

UNITED STATES BANK.

MAY 22, 1834.

Mr. THOMAS, from the committee appointed to investigate the affairs of the Bank of the United States, made the following

REPORT:

The committee appointed, in pursuance of a resolution of the House of Representatives, passed on the 4th day of April, by which it was

Resolved, That, for the purpose of ascertaining, as far as practicable, the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States in sundry memorials which have been presented to Congress at the present session, and of inquiring whether the charter of the Bank of the United States has been violated, and also what corruptions and abuses have existed in its management; whether it has used its corporate power or money to control the press, to interfere in politics, or influence elections; and whether it has had any agency, through its management or money, in producing the existing pressure, a select committee be appointed to inspect the books, and examine into the proceedings of the said Bank, who shall report whether the provisions of the charter have been violated or not; and, also, what abuses, corruptions, or malpractices have existed in the management of said Bank; and that the said committee be authorized to send for persons and papers, and to summon and examine witnesses on oath, and to examine into the affairs of the said Bank and branches. And they are further authorized to visit the principal Bank, or any of its branches, for the purpose of inspecting the books, correspondence, accounts, and other papers connected with its management or business; and that the said committee be required to report the result of such investigation, together with the evidence they may take, at as early a day as practicable: Respectfully submit the following report, in part, of their proceedings, so far as they have found it practicable to discharge the duties devolved on them.

Charged particularly to examine into the conduct and condition of the Bank of the United States, they have endeavored most anxiously to ascertain correctly the true character of that highly responsible and delicate trust.

To judge rightly of the proceedings of the House of Representatives, and of its committee towards the Bank, it must be borne constantly in mind that that corporation differs essentially from an ordinary banking company, incorporated for private benefit. The Bank of the United

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States was chartered for great public purposes, as an agent, deemed necessary to the Federal Government, in the efficient exercise of its high prerogative, to fix the value of money, and thereby secure the benefits of a sound circulating medium to the confederacy.

It was designed to aid the Treasury Department to collect conveniently and disburse the national revenue. Of its stock, the United States hold seven millions of dollars, and its notes are by law made receivable, at par value, in payment of all dues to the Government. Concede, as we must, that the Bank was established for great public ends, and that the House of Representatives is the grand inquest of the Union, and, as such, has power to visit and inspect all departments of the Federal Government, to correct their abuses, reform their errors, and confine the exercise of their powers within the limits prescribed by law to each, and it follows that the House has power to appoint a committee to make a minute and full inquiry into all the multiform operations of this powerful corporation.

But that there might be no doubt of the existence of the power here contended for, it has been expressly reserved in the 23d section of the charter of the Bank, which provides "that it shall be at all times lawful for a committee of either House of Congress, appointed for that purpose, to inspect the books and examine into the proceedings of the corporation hereby created, and to report whether the provisions of its charter have been violated or not."

The language in which this authority of the House is described, is so plain and so full, that an attempt to illustrate it appears to be supererogatory. The committee to be appointed are to "inspect the books, and to examine into the proceedings of the corporation," without exception. The section contains no reserved power to the Bank to designate the place where, or the persons in whose presence the examination shall be made. These modes of exercising the main power are necessarily, as its incidents, dependent on the discretion of the sovereign with whom it is lodged. A contrary construction would make either or both Houses of Congress dependent on the agents whose conduct is to be the subject of inspection.

If the Bank can attach any conditions to its exercise, not found in the charter, then it could render nugatory the power by which it was intended it should be checked and controlled. That the great conservative purposes for which such committees of investigation were to be appointed might not be thus defeated, the extent and character of their inquiries are rightly made to depend on the wisdom, patriotism, and justice of either House of Congress.

The only restriction to be found in that clause of the Bank charter which we are considering, is that which relates to the committee, and not to the House; and has reference not to the extent of the examination, but to the character of the report to be made. The committee is directed to report, amongst other things, "whether the provisions of this charter have been violated or not." The object of this specific requirement is to be found in another clause of the same section of the charter, which provides, "whenever any committee, as aforesaid, shall find and report, or the President of the United States shall have reason to believe, that the charter has been violated, it may be lawful for Congress to direct, or the President to *scire facias* to be sued out of the circuit court of the district of Pennsylvania, in the name of the United States, calling on the said corporation to

show cause wherefore the charter hereby granted shall not be declared forfeited."

But if there ever had been a well-founded doubt as to the true and fair construction of this reserved power of the House, the committee did suppose it had been long since yielded.

In 1818, Mr. Spencer, of New York, offered to the House of Representatives a resolution providing for the appointment of a committee to inspect the books, and examine into the proceedings of the Bank. In the debate to which that resolution gave rise, the opinions now entertained by your committee were well expressed by many distinguished gentlemen. For presenting short extracts from one of the speeches then made, no apology, it is supposed, will be needed. Mr. Lowndes said he had no "*apprehension* of defect of power in the House to prosecute the inquiry in the terms proposed. He had *no doubt* of the power of the House, if the public interest required it, to direct a committee to make such a report. The nation, said he, has a deep interest in the conduct and management of the Bank. Our duty to the people whom we represent, the nation's interest, as owners of a large portion of the stock, its interest in the revenues being wholly payable in the notes of the Bank, will justify a constant and vigilant attention to its proceedings. If there had been a *doubt whether the conduct of the Bank had been PROPER OR NOT, the House was fully justified in investigating into the facts, and inquiring whether ABUSES had been committed or not.* He would vote for any inquiry, in its broadest shape."

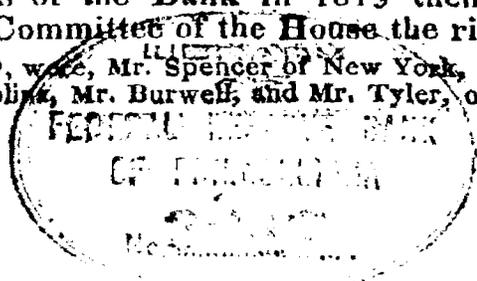
The resolution of Mr. Spencer was adopted, and a committee appointed, who visited the principal Bank at Philadelphia, and some of its branches. They had free, unrestrained access to the books and papers of the Bank. They were furnished by the officers with such extracts and copies from the books and papers as they called for. They summoned before them the directors and officers of the Bank, and examined them, on oath, touching their conduct and proceedings. And the committee made to the House, on the 16th January, 1819, an elaborate report, from which we learn that their inquiries had been chiefly directed "*to the GENERAL management of the Bank, and the conduct of its officers.*" The transactions of private citizens with the Bank were then freely and fully examined. Individual transactions of the President and Directors of the Bank, in the purchase of its stock, were fully investigated, and those officers sworn and required to testify before the committee. Though deeply affected, personally and officially, by these developments, they never hesitated or objected to obey the process, or to give their testimony.

The names of the borrowers from the Bank were published without scruple, with the amount of money due from each, whenever, *and not otherwise,* such a publication was deemed *necessary* to illustrate the improper conduct or maladministration of its officers.

This precedent, to which the committee of 1832 strictly conformed, is entitled to high respect from the eminent character of those by whom it was established, and who have justly enjoyed high reputations for purity of purpose and distinguished attainments.*

If any additional reason for deference to this contemporaneous construction of the 23d section of the charter be necessary, it may be found in the fact that the directors of the Bank in 1819 themselves assented to it. They conceded to the Committee of the House the right to inspect *all* their

* The committee of 1819, were, Mr. Spencer of New York, Mr. M'Lane of Delaware, Mr. Lowndes of South Carolina, Mr. Burwell, and Mr. Tyler, of Virginia.



books and papers in such manner as that committee thought just and proper. Besides, those who now have the management of the Bank, in 1832, without question of right, without hesitation, without protest, produced, for the inspection of the Committee of the House, all their books, papers, correspondence, and accounts, and appeared when summoned, and testified on oath touching the transactions of the institution under their control. With these preliminary observations, for which it is believed ample apology, if any be required, will be found in the subsequent portion of this report, the committee will proceed, with a brief analysis of their proceedings, in the execution of the duties devolved on them. Showing the unexpected obstacles interposed by the managers of the Bank to the progress of the examination, and their repeated refusals, in violation of their charter, and in contempt of the authority of the laws and of the House of Representatives, to permit their books or papers to be inspected, or their proceedings to be examined.

The purposes for which your committee were appointed, are stated so distinctly in the resolution of the House, that they have experienced no embarrassment in deciding on the character of the duties imposed. They were required,

1st. To ascertain, if practicable, the causes of the commercial embarrassment and distress complained of by numerous citizens of the United States in sundry memorials which have been presented to Congress at the present session, and whether the Bank has had any agency, through its management, or money, in producing the existing pressure.

2d. To inquire whether the charter of the Bank of the United States has been violated, and what corruptions and abuses have existed in its management.

3d. To examine whether the Bank has used its corporate power or money to control the press, to interfere in politics, or influence elections.

The powers designed to be conferred on the committee, if they could have been exercised, are adequate to the performance of the duties enjoined; they were authorized to send for persons and papers; to summon and examine witnesses on oath; to visit, if necessary, the principal Bank and its branches; and to inspect the books, correspondence, accounts, and other papers connected with its management. Such are the duties and the powers of your committee, conferred on them by the House with extraordinary unanimity, and which your committee felt bound to regard, as consistent with the chartered rights of the corporators and their debtors.

Under a deep sense of respectful obedience to the decision of the House of Representatives thus solemnly expressed, and feeling that they had no right to question its justice or propriety, your committee proceeded to Philadelphia on the 22d of April, to commence the performance of their duties.

On the 23d of April, their chairman addressed to the President of the Bank a communication, enclosing a copy of the resolution of the House of Representatives, and notifying him of the readiness of the committee to visit the Bank on the ensuing day at any hour agreeable to him. In reply, the President informed the committee that the papers thus received should be submitted to the Board of Directors at a special meeting to be called for that purpose. It appears in the journal of the proceedings of the committee, herewith presented to the House, that this was done, and that the directors appointed a committee of seven of their Board to receive the Committee of the House of Representatives, and to offer for their inspection such books and papers of the Bank as may be necessary to exhibit the

proceedings of the corporation according to the requirement of the charter. In the letter of John Sergeant, Esquire, as chairman of the Committee of Directors, communicating the proceedings of the Board, he says that he was directed to inform the chairman of this committee that the Committee of the Directors "will immediately direct the necessary arrangements to be made for the accommodation of the Committee of the House of Representatives," and would attend at the Bank to receive them the next day, at 11 o'clock. Your committee attended, and were received by the Committee of Directors. (App. A.)

Up to this period, nothing had occurred to justify the belief that a disposition was felt, on the part of the managers of the Bank, to embarrass the proceedings of the committee, or have them conducted differently from those of the two preceding committees of investigation. On assembling, however, the next morning, at the Bank, they found the room which had been offered for their accommodation pre-occupied by the Committee of the Board, with the President of the Bank as an *ex officio* member, claiming the right to be present at the investigations and examinations of this committee. This proceeding the committee were not prepared to expect. When the appointment of the committee of seven was first made, it was supposed that that measure, however designed, was not well calculated to facilitate the examination.

The officers of the Bank were believed to be the most appropriate agents of the Board of Directors to exhibit their books and papers. By them the entries in the books are made, and by them such entries are most readily explained. It is their duty, too, to be daily at the banking house, and on that account they could assist in the examination more readily than the Committee of Directors.

These objections to the special agents of the Board were felt and expressed, but they were waived, and no disposition had been manifested, or felt by your committee, to conduct the examination in any manner not entirely acceptable to the Board.

Under these circumstances, your committee did think that a decent respect for their rights and privileges, and much more for the dignity of that body from which all their powers were derived, might have induced the Committee of Directors to forbear to make them feel an entire want of control over their own room. With a previous determination to be present when their books were to be inspected, they could have waited to avow it until these books were called for, and the attempt made to inspect them in their absence. These circumstances are now reviewed, because they then excited an apprehension, which the sequel formed into conviction, that this Committee of Directors had been appointed to supervise the acts and doings of your committee, and to limit and restrain their proceedings, not according to the directions contained in the resolution of the House, but the will and judgment of the Board of Directors. Your committee have chosen to ascribe this claim of the Committee of Directors, to sit conjointly with them, to the desire to prevent them from making use of the books and papers, for some of the purposes pointed out by the resolution of the House. They are sensible that this claim to be present at all examinations, avowed prematurely, and subsequently persisted in with peculiar pertinacity, could be attributed to very different motives; but respect for themselves, and respect for the gentlemen who composed the Committee of Directors, utterly forbids the ascription to them of a feeling which would merit compassion and contempt much more than resentment.

This novel position, voluntarily and deliberately taken by the Committee of the Directors, predicated on an idea of equality of rights with your committee, under your resolution, rendered it probable, and in some measure necessary, that your committee should express its opinions of the relative rights of the corporation and the House of Representatives. To avoid all misunderstanding and future misrepresentations, it was desirable that each question should be decided separately. Contemplating an extended investigation, but unwilling that an apprehension should exist of improper disclosures being made of the transactions of the Bank and its customers, your committee, following the example of the committee of 1832, adopted a resolution declaring that their proceedings should be confidential, until otherwise ordered by the committee, and also a resolution that the committee would conduct its investigations "without the presence of any person not required or invited to attend." Copies of these resolutions were furnished to the Committee of Directors, in the hope that the exclusive control of a room at the Bank, during its hours of business, would thereafter be conceded to your committee, while the claim of the Committee of Directors to be present when their books were submitted for inspection, should be postponed for decision, when the books were called for and produced by them. (App. A.)

On the 28th ultimo, this committee assembled at the banking house, and again found the room they expected to find set apart for their use, pre-occupied by the Committee of Directors, and others, officers of the Bank. And, instead of such assurances as they had a right to expect, they received copies of two resolutions adopted by the Board of Directors, in which they were given to understand that their continued occupation of the room must be considered a favor, and not a matter of right; and in which the Board indulge in unjust commentaries on the resolution of the House of Representatives, and intimate an apprehension that your committee design to make their examinations secret, partial, unjust, oppressive, and contrary to common right. (App. A.)

When this communication had been read, your committee adjourned to meet at their own chamber, at the North American hotel. Notwithstanding all that had occurred, the correspondence with the Committee of Directors was continued. If, in so doing, an error was committed, let it be imputed to the belief that great forbearance well became the committee of the immediate representatives of the people. (App. A.)

While it was thus doubtful whether a room could be obtained in the banking house, without conditions being attached derogatory to the rights and dignity of the House, and a concession in advance of a claim set up by the Bank, which might seriously incommode your committee in their business, they determined to execute your resolution, if practicable, without intruding on the directors of the Bank; they, therefore, required of the President and Directors, in writing, to submit for the inspection of the committee, at their committee room, on the 3d day of May, certain books and papers of the Bank, which might have been thus produced without interruption to the ordinary business of the Bank. The requisition, in terms, implied the presence of the directors or their committee.

On the day named, the Board addressed a written communication to the committee, declaring "that they cannot comply with that part of the resolution of the Committee of Investigation which requires that certain

books of the Bank be sent to the North American hotel this day, at 11 o'clock." (App. B.)

Your committee are of opinion that this refusal of the Board of Directors to submit the books of the Bank to the inspection of your committee, is a violation of the Bank charter, and a contempt of the laws and authority of the House of Representatives.

The reasons for this opinion need not be here repeated or enlarged.

It has been maintained, and is insisted, that the right to inspect the books of the Bank, carries with it the power to perform that office out of the banking house, if it cannot be done conveniently and effectually therein, and your committee cannot perceive that just ground of complaint exists against a claim of power, in a committee of either House of Congress, which, by the laws, and with a wise regard to the public interest, is conceded to the judicial tribunals of both the Federal and State Governments.

The facts already stated demonstrate that a room could not be procured in the Bank for the use of the committee, without a concession not to be recalled, which would have made your committee dependent on the courtesy of the directors of the Bank at every step of their inquiry; and the various communications received from the directors and their committee, annexed to this report, will fully corroborate this statement.

Having failed to accomplish the object of procuring the books of the Bank for inspection at their committee room, your committee felt it to be their duty to demand their submission for that purpose, at the Bank, of the President and Cashier of the Bank, the usual and general agents of the corporation. For that purpose, on the 5th day of May, having apprised the Committee of Directors of their intention, at one o'clock they repaired to the Bank, and there required the President and Cashier, each of them respectively, to produce certain of the books of the Bank, for inspection of the committee. This was refused by each of those officers, for reasons stated in writing, and to be found in the appendix to this report. (App. C.)

In this refusal, your committee believe there was a substantial violation of the Bank charter, and a contempt against the authority of the House committed.

They are of opinion that your committee were under no obligation of right to recognise any agent of the Bank other than those generally known as such, and make their duty and right to inspect the books depend on the convenience or caprice of such deputation.

If such be the fact, then the examinations of the Bank will, in all cases, depend on the disposition of the directors to have their proceedings examined.

Having been thus denied by the officers of the Bank, and having been informed by the directors that they were not aware of having declined to furnish a room for the exclusive use of the committee, your committee, sincerely desirous to meet the wishes and directions of the House, believed it to be their duty to seek another interview with the Committee of Directors, and by arrangement met the Committee of the Board at the Bank, on the 7th day of May, at an hour fixed by themselves.

