John Catrup

EASTERN-SHORE WHIG AND PEOPLE'S ADVOCATE.

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PRINTED AND PUBLISHED EVERY
TUESDAY & SATURDAY MORNING,
(during the Session of Congress,)
and every TUESDAY MORNING, the residue of the year—BY
EDWARD MULLIKIN,
PUBLISHER OF THE LAWS OF THE UNION.

THE TERMS
Are THREE DOLLARS PER ANNUM, payable half yearly in advance.

No subscription discontinued until all arrearages are settled, without the approbation of the publisher.

ADVERTISEMENTS not exceeding a square, inserted THREE TIMES FOR ONE DOLLAR, and twenty five cents for each subsequent insertion—larger advertisements in proportion.

NEW BOOKS.
JUST RECEIVED

INQUIRIES CONCERNING THE INTELLECTUAL POWERS, by J. Abercrombie, M. D. F. R. S.
[The *Critic* an English periodical, speaks in the highest terms of commendation of this work]
ALSO,
Geography of the Heavens, by E. H. Burritt
Malte Brun's School Geography and Atlas
Peter Parley's Geography for children, illustrated with 75 engravings
Peter Parley's History of the World, 75 engravings
Mason on Self-Knowledge
Jones' Philosophy
McIntyre on the Globes.
Together with a very general assortment of SCHOOL BOOKS, PAPER, BLANK BOOKS, &c. &c.
For sale by
EDWARD MULLIKIN.
feb 22

☞ Books not on hand, will be ordered and obtained, withas little delay as practicable.

NOTICE.

THE Commissioners for Talbot county, will meet at the Court-House in Easton, on TUESDAY the eleventh of March instant, at 10 o'clock, A. M. for the purpose of appointing Overseers of roads and Constables. Applicants for the office of constable, will please make their applications as early in the morning as practicable.
THOS. C. NICOLS, Clk.
to the Commissioners for Talbot county.
march 1

A Teacher Wanted,

TO take charge of the district school in Greensborough, from 1st April to the end of the year; applications will be received until the 30th day of March, at which day an election will be held. None need apply except well recommended.
march 4 3t

NOTICE is requested to be given, that a FAIR will be held in Easton, about the last of May next ensuing, to aid in procuring funds to build a Church at St. Michaels River ferry, on the N. West side of the river, upon a site recently given for the same—and all ladies disposed to contribute to its success, are most respectfully invited to give their aid.
Feb 22

For Annapolis Cambridge and Easton,
THE STEAM BOAT

MARYLAND

WILL commence her route on Tuesday morning next, the 9th inst. leaving the lower end of Dugan's wharf at 7 o'clock A. M. for Annapolis, Cambridge, (by Castle Haven) and Easton, and return from the Eastern Shore on every Wednesday and Saturday, leaving Easton at 7 o'clock, A. M. for Castle Haven and Annapolis for Baltimore.
N. B. All Baggage at the owner's risk.
Passage to or from Easton or Cambridge, $2.50
Passage to or from Annapolis, 1 50
All Children under 12 years of age half price.
LEM'L. G. TAYLOR, Master.
oct 15

BURRITT'S
GEOGRAPHY OF THE HEAVENS;
And familiar Class Book of Astronomy.
Accompanied by Colored Engravings, illustrating the Scenery of the Heavens, and the largest of the kind ever published in this country—The Plates of the Atlas, if spread out, would cover a square surface of more than TEN FEET. This work, as now published, contains a greater mass of interesting matter, connected with the study of the heavens, than any other School book extant.

A variety of interesting facts and observations, embracing the latest improvements in the science, were derived directly from the French and English Observatories *expressly* for this Class book, and are not contained in any other. It is now being generally used in the principal Seminaries of New England, and is recommended to schools in general, by members of the Board of Examination of Yale College, as "A work more needed, and which, it is believed, will be more useful, than any other introduced into our Institutions of Learning for a number of years."
Published by F. J. HUNTINGTON, Hartford, Conn: and
Sold by Collins & Hannay, Jonathan Leavitt, and Roe Lockwood, New York;—O. Steel, Albany;—Desilver, Jun. and Thomas; Marshall, Clark & Co. and Geo. Latimer & Co. Philadelphia;—and Joseph Jewett and James Anderson, Baltimore.—[Price $1 50.]
dec 3

TO RENT
FOR THE YEAR 1834.

