

THE MADISON WHIG ADVOCATE.

By G. E. W. NELSON & Co.

"OUR COUNTRY—ALWAYS OUR COUNTRY—OR WRONG."

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SPEECH

OF MR. PRENTISS OF MISSISSIPPI. The House being in Committee of the Whole upon the President's Message, Mr. PRENTISS spoke as follows:

Mr. Chairman: I had intended, upon a former occasion, to have crossed my views upon some of the topics embraced in the President's message, more especially in the subject of the recent depositions, as to be viewed by the official eye of this House through an inverted telescope, and it is not often that I can obtain the floor. With much pleasure, therefore, I avail myself of the opportunity at present afforded me. That portion of the message to which I shall principally turn my attention, to wit, the defalcations of the public officers, has been already ably considered by my honorable friend from Virginia, (Mr. Wise,) as well as by the distinguished member from Tennessee, (Mr. Sims.) But it is a subject which cannot be too often or too thoroughly discussed. I am confident, that the principles upon which this Government has for some years been administered, and furnish as more valuable lessons for future guidance, than any other matter that can occupy our deliberations. I am sorry to observe a rapidly increasing hostility upon this floor to the discussion of great political principles. One would suppose, in listening to some gentlemen, that Congress was constituted, like a county court, for the trial of petty individual claims, instead of being the great political tribunal of the nation, whose province and duty it is, not only to notice all important events in the action of the Government, but to investigate the causes from which they have resulted. Defalcations of the most alarming character, and for an immense amount, carried on and concealed, for a series of years, by the collector of the principal commercial city of the Union, have been recently developed. The President has seen fit to call our particular attention to this case, and to make, in connexion therewith, divers suggestions as to the best mode of preventing similar occurrences hereafter.

It seems proper, (says the President,) that by an early and similar investigation, the public money, by an officer of the Government, to private uses, should be made a felony, and visited with severe and ignominious punishment." He further recommends that a committee of Congress be appointed to watch the officers who have the custody of the public moneys, and that they should "report to the Executive such defalcations as were found to exist, with a view to a prompt removal from office, unless the default was satisfactorily accounted for."

The Secretary of the Treasury has also given us a report upon this same subject, in which he expresses his astonishment that such an occurrence should have happened without his knowledge; exhibits, like the President, a most edifying horror at the enormity of the offence; and recommends the appointment of an additional tribe of officers to watch over those already in power, as the best mode of avoiding similar mishaps in future.

To listen to the well-assumed astonishment of the President and Secretary at the discovery of Swartwout's peculations, one would readily suppose that defalcation, under the present administration, had heretofore been a crime unknown, and consequently unprovided for by justice. Hearken to the philosophical musings of the President on this point:

"The Government, it must be admitted, has been from its commencement comparatively fortunate in this respect. But the appointing power cannot always be well advised in its selections, and the experience of every country has shown that public officers are not at all times proof against temptation." Unparalleled robbery! Who will now deny the title of "magician" to the man who has developed the astounding fact "that public officers are not at all times proof against temptation?"

The amblemblems of Swartwout have caused this truth to flash upon the sagacious mind of the Chief Magistrate, and with philanthropic eagerness he recommends that we put a stop to this new sort of wickedness, by making it a penitentiary offence.

Mr. Chairman, if I should tell you that all this is sheer hypocrisy—gross and miserable pretence—a tub thrown out to amuse the popular whale, and divert his attention from the miserable and leaky canoe which bears the fortunes of this administration; if I should