Your committee then and there, in writing, required the Committee of the Board to produce to your committee, for inspection, certain books and papers of the Bank, to enable your committee to inquire into the truth of representations made by the Government directors to the President of the United States and to Congress, and to ascertain whether the Board of

Directors had violated the charter of the Bank, by authorizing the exercise of illegal powers by their committees or officers, and whether the Bank had any agency, through its management or money, in producing the present pressure, or has used its corporate power or money to control the press, to interfere in politics, or influence elections.

Without giving a specific answer to these calls for books and papers, the Committee of Directors presented a written communication, which was said to be "indicative of the mode of proceeding deemed right by the Bank."

The Committee of the Board, in that communication, express the opinion, that the inquiry can only be rightfully extended to alleged violations of the charter, and deny, virtually, the right of the House of Representatives to authorize the inquiries required in the resolution.

They also required of the Committee of Investigation, "when they asked for books and papers, to state specifically, in writing, the purposes for which they are proposed to be inspected; and if it be to establish a violation of the charter, then to state specifically, in writing, what are the alleged or supposed violations of charter to which the evidence is alleged to be applicable."

To this extraordinary requirement, made on the supposition that your committee were charged with the duty of crimination, or prosecution for criminal offence, and implying a right on the part of the directors to determine for what purposes the inspection should be made, and what books or papers should be submitted to inspection, your committee replied that they were not charged with the duty of criminating the Bank, its directors, or others, but simply to inquire, amongst other things, whether any prosecution, in legal form, should be instituted, and from the nature of their duties, and the instructions of the House of Representatives, they were not bound to state specifically, in writing, any charges against the Bank, or any special purpose for which they required the production of the books and papers for inspection.

A specific answer was requested to the calls which had been made.

The Committee of the Board, after deliberation, made a communication to your committee, in writing, in which they announced their purpose to adhere to their resolution, and refused to submit the books and papers of the Bank required by your committee to be produced for their inspection.

These calls were made in the Bank, and in the presence of the Committee of the Board, and then and there a compliance with them was refused. Not feeling authorized to regard this unexpected and unequivocal refusal as the act of the Board of Directors, your committee submitted the proceedings of their committee to the Board, and they were, by the Board, "fully approved and sanctioned." (App. D.)

In this act of refusal, which nothing that had occurred had prepared them to anticipate, your committee are of opinion that the charter of the Bank was violated, and a contempt of the authority of the House of Representatives committed.

Your committee, acting under the instructions of the House of Representatives, without power to modify or enlarge them, charged to inquire, and not authorized to accuse or to arraign, except in their report to the House itself; armed with but the limited authority of a committee, unauthorized to punish, were necessarily compelled to the conclusion, that, in the face of the obstructions already detailed, they could not efficiently pro-

secute the inquiries with which they were charged, without the aid of the power of the House of Representatives.

Anxious, however, to perform their duty without complaint to the House, and in conformity with the proceedings of the Committees of Investigation of 1819 and 1832, your committee called on the Bank, in a series of resolutions, to furnish statements, and certain extracts and copies from their books and papers, which, in the opinion of your committee, were all intimately connected with their duties, and many of them indispensable to afford to the House of Representatives the information which they had directed your committee to obtain.

The first of these was responded to by the Committee of Directors, and the information furnished. Though useful, it was comparatively unimportant.

The Board of Directors, after deliberation, refused to comply with the other calls, for reasons which will be found in their resolution in the appendix, and which reasons deserve examination, as manifesting the deliberate purpose of the directors to resist all attempts to examine into the proceedings of the corporation in the latitude required by your resolution.

They say that the Board of Directors do not feel themselves at liberty to comply with the requirement of the Committee of Investigation, because "part" of the copies called for "relate to matters over which the Board have no control." (App. E.)

This reason, it is plain, cannot have had much weight in producing the decision of the Board. If only a part of the information desired was beyond the control of the Board, that fact could have been stated, and this committee would have cheerfully received the residue.

2d. The Board say they cannot comply, because it would be impossible for them to do so "within any reasonable time, having ascertained, by a careful examination, that the copies and statements called for by the resolutions of the 29th ultimo alone would require the uninterrupted labor of two clerks for at least ten months."

This reason, it is also fair to presume, could not have materially influenced the decision of the Board. If, in truth, an *entire* compliance with all the resolutions would require great labor, still that did not justify the refusal to comply with any one of them. Besides, the whole objection could have been obviated by the employment of more clerks than two, the compensation to whom, if paid either by the Bank or this committee, would have been well expended in gratifying the requirements of the House of Representatives.

3d. The Board say they cannot "comply, inasmuch as, in respect to a part of the papers called for, the effect would be the same as the surrender of their books and papers to a secret and *ex parte* examination."

Who can read this last reason for refusing, given by the directors, and fail to perceive that this committee is justified in declaring that, without the aid of *compulsory process*, they cannot obey the directions of the House? If extracts from their own books, made by their own clerks, will not be furnished, because they *might* be used to conduct an *ex parte* examination, what benefit could this committee expect to derive by access to the books themselves?

Permission to take extracts for themselves could, and probably would, be denied, for the same reasons; and a committee of the House, without power to compel obedience to its demands, would have power to make no

use of the books which was not approved by the directors themselves. And the House will be at no loss to determine what latitude they would be willing to give their inquiries. And without authentic extracts, such as were unhesitatingly furnished by the Bank to both the former committees of investigation, your committee could very imperfectly convey to the House the grounds of their conclusions, or the results of their inspections and examinations.

In what condition, then, is your committee placed? The House have commanded them to inquire "what corruptions and abuses have existed in the management of the Bank," "whether it has used its corporate power, or money, to interfere in politics, or influence elections."

To do this, they have attempted to use the only means that can, by possibility, enable them to fulfil this duty; and they are refused by the directors access to those means which are in their custody, and which, by their charter, they are bound to furnish; because, say they, the inquiry this committee have been charged to make, "can only be rightfully extended to alleged violations of the charter." And even these violations of charter are not to be inquired of until the Board is furnished with "a specification of all the charges intended to be inquired into." Should supposed violations of charter be specifically charged, then the directors are to decide whether the facts, if true as stated, would amount to technical violations of charter, and then, and not till then, will your committee be permitted to "proceed with them in order, as stated." It must be said that these pretences, by which the Bank would justify its bold disregard of the provisions of its charter, are, in themselves, derogatory to the dignity, and contemptuous to the authority of the House, to which it, in part, owes its being.

The committee believe that these proceedings of the Bank directors, denying vital and essential powers to the two Houses of Congress, and asserting, in effect, a paramount and controlling authority over both in executing a power devised as a check upon the Bank itself, would justify a more extended comment. But confiding in the disposition of the House to maintain its own rights and dignity, and to sustain your committee in the faithful discharge of their duty, they present, as a part of this report, the various resolutions adopted by your committee, with those received from the agents of the Bank, as an appendix, declaratory of the powers believed to be possessed, and the purposes of your committee.

They believe that these resolutions will of themselves vindicate their conduct and proceedings from all those imputations which are to be found in the various communications of the directors, and their committee, and will serve to show that they have afforded no justification whatever for the extraordinary position ultimately taken by the Committee of Directors and the Board; but that their determination not to permit any conduct of theirs, not involving breach of charter, to be investigated, must have been entertained long before it was made known to your committee, and that it was not communicated until every other means of preventing the examination had proved unavailing. But for this conduct, which your committee cannot regard as distinguished by frankness and candor, the absence of your committee from their duties in the House would have been of much shorter continuance.

Believing they had now exhausted, in their efforts to execute the duty devolved upon them, all reasonable means depending solely upon the provi-

sions of the Bank charter, to obtain the inspection of the books of this corporation, your committee were at last reluctantly compelled to resort to the subpoenas which had been furnished to them under the seal of this House, and attested by its Clerk. They, thereby, on the 9th instant, directed the marshal of the eastern district of Pennsylvania to summon Nicholas Biddle, President, and thirteen other persons, directors of the Bank, to attend at their committee room, on the next day, at 12 o'clock at noon, to testify concerning the matters of which your committee were authorized to inquire, and to bring with them certain books therein named for inspection. The marshal served the summons in due form of law, and at the time appointed the persons therein named appeared before the committee, and presented a written communication signed by each of them, as the answer of each to the requirements of the subpoena. (Appendix F.) In this paper they declare "that they do not produce the books required, because they are not in the custody of either of us, but, as has been heretofore stated, of the Board," and add, "considering that, as corporators and as directors, we are parties to the proceeding, we do not consider ourselves bound to testify, and therefore respectfully decline to do so."

Your committee will not dwell long to answer these technical excuses for this contempt of the lawful mandate of the House. They are to be found at large in the written document above referred to. Most of them, it is believed, have been already satisfactorily answered. The two novel excuses herein set forth cannot but be condemned as insufficient. The first is founded on a very refined distinction between the power of the directors as persons and as corporators. The same persons have and have not power to submit the books. As corporators, the custody of the books is in them; but as individuals, although collectively assembled, the same books are not under their control. Thus, by an attenuated technicality, the lawful authority of the House is to be defied. If, in one room of the Bank, they must be esteemed as "individual citizens," who may lawfully disregard the *subpoena duces tecum*, because they have not the book demanded; if, in another room of the same house, by a transmigration not known to heathen philosophy, their identity is gone; they have become mere ideal creatures, on which not even a *subpoena ad testificandum* can be served. To make this excuse still more extraordinary, let it be remembered that seven of the gentlemen by whom it is offered had been appointed by the Board of Directors to exhibit the books of the Bank for inspection, and of course must have had the right to their exclusive possession for that purpose.

The reason assigned for the refusal to be sworn is parallel with that which has just been considered. They claim, that, as corporators and directors, they are parties to the proceedings of the House, and therefore not bound to give testimony. It is a humane rule to be found in the criminal law, which declares that no man shall be compelled to criminate himself, and one which this committee would be unwilling, under any circumstances, to deny. But your committee are not aware of any principle of evidence which will excuse a person for refusing to give testimony, simply because it may subject him to a civil action.

There are provisions in the Bank charter making the directors liable to a civil suit if proved to have participated in certain transactions therein mentioned. But it ought not to be supposed that any thing can be found on the books of the Bank that would subject the directors to a criminal

prosecution. Even if the latter supposition be not entirely without foundation, still it is insisted that a witness called on to testify, must do so, unless the court, or other tribunal, before which he appears, shall adjudge that he is interested. That question the witness cannot be permitted to decide for himself, otherwise evidence might be withheld without good cause. As to the supposition that the directors, or the corporation under their control, are to be considered parties to the inquest this committee was directed to institute, it has already been answered in this report, and needs no further reply. If the inquest had been prosecuted, and had satisfied Congress or the President that a *scire facias* ought to issue, then, and not till then, could the Bank directors become parties to the proceedings, and, under that principle, attempt to conceal transactions known only to themselves; and even then their books might be used as evidence against them. Justice requires us to add, that the directors, while they protested against our right to examine them, declared they had no knowledge, which, if a necessary regard to their duties, and the rights of others, permitted, they would not willingly expose without reserve.

Under such circumstances, it is to be regretted that they have not imitated the course of the directors of 1819 and 1852, by waiving their supposed technical rights, and inviting an unrestrained examination of their proceedings. Such conduct could not but have gained public approbation; and, it is humbly conceived, could not have been reasonably objected to by any persons having business with the institution. If such had been the course of the directors, the committee hope to be pardoned for saying it was their purpose to have endeavored to have performed the duties which had been enjoined, thoroughly, impartially, and with a rigid adherence to the immutable principles of truth and justice.

Thus, your committee conclude, the just power and authority of the House of Representatives have been set at naught, defied, and contemned.

Thus the charter of the Bank of the United States has been deliberately violated, by repeated refusals of the directors of that corporation to submit their books and papers to the inspection of this committee.

Thus have the just expectations of the House, and of their constituents, been disappointed, and all means of obtaining the best and most accurate information concerning the operations of a controlling moneyed institution, been cut off and denied.

It remains for the House and the country to decide how far this conduct of that directory has been dictated by their solemn duty, as declared, to protect the interests of others committed specially to their protection; how far it conforms to those principles of action which are based on conscious integrity and uprightness of purpose, which defies scrutiny, and invites investigation; and how far it shall be received as a plea of guilty to the high misdemeanors which they insist have been charged against the corporation of which they have the management and control.

These grave questions, with others growing out of the transactions and proceedings, are left to be decided by the House of Representatives.

To elicit those opinions, the following resolutions are most respectfully submitted:

1. *Resolved*, That, by the charter of the Bank of the United States, the right was expressly reserved to either House of Congress, by the appointment of a committee, to inspect the books, and to examine into the

proceedings of the said Bank, as well as to ascertain if at any time it had violated its charter.

2. *Resolved*, That the resolution of the House of Representatives, passed on the 4th of April, 1834, for the appointment of a committee, with full powers to make the investigations embraced in said resolution, was in accordance with the provisions of the charter of said Bank and the power of this House.

3. *Resolved*, That the President and Board of Directors of the Bank of the United States, by refusing to submit for inspection the books and papers of the Bank, as called for by the Committee of the House of Representatives, have contemned the legitimate authority of the House, asserting for themselves powers and privileges not contemplated by the framers of their charter, nor in fairness deducible from any of the terms or provisions of that instrument.

4. *Resolved*, That either House of Congress has the right to *compel* the production of any such books or papers as have been called for by their committee, and also to *compel* said President and Directors to testify to such interrogatories as were necessary to a full and perfect understanding of the proceedings of the Bank at any period within the term of its existence.

5. *Resolved*, That the Speaker of this House do issue his warrant to the Sergeant-at-Arms, to arrest Nicholas Biddle, President, Manuel Eyre, Lawrence Lewis, Ambrose White, Daniel W. Coxe, John Holmes, Charles Chauncey, John Goddard, John R. Neff, William Platt, Matthew Newkirk, James C. Fisher, John S. Henry, and John Sergeant, Directors of the Bank of the United States, and bring them to the bar of this House, to answer for their contempt of its lawful authority.

APPENDIX.

A.

PHILADELPHIA,
North American Hotel, April 23, 1844.

The committee met. Present all the members. On motion,
Resolved, That the chairman address a letter, in behalf of the committee, to the President of the Bank, enclosing a copy of the resolution of the House of Representatives under which the committee are appointed, informing him that they are now organized, and ready to proceed to business at such time to-morrow as will be convenient to him.

NORTH AMERICAN HOTEL, *April 23, 1834.*

SIR : I have been directed by the committee appointed to investigate the affairs of the Bank of the United States to enclose to you the accompanying copy of a resolution of the House of Representatives of the United States, and to inform you that the committee will be prepared to visit the Bank of the United States to-morrow at any hour that will be agreeable to you to receive them, to commence the discharge of the duties assigned them.

I have the honor to be,
Very respectfully,
Your obedient servant,
FRANCIS THOMAS,
Chairman of the Investigating Committee.

NICHOLAS BIDDLE, Esq.
President of the U. S. Bank.

BANK OF THE UNITED STATES,
April 23, 1834.

SIR : I have had the honor of receiving your letter of this day's date, with a copy of the resolution of the House of Representatives of the United States, passed on the 4th instant.

I shall forthwith call a special meeting of the Board of Directors of the Bank at 9 o'clock to-morrow morning, when these papers shall be submitted to them; after which, a communication on the subject will be made to you. In the mean time,

I have the honor to be,
Very respectfully, yours,
N. BIDDLE, *President.*

Hon. FRANCIS THOMAS,
Chairman of the Com. of Investigation, Philadelphia.

BANK OF THE UNITED STATES,

April 24, 1834.

SIR : I am directed by the Committee of the Directors of the Bank of the United States to send you the enclosed copy of a resolution, adopted this morning by the Board at a special meeting convened in consequence of your communication of yesterday to the President, and to inform you that the committee will immediately direct the necessary arrangements to be made for the accommodation of the Committee of the House of Representatives of the United States, and will attend at the Bank to receive them at 11 o'clock to-morrow morning.

I have the honor to be,

Your most obedient servant,

JOHN SERGEANT, *Chairman.*

To the Hon. FRANCIS THOMAS,

Chairman of the Committee of Investigation.

BANK OF THE UNITED STATES,

April 24, 1834.

At a special meeting of the Board of Directors, held this day, the President submitted the letter of the honorable Francis Thomas, chairman of the Committee of Investigation, dated "Philadelphia, North American Hotel, April 23, 1834," enclosing an official copy of a resolution adopted by the House of Representatives of the United States on the 4th of April, 1834, together with his reply to said letter.

Whereupon, it was, on motion,

Resolved, That a committee of seven members of the Board be appointed to receive the Committee of the House of Representatives of the United States, and to offer for their inspection such books and papers of the Bank, as may be necessary to exhibit the proceedings of the corporation according to the requirement of the charter.

The following directors were then appointed to compose the said committee :

Messrs. Sergeant, Chauncey, Coxe, Neff, Eyre, Lewis, Henry.