That two story brick house on Washington street lately occupied by John Meconekin as a Cabinet Maker's shop.

This house is well calculated for a merchant or mechanic, is in good repair, and the stand is believed to be equal to any in this place for either purpose, being in the thoroughfare between the principal public houses. For terms apply to
WM. H. GROOME.
Easton, feb 15 cow4w

PROSPECTUS
Of a weekly newspaper, to be published in the town of Denton, Caroline county, Md., under the title of the
CAROLINE ADVOCATE.

The Subscriber, being solicited by a number of worthy and reputable gentlemen of Caroline county, to establish a *free and impartial Newspaper*, under the above title, open to *all*, and influenced by *none*, has thought proper to put forth these proposals, hoping they will meet with that kind encouragement from the *public*, which will enable him to proceed in the undertaking.

As the general design of this paper is both to amuse and instruct, the publisher's chief care and attention will be to render it as useful as possible for those purposes; to which end, every article of news, and all other matter of importance will be faithfully inserted; and he doubts not of being able to give satisfaction through the kind assistance which many of his friends have promised him; and at the same time, that he humbly hopes and requests the aid and assistance of the learned, ingenious, and curious, (hereby assuring them, that whatever essays they may please to favour him with, for the promoting of useful knowledge, and the general good of mankind, shall be gratefully received and inserted,) he must also except and declare against every thing injurious to religion, to good sense, or good manners; against public or private scandal, and against all party libels. Upon these principles, and these only, he takes the liberty of requesting the patronage of the public; assuring them that the utmost exertion of his abilities and industry in every particular will be used to make his paper as improving, instructing and entertaining as possible.

☞ The first number will be issued in May next, or, if a sufficient number of subscribers be obtained, sooner.

TERMS.

THE CAROLINE ADVOCATE will be published every Saturday morning, printed on a fine super-royal sheet, with good type, at TWO dollars per annum, payable in advance, TWO dollars and FIFTY cents, payable within six months, or THREE dollars if not paid until the expiration of the year.

ADVERTISEMENTS, not exceeding a square, will be inserted three times for ONE dollar, and TWENTY-FIVE cents will be required for every subsequent insertion.—Larger ones in proportion.

THOMAS E. MARTIN.
Denton, Md. March 8th, 1834.
*** Editors of Newspaper in this and the adjoining States will confer a favor by inserting the above.

PROPOSAL
FOR PRINTING
THE JOURNALS OF THE CONVENTIONS
OF THE PROVINCE OF MARYLAND,
Held in the City of Annapolis in the years 1774, 1775, *and* 1776.

The subscriber proposes to publish the Journals of the Conventions of the Province of Maryland in the years 1774, 1775 and 1776. It is believed that there is but one complete copy of these Journals now extant; and from the circumstance that they were printed in pamphlet form, and unbound, it may be fairly concluded that it too, must in a few years be destroyed by the mere decay of time. They are the only authentic evidence of the Political History of Maryland, during that interesting and unquiet period. Although we have, in abundance, histories of Maryland, as connected with the association of Provinces and Colonies, at that time formed for mutual protection against the improper assumption of power on the part of the Mother Country, yet none of these works embrace what may be termed the Domestic and Internal Political History.

This part of the history of Maryland it should be her pride to hand down to posterity, not only on account of its deep interest, but as a public State Record of the voluntary sacrifices, daring spirit, and determined resolution, of her citizens, during this period of doubt and dismay.

In the confident expectation that the citizens of Maryland will consider the proposed publication of sufficient importance to entitle it to their patronage, the subscriber is induced to issue this proposal.
J. GREEN.
The JOURNALS will be printed in one octavo volume, on good paper, and with a new type. Price, per copy, two dollars.
March 1, 1834.
☞ Subscriptions received at this office.

New and Splendid Assortment of

BOOT & SHOES.

