell, John C. Edwards, Westbrook, and Egbert.

Expenditures in the State Department.—Messrs. Van Buren, Hudson, Oliver, Brockway, and Wm. S. Hastings.

Expenditures in the Treasury Department.—Messrs. McKeon, Samson Mason, Partridge, Isaac D. Jones, and James Irvin.

Expenditures in the War Department.—Messrs. McKay, Tomlinson, Newhard, Alford, and Brockway.

Expenditures in the Navy Department.—Messrs. Yorke, Simonton, Borden, Stuart, and Green.

Expenditures in the Post Office Departments.—Messrs. Lowell, Morgan, Washington, Boyd, and Lane.

Expenditures on the Public Buildings.—Messrs. Cave Johnson, Gates, Bidlack, Stokely, and Houck.

The select committee ordered yesterday to be appointed "on the subject of the currency, and the establishment of a suitable fiscal agency capable of adding increased facilities in the collection and disbursement of the public revenues, and rendering their custody more secure," was also announced.

Committee.—Messrs. Sergeant, Adams, Pope, Wm Cost Johnson, Wm. C. Dawson, Botts, McKay, McKeon, and Rhett.

Mr. MORGAN offered a resolution that the House now proceed, according to rule, to the appointment of the Sergeant-at-Arms, Door-keeper, Assistant Door-keeper, and Postmaster of the House.

On this Mr. M. moved the previous question, which was sustained.

Mr. MORGAN said he believed the rule provided for the appointment *viva voce*.

Mr. ADAMS moved that the House proceed immediately to the election of Chaplain. This was decided out of order—a question pending under the previous question.

Mr. GILMER, on leave, presented the memorial of Mr. WM. SMITH, of Va., contesting the seat of LINN BANKS in this House.

Which was referred to the Committee of Elections.

The resolution of Mr. Morgan was then adopted.

The SPEAKER said there was a joint resolution on the table, from the Senate, for the appointment of Chaplains; which was concurred in.

Mr. HUNT proposed that the Assistant Doorkeeper and Postmaster be elected by resolution. This course had formerly been pursued, and consumed much less time.

This was objected to, and the House proceeded to the election of Sergeant-at-Arms, *viva voce.*

The SPEAKER appointed Messrs. Fillmore, Graham, and John Thompson, tellers to superintend the votes.

Mr. FILLMORE nominated	Eleazar L. Townsend.
Mr. GRAHAM	James H. Blake.
Mr. J. T. MASON	Roderic Dorsey.
Mr. TALIAFERRO	Bernard Hooe.
Mr. PEARCE, of Md.	Thomas Burchenal.
Mr. LAWRENCE	James Wilson.
Mr. W. C. JOHNSON	Thomas Geddings.

The following votings then took place:

	1st.	2d.	3d.	4th.	5th.	6th.	7th
Whole no. of votes	222	221	218	216	217	214	204
Neces'y to a choice	112	111	110	109	109	108	103
Of which							
Mr. Townsend rec'd	55	71	76	76	80	88	106
Mr. Blake	19	9	withdrawn.				
Mr. Dorsey	92	88	85	81	85	85	80
Mr. B. Hooe	34	41	47	53	52	41	18
Mr. Burchenal	11	12	10	6	withdrawn.		
Mr. J. Wilson	11	withdrawn.					
Mr. Thos. Geddings	withdrawn.						

Five votes were taken, in which no election was made.

It was then moved to adjourn.

On this the yeas and nays were called; and the motion was withdrawn.

Mr INGERSOLL offered a resolution that the vote taken yesterday, on the amendment of Mr. Adams, relative to the 21st of the House, be re-considered.

Mr. EVERETT objected to it, as out of order.

The SPEAKER asked Mr. Ingersoll if he voted in the affirmative. Mr. I. replied that he did. Several members objecting to the resolution as out of order at present.

Mr. INGERSOLL said he did not insist on action on it now, if it could be entered on the Journal and called up to-morrow.

Mr. DAWSON, of Ga., suggested to the gentleman from Pennsylvania, (Mr. Ingersoll,) to move to reconsider all the votes on that question.

The motion of Mr. INGERSOLL was laid over.

Mr. STEINROD moved that the House adjourn. On this, the yeas and nays were ordered.

Mr. WINTHROP raised a point of order—to what time was not specified.

Mr. STEINROD modified the motion—fixing it at twelve o'clock to-morrow. It was then negatived—Yeas 46, Nays 140.

Mr. DEAN, of Ohio, moved to reconsider the vote of yesterday, by which the rules of last House, excepting the 4th, were adopted.

Laid over till to-morrow.

On motion of Mr. BRIGGS, it was ordered that the daily hour of meeting of the House be twelve o'clock meridian, until otherwise ordered.