Extract from the minutes :

S. JAUDON, *Cashier.*

BANK OF THE UNITED STATES,

April 26, 1834.

The following resolutions were adopted, and forwarded in the succeeding letters to the Committee of Directors :

Resolved, That the proceedings, investigations, and examinations of this committee, of the books, papers, and affairs of the Bank, shall be confidential, unless otherwise ordered by the committee.

Resolved, That the investigations of this committee into the affairs, management, and concerns of the Bank of the United States, shall be conducted without the presence of any person who is not required or invited to attend the examinations of this committee.

BANK OF THE UNITED STATES,

April 26, 1834.

SIR : In compliance with the direction of the Committee of Investigation, I have the honor to enclose to you the accompanying resolutions.

I am, very respectfully,
Your obedient servant.

FRANCIS THOMAS, *Chairman.*

JOHN SERGEANT, Esq.

Chairman of the Committee of Directors of Bank U. S.

[Reply to the foregoing.]

BANK OF THE UNITED STATES,

April 26, 1834.

SIR : I have received and laid before the Committee of the Directors of the Bank of the United States your note of this date, and the enclosed copy of the resolutions of the Committee of the House of Representatives of the United States.

I am directed by the committee to inform you that your communication will be laid before the Board, at a special meeting to be convened for the purpose, and that we will be prepared to make known to you the decision of the Board at your next meeting on Monday at 11 o'clock.

I have the honor to be,
Your most obedient servant,

JOHN SERGEANT, *Chairman.*

To the Hon. FRANCIS THOMAS,

Chairman of the Committee of the House of Reps. U. S.

BANK OF THE UNITED STATES,

April 28, 1834.

SIR : In conformity to my communication of the 26th instant, your note of that date, and the resolutions enclosed in it, have been laid before the Board of Directors of the Bank of the United States, at a special meeting convened for the purpose. I have now the honor to enclose to you a copy of the resolutions adopted by the Board, and to be,

With great respect,
Your most obedient servant,

JOHN SERGEANT, *Chairman.*

To the Hon. FRANCIS THOMAS,

Chairman of the Committee of the House of Reps. U. S.

BANK OF THE UNITED STATES,

April 28, 1834.

At a special meeting of the Board of Directors, held this day, the following resolutions were, on motion, unanimously adopted :

1. *Resolved*, That the Board recognise the right of the Committee of the House of Representatives of the United States "to inspect the books and to examine into the proceedings of the Bank of the United States," according to the provisions of the charter; and to enable the committee to exercise this right, according to the order of the House of Represen-

tatives, the Board have endeavored to do all that could manifest their respect for the committee, or contribute to the convenient performance of its duty, by offering a room in the banking house for their accommodation, and appointing a Committee of Directors to exhibit the books and papers according to the requirement of the charter. But the Board cannot, consistently with their sense of duty to the Bank, and of the obligations of the trust committed to them, consent to give up the custody and possession of the books and papers of the Bank, nor to permit them to be examined but in the presence of the committee appointed by the Board.

2. *Resolved*, That, considering the nature of the proceedings which resulted in the resolution for the appointment of the Committee of the House of Representatives of the United States to examine the Bank of the United States, and considering the very grave and accusatory nature of the inquiries directed to be made by that resolution, as well in their bearing upon the Bank as upon the individual citizens entrusted with its administration, the Board cannot but deem it to be due to the demands of common justice, that the institution and the individuals should have the opportunity to be present by their representatives appointed for that purpose, at all examinations to be made by the committee touching their character and conduct, whether the same be of books and papers, or of witnesses. It is most manifest to the Board that, for the purpose of arriving at the truth, examination in the presence of the parties would be the natural and effectual mode of proceeding; and the Board, being confident that examinations so conducted would result in a manner creditable to the Bank, have promptly and cheerfully acceded to the amplest investigation. But, if they are to understand the resolutions of the Committee of the House of Representatives of the United States, of the 26th instant, as announcing an intention to pursue a different course, they do solemnly protest against the same; being fully satisfied that secret and partial examinations are unjust, oppressive, and contrary to common right, and never to be resorted to but in cases of necessity; of which the present cannot, in the opinion of the Board, be said to be one.

3. *Resolved*, That the committee, appointed on the 24th instant, be instructed to furnish a certified copy of the foregoing resolutions to the Committee of the House of Representatives of the United States.

Extract from the minutes :

S. JAUDON, *Cashier*.

COMMITTEE ROOM, *April 29, 1834.*

SIR: I have the honor to enclose to you the accompanying copies of resolutions which have been adopted to day by the Committee of Investigation, in reply to your communication of the 28th instant.

With great respect, I am

Your obedient servant,

FRANCIS THOMAS, *Chairman*.

To JOHN SERGEANT, Esq.

Chairman of the Committee of Directors.

1. *Resolved*, That this committee duly appreciate the disposition manifested by the directors of the Bank of the United States in offering accommodations in their banking house, for its use, as contained in the

communication of the Committee of the Board of Directors of the 24th instant; that this committee accepted that offer, under the belief that it would promote as well its convenience as that of the officers of the Bank, and that the room thus offered would be exclusively for its occupation, and that of those whose attendance might be, by the committee, required or assented to. And that the committee is willing still so to consider it.

2. *Resolved*, That this committee, charged with important duties, and acting under its responsibility to the House of Representatives and the laws of the United States, claims the right, to be exercised at its discretion, to compel the production of the books and papers of the Bank for inspection, and to inspect the same in such mode as to the committee may seem best calculated to promote the object of its inquiry. But this committee has not determined that it will become necessary to perform that duty out of the presence of those charged by the directors to submit the same to the inspection of the committee.

3. *Resolved*, That this committee cannot recognise the right of the "Board of Directors" to regard the resolution of the House of Representatives as accusatory in its character, or this committee as charged with the duty of criminating the Bank or its officers. That, in the resolutions of the 26th instant, the committee intended to assert its right to control its own proceedings, and not to indicate a purpose of making a secret and partial examination, or of practising injustice or oppression; that the committee cannot but regard the expression of such an apprehension by the Board of Directors, as unjust to its members, and unauthorized by the resolutions.

4. *Resolved*, That this committee, actuated by a sense of justice, will unhesitatingly afford to every person whose character or conduct may seem to be affected in the progress of their investigations, a full opportunity of explanation and defence, but claim the right of determining the time and mode of giving such privilege, and therefore cannot recognise the right of the directors to prescribe the course to be pursued by this committee in making its examinations.

5. *Resolved*, That a copy of the foregoing resolutions be communicated by the chairman to the Committee of the Directors of the Bank.

[Reply to the foregoing.]

BANK OF THE UNITED STATES,

April 29, 1834.

SIR: I have the honor to acknowledge your note of this date, and the copy, enclosed in it, of the resolutions adopted by the Committee of the House of Representatives of the United States. They have been laid before the Committee of the Board of Directors, and I am directed by them to make the following reply:

The committee would, in the first place, respectfully state that it was not their intention, nor the intention of the Board, to allege that the Committee of Investigation was charged with the duty of criminating the Bank, or its officers. They meant only to say, as will be seen by reference to the resolution, that the inquiries directed to be made were in their nature accusatory, and so the Committee of the Board are still obliged to consider them.

The committee would further respectfully state that it was not the intention of the Board to impute to the Committee of Investigation "a purpose of making a secret and partial examination, or of practising injustice or oppression." They simply intended to assert, what they believe to be beyond all dispute or doubt, that secret and partial examinations into matters which have a bearing upon the character and conduct of individuals, are unavoidably unjust and oppressive.

And, finally, the committee would most respectfully disclaim all intention to control, in any manner, the proceedings of the Committee of Investigation, or to prescribe to it any course whatever. The Board are very sensible they have neither the power nor the right to do so. The only purpose of the Board was to exhibit respectfully to the Committee of Investigation their views of their own rights upon the two points presented by the resolutions of the Committee of Investigation of the 26th instant, from which views they have seen no reason to depart.

The committee are very happy to perceive that as yet there is no practical difference between the views of the Board and those entertained by the Committee of Investigation as to the mode of proceeding to be adopted, inasmuch as the resolutions you have done me the honor to send to me, inform us that the Committee of Investigation have not come to any decision, and we therefore may indulge a hope that, seeing the reasonableness and justice of the views respectfully suggested by the Board, the Committee of Investigation, when they come to decide, will not differ from the Board in opinion.

I am directed, in conclusion, respectfully to request, that when the Committee of Investigation shall have decided upon the mode of proceeding they will adopt, they will be good enough to communicate their decision, that the Board may be able to take such measures as it may seem to require. In the mean time I beg you to be assured of the continued disposition of the Board and the committee to contribute all that may be in their power to promote the accommodation and convenience of the Committee of Investigation, as well as of the great respect of, sir,

Your most obedient servant,

JOHN SERGEANT, *Chairman.*

To the Hon. FRANCIS THOMAS,
Chairman of the Committee of the House of Reps. U. S.

[Reply to the foregoing.]

COMMITTEE ROOM, NORTH AMERICAN HOTEL,

April 30, 1834.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th instant, and, having submitted it to the consideration of the Committee of Investigation, have been authorized to present to you the following reply:

The committee regret to find that the character of the resolutions heretofore adopted by them, and of which copies have been forwarded to you, is much misunderstood. In your letter of the 29th, it is said "that the Committee of Investigation have not come to any decision" as to the mode of proceeding to be adopted. The propriety or justice of such an allegation is not perceived. The committee have decided, and made known to you that decision, that they have the power to compel the production of the books and papers of the Bank for inspection; that they have the power to make such inspection in the presence of those only who may

be, by the committee, required or invited to attend; and to exclude from their room all persons whatever who, by their presence, may in any degree tend to impede the progress of the inspection of the books and papers, or incommode the members of the committee in the discharge of the high duties devolved on them by the House of Representatives. The committee reserve the right to exercise that power when it shall become necessary, and in the manner which their sense of propriety, and desire to do justice to the Bank, and to the country, may dictate. They hope that nothing will occur, in the course of this scrutiny, which may render it proper for them to decide upon and exercise the full extent of the powers conferred on them by the House, and are happy to learn that there is no practical difference between the views of the Board and those entertained by the committee. They will be glad to know whether they are authorized to conclude that the room which has been offered for their accommodation at the banking house, can be set apart for their exclusive use and occupation, from 10 o'clock A. M. until 3 P. M., during the continuance of the committee in Philadelphia. The committee assure the Committee of Directors that it is their desire to conduct this investigation at a place mutually convenient to them and the officers of the Bank, and in a manner calculated to work no "injustice or oppression."

An answer, consistent with your earliest convenience, to so much of this communication as relates to the occupation of the room in the banking house, is respectfully requested.

I have the honor to be, with great respect,

Your obedient servant,

FRANCIS THOMAS, *Chairman.*

To JOHN SERGEANT, Esq. *Chairman of the Committee of Directors.*

[Reply to the foregoing.]

BANK OF THE UNITED STATES,

May 1, 1834.

SIR: I have the honor to acknowledge your letter of the 30th of April. It has been laid before the Committee of the Board, and by their direction I make the following reply:

In saying that, according to the tenor of the resolutions of the Committee of Investigation of the 29th ultimo, there was "as yet no practical difference" between that committee and the Board, the Committee of the Board still think the language they used was correct and appropriate. It is true, that in these resolutions the Committee of Investigation had asserted a power which might, perhaps, have been controverted. But it was not the intention of the Committee of the Board to discuss or question the powers of the Committee of Investigation, in the abstract, or as matter of opinion, but simply to set forth their own views of what they believed to be the rights of the Bank, and of the individual citizens entrusted with its administration.

The "practical difference," according to the view of the Committee of the Board, would only occur when there should be an actual, as distinguished from a theoretical collision, that is to say, when an exertion of power attempted by the Committee of Investigation should be met by an assertion of right on the part of the Board incompatible with its prosecution. Such a state of things would be extremely to be regretted. It must, nevertheless, be conceded, that a case might be presented in which the Committee of the Board would be compelled, by a deep sense of duty, to consider their rights, and to act upon their own views of them.

Among the risks incident to an error of judgment in deciding, they would esteem it one of the greatest, that their conduct might by possibility be imputed, however unjustly, to a want of due respect for the Committee of Investigation, or for the high source from which their authority is derived.

Under the influence of these feelings, and with a strong desire that the investigation might be conducted in a manner satisfactory to both the parties, the Committee of the Board gladly embraced the belief (it may be that their strong inclination led them too hastily to believe) that there was "as yet no practical difference." If in this they misunderstood the terms of the resolutions of the Committee of Investigation, they will be ready to receive the explanation of the committee, in this or any other matter, to correct the misunderstanding.

They deem it due, however, to the Committee of Investigation, as well as to themselves, to say further, that, in the letter of the Committee of Investigation of the 30th ultimo, there appears to be a misapprehension of the meaning of the Committee of the Board in their letter of the 29th ultimo. The Committee of the Board did not say, "that the Committee of Investigation had not come to any decision as to the mode of proceeding to be adopted." They do not know, nor can they, without failing in the respect due to themselves, pretend to know, what may have been, or what may be, the decisions of the Committee of Investigation, except so far as the committee may think fit to communicate them. Accordingly, their letter of the 29th ultimo was founded entirely upon the resolutions of the same date, copies of which were transmitted to them by the Committee of Investigation, and the passage above quoted, with its context, referred especially to the following sentence in the second of those resolutions, to wit: "But this committee has not determined that it will become necessary to perform that duty, out of the presence of those charged by the directors, to submit the same to the inspection of the committee." Comparing this with the resolutions of the Board of Directors heretofore handed to the Committee of Investigation, it did appear to the Committee of the Board that there was no decision upon this material point, and, therefore, that there was "as yet no practical difference."

Acting upon the same principle that has hitherto governed the Committee of the Board, it is not their intention to question the statement of the Committee of Investigation, "that they have the power to compel the production of the books and papers of the Bank," &c. That such is the opinion of the Committee of Investigation, they have no doubt, and, as their opinion, the Committee of the Board freely admit its claim to high respect. It is only when ceasing to be opinion merely, it shall come in conflict with the rights of the Bank, or of those entrusted with its administration, (if ever that should happen,) that the Committee of the Board will feel themselves bound to examine its application.

In reply to that part of your letter in which you inquire whether the Committee of Investigation "are authorized to conclude that the room which has been offered for their accommodation at the banking house, can be conveniently set apart for their exclusive use and occupation, from 10 o'clock A. M. until 3 P. M., during their continuance in Philadelphia," I am directed by the committee to say, that they still have, as they always have had, every disposition to accommodate the Committee of Investigation; and such, they are persuaded, is the disposition, also, of the Board. The committee find their authority, in this respect, set forth in the resolutions of the Board, of the 28th of April, 1834, communicated to the Committee

of Investigation on the same day ; by which it appears that the Board directed them to offer to the Committee of Investigation " a room in the banking house for its accommodation," and appointed them " a Committee of Directors to exhibit the books and papers, according to the requirement of the charter." But the Board at the same time declared that they could not, " consistently with their sense of duty to the Bank, and of the obligations of the trust committed to them, consent to give up the custody and possession of the books and papers of the Bank, nor to permit them to be examined, but in the presence of the committee appointed by the Board."

The Committee of the Board have great pleasure in renewing to the Committee of Investigation the offer of the room in the manner pointed out by this resolution, and in tendering any further service in their power, that can promote the convenience of the Committee of Investigation.

I have the honor to be, very respectfully,
Your obedient servant,

JOHN SERGEANT, *Chairman.*

HON. FRANCIS THOMAS, *Chairman of the Committee of Investigation.*

B.

COMMITTEE ROOM,
North American Hotel, May 2, 1834.

The following resolutions were adopted and transmitted to the Committee of Directors :

Whereas this committee, sincerely desirous to conduct the inquiries, examinations, and investigations, which they have been required by the House of Representatives to make, with fairness, impartiality, order, and despatch, have learned with regret that the directors of the Bank of the United States have declined accommodating this committee with a room in their banking house for the exclusive use and occupation of this committee : therefore,

Resolved, That the sittings of this committee shall be held in their room at the North American hotel, in the city of Philadelphia, until otherwise ordered.

Resolved, That the President and Directors of the Bank of the United States be required to submit for the inspection of this committee, at their committee-room, at the North American hotel, at 11 o'clock A. M. on Saturday, the 3d day of May instant, the book or books which contain the minutes of the proceedings of the Board of Directors at their several sittings on the 1st and 8th days of October, in the year 1833, and from the 21st day of April, 1834, to this day : also, the report of a Committee of the Board, rejecting a proposition to transmit a copy of certain resolutions adopted on the said 1st day of October, 1833, to the Secretary of the Treasury of the United States ; also, the expense book of the Bank, and the vouchers for expenses paid or incurred by said Bank since the 1st of January, 1832.

[Reply to the foregoing.]

BANK OF THE UNITED STATES,

May 3, 1834.

