EXTRACT FROM MR CLAY'S SPEECH IN 1811, AGAINST A NATIONAL BANK.

"What is a corporation, such as the bill contemplates? It is a splendid association of FAVOURED INDIVIDUALS, taken from the mass of society and invested with exemptions, and surrounded by *immunities and privileges*. The honorable gentleman from Massachusetts has said, that the original law establishing the Bank was justly liable to the objection of vesting, in that institution, an exclusive privilege, the faith of the Government being pledged that no other Bank should be authorized during its existence. This objection, he supposes is obviated by the bill under consideration. BUT ALL CORPORATIONS ENJOY EXCLUSIVE PRIVILEGES—that is, the corporators have privileges which no others possess; if you create fifty corporations instead of one, you have only fifty *privileged bodies* instead of one. I contend that the States have *the exclusive power to regulate contracts*, to declare the capacities and incapacities to contract, and to provide as to the extent of the responsibility of debtors to their creditors. If Congress have the power to erect an artificial body, and say it shall be endowed with the attributes of an individual—if you can bestow on this object of your own creation, the ability to contract, may you not, in contravention of State rights, confer upon slaves, infants, and femmes covert, the ability to contract? And if you have power to say, that an association of individuals shall be responsible for their debts only in a certain limited degree, what is to prevent an extension of a similar exemption to individuals? Where is the limitation upon this power to set up corporations? You establish one in the heart of the State, the basis of whose capital is *money*. You may erect others whose capital shall consist of land, slaves, and personal estate, and thus the whole property within the jurisdiction of a State might be absorbed by these political bodies. The existing bank contends, that it is beyond the powers of a State to tax it, and if this pretension be well founded, *it is in the power of Congress, by chartering companies, to dry up the sources of State Revenue*. Georgia has undertaken, it is true, to levy a tax on the branch within her jurisdiction; but this law, now under a course of litigation, is considered as invalid."

"Let us inquire into the actual participation of this Bank in the collection of the revenue. Prior to the passage of the act of 1800 requiring the collectors of those ports of entry where the offices are situated, to deposit the custom house bonds, it had not the smallest agency in the collection of the duties. During almost one moiety of the period to which the existence of this institution was limited, it was nowise instrumental in the collection of that revenue to which it is now become indispensible! The collection previous to 1800 was made entirely by the collectors; and even at present where there is one port of entry at which this Bank is employed, there are eight or ten at which the collection is made as it was before 1800. And, sir, what does this Bank or its branches where resort is had to it? It does not adjust with the merchant the amount of duty, nor take his bond, nor, if the bond is not paid, coerce the payment by distress or otherwise. In fact, it has no active agency whatever in the collection. Its operation is merely passive; that is, if the obliger, after a bond is placed in the Bank discharges it, all is very well. This is the mighty aid afforded by this tax gatherer, without which Government cannot get along!

Again: it is not pretended that the very limited assistance which this institution does in truth render, extends to any other than a single species of tax, that is duties. In the collection of the excise, the direct and other internal taxes, no aid was derived from any bank. It is true, in the collection of those taxes, the former did not obtain the same indulgence which the merchant receives in paying duties. But what obligates Congress to give credit at all? Could it not demand prompt payment of the duties? And, in fact, does it not so demand in many instances?—Whether credit is given or not is a matter merely of discretion. If it be a facility to mercantile operations, (as I presume it is) it ought to be granted. But I *deny the right to engraft upon it a bank*, which you would not otherwise have the power to erect. You cannot *create the necessity* of a Bank, & then plead *that necessity* for its establishment. In the administration of the financies, the Bank acts simply as a payer and receiver. The Secretary of the Treasury has money in New York, and wants it in Charleston; the Bank will furnish him with a check, or bill, to make the remittance, which *any merchant* would do *just as well*.