THE subscriber has just returned from Baltimore, and is now opening the best assortment of BOOTS and SHOES, that he has ever had. His friends and the public are requested to call and see him. He is determined to sell at the most reduced prices for cash. He has also a great variety of Palm leaf Hats, Blacking, &c. &c.
PETER TARR.
april 9

JUST received and for Sale at the Drug Store of SAMUEL W. SPENCER.
A FRESH SUPPLY OF
MEDICINES, DRUGS, PAINTS, OILS, GLASS, &c.
AMONG WHICH ARE:

Dr. Scudder's Eye Water,	Hydriodate of Potash
Morphine, Emetine,	Black Oxyde of Mercury,
Strichnine, Cornine,	Phosphorus, Prussic Acid,
Pipperine, Oil Cubebs	Quinine, Cinchonine,
Solidified Copiva,	Saratoga Powders,
Oil of Cantharadin,	Chloride Tooth Wash
Denarcotized Laudanum,	Extract of Bark,
Ditto Opium,	Do. Jalapp,
Iodyne,	Do. Colycinth Comp

Cicuta, Belladona, Hyosciamus, and all the modern preparations, with a full supply of
PATENT MEDICINES,
and GLASS, of all sizes, 8 by 10, 10 by 12 12 by 16, &c.
Also—A quantity of FRESH GARDEN SEEDS, put up by the Shakers of Massachusetts, warranted genuine, all of which will be disposed of at reduced prices for Cash.
Easton, dec 18

Schooner Wrightson.

THE EASTON AND BALTIMORE PACKET
SCHOONER WRIGHTSON,
GEORGE W. PARROTT, Master,

WILL commence her regular trips between the two places, on WEDNESDAY morning next, 26th of February—leaving Easton at 9 o'clock. Returning will leave Baltimore on SATURDAY morning following at the same hour, and will continue to sail regularly on those days, until superseded by my new packet now building and in a state of considerable forwardness. Thankful for past favors, every exertion will continue to be made both by the captain and myself, to deserve a continuance of the same.
SAMUEL H. BENNY,
Easton Point

Freight intended for the Wrightson can be left at my granary at the Point; and all orders left at the Drug store of Messrs. Thomas H Dawson & Son, will be promptly attended to
feb 25 w (G) S. H. B.

Revised List of Books and Prices.
The following works are offered for sale by
JOHN J. HARROD,
BOOK AGENT OF THE METHODIST PROTESTANT CHURCH.

	per doz.	Retail.
Discipline M. P. Church, containing Constitution & Declaration of Rights,	$3 25	37½
Hymn book M. P. Church, plain, sheep,	4 00	50
Do. do. do. gilt & color'd sheep	5 00	62½
Do. do. Co. gilt, morocco,	6 00	75
Do. do. do. calf, gilt,	8 00	1 00
Do. do. do. do. super extra,	13 00	1 50
Do. do. do. morocco do.	13 00	1 50
Do. do. do. plain, calf,	5 00	69½
Do. do. do. morocco, strap gilt,	10 00	1 25
Shinn on the plan of Salvation,	14 00	1 50
Hunter's Sacred Biography, 3 volumes	42 00	4 50
Mosheim, Coote and Gleig's Church History, from the earliest period to 1826, 2 volumes 8 vo.	48 00	5 00
Brown's Philosophy of the Human Mind,	36 00	3 50
Pocket Testaments, sheep, gilt colored,	3 50	37½
Academical Reader, a first rate class book for schools,	5 50	62½
Introduction to the above reader,	2 50	25
Saurin's Sermon's	36 00	3 75
Rollin's Ancient History, 2 vols.	48 00	4 50
Dr. Jenning's History of the Controversy in the Methodist Episcopal Church, on the subject of introducing representation into the government of said Church,	9 00	1 00
Baxter's call to the Untroverted,	4 50	50
Pollok's Course of Time, plain,	3 50	37½
Do. do. do. gilt,	4 50	50
Mason on Self-Knowledge,	2 50	31¼
Mrs. Rowe's Devout Exercises,	2 50	31¼
Doddridge's Rise and Progress of Religion in the Soul,	4 00	50
Life of Mrs. Fletcher,	6 00	75
Evidences of Christianity, by Alexander Watson, Paley, Jenyns and Leslie,	12 00	1 25
Polyglot Bibles, plain,	15 00	1 50
Do. Testaments, gilt, extra,	9 50	1 00
Clarke's Scripture Promises,	2 50	31¼
Watts on the Mind,	4 50	62½
Western Lyre, an excellent selection of Church Music, adapted to the most popular Psalmn & Hymn book tunes, with patent notes,	7 00	75
Dr. A. Clarke's advice to preachers and people,	$10 per 100	18¾
Fletcher's Address to Seekers for salvation, stitched in neat printed covers,	$12 per 100	18¾
Prideaux's Connexion of Sacred and Profane History,	48 00	5 00
William's on the Lord's Supper,	3 00	37½
Mosheim's Ecclesiastical History, now publishing in superior style, in 4to with 16 elegant engravings, bound,		$7 50
Ditto, in calf, gilt,		9 00
Do. morocco or calf, superbly gilt on back, sides & edges,	9 00	12 00
Dr. Clarke's Commentary on the Old and New Testament, now publishing, bound and lettered,		15 00
Harrod's Collection of Camp Meeting Hymns,		37½