At a special meeting of the President and Directors of the Bank of the United States, held this day, the following resolution was unanimously adopted :

Resolved, That with every disposition on the part of the Board to conform to the wishes of the Committee of Investigation, so far as it may be done without a violation of the trust reposed in them, the Board cannot, nevertheless, consent to let the books and papers of the Bank go out of their care and custody, nor out of the banking house, which is their proper place of deposit, and therefore they cannot comply with that part of the resolution of the Committee of Investigation of the 2d inst., which requires that certain of the books and papers of the Bank be sent to the North American hotel this day at 11 o'clock, believing that this would be contrary to their duty to the stockholders, and would transcend their lawful power, as well as be liable to be deemed an abandonment of the right to be present by themselves, or their committee, or agents, at the examination and investigation, inferring in all these respects a very grave responsibility, which the Board, in the exercise of their limited authority, do not think they can be reasonably required to assume.

Extract from the minutes :

S. JAUDON, *Cashier*.

C.

COMMITTEE ROOM,

North American Hotel, May 5, 1834.

On motion, the following resolution and order were adopted :

Whereas the President and Directors of the Bank of the United States have refused to submit certain of their books and proceedings to the inspection of this committee, at the committee room at the North American hotel, as required in the committee's resolution of the 2d instant, but have declared that they are not aware that they have declined to furnish this committee a room in their banking house, for its exclusive use and occupation, as expressed in their second resolution of the 3d instant, and this committee is earnestly desirous fully to execute the resolution of the House of Representatives, and does not waive the right to inspect the books of the Bank, as required : therefore,

Resolved, That this committee will repair to the banking house this day, at 1 o'clock, to inspect such of the books called for in the resolution of the 28th April, 1834, and such other books as they may require to be produced ; and that the chairman inform the Committee of Directors thereof.

Ordered, That, on arriving at the Bank, the chairman be authorized to require of the President, or other officers, the production of the books of the Bank, for inspection of this committee."

Thereupon, the committee proceeded to the banking house. The chairman inquired for Mr. Sergeant, chairman of the Committee of Directors, and was told "he was not at the Bank." He then inquired for the President, and first Cashier of the Bank ; and, on their appearing, requested each of them respectively to produce to the committee, for inspection, the minute books containing the proceedings of the Board of Directors, and requested the President to submit for inspection also the expense book, and vouchers, showing the expenditures made under the resolution of the Board passed November 30, 1830. The President and Cashier declined complying with the request, alleging that they had no power to do so, the books being in the custody of the Board of Directors.

The President then invited the committee to his room, where the same conversation was repeated by the chairman of the committee, and the President of the Bank. It was there proposed by Mr. Ellsworth,

that the demand of the committee should be reduced to writing, which was done by the adoption of the following order :

“ *Ordered*, That the President of the Bank of the United States be requested and required to submit to the Committee of Investigation the minute book containing the proceedings of the Board of Directors of the Bank of the United States, the expense account, and the vouchers for expenditure under a resolution of the Board of the 30th November, 1830,” and 11th March, 1831.

“ *Ordered*, That the Cashier of the Bank of the United States be, and he is hereby, requested and required to submit, for the inspection of the committee, the minute books containing the proceedings of the Board of Directors since the 1st day of January, 1829.”

BANK OF THE UNITED STATES,

May 5, 1834.

SIR: I have had the honor of receiving from you, personally, in my interview this morning with the Committee of Investigation, a resolution of the committee in the following words :

“ *Ordered*, That the President of the Bank of the United States be requested and required to submit to the Committee of Investigation the minute book containing the proceedings of the Board of Directors of the Bank of the United States, the expense account and vouchers for expenditure under a resolution of the Board of the 30th of November, 1830,” and 11th March, 1831.

In answer to this requisition, I have the honor to state that I have not the custody of, nor control over, the books and papers mentioned in the resolution. The general custody of the same is in the Board of Directors of the Bank, who, by resolutions of the 24th and 28th ultimo, already communicated to the committee, appointed a Committee of Directors for the purpose of exhibiting these books and papers to the Committee of Investigation, and declared that they could not permit them to be examined except in the presence of the said Committee of Directors. I am, therefore, unable to comply with the requisition contained in the resolution. I have the honor to be,

Very respectfully, yours,

N. BIDDLE, *President*.

HON. FRANCIS THOMAS,

Chairman of the Committee of Investigation, Philadelphia.

BANK OF THE UNITED STATES,

May 5, 1834.

SIR: I have had the honor of receiving from you, personally, in my interview this morning with the Committee of Investigation, a resolution of the said committee in the following words :

“ *Ordered*, That the Cashier of the Bank of the United States be, and he is hereby, requested and required to submit for the inspection of the committee the minute books containing the proceedings of the Board of Directors since the 1st of January, 1829.”

In answer to this requisition, I have the honor to state that I have not the custody of, nor control over, the books mentioned in the resolution. The general custody of the same is in the Board of Directors of the Bank

who, by resolutions of the 24th and 28th ultimo, already communicated to the Committee of Investigation, appointed a Committee of Directors for the purpose of exhibiting these books and papers to the Committee of Investigation, and declared that they could not permit them to be examined, except in the presence of the said Committee of Directors. I am, therefore, unable to comply with the requisition contained in the resolution.

I have the honor to be, sir,

Your obedient servant,

S. JAUDON, *Cashier.*

To the Hon. FRANCIS THOMAS,
Chairman of the Com. of Investigation of the Ho. of Reps. U. S.

D.

NORTH AMERICAN HOTEL, *May 7, 1834.*

The committee met at half past 10 o'clock A. M. all the members being present.

The Chairman submitted the following resolution, which had been received from the Committee of Directors:

BANK OF THE UNITED STATES, *May 6, 1834.*

At a meeting of the committee, held this day, it was, on motion,

Resolved, That the Committee of the Board will be prepared to receive the Committee of the House of Representatives of the United States at the banking house of the Bank of the United States to-morrow morning, the 7th instant, at 11 o'clock, then and there to proceed in the execution of their duty, according to the requirement of the Board as contained in the several resolutions, copies of which have heretofore been communicated to the Committee of the House of Representatives of the United States, as the same have been explained to be understood by the committee, to which understanding they continue.

On motion,

Resolved, That the committee will proceed to examine into the statements made by the Government directors to the President of the United States and to Congress, and for that purpose will, this day, call for the production, for inspection, of the minute books, containing the proceedings of the directors of the Bank, and the expense books and vouchers for expenses incurred.

After having adopted this resolution, the committee proceeded to the Bank of the United States and occupied the room assigned for their use; immediately thereafter they were attended by the Committee of Directors, when

Mr. Mason, as one of the committee, desired the production of the minute book containing the proceedings of the Board of Directors from 30th September, 1832, to this date (7th May, 1834.)

The Committee of Directors thereupon retired to deliberate on the propriety of granting this request, and soon after returned, when their chairman presented the following paper to wit:

The Committee of the Board request to be furnished with a copy of the resolution of the Committee of Investigation read to the Committee of the Board this morning.

The following resolution was then passed by the Committee of Investigation :

“ *Resolved*, That a copy of the resolution of this committee read by the chairman of the Committee of Investigation in the presence of the Committee of Directors this day, and requested by said committee, be furnished agreeably to their request, as matter of favor, and not of right.”

Mr. Muhlenberg desired that the books showing the accounts of Messrs. _____, with the Bank of the United States, and papers explanatory of such account, from the 1st day of January, 1832, to this day, may be submitted to the inspection of the committee.

The chairman requires that the expense book of the Bank, with the vouchers, showing the expenses of the Bank, incurred by a resolution of the 30th November, 1830, and the 11th March, 1831, be submitted to the inspection of the Committee of Investigation.

The question being taken upon them, was carried in the affirmative, without a division being called for.

Notice being given to the Committee of the Board of Directors that the Committee of Investigation were ready to receive them, they attended, and the chairman stated to Mr. Sergeant, chairman of the Committee of the Board, “ that the committee had directed a copy of the resolution requested by them, to be furnished ;” which was thereupon furnished to Mr. Sergeant by the secretary.

The chairman also stated to Mr. Sergeant, that other books and papers were specifically required by members of the committee, specifying to him those required by Mr. Muhlenberg, Mr. Mason, and himself. The Committee of the Board then retired, and in a few minutes returned ; and Mr. Sergeant stated that he was authorized by the Committee of the Board to offer certain resolutions, which he read, as follows :

Whereas it appears, from the resolution of the House of Representatives of the United States, appointing the Committee of Investigation, that two distinct inquiries were contemplated, one of them directly to ascertain whether the charter had been violated, and limited to the acts of the corporation, and the other so very general and indefinite, as to make it difficult, if not impossible, to say whether it has any limits at all, either as to the matters to be inquired into, or the mode of pursuing the inquiry : and whereas it appears, from calls made by the Committee of Investigation, that they have proposed a very wide range, embracing, among other things, an extensive examination of the acts, transactions, accounts, and letters of individuals, and thus instituting a kind of general search, which is the more objectionable, because, if it have any purpose at all, it must be to criminate those individuals, as well as the Bank ; and if it have not this purpose, it is without any assignable object, and would be an injurious invasion of private interests : and whereas, under these circumstances, it is the duty of this committee, by all lawful means, to protect the rights and sacred confidence entrusted to their keeping, and to yield nothing, by consent, which cannot be legally demanded from them : and whereas, after careful and anxious consideration, they are of opinion that the inquiry can only be rightfully extended to alleged violations of the charter, and this inquiry ought to be conducted according to some certain principles and rules : therefore,

Resolved, That the Committee of Investigation be respectfully required, when they ask for books and papers, to state specifically, in writing, the purposes for which they are proposed to be inspected, and, if it be to establish a violation of the charter, then to state specifically, in writing, what are the alleged or supposed violations of charter to which the evidence is alleged to be applicable.

Resolved, That, in the opinion of this committee, it would very much conduce to the purposes of justice, as well as to the convenience of all concerned, if the Committee of Investigation would furnish a specification of all the charges intended to be inquired into, and proceed with them in order as stated."

Mr. Mason requested the chairman to ask, "if the resolution is to be considered specifically as the answer of the Bank to the calls for the books and papers." Which being done, Mr. Sergeant replied, "not specifically, but as relating to it, and indicative of the mode of proceeding deemed right by the Bank."

The chairman having requested a specific answer, the Committee of the Board retired, and returned in twenty minutes, and Mr. Sergeant stated that he was instructed to give the answer of the committee in the form of a resolution, which he then read, as follows :

"*Resolved*, That the Committee of the Board are of opinion that the resolutions submitted by them to the Committee of Investigation this morning, are preliminary to answers to specific calls, and respectfully submitted for decision before any specific answers are made."

Whereupon, the following resolutions were adopted, and handed to the Committee of Directors :

Whereas this committee have, by resolutions severally communicated to the President and Directors of the Bank of the United States, declared, that in discharging the duties confided to them by the House of Representatives, they claimed, on their responsibility to that House and to their constituents, to regulate their proceedings, to judge of the extent of their powers and duties for themselves; that they were not charged with the duty of criminating the Bank, its directors, or others, but simply to inquire, amongst other things, whether such prosecution, in legal form, shall be instituted, and that, in so doing, they would afford to every person, who might appear to be implicated by their examinations, full and fair opportunity of explanation and defence :

1. *Resolved, therefore*, That, in performing the duty of "inspecting the books and examining into the proceedings of the Bank," the committee cannot rightfully be 'required,' and, from the nature of their duties, cannot comply with a request to state specifically, in writing, the purposes for which they are proposed to be inspected.

2. *Resolved*, That the committee cannot comply with a request or requisition to specify what are the supposed violations of charter, because they are not conducting a prosecution, but simply inquiring whether one shall be instituted.

3. *Resolved*, That the Committee of Directors be, and they hereby are, requested and required to submit for the inspection of this committee the credit books and pay lists of the Bank, to enable this committee to ascertain "whether it has used its corporate powers or money to control the press, to interfere in politics, or influence elections."

4. *Resolved*, That the Committee of Directors be requested and required to submit for the inspection of this committee the minute books of the Bank, together with the correspondence, journals, and other memorandums of the proceedings of the Committees of Exchange, on the state of the Bank, and on the Offices, that this committee may be enabled to ascertain whether the Bank "has had any agency, through its management or money, in producing the present pressure."

5. *Resolved*, That the Committee of Directors be, and they are hereby, requested and required to submit for the inspection of this committee the minute books containing the proceedings of the Board of Directors, together with the correspondence journals of the President of the Bank, the Exchange Committee, the Committee on the state of the Bank, and the Committee on the Offices, that this committee may be enabled to judge whether the Board of Directors have violated the charter of the Bank, by authorizing, permitting, or sanctioning the exercise of improper and illegal powers by those committees, or by the President of the Bank.

Notice being given to the Committee of the Board, they attended, and certified copies of the three last mentioned resolutions, and of Mr. Mason's resolution, being furnished to them by the secretary, they requested time to answer them, and retired.

[Reply to the foregoing request and resolution.]

Resolved, That after full deliberation, and with every feeling of respect for the House of Representatives, and for the committee appointed by them, and with a firm conviction that they have nothing to fear from scrutiny of the affairs of the Bank, however severe, the Committee of the Board are constrained to adhere to the resolutions yesterday handed to the Committee of Investigation, and to decline complying with the calls heretofore made upon them, in any other manner than is therein laid down, believing this to be their duty, from which they are not at liberty to depart.

The attention of the Board of Directors having been specially called to the foregoing proceedings at the Bank on May 7, 1834, the following resolution was passed, and forwarded to the Committee of Investigation :

BANK OF THE UNITED STATES,

May 9, 1834.

At a meeting of the Board of Directors held this day, the following resolutions were unanimously adopted :

Resolved, That the Board, having heard the report of the committee appointed on the 24th ult. upon the matters referred to them this morning, do fully approve and sanction the resolutions adopted by the committee on the 7th and 8th instants, and presented by them to the Committee of Investigation.

E.

The following resolution was adopted by the Committee of Investigation during their sittings in Philadelphia, and transmitted to the Board of Directors through their committee, to wit :

Resolved, That the President of the Bank of the United States be re-

requested to furnish this committee with a list of the books of the Bank, with a description of the purposes for which each is designed, and the name of the clerk to whose care and custody they are respectively committed; and, also, a copy of the by-laws now in force in the Bank, and of the by-laws in force prior to the first Monday in December, 1829.

BANK OF THE UNITED STATES,

April 25, 1834.

SIR: I have the honor to send to you, agreeably to your request, "a list of the books of the Bank, with an explanation of the purposes for which each is designed."

In regard to the remaining part of the inquiry, "the names of the clerks to whose custody they are respectively committed," I am instructed by the Committee of the Board to say that these books are not understood to be in the care and custody of the clerks, but in the general custody of the Board. The names of the clerks who make entries in them, and for that purpose have possession of them during the hours of business, are added to the list of the books.

I also enclose "a copy of the by-laws now in force in the Bank, and the by-laws in force prior to the first Monday of December, 1829."

I have the honor to be,

Very respectfully, yours,

JOHN SERGEANT, *Chairman.*

HON. FRANCIS THOMAS,

Chairman of the Committee of Investigation, Philadelphia.

The following resolutions were adopted by the Committee of Investigation, at different times during their sittings in Philadelphia, and transmitted to the Board of Directors through this committee, to wit:

Resolved, That the President and Directors of the Bank of the United States be requested to furnish this committee with the following statements:

1. A statement showing the amount of public money on deposit in the Bank and its branches, respectively, to the credit of the Treasurer, and other officers of the United States, in each month, from April, 1832, to April, 1834, inclusive.

2. A statement showing the number of votes given at each election for directors of the parent Bank since December, 1832; showing, also, what number of votes were given in person by the stockholders, and what number by proxy, and by whom such proxies were held, and a list of the directors elected at each election.

3. A statement showing the amount of gold and silver coin which has been purchased or sold by the Bank; the names of persons from whom such purchases, and to whom such sales, have been made, and the gross amount of profit derived by the Bank therefrom; and, also, showing the *most usual* and *highest prices* received for each of the following descriptions of coin, and whether the same have been sold in the United States, or in foreign countries:

1. Gold eagles, halves and quarters, of United States coinage.
2. Silver dollars, halves and quarters, of the same coinage.
3. Spanish doubloons and their parts.
4. Patriot do do.
5. Spanish milled, Mexican, Peruvian, and Chilian dollars.

6. English guineas and sovereigns.
7. Louis d'ors of France and five franc pieces.
8. Half Joes of Portugal and Brazil.

4. A statement showing the amount of gold or silver coin which has been drawn by order of the parent Bank from each of its Western, Southwestern, and Southern offices; and also the amount of specie which has been sent thereto by the same authority.

5. A statement showing the names of all persons, alphabetically arranged, who were indebted to the parent Bank on the first Monday of December, 1829; showing, also, whether, by authority of the Board of Directors, the Exchange Committee, the President, or other officer of the Bank, each loan was made; the residence of each borrower or debtor; the terms on which each loan was made; and whether each debtor was liable as drawer or endorser, principal or security.

6. Statements, similar to the foregoing, of the debts due to the parent Bank on the 1st day of June, 1832, and on the 28th day of April, 1834.