'I will now proceed to show by fact and actual experience, not theoretic reasoning, but by the records themselves of the Treasury, *that the operations of that department may be as well conducted without as with this Bank*. The delusion has consisted in the use of certain high sounding phrases, dexterously used on the occasion. 'The collection of the revenue;, 'the administration of the finances;' 'the conducting of fiscal affairs of the Government,' the usual language of the advocates of the Bank, to *extort express assent, or awe, into acquiescence*, without inquiry or examination into its necessity. About the commencement of this year there appears by the report of the Secretary of the Treasury of the 7th of January, to have been a little upwards of two millions and four hundred thousand dollars in the Treasury of the United States; and more than one third of this whole sum was in the vaults of *local banks*. In several instances where opportunities existed of selecting the bank, *a preference has been given to the State bank*, or at least a portion of the deposites has been made with it. In New York, for example, there was with the *Manhattan Bank* $188,670, although a branch bank is in that city. In this District, $115,080 were deposited with the Bank of Columbia, although here also is a branch bank; and yet the State banks are utterly unsafe to be trusted! If the money, after the bonds are collected, is thus placed with the banks, I presume there can be no difficulty in placing the bonds themselves there, if they must be deposited with some bank for collection, which, *I deny*.

TWENTY-FIFTH CONGRESS.
THIRD SESSION.

HOUSE OF REPRESENTATIVES,
Friday, Dec. 21, 1838.

Mr. CUSHING moved to amend the journal as follows. Insert therein the following words:

"Mr. Cushing presented a petition from Joseph Young and others, of Salisbury, in the State of Massachusetts, which was laid on the table under the resolution of the House of the 12th of December last; and, on presenting the same, Mr. Cushing protested that, in submitting to the application of said rule to his petition, he yielded not to right but to power, conceiving said resolution not to be constitutional, and therefore, in itself purely null and void; which protest he moved to be entered on the journal, but which motion on the Speaker decided to be out of order."

Mr. Dromgoole inquired if this motion should be rejected, whether the subject matter, or rather the gentleman's protest, would not still go on the journal? and he would further injuire if there was no way of avoiding it? for this thing was constantly growing up in them, and should be put a stop to.

The Chair replied that the whole would go on the journal of this day's proceedings.

Mr. Dromgoole remarked that that these motions were a pretext, a mere device. A gentleman who may be displeased with the rules of the House, or the decision of the Speaker of the House can, at this rate come the next morning and enter on the journal that which the House refused to have entered. He hoped, therefore, the House would not enter the proposition.

Mr. Cushing begged leave to suggest that this was no more a pretext or device than any other motion and the House frequently entertained such motions, and he had made it according to the established rules of the House, whether they were erroneous in practice or not.

Mr. Howard concurred entirely with the gentleman from Virginia, that, if this motion was entered upon the journal of to-day, so that it appeared on the journal of to morrow, the decision of the House would be thereby overruled. He hoped, to-morrow, the gentleman would move to strike it from the journal, for it ought not to be placed there; for the House could perceive that if any member moved to amend the journal by inserting his protest, however that motion might be decided, the protest would still go on the journal only one day after the original request by this motion to correct the record, and next they would be called upon to enter speeches upon it.

Mr. Adams apprehended something more was necessary for the gentlemen than merely a motion to strike, because, as that motion must necessarily go on the journal, so would the motion proposed to be struck out; for the journal is, or ought to be, an entry of all the facts that occured in their proceedings. This motion was the only remedy the minority had against the majority. He hoped this motion would go on the journal, as it ought to.

Mr. Dromgoole would take issue with the gentleman, that these motions ought to go on the journal. The Speaker decided the gentleman's [Mr. Cushing's] motion to be out of order, the House acquiesed in it, and Mr. D. would leave it to the House to decide if the same motion ought to go on the journal in another mode. He was aware of the difficulty, that the motion would go on the journal, but it appeared to him that the House ought to devise some mode to avoid the recurrence of this abuse. By the present practice, gentlemen might get up one day, and give us a long tirade about what they pleased, all out of order, and next day place on the journal what was pronounced out of order the day before. It was due to the country and due to their own character as a body, that some mode should be adopted to obviate this trifling with the House.

Mr. Wise said as they were about to enter into an argument on expunging, he should go with the gentleman from Massachusetts, [Mr. Adams.] The journal ought to be a record of facts and of all facts, This he would ask, that if you move to expunge the journal, adopt the Bentonian practice, where will you find the pen in this House that will draw the black lines round it. Mr. W. moved the previous question, which was carried.

The Chair replied that he did not.

The question was then taken and decided in the negative—yeas 14, nays 174.