tell you that, during the last five or six years, a hundred cases of defalcation have occurred more outrageous in principle, more profligate in character, than the one we are recommended to investigate; that the President has continued defaulters in office, knowing of their violations of duty, knowing of their appropriation of the public moneys to private uses; that the Secretary of the Treasury has, during that whole period, habitually connived at these defalcations, and extended over them the mantle of his protection; if I should tell you that these defalcations constitute a portion of the "spoils system"—that system which has been to this administration what his flowing locks were to Samson—the secret of its strength; if I should tell you all this, I should tell you no more than I conscientiously believe; no more than I shall attempt to prove before this House and country. These defalcations I shall trace to their origin, and not stop to inquire so much into their amounts, as into the causes which have led to them. It is not the question, Where is the money? but, Where is the guilt? that I wish to investigate. The recent developments to which our attention is invited, are but some of the bubbles that are every day breaking upon the surface of the still and mantling pool. I shall not stop to measure their relative size or color but will, unpleasant as the task may be, dredge for the corrupt cause which lies at the bottom. These cases are but the windfalls from that tree of Sodom—executive patronage. Heretofore, the representatives of the people have, in vain, urged an examination into the character of its fruit; but it has been guarded with more vigilance than were the golden apples of the Hesperides. Now, our attention is solicited to it by the President. Is he in earnest? Let him but give us a chance to shake this tree, and he will find his rotten pippins falling from every limb and branch.

But our attention is called, particularly, to the case of Swartwout. The administration has delivered him over to our tender mercies; they have dropped him, as the bear, when hotly pursued, drops one of her cubs, for the purpose of distracting the attention of the hunter, and so escaping with the rest of her young. I, for one, shall not be thus diverted from my purpose, but will follow the dam to her den, and there, if possible, crush at once the whole brood.

Swartwout has been found out. This is the unpardonable sin with the present party in power. Their morality is the Spartan morality: not the theft, but the discovery, constitutes the crime. Sir, if every office-holder's mantle were thrown aside, how many, think you, would be found without a stolen fox fastened to the tail? Mr. Chairman, I have no confidence that the President has recommended this investigation in good faith, or that his partisans here intend to permit it. They dare not do it. They are not yet sufficiently maddened, scorpion-like, to dart the sting into their own desperate brain. No, sir, it is a mere ruse. Regardless of the maxim that "there is honor among thieves," the rest of the office-holders are very willing to turn State's evidence against Swartwout, and gain immunity for themselves, and favor with the commonwealth. Let the administration give us a fair committee, favorable to investigation, not packed by the Speaker; throw open to us the doors of your Departments—those whitened sepulchres, within whose secret vaults corruption has so long rioted and revelled; let your insolent subalterns be taught that they owe some allegiance to the laws; compel them to submit their official conduct to a rigid examination by I believe them, in earnest; then, and not till then, shall I expect any good to come of investigation. But, sir, though little is to be expected from the action of this House, I anticipate much good from the discussion. This will be the car of the nation; what it said here touches the auditory nerve of the whole country. Before this mighty audience do I impeach both the President and the Secretary—not before the Senate—no, sir; but before the people—before fifty millions of freemen.

I charge them with knowingly appointing and continuing in office public defaulters—men who had appropriated the public moneys to private use; who had committed, in office, acts of as great moral turpitude, and deserving of as much odium, as attaches to the case of Swartwout; acts which the President now professes to think are deserving of the penitentiary. I charge the Secretary, directly, with having caused, by negligence, and knowing, wilful connivance, some of the most important defalcations which have occurred. I charge him specifically with having, in one case, literally watched a defalcation through a period of more than two years, and seen it gradually swell, during that time, to upwards of \$100,000! I charge him with having permitted, in numberless instances, the repeated and continued neglect and violation of what he himself asserts to be the paramount duty, without removing from office, or even reprimanding the delinquents. I charge him with having, in his official capacity, received, and favorably considered, correspondence degrading to his high office, insulting to him as an honest man, and of a corrupt and profligate character.

Sir, the Secretary can only escape by the plea of "non compos mentis." Out of his own mouth I will convict him; I will but let loose upon him the documents he himself has furnished, and like the hapless Acteon, he will be torn to pieces by his own hounds.

Mr. Chairman, the cases which I am about to examine, in support of my positions, have been selected at random

from the reports of the Secretary himself, and I present them merely as specimens; scores of the same sort—the phosphorescent glimmerings of corruption—break through the darkness, and illuminate the path of the Secretary, from the very moment he came into office. Should I treat of them all, the 4th of March would find me here, and the chronicles of the defaulters still unfinished.

The first case to which I will call attention is that of Colonel John Spencer, receiver of public moneys at Fort Wayne, Indiana, and which commenced in 1836. The report of the whole case is found in document 142 of the second session of the twenty-fourth Congress. I shall extract such portions as are in point.