7. A statement showing the amount of foreign or domestic gold or silver coin, or bullion, which has been exported by the Bank for each and every month since the 1st of March, 1832, and the profits derived by the Bank from such exportation; and, also, the amount of specie imported by the Bank within the same period.

8. A statement showing the capital of each of the offices or branches of the Bank, with a tabular statement showing the liabilities and resources of each branch or office, on the 1st of each and every month, from March, 1832, to April, 1834, inclusive.

9. A statement showing the amount of domestic bills possessed by each of the branches and offices of the Bank, on the first day of each month from March, 1832, to April, 1834, inclusive; showing, also, the places at which the same were purchased, and the time when, and places where, the same were or will be payable.

10. A statement showing the amount of money which has been at any time loaned by the Bank, on pledges of stock as collateral security, the kind and description of stocks thus pledged, the date and terms of each loan, the names of the borrowers, with the amount loaned to each, and the amount now due by each borrower respectively.

11. A statement showing the names of the stockholders of the Bank, with the number of shares held by each; their official stations, if in office; and showing, also, the aggregate number and value of the shares held by foreigners and citizens of the United States, respectively.

12. *Resolved*, That the President, Directors, and Company of the Bank of the United States be requested to furnish this committee with a list of the names and residence of all persons who surrendered their certificates of three per cent. stock, and received a credit on the books of the Bank therefor; the time when, and amount placed at the credit of each; the aggregate amount thus surrendered, and the dates at which the same were paid by the Bank to the proprietors; the names of the agents employed by the Bank in any negotiations or arrangements to postpone the payment of said stocks; the compensation allowed to each agent, and the amount of expenses allowed to each in addition to compensation.

13. *Resolved*, That the President, Directors, and Company of the Bank of the United States be requested to furnish this committee with the en-

ture correspondence between said Bank, or any of its agents, and the Secretary of the Treasury, and Baring, Brothers, and Company, and Hottinguer and Company, touching the bill of exchange drawn by the Treasury Department on the French Government on the 7th of June, 1833; also, copies of all accounts and accounts current with said Bank, from either Baring, Brothers, and Company, or Hottinguer and Company, between the 1st of January and July, 1833.

14. *Resolved*, That the President, Directors, and Company of the Bank of the United States be requested to furnish the committee with a statement showing the names of all special agents employed by the Bank since its establishment, the object of such agencies, the compensation allowed to each, the services rendered by each, the duration of such agencies, the expenses allowed to each, in addition to compensation, and whether either of such agents was either members of Congress, of State Legislatures, or officers of the General Government at the time of employment.

15. *Resolved*, That the President, Directors, and Company of the Bank be requested to furnish the committee with a statement, showing the whole number of slaves which it has taken since its establishment, by purchase or in payment of debts, the time when, and from whom, each was taken, the amount of debt they were taken to pay or secure, and whether such debts were under protest when such slaves were taken, the names of all parties obligated upon each debt, and whether such slaves have been sold by the Bank, and if so, the amount obtained for each, the deficiency or excess in each case of sale in respect to the debt on which such slaves were taken, designating the branches at which such slaves were taken or sold.

16. *Resolved*, That the President, Directors, and Company of the Bank of the United States be requested to furnish the committee with copies of all correspondence between the President of the Bank or any of its officers with members of Congress, or of unanswered letters received from any one of them since the 1st day of July, 1832, touching the renewal of the charter of the Bank, the removal or restoration of the public deposits, or touching the business transactions of such members with said Bank.

17. *Resolved*, That the President, Directors, and Company of the Bank of the United States be requested to furnish this committee with copies of all legal opinions which it may have obtained from counsel, touching the right of the Bank to hold the public moneys in defiance of the powers or orders of the Secretary of the Treasury to remove the same; also, copies of all the opinions obtained from counsel in relation to delivering over, as directed by the proper officer, the funds, books, and papers, provided for paying revolutionary pensions, or annuities, under the act of 7th June, 1832.

18. *Resolved*, That the President, Directors, and Company of the Bank of the United States be requested to furnish this committee with a statement of their expense account since the 1st of January, 1829, up to the date this resolution is complied with; showing the items and total for each half year, corresponding with the entries on their expense book, and showing the names and residence of all persons to whom any payments have been made; the amount to each, and the time and consideration of such payments, with copies of all vouchers taken for such payments.

19. *Resolved*, That the President, Directors, and Company of the Bank of the United States be requested to furnish this committee with the particular items, and the aggregate of all fees and compensation paid

during each year to attorneys, counsellors, or lawyers, since the establishment of the Bank; stating the amount paid to each person employed, together with their residence, the times when the payments were made, and the particular services rendered for each charge paid; also, whether the same has been paid at the parent Bank or branches, and at which, designating them; also, of all sums paid as a general or annual fee or salary to counsellors for the Bank, specifying the names of such persons, the amounts, and times, and places of payment; and, also, whether such sums were paid by the order in each case of the Board of Directors, or how otherwise paid; designating such sums as have been paid in cash, and such as may have been passed to the credit of such persons or others, in payment of any debt or debts due to said Bank.

20. *Resolved*, That the President, Directors, and Company of the Bank of the United States, be requested to furnish this committee with the entire correspondence between it and the New York branch since the 1st day of January, 1833.

21. *Resolved*, That the President, Directors, and Company, of the Bank of the United States, be requested to furnish this committee with a detailed statement of all loans made since the 1st of January, 1829, to individuals who then were, who have been since, or who now are, members of Congress; stating the amount of each loan, when the same was made, for what term the security was given, and the time when such security was received; and also the security which the Bank now holds, and the amount now owing by any and each of such borrowers, or other persons for the benefit of such borrowers, at the Bank or either of the branches, and stating, also, the particulars of any such loans which have been protested, or which are now under protest, and the names of the parties to any such debts; also the names (if any) of persons whose notes have been renewed after the same had become due, and not protested or renewed, with the names of individuals, parties to said renewals, whose notes were under protest at the times such renewals were made; and also whether such loans in each case were made by the directors, or otherwise, and by what authority.

22. *Resolved*, That the President, Directors, and Company of the Bank of the United States, be requested to furnish this committee with a statement in detail of all overdrafts which have been made on said Bank or branches since 1829, by members of Congress or State Legislatures, the time such overdrafts were made; and, also, by printers, editors, and publishers of newspapers or periodicals; stating the time and amount of each overdraft, by whom made, the period such overdrafts remained unpaid, and the time and manner such drafts have been paid or secured.

23. *Resolved*, That the President, Directors, and Company of the Bank of the United States be requested to furnish the committee with a statement of the outstanding certificates of the public debt, for which the Bank holds the money on deposit to redeem, under the designation of "redemption of public debt;" showing the names and residence of the holders of such outstanding certificates; the amount of each, and the aggregate of the whole; the class of loans to which they belong respectively, and whether the Bank has paid interest to any of the holders of the same since they fell due and payable.

24. *Resolved*, That the President and Directors of the Bank be requested to furnish this committee with a statement showing the amount of debt directly or indirectly due or owing to said Bank by ——— and

_____, or either or both, jointly or severally, or by any other person for their benefit, or the benefit of either of them; showing also the amount of debt thus due at any time heretofore, with a statement of all payments on their account, with the dates thereof, since the 1st of April, 1832, with copies of any deed or deeds of trust, arrangement, contract, or agreement, or assignment, entered into between said Bank and them, or either of them, or others for the benefit of said Bank, or in which it may have a beneficial interest; also copies of the entire correspondence between said Bank, or any officer thereof, and the said _____ and _____, or either of them; also a copy of any consent which the Bank may have given, so far as concerned, permitting _____ to establish and publish a newspaper in the city of _____, notwithstanding his contract with _____ to the contrary.

25. *Resolved*, That the President and Directors of the Bank be requested to furnish this committee with a statement of the amount of debt directly or indirectly due or owing to the said Bank, or any of its branches, from _____, editor of the _____, or any other person for his account or benefit; stating the maximum of his loans or debt at any time since he became indebted, the times and places when and where contracted, and the time and manner in which the same has been paid, reduced, or secured, and with copies of its entire correspondence with the said _____.

26. *Resolved*, That the President and Directors of the Bank be requested to furnish this committee with a statement, showing the details of the debt which has, at any time, been owing by _____, publisher of the _____, since March, 1832, and showing how the same has been settled, secured, or arranged; also, copies of all proceedings of the Board of Directors, or any committee or officer of said Bank, in relation to said debt, since that period; showing also the amount of loss, if any, it has, or may probably, sustain by him.

[Reply of the Board to the foregoing resolutions.]

BANK OF THE UNITED STATES,

May 3, 1834.

At a special meeting of the Board, held this day, the following resolution was, on motion, unanimously adopted:

Resolved, That the Board do not feel themselves at liberty to comply with the requirement of the resolutions of the Committee of Investigation of the 29th ult. and 1st inst., and do not think they are bound to do so, inasmuch as, in respect to a part of the papers called for, the effect would be the same as the surrender of their books and papers to a secret and *ex parte* examination, which they have already refused to consent to; and as to the other part, they relate to matters over which the Board have no control, and if they could overcome these objections, and had power over all the papers, still it would be impossible for them to comply within any reasonable time, having ascertained, by a careful examination, that the copies and statements called for by the resolutions of the 29th ult. alone would require the uninterrupted labor of two clerks for at least ten months to make them out, and that the remaining resolutions, so far as they concern matters not beyond the reach of the Board, would require a great additional time, which they are not able exactly to compute without causing what they fear would be an inconvenient delay to the Committee of Investigation; and they take it for granted that it

would no more comport with the views of the Committee of Investigation to wait till so distant a period, than it would with the rights of the Bank to have such a burden imposed upon it.

Extract from the minutes :

S. JAUDON, *Cashier.*

F.

The following resolution was adopted by the Committee of Investigation :

COMMITTEE ROOM, *May 9, 1834.*

Resolved, That the chairman of this committee, in pursuance of the authority of the House of Representatives of the United States, and the terms and rules regulating its proceedings, do issue a subpoena duces tecum to be directed to Nicholas Biddle, President, Manuel Eyre, Matthew Newkirk, John Sergeant, Charles Chauncey, John S. Henry, John R. Neff, Ambrose White, Daniel W. Coxe, John Goddard, James C. Fisher, Lawrence Lewis, John Holmes, and William Platt, directors of the Bank of the United States, to be and appear before this committee, at their committee room in the North American hotel, in the city of Philadelphia, at 12 o'clock at noon, on Saturday, the 10th instant, and to bring with them the credit books of said Bank, showing the indebtedness of individuals to said Bank at the present time.

By authority of the House of Representatives of the United States.

TO BENJAMIN S. BONSTALL,

Marshal of the Eastern District of Pennsylvania :

You are hereby commanded to summon Nicholas Biddle, President, Emanuel Eyre, Matthew Newkirk, John Sergeant, Charles Chauncey, John S. Henry, John R. Neff, Ambrose White, Daniel W. Coxe, John Goddard, James C. Fisher, Lawrence Lewis, John Holmes, and William Platt, directors of the Bank of the United States, to be and appear before the Committee of the House of Representatives of the United States, appointed on the 4th day of April, 1834, "for the purpose of ascertaining, as far as practicable, the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States, in sundry memorials which have been presented to Congress at the present session, and of inquiring whether the charter of the Bank of the United States has been violated, and also what corruptions and abuses have existed in its management; whether it has used its corporate power, or money, to control the press, to interfere in politics, or influence elections; and whether it has had any agency, through its management or money, in producing the existing pressure; also, to inspect the books and examine into the proceedings of the said Bank, and whether the provisions of the charter have been violated or not; and what abuses, corruptions, or malpractices have existed in the management of said Bank; and also to examine into the affairs of the said Bank and branches; and further, to visit the principal Bank, or any of its branches, for the purpose of inspecting the books, correspondence, accounts, and other papers connected with its management or business," in their chamber in the North American hotel, in the

city of Philadelphia, and to bring with them the credit books of said Bank, showing the indebtedness of individuals to said Bank on the tenth day of May instant, at the hour of 12 o'clock, M. then and there to testify touching the matters of said inquiry, and to submit said books to said committee for inspection.

Herein fail not, and make return of this summons.

Witness the seal of the House of Representatives of the United States, and the signature of the Hon. Francis Thomas, chairman of the said committee, at the city of Philadelphia, this ninth day of May, in the year one thousand eight hundred and thirty-four.

FRANCIS THOMAS.

Attest: W. S. FRANKLIN,
Clerk House of Representatives U. S.

COMMITTEE ROOM, May 10, 1834, 10 o'clock A. M.

The following resolution was, on motion, adopted :

Resolved, That this committee will proceed to examine Nicholas Biddle, Esquire, President of the Bank of the United States, touching his having acted under the resolutions of the Board of Directors of the 30th November, 1830, and the 11th March, 1831; and as to what amount of money he has expended under those resolutions since the 30th day of November, 1833, to this day.

At 12 o'clock at noon, Nicholas Biddle, Esquire, and Messrs. Manuel Eyre, Matthew Newkirk, John Sergeant, Charles Chauncey, John S. Henry, John R. Neff, Ambrose White, Daniel W. Coxe, John Goddard, James C. Fisher, Lawrence Lewis, John Holmes, and Wm. Platt, presented themselves at the committee room, and Mr. Sergeant stated "that they came in pursuance of the precept served on them individually by the marshal, and that he would read their individual answer to it." He then read the following paper, and, having done so, handed it to the committee.

[Reply of Directors to subpoena.]

The undersigned having been individually served by B. S. Bonsall, Esquire, marshal of the eastern district of Pennsylvania, with a copy of a process, dated the 9th instant, by which he was commanded to summon them, by the following names and descriptions, to wit: Nicholas Biddle, President, Emanuel Eyre, Matthew Newkirk, John Sergeant, Charles Chauncey, John S. Henry, John R. Neff, Ambrose White, Daniel W. Coxe, John Goddard, James C. Fisher, Lawrence Lewis, John Holmes, and Wm. Platt, directors of the Bank of the United States, to be and appear before the Committee of the House of Representatives of the United States, appointed on the 4th day of April, 1834, in their chamber, in the North American hotel, in the city of Philadelphia, and to bring with them the credit books of said Bank, showing the indebtedness of individuals to said Bank on the 10th day of May instant, at the hour of 12 o'clock M., then and there to testify touching the matters of said inquiry, and to submit said books to said committee for inspection, have consulted together, that they might be assisted by the judgment of each other as to the course they were individually to pursue, and have concurred, each for himself, in the conclusion, for the government of his individual conduct,

which will now be stated, and, to avoid misapprehension or controversy, have reduced their answer to writing, signed with their names, and herewith respectfully presented, each for himself, as follows :

1. Without waiving any objection there may be to the legality of the said process, or the service, (which is expressly reserved,) we deem it most consistent with the respect we wish, upon all occasions, to acknowledge to be due to the Committee of the House of Representatives of the United States, to attend upon them in person, and accordingly do so attend, to manifest our respect, not to admit any obligation.

2. We do not produce the books specified in the paper before mentioned, that is to say, "the credit books of said Bank, showing the indebtedness of individuals to said Bank," because they are not in the custody of either of us, but, as has been heretofore stated, of the Board, whose views upon this subject, we would take occasion to say, have already been respectfully communicated to the Committee of Investigation.

3. We do not know whether it was the intention of the Committee of Investigation to call upon either of us to testify, or whether the object of the paper was not simply to require us to produce "the credit books of said Bank, showing the indebtedness of individuals to said Bank." But to avoid unnecessary trouble to the committee, and in the spirit of frankness required by the respect that is due to them, we have deemed it proper to consider the alternative first mentioned, and each of us now says for himself that, considering the nature of the proceeding and the character of the inquiry, even as explained in the resolution of the Committee of Investigation of the 7th instant, and considering that, as corporators and as directors, we are parties to the proceeding, we do not consider ourselves bound to testify, and, therefore, respectfully decline to do so. We are sure that the committee will duly estimate the sacrifice we make of personal feeling in thus deciding, conscious, as we are, that we have no knowledge which, if a necessary regard to our duties and the rights of others permitted, we would not willingly expose without reserve.

N. Biddle
Manuel Eyre
Matthew Newkirk
John Sergeant
Ch. Chauncey
John S. Henry
John R. Neff

Ambrose White
Daniel W. Coxe
John Goddard
James C. Fisher
Lawrence Lewis
John Holmes
W. Platt.

PHILADELPHIA, *May* 10, 1834.

The following resolution was adopted, and transmitted to the Committee of Directors :

COMMITTEE ROOM, *May* 10, 1834.

Whereas resolutions have been adopted by this committee, into which the names of private individuals were necessarily introduced, that the Committee of Directors might more readily know where the accounts or papers which were called for, to be examined confidentially, were to be found ; and whereas it has never been the intention of this committee to publish such resolutions, unless, after such confidential examination, it

should appear that the duty of the committee, under the resolution of inquiry, required it; and whereas the directors of the Bank have declined to produce the accounts thus called for, and this committee, unwilling to excite suspicions against any one which they have not the means either to justify or remove, and there is no longer necessity for such injunction of confidence: therefore,

Resolved, That the members of this committee be, and they are released from the injunction which has been imposed to consider confidential their journal and proceedings, except such parts thereof where the names of private individuals appear.