So the motion of Mr. Cushing was decided in the negative.

Mr. Mallory, on leave, submitted the following resolution, which lies over one day, under the rule:

Resolved, That the Secretary of the Navy be directed to inform this House what measures, if any, had been taken to carry into effect the act of 1836, making an appropriation for the selection of sites, and the erection of marine barracks, at Charleston, Gosport and Pensacola.

Mr. Cambreleng then rose and said that as they had got through with all the petitions yesterday, he hoped the House would indulge him with an opportunity, of reporting four important bills from the Committee of Ways and Means. He stated further, that he had no wish to interfere with the motion in relation to the late defalcations.

Mr. Wise expressed his anxiety to go on with his remarks on that subject; but he would not object to the request of the chairman of the Committee of Ways and Means.

Mr. Mercer wished the motion to embrace all the committees.

Mr. Cambreleng so modified it, but

Mr. Wise objected; whereupon, Mr. C. moved a suspension of the rules.

Mr. Chambers remarked that they had consumed more time already than would have been necessary to report from half the committees, if the gentleman from Virginia had not interposed his objection.

The motion prevailed, and the committees were called in their order for reports.

WISCONSIN ELECTION.

Mr. Buchanan, from the Committee on Elections, to which had been referred the subject of the contested seat of the Delegates from the Territory of Wisconsin, made a report, accompanied by the following resolution.

Resolved, That J. D. Doty is entitled to a seat in this House as a Delegate from Wisconsin Territory, and that John W. Jones is not entitled to the seat.

The report having been read,

Mr. Buchanan moved that it be postponed to, and made the order of the day for Thursday next, and printed.

Mr. Bronson moved the 'special' order, which Mr. B. accepted as a modification, and the motion was agreed to.

Mr. Cambreleng, from the Committee of Ways and Means, reported a bill making appropriations for the current contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the Indians.

Mr. C. also reported a bill making appropriations for the naval service for the year 1839.

Mr. C. also reported a bill making appropriations for the support of the army for the year 1839.

Mr. C. also reported a bill more effectually to prevent frauds in the collection, keeping, transfer, and disbursement of the public revenue, and to punish public defaulters.

Mr. Casey when the Committee on the Public Lands was called, rose and stated that he understood from the Commissioner of the General Land Office, that, in order to a right understanding of that document, it was necessary that the maps, plans, and diagrams, accompanying his annual report, should be printed with it; and Mr. C. now made a motion to that effect, which was agreed to.

Mr. Ewing then submitted a similar motion in relation to a map accompanying the President's message of yesterday on the subject of the Wabash and Erie Canal; which was agreed to.

Mr. Mercer, from the Committee on Roads and Canals, reported a bill giving the assent of Congress to the supplementary act of the General Assembly of the State of Virginia, incorporating the Falmouth and Alexandria Rail Road Company, and moved its engrossment.

Mr. Petrikin moved its commitment to a Committee of the whole.

Mr. Mercer insisted that that would defeat the bill, which did not require commitment, and had already twice passed the House.

Mr. Petrikin said that it had become a matter of some consequence to the country to know how these charters were framed, and particularly to provide some stipulation to compel this company to carry the mail of the United States at a fair rate of compensation. These companies, by their extortion, are now going on to absord the whole revenue of the Post Office Department; and wherever Congress had the power, whenever these companies came here to ask for favors, he wished to compel them to take a fair price for their services. Moreover, he was at a loss to see why these companies should always have precedence over all other claimants. He must insist on his motion.

Mr. Johnson of Maryland remarked, that if the gentleman had amendments to offer, he could do it now.

Mr. Haynes said that there were some very important provisions contained in this bill. A reference was made in it to different acts of the Virginia Legislature, and how, without further examination, could they know what those acts were? Besides, there were many less important bills than this sent to the Committee of the Whole. He was told this bill had passed the House several times, but that made no difference with him; all he could say was, that he knew nothing of those laws of Virginia, or the extent and nature of the privileges granted to this company, but the reasons were strong enough with him to induce him to vote for the commitment of the bill.

Mr. Pope saw no necessity for committing this bill for all it proposed was to give the company leave to construct their road through a few miles of this District. It took no money out of the Treasury, nor granted any extra privileges.