☞ Orders for any of the above books will be received by the subscriber, and forwarded without delay.
EDWARD MULLIKIN.
Easton, Dec 7, 1833.

WAS committed to the Jail of Baltimore city and county, on the 9th day of January, 1834, by David B. Ferguson, Esq. a Justice of the Peace in and for the city of Baltimore, as a runaway, a colored lad, who calls himself SOLOMON DUFFIN, says he belongs to Mr. Lewis Kemp, of Frederick county, Maryland. Said colored lad is about 16 years of age, 5 feet 4 1-2 inches high, has a small scar over the right eye, a small scar under the right ear, one near the left eye, also, one on the left arm. Had on when committed a dark country cloth coatee and pantaloons, cotton shirt, yarn stockings, coarse lace boots, and old black fur hat. The owner (if any) of the above described colored lad, is requested to come forward, prove property, pay charges, and take him away, otherwise he will be discharged according to law.
D. W. HUDSON, Warden
Baltimore city and county Jail.
feb 1 3w

CASH andvery liberal prices will at all times be given for SLAVES. All communications will be promptly attended to, if left at SINNERS' HOTEL, Water street, at which place the subscribers' can be found, or at their residence on Gallows Hill, near the Missionary church—the house is white.
JAMES F. PURVIS & CO.
may 29 Baltimore.

UNITED STATES BANK.
REPORT OF THE COMMITTEE OF WAYS AND MEANS.

HOUSE OF REPRESENTATIVES.
March 4, 1834.

Mr. POLK, from the Committee of Ways and Means, made the following report:

The Committee of Ways and Means have had under consideration the Letter of the Secretary of the Treasury of the 3d December last, communicating to Congress his reasons for ordering the public deposites to be removed from the Bank of the United States; the memorial of the President and Directors of the Bank of the United States, complaining that the "chartered rights of the stockholders" have been violated, and asking redress; the memorial of that portion of the Directors of the Bank appointed by the United States, making certain charges of misconduct against the Bank; and, also, sundry other memorials and resolutions from other Banks, and citizens, in relation thereto, which have been referred to them by the House, and have agreed to the following

REPORT:

The Secretary of the Treasury, in his letter of the 3d of December last, informs Congress, that "in pursuance of the power reserved to him by the act to incorporate the subscribers to the Bank of the United States," he had "directed that the deposites of the money of the United States shall not be made in the said Bank or branches thereof, but certain State Banks which had been designated for that purpose," and he proceeds to lay before Congress the reasons which induced him to give such orders and direction.

The Bank, in its memorial, draws in question the power of the Secretary to issue such order, and also the sufficiency of his reasons for the act.

From the language employed, it is apparent that the Bank claims the custody and and use of the public deposites as a "chartered right," and in case of a removal for reasons which the President and Directors may not deem sufficient, asserts the perogative of making the Bank a party in the transaction. They assume that the "chartered rights of the stockholders" have been "violated," and demand "redress," as an act of "justice".

It is the opinion of the committee, that the question as to the power of the Secretary of the Treasury, and the sufficiency or insufficiency of the reasons for which he may have ceased to make the Bank of the United States the depository of the public moneys, is one exclusively between that officer and the constituted authorities to whom he is responsible. To pronounce a decision upon the act, and the reasons which superinduced it, appertains exclusively to the Government, and is a question in which the Bank has no right to interpose for the purpose of influencing the decision.

The Bank denies the authority of the Secretary of the Treasury to issue his order for removing the public deposites from its custody, and claims possession of these deposites as a chartered right, because, as it alleges, "the Bank has in all things performed the stipulations of the charter."