Resolved, That a copy of the foregoing preamble and resolution be forwarded to the Committee of Directors.

REPORT
OF THE
MINORITY OF THE COMMITTEE FOR INVESTIGATING
THE
AFFAIRS OF THE BANK OF THE UNITED STATES.

MAY 22, 1834.

Printed by order of the House of Representatives.

Mr. EVERETT, from the minority of the Committee appointed to investigate the affairs of the Bank of the United States, submitted the following

REPORT :

The undersigned, members of the committee for investigating the affairs of the Bank of the United States, having differed from their colleagues as to the extent of the powers of the committee, and the mode of pursuing the investigation, beg leave to submit the grounds of this difference, and their reasons for not concurring in the report of the majority of the committee.

The twenty-third section of the law, approved on the 10th of April, 1816, (commonly called the Bank charter,) makes the following provision: "It shall at all times be lawful for a committee of either House of Congress, appointed for that purpose, to inspect the books, and to examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been, by the same, violated or not." This provision is, in terms, an express grant of power to either House of Congress; and, consequently, but for this grant, neither House would have possessed the power. To suppose that either House of Congress would have possessed the power, although the charter had been silent on the subject, is to suppose that so much of the twenty-third section of the charter as gives the power, is mere surplusage,—an unauthorized and inadmissible supposition.

If the power reserved in the twenty-third section had been already possessed by either House of Congress, it must have been in virtue of its general authority to institute inquiries, and to send for persons and papers. But had the Congress, who granted the charter, understood that this authority to send for persons and papers extended to the inspection of the books of the Bank, they could not have deemed it necessary to provide that it should be lawful, at any time, for either House of Congress to appoint a committee for such inspection.

The resolution passed on the 4th of April last, under which the Committee of Investigation was appointed, is expressed in the following terms.

"*Resolved*, That, for the purpose of ascertaining, as far as practicable, the cause of the commercial distress and embarrassment complained of

by numerous citizens of the United States, in sundry memorials which have been presented to Congress at the present session, and of inquiring whether the charter of the Bank of the United States has been violated; and, also, what corruptions and abuses have existed in its management; whether it has used its corporate power, or money, to control the press, to interfere in politics, or influence elections; or whether it has had any agency, through its management or money, in producing the existing pressure, a select committee be appointed, to inspect the books, and examine into the proceedings of the said Bank, who shall report whether the provisions of the charter have been violated or not; and, also, what abuses, corruptions, or malpractices have existed in the management of said Bank; and that the said committee be authorized to send for persons and papers, and to summon and examine witnesses on oath, and to examine into the affairs of the said Bank and branches; and they are further authorized to visit the principal Bank, or any of its branches, for the purpose of inspecting the books, correspondence, accounts, and other papers connected with its management or business; and that the said committee be required to report the result of such investigation, together with the evidence they may take, at as early a day as possible."

The committee, thus appointed, is clothed with the power granted to either House of Congress, by the twenty-third section of the charter, the same being given to it by the express words of the resolution, which authorizes it to "inspect the books, and examine into the proceedings of the said Bank," and "report whether the provisions of the charter have been violated or not."

Had the resolution stopped here, its interpretation would have been easy. It would have been (and would so have necessarily been understood) a resolution creating a committee under the power granted by the twenty-third section of the charter, and for the precise objects, and no other, therein provided for. But the resolution of the House goes much farther. It purports to authorize the committee to engage in a much wider range of inquiry than the violation of the charter. It declares the objects of investigation to be threefold, viz. 1st, the causes of the commercial embarrassment and distress alleged to exist; 2d, violations of the charter; 3d, corruptions and abuses in the management of the Bank, of which several are alluded to, in very general and comprehensive terms, as will be perceived by recurrence to the resolution just quoted. Of these three objects, the second only is the one on which a committee, raised in pursuance of the twenty-third section of the charter, is authorized to report.

As the resolution of the House enumerates objects of inquiry not named in the charter, so it specifies means of attaining information, not provided for in that law. It authorizes the committee "to send for persons and papers, and to summon and examine witnesses on oath, and to examine into the affairs of the said Bank and branches."

The point of chief question in this matter has been, what extension of the powers possessed by the committee, in virtue of the twenty-third section of the law, is effected by this additional detail of the objects to be investigated, and of the means for attaining knowledge concerning them.

The subscribers understand their colleagues, the majority of the committee, to claim, under the terms of the resolution, an unlimited power of inquiry after all the conceivable corruptions and malpractices

of the Bank, and of sending for the persons of its officers and directors, and for any and all of its books and papers, in order to ascertain whether any such corruptions and malpractices exist. The subscribers believe that no such power of general search is given to the committee by the resolution; and that it was not competent for either House of Congress to give it. In their difference of opinion from their brethren of the majority on this head, will be found the chief source of their dissent from most of the important measures proposed by the committee.

Before explaining their views more distinctly, they would observe, to avoid all misconception, that it is no part of their purpose to maintain that the power of the committee is confined to an inquiry, whether the charter of the Bank has been violated. The undersigned believe it is competent for the House to inquire into any alleged abuse or corruption whatsoever, to the utmost latitude required by the public good, and authorized by the principles of justice and law. They believe that the committee, of which they are members, was authorized to make such inquiries. They believed, however, that these inquiries were to be conducted according to the charter; that is, according to law; and according to those general principles of equity and constitutional right which cannot be transcended, in virtue of any resolution of either House of Congress; and which the undersigned are unwilling to believe that either House of Congress could attempt or wish to transcend.

The undersigned have already, as they think, shown, that the provision in the charter is a grant of power, which would not otherwise have been possessed by either House. So far, therefore, is the general power of sending for persons and papers from enlarging the charter power, that this latter is an addition to the power of sending for persons and papers. The power, therefore, possessed by the committee under the charter, and recited in the resolution, is not, and cannot be extended or enlarged by any thing else in that resolution. No limitation imposed by the charter upon the inquiry which the committee is thereby authorized to make, or the mode of making it, can be removed by the general parliamentary power of the House to institute investigations, and send for persons and papers. It would be an absurdity to make a charter provision for extending the general powers of the House, and then to seek to enlarge the powers conveyed in that provision, by the addition of something else, supposed to belong to the general authority of the House.

In addition to this, it must be recollected that the charter is a contract proposed by the Government to the stockholders, and voluntarily entered into by them. This power of visitation, and of subjecting the books to inspection, is one of the conditions of the contract, onerous to the stockholders. To attempt to enlarge it by construction, is to attempt, contrary to the faith of the country, to interpolate new and oppressive conditions into the contract. The undersigned, therefore, maintain that a resolution of one House of Congress, passed in virtue of its general power of inquisition, cannot enlarge the specific provisions of a law. But they do not therefore hold that this committee could not, under the authority of the resolution of the House, inquire into any other matters than breaches of the charter. They maintain only that this is a power to be exercised agreeably to law and justice; that it is not an absolute inquisitorial power; that it does not authorize a committee of either

House to prosecute a secret inquiry of indefinite character, after any and every abuse, probable or possible. It does not extend the right of inspecting the books, granted for one purpose alone, so as to authorize their inspection for purposes totally different. It does not put it in the power of a committee to issue warrants of general search, and compel the appearance of citizens, and the production of papers, not in proof or disproof of charges against third persons, by evidence of which they are the legal depositaries, but in order to enable such a committee to find out by these papers, whether those who bring them are not themselves guilty of misdemeanors. Such a power as this, the undersigned wholly reject, as abhorrent to reason and justice; unknown to the constitution of this country; at war with its spirit and with its letter; and utterly repugnant to the public sentiment of the people. To claim such a power, is to claim for either House of Congress the right, in virtue of a resolution, of sending to the remotest corners of the Union for any number of persons, compelling them to attend a committee, with all their papers, to submit to be examined on oath; to exhibit those papers for inspection; and thus to enable such committee to find matter of fixing on such individuals the charge of gross, but previously unspecified, misdemeanors and corruptions.

It is not necessary for the undersigned to endeavor to define what are the limits of the powers of inquiry possessed by the Houses of Congress. It is sufficient for their present purposes to have shown, (and the proposition is proved in its enunciation,) what they are not and cannot be. It cannot be within the competence of a committee of the House to institute a general search, and compel the citizens on oath to purge themselves if innocent, and criminate themselves if guilty; and bring with them their papers to be ransacked in a roving hunt for unspecified crimes. The constitution reserves to the people the right, (a right inviolable without the reservation,) "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." Of all unreasonable searches that can be imagined, none is more signally so than a general search into the papers possessed by a person, whether individual or corporate, with a view to find (if it should happen to exist) matter of crimination against that person. A general search for *any* purpose is unreasonable; for the object of criminating the individual searched, it would be at war with the first principles of justice, and, as exercised by a committee of the House of Representatives, one branch of a Legislature of limited constitutional jurisdiction, an enormous assumption of power. It would be unreasonable, because, as no man is beyond the possibility of doing wrong, the right to institute a general search, if it existed, would be a right of inquisition into the affairs of every individual in the community; a right too extravagant to be claimed by any Government pretending to be limited by law, and never exercised by any but those odious and arbitrary tribunals which are handed down to the undying execration of mankind. It would be at war with the first principles of justice, which, as a general rule, compel no man to criminate himself, directly or indirectly, nor to furnish the means of his own crimination. It would be an enormous assumption of power on the part of either House of Congress; a body whose jurisdiction does not extend to any considerable portion of the conceivable crimes and misdemeanors which such a search

might, if they had been committed, bring out; and who can surely lay claim to no power of searching out matters, which, if the search be successful, are without its province, both of legislation and punishment.

It may be observed that, if the right of making such a search of the Bank of the United States be claimed in virtue of the general powers of inquiry possessed by the House, it extends to every State bank in the Union, as fully as to the Bank of the United States. The charter gives a power of visiting the corporation thereby created, and of course exclusively confined to the Bank of the United States. That power, as has been urged, can be applied only to the objects for which it is given, viz. to enable a committee to report "whether the provisions of the charter have been violated or not." But if we go further, and claim a right, under the general power of inquisition possessed by the House, to search the Bank for objects not made subjects of search by the charter, then it is obvious that the corporators and directors of the Bank of the United States are no more amenable to such a search in their persons, books, and papers, than the corporators or directors of any other bank, of any insurance office, trust company, turnpike, canal, or railroad company, or any other private citizens. The right, therefore, claimed by the majority of the committee, if it transcend in the slightest degree the limitations of the charter, must flow from a claim of power, which would bring within its grasp every corporation, every citizen, and every book and paper in the United States, and subject them, at any time, to a general search of a committee of either House of Congress.

Should it be contended that, as a great stockholder, the Government has a right to institute this search, the answer is obvious. The House of Representatives is not the Government; and the Government, as a stockholder, has no rights not possessed by the other stockholders, or to be exercised in any other way. In the contract between the Government and the stockholders, by which the Bank was created a corporation of a character partly private and partly public, the Government reserved to itself all the powers which it thought were required to protect its interests as a stockholder, or which were needed in reference to any other relations of the Bank to the country. To these reservations, the stockholders, by accepting the charter, assented. They cannot now be extended to the prejudice of the Bank, without a violation of law and a breach of faith.

The undersigned are far from intending to charge their respected colleagues, from whom they differed with pain, with the design consciously to institute a search of this character into the affairs of the Bank, but they felt obliged to dissent from a considerable portion of their measures, deeming them, in effect, (though certainly not so intended,) to have all the essential characters of such a general and unlawful search. The justice of this remark will, as the undersigned think, abundantly appear, from a review of the principal measures adopted by the committee, which will now, for this reason, be briefly examined.

1. The first step taken was a call by the Committee of Investigation on the Committee of Directors, for "a list of the books of the Bank, with an explanation of the purposes for which each is designed, and the name of the clerks to whose care and custody they are respectively committed." This was a step preliminary to the process by which the Committee of Investigation, in the judgment of the majority, could call for, and take

into their possession, by a precept addressed to the clerks in the Bank, any or all of the books of the institution, in which the business transactions of the Bank are entered by the said clerks. This list was furnished by the Committee of the Directors, with the statement, however, that the books were not in the custody of the clerks, but in the general custody of the Board. In consequence of this statement, no attempt was made to obtain possession of the books by a demand of the clerks.

2. Of a similar character, but more objectionable, because tending more directly to the institution of a general search, and forming an immediate preparation for it, was the right, insisted on by the committee, of an exclusive occupation of the room in the banking house, offered by the directors for their accommodation during the inspection of the books. The undersigned refer to the correspondence between the Committee of Investigation and the Committee of the Bank on this subject. They would only briefly observe that a committee of seven had been appointed by the Board of Directors, to receive the Committee of Investigation, and submit for their inspection such books and papers of the Bank as might be necessary to exhibit its proceedings according to the requirement of the charter. A room in the banking house was, by this committee, offered for the accommodation of the Committee of the House of Representatives. It appeared at a very early stage of the proceedings, in a conference between the two committees, that the Committee of the Directors proposed to exhibit their books in person to the Committee of Investigation, expressing, at the same time, their expectation and readiness to "withdraw from the room whenever the Committee of the House should see fit," in order to furnish the Committee of the House the opportunity to deliberate, without the presence of any one, not required or invited by themselves to attend. This proposed manner of conducting the examination was regarded by the majority of the Committee of the House of Representatives as inadmissible, and formed the subject of a correspondence between them and the Committee of the Directors. The Committee of the House adopted two resolutions, by one of which they agreed that their proceedings should be confidential, unless otherwise ordered by the Committee; and by the other, that no person should be present at the inspection of the books and examination of the proceedings of the Bank, except those whose attendance might be required or permitted by the Committee of Investigation.

The first resolution was regarded merely as an understanding, on the part of the Committee of Investigation, that no publicity would be given by them, until otherwise ordered, to the matters that might appear in the course of the examination. The undersigned assented to this resolution, with the understanding of the parliamentary law, that the sittings of every committee are open, unless ordered to be secret by the House; and that it was not in the power of the present committee, by a vote of their own, either to shut their doors, or impose secrecy on any persons who might attend. But they assented to the injunction of confidence in conformity with a usage which has prevailed in other committees of inquiry of the House, for their own convenience, as a rule binding on themselves, and with the express reservation that the adoption of this resolution should, in no degree, involve an assent to the principle asserted in the second. To that principle, viz. that no person should be permitted to attend during the inspection of the books of the Bank, and the examination of its proceedings, whose presence was not required nor assented to

by the Board, the undersigned were strenuously opposed. It was asserted as a right on the part of the committee, and (as the undersigned supposed, and the Committee of the Directors of the Bank appeared also to understand it,) with an intention to enforce the right. In pursuance of this intention, (as the undersigned supposed,) the Committee of Investigation ceased to hold their meetings in the room set apart for them in the banking house, as soon as they understood the Committee of the Directors of the Bank to claim the right of being there present with their books, during the inspection of the same. It is true that, by a subsequent resolution, the Committee of the House of Representatives disclaimed having decided that they should, in point of fact, exclude the directors from the room during the inspection of the books; but they persevered in the assertion of the right to do so, as appears from the documents appended to this report.

This claim was regarded, by the undersigned, as being without foundation, and objectionable. In the first place, as has been observed, they believed it to be contrary to the *lex parliamentaria* for a committee of inquiry, on its own authority, to claim the right of holding its sittings, except when deliberating and voting, in secret. It can only be constituted a secret committee, by express order of the House. Secondly, this principle involved the right of withdrawing the books of the Bank from the custody of the directors, and taking them into the possession of the Committee of Investigation. This is a power not given by the charter, which, as far as the books are concerned, authorizes a committee only "to inspect the books." As the right thus reserved by the charter to Congress is not only one of the conditions of an agreement, but is in derogation of the rights and liberties of the citizen, and could not be claimed at common law, and its exercise at best, and under any circumstances, must be highly incommodious, and create a serious interruption of the business of the Bank, it should be construed rather strictly than liberally, and not draw with it by implication any thing not necessary for its exercise. The entire confidence, which the undersigned feel, in the liberality and magnanimity of their colleagues, so to conduct the inspection, as to cause the least possible inconvenience to the officers of the Bank, could not authorize an acquiescence in a claim of right wholly to obstruct and bring to a stop the ordinary proceedings of the Bank; in fact, to suspend the charter.

It was a claim to take the books out of the possession of the directors into the possession of the committee, to detain them as long as they pleased, to carry them whithersoever they pleased, (a right afterwards more distinctly asserted and attempted to be enforced,) and to put them to whatever use the committee, in their uncontrolled discretion, might think proper. The undersigned again repeat, that it derogates in no degree from the objectionable character of this claim to urge, that the books of the Bank, thus taken from the possession of the directors, could have been put to no unworthy use by the Committee of Investigation. Such an idea could only suggest itself to be repudiated. It is sufficient objection, that they would have been put out of the custody of those responsible to the stockholders for their safe keeping. The most improper use to which the books, or any other property of an individual or a corporation, can be put, is, to take them away from their rightful owner and lawful guardian. I may think I can take better care of my neighbor's

property than he does himself, but I may not therefore take it from him, and administer it, even for his own good. Far less may I take it, without warrant of law, in order to extract from its unlawful use matter to be used, directly or by consequence, for his crimination. The books belong to the stockholders of the Bank, and are, by them, entrusted to the directors. They do not belong to the House of Representatives, nor to any committee of that House; and a right to inspect them no more involves a right to take possession of them, than a right to count the money in the vaults involves a right to take possession of it. It is a case of frequent occurrence in the State banks, that committees are sent to visit them, and, among other things, to count the specie in their vaults. Should such a committee claim the right of going into the vaults alone, and counting the money, without the presence of the directors of the Bank, or their authorized agents, it would be thought a very unwarrantable claim; and no personal confidence, reposed in the honor and probity of the committee, would render such a claim at all the less unwarrantable.