Mr. Petrikin replied, that small as this matter appeared in the eyes of some gentlemen, let but an effort be made to amend the bill so as to deprive the company of the power of charging more than a fair price for carrying the mail, and these very gentlemen will immediately raise a boisterous hue and cry about their corporate rights. Mr. P. reiterated his statement in relation to the extortions of railroad companies.

After a few further remarks from Mr. Johnson of Maryland, the motion to commit was disagreed to, and the bill ordered to be engrossed for a third reading.

PENNSYLVANIA.—The late motion in the House of Representatives for a call upon the President for a copy of the correspondence between Governor Ritner and the officers of the General Government in relation to the application of the former for military aid in his attempt to stifle the voice of the people of of Pennsylvania, and the consequences which have grown out of it, have placed some of the opposition in a very awkward predicament; and Mr. Ritner among the rest is placed in a posture by no means enviable. It seems that he was ignorant of some of the plainest provisions of the Constitution of the United States; and that with the view of involving the President in his contest with the people of the State which he has so much injured, he has shown his desperation, ignorance and folly. While was charging men holding appointments under the General Government with violating law and order in opposing his arbitrary course and the scandalous outrages of the miscreant Stevens, it turns out that no officers of the General Government had any hand in the business, except such as had been called out by him, and were acting under his orders and directions.

It would seem that Mr. Naylor was conscious that his friends would be placed in a disgraceful posture by the publication of the correspondence in question; and hence he immediately took upon himself the task of opposing the call, and in such a manner as to violate all the rules of order and decency. He acted like a bull in a china shop, and it was with the utmost difficulty that he could be restrained within any thing like the bounds of decorum. He ranted and raved like a man devoid of reason, and in almost every sentence he uttered he rendered it necessary to call him to order, while Mr. Petrikin very deliberately used him up.

When the correspondence was produced in compliance with the call Mr. Naylor was seized with another paroxism, and again commenced throwing about him, as he seemed to imagine, 'fire brands,' arrows & death against his opponents, and was again prostrated by Mr. Potter, who, adopting his own words, pierced him with daggers with every sentence he uttered.

The misrepresentations and perversions of the opposition editors generally have shown them to believe the people destitute of common sense, or that they are utterly regardless of the good opinion of honest men; but in no instance perhaps, have they displayed this feeling more strikingly than in relation to the existing difficulties in Pennsylvania. It would be to attribute to them a scandalous degree of ignorance to suppose they did not understand the case. We cannot believe them so ignorant as not to be acquainted with the facts, or suppose they do not perfectly well know that the candidates friendly to the administration in Philadelphia county were elected, and that but for the most open and barefaced frauds and infamous trickery of Secretary Burrowes, they must have been admitted to their seats in the Legislature without hesitation or delay; and yet they have united in endeavoring not only to sustain the effort to trample upon the rights of the people and to destroy the elective franchise, but to induce their readers at a distance to believe that the friends of the administration, who are doing and desiring nothing more than is necessary to sustain their rights, are violators of law and order. It is to be presumed that such conduct will have the effect to convince an intelligent public of the fact that they are utterly unworthy of the smallest degree of credit. —*Balt. Rep.*

Correspondence of the Sun.
Washington City, Dec. 1838.

In the House this morning, after the Journal had been read, Mr. Polk announced Petitions to be in order. Mr. Wise wished to know if the debate of yesterday on the Swartwout defalcation, was not first in order. Mr. Polk declared it was not, but said that it would be resumed as soon as the States had been called for petitions. Massachusetts was called, and Mr. Adams opened "a big budget" of abolition papers, all of which he suffered to go to the 'Grand Gulf' of abolition oblivion without attempting to kick up a dust. At last, however, he got hold of a document, from citizens of New Hampshire, praying Congress to abolish slavery in the District of Columbia; to refer their petition to a Select Committee, and to suffer them to be heard by counsel before such body.

Mr. Polk—The Chair decides that the petition must lie on the table under the rule.

Mr. Adams—From that decision I appeal to the House. It is a paper differing from all others, and does not fall under the rule, and—

Mr. Polk—The gentleman from Mass. can not debate his motion.

Mr. Adams—I do not wish to debate; but I *will* state my reasons for making the motion, for I have a right to do so.