The Secretary of the Treasury, in his letter, him no new power or control over the public deposites, but was a reservation of a power exclusively possessed by him, and one which had been exercised by the head of the Treasury Department from the origin of the Government, and that none of the "chartered rights" of the Bank have been violated by the act complained of.

The ground should be well examined before it is conceded that a power which essentially belongs to the Treasury Department, and has always been exercised under the responsibility of the Secretary, has been transferred to a corporation, which claims to be irresponsible to the Government and People of the United States except for palpable violations of its charter.

To arrive at a clear understanding of the power of the Secretary to designate and direct the place of deposite of the public moneys, it is necessary to trace it from its origin; to show by whom and how it was exercised, prior to the establishment of the Bank of the United States; and how far it has been regulated, modified, or transferred, by the charter of that institution. The Continental Congress of the Revolution, as far as it possessed any attributes of Government, united in itself the power of every department. In managing the concerns intrusted to its guardianship, it acted as much in an executive as a legislative capacity. The first germ of the Treasury Department of the United States is found in a resolution of that body, as early as the 29th of July, 1775, to the following effect, viz.

"Resolved, That Michael Hilligas and George Clymer be joint Treasurers of the United Colonies; that the Treasurers reside in Philadelphia; and that they shall give bond with surety for the faithful performance of their office, in the sum of one hundred thousand dollars," &c.

In their hands were placed all the funds of Congress, to be drawn out on the warrants of the President of Congress. They were directly responsible to Congress, settled their accounts with that body, and held their offices at its will.

In various other resolutions and ordinances subsequently passed, we trace the process by which the Continental Congress gradually vested a portion of its Executive powers in subordinate agents appointed by its vote, and removable by its will. It began with appointing Treasurers over whom it exercised a direct superintendance. It next vested the superintending power over that and other offices of the Treasury, in a standing committee of its own body. Next, it was vested in Commissioners, a part of whom were members of Congress, and a part not members. Finally, by creating "Civil Executive Departments, of the Treasury, War, and Marine, it separated the superintending power over the Treasurer and other subordinate officers of the Treasury, wholly from its own body, reserving the right of removal; and in case of necessity, controlling the whole system. The principle on which the department was organized, was in no degree changed by afterwards instituting a "Board of Treasury," for the "Superintendent of Finance."

It will be observed that in the first instance, the power to direct the Treasurers, in relation to the place where they should keep the public money, as well as every other portion of their duties, was vested in Congress. This power was afterwards vested, successively, in the Committee on the Treasury, the Commissioners of the Treasury, the Superintendent of Finance, and the Board of Treasury. The power was expressly conferred on the "Superintendent of Finance," and "Board of Treasury," to superintend and control the settlement of all public accounts, and to *direct and control all persons employed in procuring supplies for the public service, and in the expenditure of public money*"—and the ordinance expressly provides, that a Treasurer, &c. shall be appointed "*in aid of the Superintendent of Finance.*" The Superintendent, therefore, had a right to direct him in all things, in subordination to the resolutions and ordinances of Congress, which was the head of the Executive Department."

At the time the present constitution was adopted, the Treasury Department was managed by the "Board of Treasury," consisting of three Commissioners, aided by a Comptroller, a Treasurer, a Register, Auditor, and a competent number of Clerks. The Board had power to direct the Treasurer in all his acts, and were themselves responsible to Congress; the head of the Executive Department in the existing Government.

The new constitution took the entire executive power away from Congress, and vested it in an independent co-ordinate department of the Government. It declares that "The executive power shall be vested in a President of the United States of America; that he shall nominate, and by and with the consent of the Senate, shall appoint ambassadors, or other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointment are not herein otherwise provided for, and which shall be established by law. But the Congress may by law, vest the appointment of such *inferior officers* as they think proper, in the President alone, in the courts of law, or in the *Heads of Departments.*

Thus, by the voice of the People of the States, assembled in their several sovereignties, was the entire Executive power, including the power of appointment, and consequently of removal, taken away from Congress and vested in the President. The ultimate supervision and control of the officers of the "civil Executive Departments" was taken from Congress and vested in the President of the United States; and to enable him to exercise it with the more effect, he was, by the constitution itself, clothed with authority to "require the opinion in writing of the principal officers in each of the Executive Departments, upon any subject relating to the duties of their respective offices." To the President, therefore, was transferred, by the new constitution, that power of appointment and removal, and ultimate supervision over all the Executive Departments of the Government, which had before belonged to Congress.