But the attempt to fortify the right of taking possession of the books, by urging that in its exercise it would not have been abused, wholly fails, in the apprehension of the undersigned, because they deem that the use which was avowedly to be made of them, was the greatest possible abuse. It was intended to employ them for the purpose of a general search, not only to ascertain, in the most general form, whether the charter of the Bank had been violated, but also what corruptions, abuses, and malpractices had taken place in its management; and this, by way of inquiry among other things, whether a criminal prosecution, in legal form, should be instituted, (see resolution of Committee of Investigation of 7th of May,) in which prosecution the directors, called to submit the books, would have been the party implicated.

The undersigned believe that, in a land of constitutional liberty and law, it can need but little argument to show that a claim, on the part of a committee of either House of Congress, acting in virtue of the general parliamentary power of inquiry to demand, as a matter of right, the production, and to take possession of the books and papers belonging to an individual or a corporation, in order to search therein for matter on which to found a criminal procedure against said individual or corporation, is a claim at once of the most unfounded and pernicious character. They confidently believe that no court of justice in the United States, or any other free country, has ever claimed such a power as a right, or attempted, in point of fact, to execute it. They have never heard of any statute which gives this power to any court or other tribunal. And they would deem the assumption of such a power, by either House of Congress, as an incident of the general powers of the House, and resting on the *lex parliamentaria*, as unwarrantable, and in the highest degree dangerous.

3. The committee having withdrawn from the occupation of the room in the banking house for the reason stated, adopted a resolution requiring the President and Directors of the Bank to submit certain of the books of the Bank to the inspection of the committee, at their room in the North American hotel. (See Doc. No. 25.) With this requisition the Committee of the Directors declined complying, for reasons which appear in their resolutions adopted May the 3d. (Document No. 30.) The un-

undersigned regarded this resolution of the committee as open to the objections already urged against an *ex parte* inspection of the books, and to others peculiar to itself. By its terms, the President and Directors are required to submit certain of their books to the inspection of the committee at the North American hotel. If, by the term *required*, nothing is to be understood but a *request*, with which the directors of the Bank were at liberty to decline a compliance, they were of course free so to decline, and their doing so argues no contempt of the House. But the majority of the committee evidently regarded as in some way obligatory the demand for the production, at their hotel, of certain of the books of the Bank. Such a demand the subscribers deemed to be unauthorized. If valid, in reference to the books named in the requisition, it was of course valid as to all the books of the Bank and all its branches; which, by parity of right, the committee might have required to be brought to their lodgings, and there detained and used at their pleasure. The question whether (supposing them brought to the committee's room at the North American hotel) they should there be submitted in person by the directors, or inspected *ex parte* by the Committee of Investigation, was not distinctly raised. But considering that the committee ceased to hold their meetings at the banking house, precisely because the directors insisted on their submitting the books for inspection in person, it appeared to the undersigned that, whether exercised or not, the right of an *ex parte* inspection was designed to be reserved, and that the inspection was required to be had at the private room of the committee, to enable the committee, if they deemed it expedient, to act on that reservation. All the objections, therefore, which lie to an *ex parte* inspection in the banking house, hold with equal force to an *ex parte* inspection out of it.

In addition to this, the requisition of the books, to be carried away from the banking house, appeared to the undersigned, for other reasons, of an inadmissible character. It was to take them away from the place where the important interests of the Bank require them to be, and to be used. It was to expose them to the risks of transportation through the streets, and detention in private rooms, not constructed for the safe preservation of valuable papers. While it is the constant practice of individuals to deposite for safe keeping valuable books and papers in the vaults of the Bank, the Bank was required to remove its own books and papers, containing the evidence of pecuniary transactions to the amount of several hundreds of millions of dollars annually, to the committee's room in the North American hotel, a public house of great resort in Philadelphia. The undersigned opposed this requisition, from the belief that it was totally beyond the authority of the House; and they should have deeply regretted a compliance with it by the Bank, which would have devolved on the committee the care and responsibility of a deposite so delicate and valuable.

By the 23d section of the charter, whenever a *scire facias* against the Bank is sued out of the circuit court of Pennsylvania, it shall be "lawful for the court, in examining into the truth of the alleged violation of the charter, to require the production of such of the books of the Bank as it may deem necessary to the ascertainment of the controverted facts." This is the only case in which the contract between the Government and

the stockholders authorizes a requisition of the books; and this cautious authority, granted by law to one of the high judicial tribunals of the country, on an examination into an alleged violation of the charter, to require the production of the books which it may deem necessary to the ascertainment of controverted facts, sufficiently disproves, by exclusion, the grant of any similar or additional power, of the same kind, to any other tribunal. That the House of Representatives, independent of the charter, has a right, by one of its committees, to require the production of any or all of the books of the Bank at the lodgings of said committee, or any where else, the undersigned cannot bring themselves to admit. At all events, as no authoritative form was given to the requisition, the directors, in respectfully declining to comply, are of course guilty of no contempt of the House.

4. After the directors of the Bank had declined a compliance with the requisition of their books to be produced at the North American hotel, the Committee of Investigation, on the 5th of May, adopted a resolution (see Document No. 32) that they would repair to the banking house, at one o'clock of that day, to inspect the books specified in the resolution of the 28th, and such others as they might require to be produced. A copy of this resolution was sent to the chairman of the Committee of the Directors, but reached him at his dwelling-house, at a time when the Committee of the Directors was not in session, and a short time before the hour named in the resolution of the Committee of Investigation. He immediately informed the chairman of the Committee of the House by letter, that it would be impracticable to reassemble the Committee of the Directors in season to submit the books for inspection that day, but that they would be reassembled without unnecessary delay. The committee, however, deemed it expedient, for the purpose of making up an issue, to repair to the banking house at the hour named, and then and there to call on the President and Cashier of the Bank to submit certain of their books to the committee. This accordingly took place, first in the large hall of the banking house, and then, by repetition, in the President's room. The President and Cashier declined a compliance with this request, on the ground that they had, neither of them, the custody of nor control over the books and papers; the general custody of the same being with the Board of Directors, who had already apprised the Committee of the House, that they had placed them under the direction of a committee, to be by that committee submitted for inspection, and that they (the President and Cashier) were therefore unable to comply with the demand of the Committee of Investigation. This demand, and the answer to it, were then reduced to writing, and will be found among the papers (Nos. 35, 36) appended to this report.

This proceeding was but a repetition, in a form a little varied, of the attempts before made to acquire the means of conducting the inspection of the books, apart from those to whom the directors had confided the duty of submitting them to the Committee of the House of Representatives. It was avowedly intended only to make up, in another form, the issue which, it was supposed would be created between the Bank and the Committee of Investigation, by the failure of the committee to obtain the books thus required of the President and Cashier. It was known to the Committee of the House that the directors, by an authentic act, of which a copy had been communicated, had placed the books at the disposal of the Com-

mittee of the Board, to be by them submitted in person for inspection. The said Committee of the Directors had twice positively made known their inability to depart from the instructions of the Board in this respect. The Committee of the House were apprised that the books asked for were not, under the instructions of the Board, at the voluntary disposal of the President and Cashier, and the demand made of these officers by the committee in person at the Bank was not of the nature of a legal process to compel their production, supposing them to have been *de facto* in the keeping of the said officers. For these considerations, the undersigned opposed the personal demand for the production of the books now under consideration, as a measure which must, for the reason stated, prove ineffectual, unnecessary for the making up of the desired issue, and open to the objection of wearing a vexatious appearance. To make a third application for a voluntary submission of the books in a manner which, it was known, was deemed inadmissible, at the same time that no recourse was had to compulsory process, could not but have the effect, though certainly not so intended, of gratuitously throwing upon the directors the odium of repeated refusals of the requests of the Committee of the House. However this may be, as the fact is undoubted that the directors had placed the books under the control of the Committee of the Board; as their right to do is unquestionable; as the chairman of the Committee of the Directors had apprised the chairman of the Committee of Investigation that the former could not be reassembled at the very short notice given, but should be so, without unnecessary delay, to submit the books for inspection; as the books were not in point of fact in possession of the officers called on; the undersigned feel confident that, in respectfully declining to produce them, those officers were guilty of no contempt of the authority of the House.

5. But whatever difference of opinion might at the first have existed between the Committee of the House and the Committee of the Directors as to the propriety of permitting the latter to retain the custody of the books, and submit them in person to the Committee of the House, further consideration appears to have led the Committee of the House to admit the reasonableness of this mode of conducting the investigation, so far at least as to acquiesce in it,—a consideration, which exonerates the directors from any charge of contempt in the course hitherto pursued by them. Accordingly, without waiving their right to require the production of the books at their lodgings, they repaired again to the banking house, to the room set apart for their accommodation, and required the production of certain of the books of the Bank.

It will be observed that, up to this time, nothing had been arranged as to the mode of conducting the inspection beyond the single point, settled by the acquiescence of the Committee of the House of Representatives, that the books should be submitted in person by the Committee of the Directors. No objects of inquiry had been announced by the Committee of Investigation, further than they appear in the resolution of the House under which the committee was raised, and in the calls made for information, as to a great amount and variety of matters, as appears from the resolutions in the appendix. The correspondence which had taken place between the committees, had been confined almost exclusively to the single ground of the course deemed proper to be pursued by the committee, to obtain possession of the books of the Bank.

On the arrival of the committee at the banking house on the 7th of May,

a call was made on the Committee of the Board, in pursuance of the following resolution :

May 7, 1834.

Resolved, That the committee will proceed to examine into the truth of the statement made by the Government directors to the President of the United States and to Congress, and for that purpose will this day call for the production, for inspection, of the minute books containing the proceedings of the directors of the Bank, and the expense books and vouchers for expenses incurred.

As preliminary to a reply to this demand, the following paper was read by the chairman of the Committee of the Board :

May 7, 1834.

Whereas it appears, from the resolution of the House of Representatives of the United States, appointing the Committee of Investigation, that two distinct inquiries were contemplated, one of them directed to ascertain whether the charter had been violated, and limited to the acts of the corporation; and the other so very general and indefinite, as to make it difficult, if not impossible, to say whether it has any limits at all, either as to the matters to be inquired into, or the mode of pursuing the inquiry; and whereas it appears, from calls made by the Committee of Investigation, that they have proposed a very wide range, embracing, among other things, an extensive examination of the acts, transactions, accounts, and letters of individuals, and thus instituting a kind of general search, which is the more objectionable, because, if it have any purpose at all, it must be to criminate those individuals, as well as the Bank, and if it have not this purpose, it is without any assignable object, and would be an injurious invasion of private interests; and whereas, under these circumstances, it is the duty of the committee, by all lawful means, to protect the rights and sacred confidence entrusted to their keeping, and to yield nothing by consent which cannot be legally demanded from them; and whereas, after careful and anxious consideration, they are of opinion that the inquiry can only be rightfully extended to alleged violations of the charter, and this inquiry ought to be conducted according to some certain principles and rules: therefore,

Resolved, That the Committee of Investigation be respectfully required, when they ask for books and papers, to state specifically, in writing, the purposes for which they are proposed to be inspected, and, if it be to establish a violation of the charter, then to state specifically, in writing, what are the alleged or supposed violations of charter to which the evidence is alleged, or supposed to be applicable.

Resolved, That, in the opinion of this committee, it would very much conduce to the purposes of justice, as well as to the convenience of all concerned, if the Committee of Investigation would furnish a specification of all the charges intended to be inquired into, and proceed with them in order as stated.

The undersigned opposed the call, above recited, made on the 7th May, for the production of books. They feel themselves, therefore, called upon

to explain briefly the considerations which influenced them. The undersigned have already stated that they conceived the committee, of which they have the honor to be members, to be clothed with a twofold power, and to be competent, or rather required, by the order of the House, to act in a twofold capacity. They were a committee of visitation, appointed under the twenty-third section of the charter. As such they were authorized to visit the Bank, to inspect the books, and to examine into the proceedings of the Bank, and report whether the charter had been violated. They were, also, a committee of inquiry into the causes of the present commercial embarrassment and pecuniary distress, and into the corruptions, abuses, and malpractices of the Bank. In the former capacity, they had a right to inspect the books of the Bank. They had this right by the charter, and would not have had it without the charter. In the latter capacity, they had no right to inspect the books unless voluntarily submitted by the Bank, because the charter does not give them that right for such purposes. The Bank is obliged, by the charter, to submit its books to the inspection of a committee of visitation, authorized to report if the charter has been violated; and it is not bound to submit them to a committee of general inquest authorized to report on malpractices and corruptions. The right of inspection possessed by the committee, as a committee of visitation, cannot be used by it in its other capacity of a committee of general inquest and accusation, as an instrument of search after crimes and misdemeanors in general.

But the directors of the Bank had been apprised at the outset, by the resolution of the House of Representatives of the 4th of April, that the committee was of a twofold character, as stated. That resolution distinctly enumerates, as objects of inquiry, not only violations of the charter, for which the books might be inspected, but various acts of mismanagement and corruption, for which they might not be inspected unless voluntarily offered for that purpose. The Committee of Investigation had addressed various calls, by way of resolution, to the Committee of the Directors, touching matters concerning which the charter does not require the Bank to submit its books for inspection. The call of the 7th of May, on the last visit to the banking house, is for certain of the books of the Bank, to enable the committee "to examine into the truth of the statement made by the Government directors to the President of the United States and to Congress." That statement embraces matters which neither are, nor are alleged to be, violations of the charter, and consequently in reference to which the directors are not required to submit their books for inspection.

Had it pleased the House of Representatives to create two committees, one of visitation, under the twenty-third section of the charter, and one of general inquiry, under the power of the House to send for persons and papers, these two committees would not have been authorized to amalgamate nor interchange each other's functions. The committee of charter visitation would not have been authorized to engage in a general inquisition, nor would the committee of inquiry have been authorized to demand the books for inspection.

But to what avail has the charter limited the objects for which the books may be inspected, and protected the corporation, and those who transact business with it, from the annoyance and mischiefs of a general search, if

a committee of visitation may be clothed with the functions of a committee of general inquiry, and having got the books into their hands for one purpose authorized by the law, may use them for another purpose not authorized by law? It is plain that if this could be done, the limitation of the right of inspection would be illusory and worthless. In order to render the limitation efficient, the Committee of the Directors required of the Committee of Investigation to specify the objects for which they demanded the books. For some objects the demand of the books was according to law; for other objects, not being bound by law to yield them, the directors were at liberty to withhold them, or to submit them, according to their discretion. They, therefore, needed a specification, to enable them to discharge their duty under the charter, as well as to protect them in their rights; to enable them to distinguish, in the requisitions of the Committee of Investigation, how much was authoritative, under the statute commanding obedience; and how much, not being authoritative, they were at liberty to concede or to withhold.

There was the more reason in insisting on this right to make the limitation on the inspection of their books available, because, as has heretofore been observed, the inspection itself is in derogation of the natural rights of the citizen, who ought not, under any circumstances, to be obliged to criminate himself. It pleased the Legislature, regarding the corporation as their own legal creation, to require them, when accused of violating the fundamental laws of their existence—the provisions of the charter—to submit their books to a committee authorized to report on that fact alone. But to transfer this limited right of inspection to other committees for general powers of inquisition, and for a general purpose of enforcing self-crimination, is illegal and inequitable. To do this by indirection; to clothe a committee of inquiry with the powers of a committee of visitation, and thus to acquire a right to open the books for one object, and then to inspect them for another, would be to attempt to accomplish an end in itself unauthorized, by means peculiarly unwarrantable.

For these considerations the undersigned regarded the directors as justified in requiring of the committee of the House a specification of the objects of their inquiry. The ground taken by the Committee of the Board is, as the House perceives, a ground of legal right, assumed by the directors, under the circumstances of the case. This is the third occasion on which the Bank has been visited by committees of the House. In the year 1818, a committee was appointed to examine the affairs of the Bank, then in disorder. The committee thus appointed was, by the terms of the resolution, directed to report whether the charter had been violated, and the resolution consisted mainly of a specification of alleged violations. In executing their trust, however, the committee extended their inquiries to the general management of the Bank, and examined its President, other officers, and directors, on oath. To this course of inquiry, the Bank deemed it for its interest to submit. The undersigned are not aware that any resistance was made to the demands of the committee. On the contrary, their report closes with the observation, that “it is due to the officers of the Bank at Philadelphia to state that every facility in their power was rendered in explaining the books and assisting the researches of the committee.” In one instance, in which an individual, a director of one of the offices, charged with malpractices, refused to testify, the committee ob-

serve, that they did not insist on his answering, and that they examined him chiefly to enable him, if he pleased, to exculpate himself. This committee did not confine their examinations to the officers of the Bank. They examined the Teller of the Bank of North America, and perhaps other persons. This circumstance, and the others mentioned, sufficiently show that no question as to the extent of the powers of the committee was raised during the visitation ; that the witnesses appeared voluntarily ; that the Bank deemed it for its interest to submit to the examination of the committee, in any form in which the committee thought proper to conduct it ; and that consequently the whole investigation assumed the form of a parliamentary inquiry, conducted by the assent of the parties, and without any appeal to their rights.