Mr. Polk—The gentleman is out of order, and if he intends to debate, the petition must lie over one day under the rule.

Mr. Adams.—Well, sir—

Mr. Cushman, of New Hampshire, moved to lie the motion to refer, on the table, but withdrew it.

Mr. Mercer, of Va. was understood to say, that as he did not wish to see the time of the House wasted in this useless way, he moved that the motion to refer do lie on the table.—The ayes and noes were ordered, and Mr. Mercer's motion was carried, by a vote of 180 to 8.

Mr. Adams then presented a petition praying Congress to recognize the Independence of the Republic of Hayti or Hayte, as he pronounces it. The petition contained two propositions, one praying for the recognition of Hayti, and the other praying against the admission of Florida to the Union as a slave state.

Mr. Dromgoole, of Va., moved a division of the petition, and that one part go to the committee of Foreign Affairs, the other to lie on the table under the operation of the Atherton resolutions.

Mr. Adams said that he would give his reasons for making the motion.

Mr. Polk.—If the petition gives rise to debate, it must lie over one day.

Mr. Adams,—I will not debate, but I will state my reasons. I wish it to go to a Select committee, because if it goes to the committee of Foreign Affairs, it will never be heard of again, and I know—

Mr. Cushman, of New-Hampshire, said in an under tone to a gentleman who sits next to him, "such reflections on a standing committee, ought not to be allowed in this House."

Mr. Adams heard the remark, and turning round to Mr. Cushman, with his eyes flashing fury, and the top of his hairless head flushed to the complexion of a beet, exclaimed, I made no insinuations, sir; but, I will insinuate when I please, and where I please, and on all occasions exercise the right of an American citizen and legislator.

Mr. Cushman blushed crimson, and the suffusion of passion which the rebuke produced, seemed to turn even his hair, which is as white as snow, to the complexion of a cochineal dye tub. He nodded, said nothing, or as Shakspeare hath it, he

"Sunk, but made no sign,"

Mr. Polk called for order, and Mr. Adams proceeded with his budget. At last, he got hold of what Jemmy Twitcher would call a "good 'un." His eye sparkled, and a smile of triumph played on his countenance as he opened it. This, sir, said he, is a petition from sundry citizens of the county of Ohio, in the State of *Virginia*, praying Congress to abolish slavery and the slave trade in the District of Columbia. *God bless old Virginia.*

Gen. Dromgoole—Amen, with all my heart

A laugh echoed through the arches and alcoves of the hall, which was speedily repressed, however, by the voice of the Speaker, demanding order.

Mr. Adams now proceded, without further interruption, to disgorge himself of the load of abolition petitions with which he was encumbered, and in all probability presented some hundred and fifty of those documents, of all sizes, colors, classes and conditions.—As soon as he had concluded, the different States were called in order, and all were allowed to present their grievances without interruption. Nothing else of any consequence transpired.

In the Senate, a series of resolutions proposed yesterday by Mr. Rives, of Virginia, calling on the President for information in relation to the connection of the government with the United States Bank of Pennsylvania, were taken up, and a very long and animated debate ensued. It was political in all its bearings, and was intended for effect on the Presidential question. Messrs. Rives, Wright, Clay, Niles, and others took part. Much ill feeling was manifested, and it was plain to be seen from it, that within the period of two or three months, there will be at least five Richmonds in the field. Yours, &c.

From the St. Louis Daily Argus.
EXECUTIVE PATRONAGE.

We have ever been sincere supporters of President Van Buren and his Administration, and shall continue to be, so long as it is administered with the same scrupulous regard to the Constitution that it now is. He has, in the political darkness which lowered around us and threatened destruction to the Republic, given evidence of that stability of character which should ever characterize the Executive of a great nation. Cato like, he is concerned for the safety and liberty of his country, and has saved it from the hands of the conspirators. We would have him, in his desire, to 'see that the Government receives no detriment,' extend yet farther his protecting hand, and cast from their high places those who are not only inimical to its institutions, but are struggling to overthrow them. This we regard an imperative duty—justice requires it—his friends have a right to expect it. We hold the aphorism to the "victors belong the spoils" to be sound, and regard the advocacy of a contrary principle as sheer hypocrisy—the disingenuous artifice of prostrate Federalism. We have no instance on record where a vanquished foe were permitted to remain in their entrenchments with arms in their hands; it would be an act which no enemy but cajoling, temporising Webb-whiggery would expect or ask. Disarm them, then, one and all. There are faithful soldiers to man the battlements. We are told that in the Departments at Washington, a Democrat is as difficult to find as a white crow; they are almost exclusively filled with Federal clerks. In fact, throughout the country generally, the Federalists have possession of the offices.—This state of things should not exist' there is no reason for it.