Under date of the 25th April, 1836, the Secretary writes to Colonel Spencer, among other things, as follows:—"As these statements for January and February last have not been received at the Department, I must claim your attention to the omission, and insist on their transmission, in future, immediately after the close of each month. At the same time, I would also claim your strict attention to the regulations of the Department in respect to the periodical deposits of the public money, and to the duty of transmitting the usual evidences of such deposits to the Secretary of the Treasury, as the instructions require."

Immediately afterwards, the Secretary writes again to the following effect:

Treasury Department, May, 23, 1836.

Sir: Since the date of my letter to you of the 25th ultimo, your returns for the month of April have been received, from which I perceive that the public moneys in your hands on the 30th ultimo amounted to the sum of \$247,251 64, which amount is the accumulated receipts of your office since the 1st of January last. You cannot but be aware that the retention of the public moneys in your hands, beyond the period of one month, unless the receipts of such month be less than \$10,000, is a violation of your instructions. The object of this letter is, 1st. To require that the whole balance on hand at the time of the receipt of this letter shall be immediately deposited, and a certificate of such deposit transmitted to the Department without delay. 2d. To inform you that the Department cannot overlook the omission to do so, or your future neglect to deposit monthly, and to transmit your monthly returns, accompanied by the evidence of your deposit, in time to be received at this office within the month next preceding that for which the return is rendered. 3d. That any neglect or omission to these requirements unless satisfactorily accounted for will require of me, from a sense of official duty, that you be reported to the President, with a recommendation that you be removed from office.

I am, very respectfully, Sir, Col. SPENCER.

LEVI WOODBURY, Secretary of the Treasury.

On the 8th of July, the Secretary directed that Mr. West (who, it seems, was a sort of rotary portion of the Department, called an examiner) should proceed in person "to make special inquiry into the matter, and report to the Department the result." Accordingly, Mr. West proceeded to Fort Wayne, to examine into the delinquency of the receiver; and having accomplished his task, made a report to the Department. From this report it appears that he met Colonel Spencer, who was on his way to Richmond to raise money to make up his deficit to the Government. The following is an extract from the report, in relation to a charge of "shaving" upon the public moneys:

"Upon the subject of using the money of the United States, I beg leave to state, that I find it universally stated and believed, and it is concisely stated in the report of the receiver, that as a fact by the clerks in the receiver's office, that both he and his relative Dawson have been much in the habit, in the office, of shaving money, i. e. exchanging the money which could not be received for public lands; the rate of exchange or discount varying from three to five per cent. I find in the case of Irish Wells, of Marion county, Ohio, that so recently as the 6th instant, he paid into the hands of the receiver, in his office, eight dollars for exchange two hundred and forty dollars of Ohio bank notes, of five dollars each. To what extent this "shaving" business has been carried on in the office, of course I do not know, but I am satisfied it has been to a very considerable extent; and that the Government money paid in by one person, has been handed out by the receiver in exchange for uncurrent (or not land office) money for uncurrent for his own private use—the receiver for his own private use the discount as agreed upon; and that the same Government money again is passed into the land office, to be again used for the like purpose, in pay for the public lands.

"That the receiver has taken in bank notes of five dollars, contrary to orders, the schedule prepared at his office, here, with enclosed, will prove; that he received a bonus for taking the same, is, I think, almost beyond a doubt."

In a postscript to his report, he says:—"Mr. Spencer has just come in, having been as far as Richmond, where, by obtaining a discount upon some drafts due in September, originally taken here for land, he was enabled to swell his deposit there to \$52,831 34; which, together with the money taken with him from here, the silver in the bank here, and some other money, enabled him to deposit," &c. The following is the supplemental report of Mr. West:

Miami County, Indiana, August 23, 1836. Sir: I hasten to correct an oversight

in my statement of Mr. Spens account, in the postscript of my letter from Fort Wayne. I wrote the periphrastic "being present, request me to give the assurance of his intention for the future, must be excused for the oversight."

It consists in passing either whole amount of his deposit at Indianapolis, in which is included a certified deposit of \$25,000 of silver: Fort Wayne; or, as the gold was in the bank at Fort Wayne as collateral to make up a deficiency of \$2,000 silver, I should not have passed all to his credit.