The change in the form of Government effected by the new constitution, made it necessary to reorganize "the civil Executive Departments," which existed under the Confederation. At the first session of the new Congress, therefore, an act was passed entitled "An act to establish the Treasury Department." The first section of that act provides "That there shall be a Department of Treasury, in which shall be the following officers, namely: a Secretary of the Treasury, to be deemed head of the Department; a Comptroller, an Auditor, a Treasurer, a Register, and an Assistant to the Secretary of the Treasury, which Assistant shall be appointed by the said Secretary."

The duties assigned to the Secretary of the Treasury, are, in a great measure, identical Superintendent of Finance.

The offices of Comptroller, Treasurer, and Register of the Treasury Department, under the Confederation, were retained under the new system, with similar duties attached to them. The very language of the old ordinances in relation to the leading duties of the Treasurer, is copied into the act of Congress of 1789, establishing the Treasury Department, viz. *It shall be the duty of the Treasurer to receive and keep the moneys* of the United States, *and disburse the same upon warrants, &c.*

The act was construed at the time of its passage, and has been ever since, as conferring on the Secretary of the Treasury all the powers which, under the old confederation, had been exercised by the "Board of Treasury," and we accordingly find that Alexander Hamilton, the first Secretary of the Treasury, and all of his successors in that office, down to the time of establishing of the present Bank of the United States, constantly exercised the power of directing where the public moneys in the Treasury were to be deposited. It was sometimes placed in the hands of individuals, sometimes in State Banks, and a part of it in the former Bank of the United States. It was never supposed, during the period above mentioned, to be the province of the Treasurer to make the selection, nor did he ever attempt to exercise the power. It was, by uniform usage and the acquiesence of Congress and all the branches of the government, from 1789 down to 1816, admitted to be placed by law under the exclusive power of the Secretary, subject to the supervision of the President as the head of the Executive Department. Under the construction given to the same act, and by uniform usage, the principle was equally well established, that to the Secretary of the Treasury belonged the exclusive power of ordering transfers of public money from one place of deposite to another, and the warrants or drafts issued for that purpose, did not take the funds from the debt of the Treasurer, and were never considered as drawing them out of the Treasury. The public revenue can never be entirely collected and disbursed at same the places. It must necessarily be transferred from the points of collection to places where it may be needed, and deposited in secure places for safe keeping prior to disbursement. If, in this operation, it remains charged to the Treasurer on the books of the Treasury, although separated into a thousand parcels, and in every part of the Union, it is still in the Treasury, ready to be disbursed upon warrants drawn according to the laws. The committee annex to this report, by way of appendix, various official documents, establishing conclusively the position they have here stated.

At the period, therefore, that the charter of the present bank was granted, the power of the Secretary of the Treasury over this subject was one well known and understood. It had been clearly settled by long usage and invariable practice under the act of 1789, and with which the Congress of 1816, when they chartered this Bank, were perfectly acquainted, and to which they must have intended to refer, when they speak in general terms of his power over the public deposites, without defining or prescribing its limits.

The 16th section of the charter declares that the deposites of the moneys of the U. States in places in which the said Bank and branches thereof may be established, shall be made in the said Bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order and directions."

This section grants no new power to the Secretary of the Treasuay. On the contrary, as far as it operates at all, it is a reservation of the power which before existed, to select the depositories for the public funds. The Secretary, therefore, does not derive his power over the subject from this act.

Being a reservation, and not a grant of power, the Secretary of the Treasury retains all the powers over the public moneys he before possessed, except so far as they may be modified or taken away by the Bank charter. The power of transfer, not being alluded to in the section, is not restricted by it, and of course is possessed by the Secretary of the Treasury to the same extent as before.

Accordingly, transfers have constantly been made, since the Bank charter was granted, as before, not only from one office of that Bank to another, but from that Bank and its offices to State Banks. Hereto annexed is a list of numerous transfers from the Bank of the U. States to State Banks, taken from a report of Mr. Secretary Crawford to the House of Representatives, dated February 7th, 1823.