CAMBRIDGE:
MONDAY, DECEMBER 31, 1838.

☞The Orphans' Court of this county will sit on Monday 13th January.

To-morrow, the year 1839 will commence its onward career. At its threshhold let each one of our readers recur to the past, and see what amendments can be made in their performance on the great stage of life. Most assuredly we wish all our patrons a happy and prosperous new year. May the choicest blessings of life, crown their next annual pilgrimage. 'Long may they live & happy may they be.' This is the last day of the year 1838. Soon will it too be numbered with the years that have past and gone forever. Time flies swiftly, and rolls relentlessly, frail mortals to the tomb. In the past year, how many of our friends and acquaintance have ranked with the sleeping millions of the dead!

We have received the 1st and 2d numbers of the "Metropolis," a new Democratic paper, published in the City of Washington—at present edited by Thomas Jefferson Smith, Esq. From the contents of these numbers, we augur that this additional auxiliary, in the support of the cause of good Government, will be conducted with great ability. It takes a correct view of the subject of abolition, considering it a most momentous and vital question, not inferior in its importance to any question, which has agitated the Nation since its foundation. We wish this periodical great success.

The Legislature of our State, commences its session to-day. We shall soon learn, how the two Houses are organized. Who is Speaker, Clerk, &c. There will probably be a full attendance on the first day, as the two parties are closely balanced, and the absence of a single member may have an important bearing upon the proceedings.

The Mails reach here very irregularly.—Where the fault is, we have not yet ascertained—probably the suddenness of the cold weather, may have contributed in some degree, to the failures and delay. We hope to see more promptness in future.

In Congress no business of much importance has as yet been transacted. In the Senate there has been quite a spirited debate upon Mr. Rives's resolutions.

STEAMBOAT PAUL JONES.—It will be seen from an advertisement in our paper to-day, that the stock in this boat is offered to our citizens. The advantage of having a steamboat that can come to the Cambridge wharf at all times, is a desideratum. We should not let the opportunity slip of getting this new boat into operation. We understand that she is put up at fifteen thousand dollars, at one hundred dollars per share—ten dollars to be paid at the time of subscription—the balance by the 1st day of March. If the whole amount is subscribed by that time, the boat will commence her trips forthwith, running from Baltimore to this place, twice a week, going up to Denton, probably, and also making a trip to Miles river ferry. The routes however, will of course depend upon the board of directors, to be appointed by the stockholders. The Paul Jones, we learn, is a fast sailer, and in ever respect perfectfully safe and commodious, and we think stock in her will be profitable. The advantages of an opposition are at once apparent, invariably resulting in the public good. The citizens of our town should look well to this matter, and endeavor to place themselves in a situation where they will be likely to reap the greatest amount of accommodation.

THE INDIANA SENATOR.

It is understood that some, at least of the opposition in Congress are chagrined, and mortified on account of the election of Mr White to the Senate of the United States, in the place of Mr. Tipton whose term of service will expire on the 4th of March next. It may be recollected that Mr. White was the only opposition member of Congress who voted with the friends of the administration on the subject of the Mississippi election; and bitterly was he denounced by many of the opposition on account of his honesty on that occasion, and they have since looked upon him with no very friendly feeling. In the election for Senator to represent his state there were several members of that party who were very desirous to obtain the place and the friends of the administration generally by uniting with a portion of the opposition in favor of Mr. White, secured his election. He now owes his election to the Senate to the friends of the administration is honest and disposed to do what he believes to be right, and is too high minded to act with the opposition in the slippery tricks they are in the habit of indulging with a view to sustain themselves and secure the accomplishment of their ends. His election may therefore be regarded as a Democratic triumph.—*Balt. Republican.*