His account, as corrected, shd stand thus:

THE RECEIVER—Dr.
June 30. To balance \$5,599 32
Received in July, 3,897 75
Received in August, up to 11th, at 3 P. M. 1,774 64
\$5,299 91

CONTRA—Cr.
June 30. To cash deposited at Indianapolis \$5,906 00
Gold in bank at Fort Wayne, \$5,322 37—less \$2,000, its liability for the deficiency of silver of \$2,000 3,322 37
Bank notes, &c., in office 7,350 50
Gold in office 357 00
Silver in office 1,874 00
Scrip 2,435 00
Forfeited land stock 78 20
Balance due United States 5,206 84
\$46,299 91

It is also proper for me to state, that I am quite satisfied Mr. Spencer, by his visit to Richmond, was enabled to increase his available fund there \$94,064 92, (he having drawn in four of the Indianapolis branch for that much more,) by obtaining a discount there; and upon drafts received by him at Fort Wayne for public lands, before the 1st of June last, which drafts were due till September; and, of course, in order to reduce the same now to cash, he made a deduction. Whether the deduction for the yet remaining time was equal to what was allowed him in May last, of course I do not know; but the difference of time would seem a place it beyond a doubt that it was much less. The latter view, in part, applies to the discount upon uncurrent (or not land office) paper, which he deposited at Indianapolis; a certificate of the loss upon which, I enclosed at his request.

Very, &c. NATHANIEL WEST. To ETHEAN A. BROWN, Esq. By this document it appears that the receiver had turned his office into a "shaving-shop" for himself and his friends. It further appears that he had not merely failed to deposit the public moneys according to law, but had used them; for, when he came to make a settlement with Mr. West, after having scraped together all the means within his reach; after selling drafts, obtaining a private discount at Richmond, bringing forward all the public money in his hands, and, in the language of Mr. West, "some other money," still he falls short \$5,206 84, which he does not profess to account for in any way. In other words, by this report Colonel Spencer stood before the Secretary and President an acknowledged, confessed, and convicted peculator and embezzler of public moneys to the amount of \$5,206 84, without a shadow of excuse or defence.

And what think you was done with this defaulter by the moral, upright, sin-hunting Secretary? And what has been done by the President, who thinks this offence ought to be made felony, and punished with the Penitentiary? Before I answer this question, I will read you a letter from a then Senator of the United States, which will perhaps throw some light upon the subject. It will be perceived this letter was written during the examination of the office by Mr. West, and was doubtless intended to obviate the effect of the report:

MADISON, August 30, 1836. Sir: I am informed that some things are stated recently to the prejudice of Colonel John Spencer, receiver at Fort Wayne, and I am requested to write you. In doing so, I can only say that I have been gratified in learning that his deposits have been made to your satisfaction; and, if so, I hope that minor matters, if more irregularities, will be overlooked. He is reputed to be an honest and honorable man, and I do not believe that he has intentionally either done wrong, or violated his instructions. It would to some extent produce excitement if he were removed, for he has many warm and influential friends both at Fort Wayne and in Dearborn County, from which he removed to his present residence. Better let it be.

With much respect, WILLIAM HENDRICKS. Hon. LEVI WOODBURY, Secretary of the Treasury.

"With much respect," ha! I doubt it. The honorable Senator could not have had much respect for the honorable Secretary, or he would never have dared to write him such a letter. Those two sentences, like a lady's postscript, contain the whole substance: "It would produce excitement" forsooth to remove the defaulter; "he has influential friends." "Better let it be." Sir, in these few words you may behold the morality, the policy, and the strength of the party in power. Like the flash of language of the London swells, they open, to those who understand the true meaning, the whole secret of political roguery. Being interpreted, the honorable Mr. Hendricks' letter would read: "Dear Levi: I am told Colonel Spencer is a defaulter, and you are going to turn him out. Levi, you're a fool; you must do no such

thing; it would injure the party to turn him out; he's a strong politician, and has got a great deal of influence; he isn't cheating us, it's only the people. If you know which side your bread is buttered, keep him in office. And what says honest Levi to all this? Listen; here is his answer:

TREASURY DEPARTMENT, September 7, 1836.