A message was received from the Senate, that the Senate had passed resolutions manifesting the deep sensibility of Congress at the death of WILLIAM HENRY HARRISON, late President of the United States, with which the concurrence of the House was requested. The resolutions were concurred in unanimously; and provide that the Chair of the President of the Senate, and Speaker of the House of Representatives, be shrouded in black for the remainder of the session—that the members of the two Houses wear the usual badge of mourning for thirty days, and that a copy of the resolutions be sent to Mrs. Harrison, with the assurance of their sincere respect and condolence.

Mr. ADAMS, from the Joint Committee on that subject, on leave, reported the following bill:

A BILL for the relief of Mrs. Harrison, widow of the late President of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Harrison, widow of William Henry Harrison, late President of the United States, or in the event of her death before payment, then to the legal representatives of the said Wm. Henry Harrison, the sum of ——.

Which was twice read, and referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. WELLER moved that the House adjourn.—This was negatived—Yeas 40, Nays 137.

The House then resumed voting for Sergeant-at-Arms; and at the seventh vote, Mr. Townsend, of N. Y., was elected, (see the vote above,) and then took the oath of office.

Mr. HUNT offered a resolution, providing that the action of the several standing committees of this House, on all matters not embraced in the message of the President communicated at the present session, be suspended until the commencement of the annual session of Congress in December next, and that the consideration of all petitions on all such suspended matters be postponed until the time above specified.

To which Mr. CLIFFORD, of Me., objected, and it was laid over till to-morrow.

Mr. BRIGGS moved that the House adjourn; which was carried by yeas 95, nays 93.

And at half past 5 o'clock, the House adjourned.

IN SENATE,

WEDNESDAY, June 9.

Mr. CLAY gave notice that he should, to-morrow, move for leave to introduce a bill for the distribution of the proceeds of the sales of the Public Lands, among the several States.

Mr. MERRICK presented a resolution calling on the President for the correspondence of the American Minister in Berlin with the Prussian government, on the subject of the tobacco duty. Passed.

Report of the Postmaster General received and laid on the table, after some conversation as to a reference.

Mr. PRENTISS presented memorials.

Mr. CLAY, of Alabama, presented preamble and resolutions of the Legislature of Alabama, in favor of the establishment of a new Land Office in the territory in that State recently acquired from the Cherokees. Mr. C. expressed his approbation of the resolutions, and moved a reference to the Committee on Public Lands.

Mr. SMITH, of Indiana, objected to the reception of any business foreign to the special objects of the session.

Mr. CLAY replied; and Mr. Huntington, in order to test the general principle, moved to lay on the table; which was done by a large majority. The Senate also refused to print them.

Mr. BUCHANAN presented resolutions of the Legislature of Pennsylvania, instructing their Senators, and requesting their Representatives, to vote for the repeal of the Sub-treasury law.

Mr. SMITH, of Indiana, presented a resolution calling on the Secretary of the Treasury for statistical information on the subject of the sales of Public Lands.

Mr. STURGEON presented an Anti Slavery petition. Senate refused to receive.

Mr. BUCHANAN presented a memorial of quakers for the Abolition of Slavery in the District and Territories. A brief discussion arose as to the form of rejection, in which Messrs. MERRICK, KING, PRESTON, BERRIEN, BUCHANAN, CLAY and the Chair took part. Senate refused to receive.

Mr. MOREHEAD presented a memorial for a Bankrupt Law.

Mr. WOODBURY presented a Resolution calling on the President for information, whether any correspondence has taken place between him and Foreign holders of State stocks. Laid on the table.

Mr. RIVES moved to refer to the Committee on Foreign Affairs so much of the Presidents Message as relates to our connections with Great Britain.

Mr. CLAY objected, and moved to postpone.

Mr. RIVES and Mr. BUCHANAN replied briefly.

Mr. ALLEN called for the yeas and nays, which were ordered. Postponement carried. Yeas 27, Nays 18.

Mr. PRESTON offered a Resolution for a committee of three on the Library. Passed.

REPEAL OF THE SUB-TREASURY.

At one o'clock, the bill for the Repeal of the Sub-treasury was taken up on its third reading.

Mr. WOODBURY observed, that he had the misfortune to be in the minority of the committee reporting the bill. He did so with reluctance, but felt the necessity of stating his reasons for being in the minority. He addressed the Senate, objecting primarily to the presentation of the measure of repeal at this time. It would be enough to insert the repeal as a clause in the act providing a substitute, or new Fiscal Agent.

He denied that there had been any verdict of the People on this subject. This had not been the issue any more than the question about gold spoons, gilded furniture, champagne, &c. According to the verdict

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