The error upon this point consists in considering the provisions in the Bank charter a grant of power; instead of the reservation of a power previously existing. Not finding the power of transfer *granted*, it has been denied that it exits, when, in fact, the silence of the section leaves it as it was before.

The effect of the 16th section of the Bank charter, is to take from Congress entirely the power to control the public deposites, which that body before possessed.—It provides that the deposites of the moneys of the United States, shall be made in the Bank of the United States, without reserving to the Legislative authority any power to order their removal, with reason or without reason.

Whether the Congress of 1816 acted wisely in thus divesting themselves of all control over the places of public deposites of the public moneys, for the long period of twenty years, is a question which it is unnecessary to determine. It is certain that they did so; and during the continuance of the charter, therefore, they must have continued to be made in the Bank of the United States, unless the Secretary of the Treasury had otherwise ordered and directed. It was stipulated with the Stockholders that they should have the public deposites, unless the Secretary otherwise ordered, and that the Legislative authority would not interfere to take them away during the continuance of their charter.

This section of the Bank charter, although it surrendered the power of Congress over the public deposites for twenty years, and indicates a legislative prefence for the Bank of the United States as a depository; does not diminish the *positive power* of the Secretary of the Treasury over the subject. He had the same legal power after the passage of this act, to order and direct the public deposites to be made in other banks, as he had before an *additional duty* was imposed upon him. But how can this requirement impair his power? Had the clause requiring the reasons to be reported been omitted? could it have been doubted that the power of the Secretary to cause the deposites to be made in other banks would have been absolute and unqualified? And how can the necessity for his power to do it? Before the Bank charter was granted, the Secretary of the Treasury was liable to be called on by Congress for his reasons for discharging one bank from the service of the Treasury, and employing another, and it was his duty to give them. The change effected in his position is, that he is now bound by law to give his reasons without a special call But the giving his reasons *now*, after the act is done, can no more affect his power to do it, than giving his reasons *then* under a special call of Congress; and his duty to act only for good reasons, and his liability to be punished for measures originating in corrupt or wicked motives, were just as strong then as now.

That it was intended that this power should be exercised, as it always has been, by the Executive authority, without consulting Congress, is proved by the fact, that the Secretary is not required to give his reasons to Congress, even though they may be in session, *until after the act is done.* If it had been intended that, he should be directed and advised by Congress before he acted, provision would have been made that when Congress are in session, the reasons should be laid before them for their consideration and approval before the act was done.

In illustration of the view here taken of the proper interpretation of this provision of the Bank charter, and the power reserved by it to the Secretary over the public deposites, the committee refer to another provision of that charter. By the 14th section it was stipulated by Congress in behalf of the U. States, with the stockholders of the Bank, "that the bills or notes of the said corporation originally made payable, or which shall have become payable, on demand, shall be receivable in all payments to the United States, *unless otherwise directed by act of Congress.*" It was important for the Bank, in order to obtain general credit and circulation for its notes, that they should be received in payment of public dues. The charter provides that they shall be receivable in all payments to the United States, but upon the express condition that Congress reserves to itself the right to provide by law that its notes shall not be received in payment of the public revenue.—This was a power reserved to Congress, to which the Bank agreed; as was the power reserved to the Secretary to remove the deposites, to which the Bank in like manner agreed. Now it will not be maintained by any one, that Congress may not at pleasure, without any violation of the charter, or any infringement of the contract with the Bank by law refuse to receive the notes of the Bank in the payment of the public dues.

If the Secretary of the Treasury, without an act of Congress, should attempt to prohibit the receipt of the notes of the Bank in payments to the United States, he would usurp a power which belongs to the legislative authority; and in like manner, if Congress, without the previous order and direction of the Secretary of the Treasury, were to attempt to cause the public deposites to be removed from the Bank, they would usurp a power which does not belong to them.

The Bank would have the same cause to complain, if the Executive refused to receive its notes in payment of public dues without the authority of an act of Congress, as it would have if Congress were to remove the deposites, without the previous order and direction of the Secretary of the Treasury, and no more.

The power reserved to Congress to discontinue the receipt of the notes of the Bank, in "payment to the United States," is absolute and unqualified. In like manner the power of the Secretary of the Treasury for reasons which he is required to report to Congress, to