Sir: Your letter of the 31st ultimo is received, and I am happy to inform you that Mr. Spencer's explanations have been such that he will probably continue in office. I am, very respectfully, your obedient servant.

LEVI WOODBURY, Secretary of the Treasury.

Hon. WM. HENDRICKS, Madison, Ind. which, being interpreted, reads:—"Dear Billy: Who's a fool? I never intended to turn him out. I only talked about it to gull the people, and make them think I was honest. He shall be retained."

And, he was retained; and soog rendered such good service to his master as well approved the sagacity which refused to part with him.

He has been continued in office by Mr. Van Buren, and is now receiver at Fort Wayne. There is one more circumstance developed by this document, to which I invite attention. The Secretary in his letter of the 23d of May to Col. Spencer, tells him "that any neglect or inattention to these requirements, [that is, to deposit monthly the money on hand, and make monthly returns thereof], unless satisfactorily accounted for, will require of me, from a sense of official duty, that you be reported to the President, with a recommendation that you be removed from office."

Now, in connexion with this extract, read the following letter from Col. Spencer, written just upon the eve of the Presidential election, and about six weeks after the correspondence between Hendricks and the Secretary:

RECEIVED BY THE OFFICE, Fort Wayne, October 27, 1836.

Sir: This is to inform you that I have forwarded to the deposit bank one hundred and four thousand dollars, in silver, there to remain until I arrive with the gold and paper money.

My democratic friends think that I ought not to leave until after we hold our election for President, on the 7th November, which I have concluded to await, and shall leave on that evening, or the next morning, to deposit, with all the funds on hand up to that time. I shall write you again before I leave. The sales are rapid; mostly paid in gold and silver. My quarterly report will be forwarded by next mail, for last quarter, which has not yet been done sooner, only for the want of help in the office. Hereafter I think I can get my reports off, without much delay, after the close of the month and quarter. I am yours, respectfully, JOHN SPENCER, Receiver.

Hon. LEVI WOODBURY, Sec. of the Treas. What think you of this? The repeated injunction of the Secretary had been, that at the end of each month he should deposit the public money in hand; and if he failed to do so, without good excuse, he should be removed from office. Well, sir, he fails to make his deposit in October, not by accident or necessity, but voluntarily; and sends, in advance, his excuse to the Secretary. What is that excuse? It is, that his democratic friends thought he ought not to leave until after the election for President; in other words, that his duty to the party was paramount to his official duty; that his obligations to Mr. Van Buren (the candidate for the Presidency) were greater than his obligations to the country, in whose service he was at least nominally employed.

Accordingly, he neglected his most important duties for many days, that he might use in the election that political influence of which the honorable Mr. Hendricks speak with so much unctiousness. The Secretary receives this excuse; recognises its sufficiency, by not recommending his removal from office, as he had promised to do, in case the reason should not be satisfactory; and has thus convicted himself of entertaining and practising the profligate doctrine that interference in elections by an office-holder is not only justifiable, but involves a higher degree of obligation than the mere performance of official duty. It was not merely to exercise his elective franchise as a citizen that Spencer violated the injunction of the Department; this right he could have exercised where his duty called him, as well as at Fort Wayne. But that would not do; he had influence at the latter place, which it was important to the party he should exercise. Having thus violated his solemn official obligations, for the purpose of assisting Mr. Van Buren into the presidential chair, it was of course no more than fair that the President should return the favor. He did return it. He continued Col. Spencer in office; and thus, at the same time, exhibited his gratitude, violated his duty, and prostituted his high station. This, Mr. Chairman, is but a specimen of that corrupt reciprocity of service which constitutes the ligature that binds together, like the Siamese twins, the Executive and the office-holders.

Sir, the document from which I have made the foregoing extracts is a public record, and was furnished to the Senate at the time when Mr. Van Buren was President of that body. Of course, he cannot plead ignorance of its contents. Yet, in the face of the report of West, of the profligate letter of Hendricks; of the shameful avowal of the receiver himself that he neglected the paramount duties of his office for the purpose of exercising his influence at the election; in face of all this, the President neglects, and refuses to apply the power of removal; and the unblushing partisan remains in office, ready, doubtless, at

the next election, to play again the game which proved so profitable at the last. I will not longer detain the committee with this disgraceful case, but, leaving it and the parties concerned to the judgment of the country, proceed to the consideration of another. I will take the case of Harris, receiver of the land office at Columbus, in my own State. In this instance I expect to convict the Secretary of the Treasury, not of a single isolated neglect of duty, but a continued, daily, miserable winking and connivance at malversation and defalcation during a period of two years, implicating alike his honesty, his veracity, and his capacity. First, however, I will show what importance the Treasury Department attached to the duty incumbent upon collectors and receivers, of depositing in bank, at stated periods, the public moneys in their hands, because it was from the continued violation of this duty that the defalcation in the case of Harris, as well as in most others, occurred; and because it will leave the Secretary no excuse, from the supposed insignificance of the duty, for the gross and culpable negligence on his own part which makes him, in justice and truth, a participator criminis in the whole affair.

I hold in my hand a book of some four hundred pages, entitled "Letter from the Secretary of the Treasury, transmitting copies of letters to collectors and receivers, at stated periods, the public moneys in their hands, because it was from the continued violation of this duty that the defalcation in the case of Harris, as well as in most others, occurred; and because it will leave the Secretary no excuse, from the supposed insignificance of the duty, for the gross and culpable negligence on his own part which makes him, in justice and truth, a participator criminis in the whole affair."

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to say to you that the performance of these duties must be regarded as paramount to all others in your official station."

Again, July 30, 1835, the Secretary writes to the receiver at Illinois:

"The regular deposits of the whole of the public moneys, as prescribed by the regulations of the Treasury, and the punctual transmission of your accounts and monthly returns, are paramount official duties."

I give these extracts from the letters and circulars of the Secretary, to show the periodical repetition of the public money as a paramount duty of the collectors and receivers.

If, then, I show that the Secretary neglected to enforce the performance to punish the neglect of this paramount duty, it may be fairly inferred that he is either unwilling or incompetent to enforce, in his subordinates, the performance of any duty whatever.

I come now to the case of Harris, which I will present in the shape of fourteen letters from the Secretary and a rarer specimen of official correspondence cannot be easily found.

Mr. Harris was receiver of public money at Columbus, Mississippi. The correspondence relative to the Treasury Department, from which three or four letters to Harris, complaining of his neglect of official duty, I will quote, however, only Mr. Woodbury's epistles; and beg yet to mark how well he enforces the performance of paramount duties. His first letter follows:

TREASURY DEPARTMENT, February 6, 1835.

Sir: I regret that there should be occasion for again calling your attention to the omission to render your monthly duplicate returns to this office for the months of November and December, (those being the months in which you are to deposit your accounts, and to render your returns.) I am, &c. LEVI WOODBURY, Secretary of the Treasury.

W. P. HARRIS, Esq., Receiver of Public Money, Columbus, Mississippi. This refers to the previous default, and shows that Mr. Woodbury was rigorous with them. The next month he writes again:

TREASURY DEPARTMENT, March 17, 1835.

Sir: Having received no monthly duplicate returns of the transactions of your office since that of the month of October last, it becomes my unpleasant duty to call your immediate attention to the omission. Allow me to express a hope that there may be no further occasion to remind you of the importance of punctuality in the transmission of the returns. I am, &c. LEVI WOODBURY, Secretary of the Treasury.

W. P. HARRIS, Esq., Receiver of Public Money, Columbus, Miss. Here, it seems, Harris was in error for four returns; in other words, had violated four paramount duties.

But Mr. Woodbury is a man of long suffering; so he writes again, and with more severity. He is determined to be trifled with no longer. Hear his:

TREASURY DEPARTMENT, June 25, 1835.

Sir: Having, in a circular of the 17th of March last, and on several prior occasions, urged upon you the indispensable necessity of a strict attention to making your monthly returns, and finding that no returns have been received from you since that for the month of November last, it becomes my unpleasant duty to say to you, that if there are arrears due and transmitted by means of such, it would be construed to be a neglect, and to be the action of the Executive. I am, &c. LEVI WOODBURY.