The examination of 1832 assumed substantially the same character. The resolution, under which the committee was raised, consisted, as originally moved, of a large detail of alleged abuses, several of which imported no violation of the charter. The House adopted an amendment proposed to this resolution by a member from Massachusetts, (Mr. Adams,) in the following terms: "*Resolved*, That a select committee be appointed, to inspect the books, and examine into the proceedings of the Bank, and report thereon, and to report whether the provisions of the charter have been violated or not." This phrasology appears to have been derived from the commencing words of the report of the committee of 1818, which is in the same terms, and not from the resolution by which that committee was created, and which provides that a select committee be appointed, "to inspect the books, and examine into the proceedings of the Bank, and report whether the provisions of its charter have been violated or not, and particularly to report" as to several matters, all, or nearly all, of which were alleged violations of the charter. The amendment offered by the member from Massachusetts, (Mr. Adams,) and adopted by the House, was offered on the ground that "the original resolution presented objects of inquiry not authorized by the charter of the Bank, nor within the legitimate powers of the House." But as it directed the committee to report generally on the proceedings of the Bank, as well as on violations of the charter, it was considered by its mover, and by many of those who supported the amendment, as authorizing an inquiry extending beyond violations of the charter. The right to constitute an inquiry of this kind was put upon the ground that the Bank was applying for a recharter, and could not reasonably decline it. At that time, as in 1818, neither House of Congress had assumed a hostile position to the Bank. Its directors, as the event proved, felt that they could rely upon the National Legislature to do them justice against any efforts which might be made to impeach their character, or arraign their conduct. Applicants for a recharter, they felt that they could not with propriety object to any latitude of inquiry which might be demanded by a House of Congress willing to grant a recharter, provided the result of the examination should be satisfactory. Accordingly, the resolution, as amended, was understood to extend, not merely to alleged violations of the charter; but to all alleged cases of official misconduct ; and on the arrival of the committee in Philadelphia, the directors of the Bank, instead of placing themselves upon their rights, ordered the President of the institution to submit all its books and papers to the unconditional inspection of the committee, and to yield himself to an

unreserved examination. The inquiry was pushed into every matter of alleged abuse, where it was supposed the Bank was most vulnerable. Nothing was spared; nothing was held back. Books and papers were submitted, and personal examinations on oath endured, although avowedly for the purpose of finding out, if it existed, matter of inculcation against the directors. The materials thus collected were spread before Congress and the people, and a majority of both Houses of Congress united in the passage of a bill for rechartering the Bank.

The President declined giving effect to the will of Congress, and the bill failed to become a law. The whole influence of the Executive was exerted to the prejudice of the institution, and the voice of the administration press was raised against it, with a concert and vehemence rarely equalled.

Doubts of the safety of the public deposits were now suggested, and these doubts received some sanction from the message of the President at the opening of the second session of the last Congress. An Executive agent was appointed to investigate that subject, and the Committee of Ways and Means, of which a majority was composed of members friendly to the administration, engaged in the same inquiry. The agent and the committee reported in favor of the solvency of the Bank, and the House of Representatives, by a majority unexampled on such a question, resolved that the public deposits could be safely continued in the Bank of the United States.

Notwithstanding this vote, the President took immediate measures to transfer the deposits to the State banks. The character of these measures is known to the House. The undersigned think themselves safe in saying that it was such as to cause the directors of the Bank the greatest possible inconvenience and anxiety. They were regarded as men guilty of the most criminal malpractices, and justly obnoxious to the severest treatment which it was in the power of the Executive to inflict. To all that was officially done, was superadded an unbroken strain of denunciation from the Government press, and threats of a purpose to break those branches of the Bank which were supposed to be feeble. At length, without previous authentic notice, the deposits were removed, a short time before the assembling of Congress. A majority of members had been elected to the House of Representatives, in part previous to the adoption of this measure, who appeared disposed to sustain the President in the policy he had adopted. By this majority resolutions were passed expressive of their opinion that the Bank ought not to be rechartered, and that the deposits ought not to be restored. These resolutions were adopted after a protracted debate on the general merits of the controversy, in which, on the part of those who sustained the President, the most unwarrantable designs and the most corrupt practices were freely ascribed to those entrusted with the direction of the Bank.

It was under these circumstances that the commission of inquiry into the affairs of the Bank was instituted. As far as that inquiry was of a character in which the Bank was, by the charter, bound to co-operate, by submitting its books for inspection, the directors have fully recognised their obligation to do so; but the undersigned confess they perceive nothing in the circumstances that preceded the inquiry which could furnish an inducement to the Bank to go further than the law requires of them. By the Executive Government, and the majority of the House of Congress, their

case had been adjudged. The laws which the wisdom of two former Congresses enacted for erecting United States' Banks, and of which every department of the Government, under every administration but the present, has recognised the validity, have been declared unconstitutional. The present inquiry was not needed to ascertain if the deposits should be removed; they were removed many months before. It was not needed to ascertain whether they could safely be restored; the House that institutes it has resolved that they ought not to be restored. The Secretary of the Treasury is left, without the instructions of the House, to deposite the public funds in any other bank he may please to select, but the House of Representatives has resolved that they ought not to be deposited in the Bank of the United States. Although the last Congress, by majorities of both Houses, decided that the Bank ought to be rechartered, and the next Congress may be of the same opinion, the present House of Representatives has resolved to the contrary, and, therefore, the inquiry was not needed to guide its judgment in the recharter of the Bank. Various misdemeanors are imputed to those who direct the Bank; but supposing their detection the object of the investigation, every principle of justice forbids a mode of inquiry, beginning and proceeding in self-crimination. The only other legitimate object which the undersigned can think of, is that of collecting information to guide the judgment of the House in the question of a new bank, to be established on the ruins of the present institution. The directors of the Bank, in the opinion of the subscribers, may be safely expected, on all occasions, to do the duty of public spirited men to their country: but no principle of public duty fairly calls upon them to go further than the law requires them, in making themselves the subjects of a criminatory inquisition, with a view to build up an institution to discharge that public trust to which they have been declared unfaithful, by those instituting the inquiry.

It is also to be recollected that two years had scarcely elapsed since the former inquiry, on which the directors of the Bank had not attempted to impose any limitations; and that inquiry had resulted so entirely to the satisfaction of the two Houses, that they passed a bill for renewing the charter of the Bank. It requires no words to show that such an examination must be highly inconvenient to the officers of the Bank, and incommode them in the orderly discharge of their duties. Still graver inconvenience may be expected to result from the effect on the public mind, in reference to the Bank, which may be produced by the recurrence of such visitations. In the progress of the controversy waged with the Bank, a few new matters of detail may perhaps have been alleged against it since the report of the former committee, but many of the matters of general inculpation now brought forward are those sifted to the bottom by that committee, and none of them possess a novelty and importance furnishing, in the judgment of the undersigned, an equitable ground for a new investigation. Is there to be no end to visitations? The House has the undoubted right to institute them as often as it pleases—every year, and every month; but if they are multiplied unreasonably, the directors of the Bank, as it seems to the undersigned, are not to be blamed if at length they put themselves upon their rights, decline to become voluntary parties to these investigations, and submit to them only as far as the charter requires.

These considerations led the undersigned to the opinion that the Committee of the Directors of the Bank were justified in the course adopted by

them on this occasion. If, on a question of law so grave and delicate, the Committee of the Directors should have come to an erroneous conclusion, (which the undersigned, however, do not admit to be the case,) it would seem an undue severity to consider and to treat such error in judgment as a contempt of the authority of the House.

6. This reflection leads the undersigned to a few observations on the various calls for copies or portions of the books, statements, documents, abstracts, and other papers, which, at different times, were made on the Bank by resolutions of the committee. These resolutions were numerous, and covered a wide range of inquiry of the most miscellaneous character. A portion of them are believed to call for documents, in whole or in part, already communicated to Congress, and published; another portion relating to matters which could not be stated without great labor of compilation, and a resort to sources of knowledge not necessarily nor officially in the possession of the Bank. Some of the calls referred to matters with respect to which no desire of concealment could, on any hypothesis, be imputed to the Bank; others related to concerns (as the undersigned will presently show) involving the highest confidence of individuals, and not to be divulged, except under legal compulsion, without the grossest breach of faith.

The answer of the Committee of the Directors to these requisitions was in the following terms :

Resolved, That the Board do not feel themselves at liberty to comply with the requirement of the resolutions of the Committee of Investigation of the 29th ult. and 1st inst., and do not think they are bound to do so, inasmuch as, in respect to a part of the papers called for, the effect would be the same as the surrender of their books and papers to a secret and *ex parte* examination, which they have already refused to consent to; and as to the other part, they relate to matters over which the Board have no control; and if they could overcome these objections, and had the power over all the papers, still it would be impossible for them to comply within any reasonable time, having ascertained, by a careful examination, that the copies and statements called for by the resolutions of the 29th ultimo, alone, would require the uninterrupted labor of two clerks for at least ten months, to make them out, and that the remaining resolutions, so far as they concern matters not beyond the reach of the Board, would require great additional time, which they are not able exactly to compute, without causing, what they fear, would be an inconvenient delay to the Committee of Investigation; and they take it for granted that it would no more comport with the views of the Committee of Investigation to wait till so distant a period, than it would with the rights of the Bank, to have such a burden imposed upon it.

If the application of the Committee of the House be regarded, according to its terms, as a mere request, it was of course competent to the directors respectfully to decline a compliance with it. It can be no contempt of of the House, nor even matter of complaint or ground of prejudice, that any request, which is merely such, is respectfully declined by the party to which it is addressed. But the Committee of the Directors appear to have regarded it as a matter of duty, not to return a naked refusal to the requisition of the Committee of Investigation. The reasons of this refusal are stated, and they appear to the undersigned to be valid. Reference to the resolutions in the appendix will enable the House to judge of this mat-

ter. The reasons, as has been seen, are, that to comply with a part of these resolutions would be, in effect, to copy or abstract an essential part of some of the books of the Bank, in order to their being made the subjects of a private and *ex parte* examination; a measure so much the more objectionable, as it would add the inconvenience of preparing the copy to all the other evils incident to such inspection. Another portion of the calls related to matters of fact, in no way appearing on the books of the Bank, and not to be ascertained but from sources of information no more accessible to the directors than to any other individual. These objections were of themselves, particularly the first, decisive. In addition to this, it appeared, from a careful examination instituted for that purpose, that the answers to the first series of calls could not be prepared without the uninterrupted labor of two clerks for at least ten months.

The undersigned are unwilling to take up the time of the House by a particular examination of each of the resolutions, but they feel themselves required to express their opinion of a portion of them. They will refer first to those which call for information touching the transactions of members of Congress with the Bank of the United States, and the correspondence of members of Congress with officers of the Bank.

One of the resolutions alluded to is in the following terms: "*Resolved*, That the President and Directors of the Bank be requested to furnish the committee with copies of all correspondence between the President of the Bank or any of its officers and members of Congress, or of *unanswered letters* received from any one of them since the first day of July, 1832, touching the renewal of the charter of the Bank, the removal or restoration of the public deposits, or touching the business transactions of such members with said banks."

Another of the resolutions alluded to is in the following terms:

"*Resolved*, That the President and Directors of the Bank be requested to furnish this committee with a detailed statement of all loans made since the 1st of January, 1829, to individuals, who then were, who have been since, and who now are, members of Congress, stating the amount of each loan, when the same was made, for what term the security was given, and the time when such security was received; and also the security which the Bank now holds, and the amount now owing by any and each of such borrowers, or other person for the benefit of such borrowers, at the Bank, or either of the branches; and stating, also, the particulars of any such loans which have been protested, or which are now under protest, and the names of the parties to any such debts; also, the names (if any) of any such persons, whose notes have been renewed after the same had become due and not protested or renewed, with the names of individuals, parties to said renewals, whose notes were under protest at the time such renewals were made; and, also, whether such loans in each case were made by the directors or otherwise, and by what authority."

The undersigned suppose it impossible to mistake the general purport of calls like these. From their minuteness of specification, they may be supposed to aim at particular individuals. Of any such reference the undersigned are without accurate knowledge; and nothing is further from their design than to impute to their respected colleagues the pursuit of any unparliamentary or improper object. They cheerfully concede to them what they claim for themselves, to have acted with a single eye to public

duty, in their apprehension of it. But the undersigned are free to confess, that they regard the undeniable purport of resolutions like those repeated as highly objectionable. They seem to them to convey a general insinuation out of place, above the region of the partisan press. The charge suggested is that of bribery and corruption so common as to authorize a general search. This is a crime unquestionably, which may, if sufficient grounds exist, be rightfully charged on any director of the Bank, or member of Congress; but which the undersigned regard as far too serious to be thus charged, without such strong grounds of presumption. It is true that it might seem gratuitous, in the undersigned, to be over forward in repelling such a charge. In the existing division of parties, they and their political friends are not found on that side of the House, which it was necessary for the Bank to buy or bribe. The honorable and high-minded men who compose the majority in the House, politically attached to the administration, and opposed to the Bank, do not need the aid of the undersigned, to show the injustice of a general imputation upon their characters. But something unquestionably is due to the general reputation of the two Houses of Congress. If individuals are, on clear grounds, suspected of being thus corrupted; if the Bank, on reasonable grounds, is suspected of this highest breach of privilege, let the individuals criminated be named; the charge be stated in form; the culprit brought to the bar of the House; and the guilty punished. But let not the whole body of both Houses be involved in one indiscriminate and odious, because vague and anonymous delation.

As for the call for the correspondence of all members of Congress with the Bank for the last two years, and particularly for copies of all unanswered letters, the undersigned could not but regard it with painful feelings. Public life, already sufficiently discredited by the fierceness of party warfare, will cease to be a pursuit for those who have not lost all taste for the social charities, if the sanctuary of private intercourse and private correspondence is to be invaded at pleasure, and every letter, answered or unanswered, which may have been written by an individual who has the misfortune to be a member of Congress, (for a great misfortune under such circumstances it would be,) is subject to be brought up by the dragnet of a general search. It was declared by Mr. Dunning, in the famous case of Money and others against Leach, that "to ransack private studies, in order to search for evidence, and even without a previous charge on oath, is contrary to natural justice, as well as to the liberty of the subject. To search a man's private papers *ad libitum*, and even without accusation, is an infringement of the natural rights of mankind." (3 Bur. 1762.) It was not the least detestable of the cruel violations of justice and law which brought Sidney to the block, that he perished in consequence of the discovery of a manuscript political treatise, brought to light by a general search among the papers in his cabinet. The undersigned perceive no more right in a Committee of this House to call for the letters which may have been written by a member of Congress to an officer of the Bank, on the subject of a renewal of the charter, than to call for his letters to any other person on any other subject. Undoubtedly it is conceivable that such a letter might become legal evidence, in a process of attachment, for breach of privilege, and in that case might be called for and used. So might any letter in any criminal cause. It is conceivable that a man's letter to his wife or child might become legal evidence in a capital trial; and in that case, if it were in the possession of a third person, the court would com-

pel its production. But the undersigned are of opinion that a general warrant to compel the production of all the letters which may have been written by a class of individuals for two years, in order to a search of the same, with a view to the institution of a criminal prosecution against the writers or receivers, is now for the first time attempted to be made, in virtue of the authority of a parliamentary body.

It is one of the infirmities of our nature, that, in the ardent pursuit of ends, which, as individuals or members of a party, we think justifiable, we sometimes go far beyond the line of justice, as we should understand it in our own case. To those who, in the ardor of a protracted controversy, have become wrought up to the belief that the Bank and all its offices are one great engine of corruption, and those who have defended its chartered rights and maintained its usefulness, in and out of Congress, a band of mercenary stipendiaries, it may seem a very just and proper demand that the confidence of their private intercourse should be violated, their business transactions stigmatized with corruption before the world, and their private correspondence spread on the journals of a Committee of the House, and, at their discretion, sent to the newspapers. But if, pausing a moment in the career of party, they will make the case their own; suppose themselves at the mercy of those now in the minority, wielding against them the entire authority of the House, sending its committees to unlock their closets, and requiring the production of every letter they may have written on public affairs for years, they will probably form a new conception of the light in which the calls now under consideration are regarded by those against whom they were aimed, if any such there be.

The undersigned would make a reflection somewhat similar, in reference to the call for the amount of fees paid to counsel for legal advice given to the Bank, and the accommodations received at the Bank, by editors and publishers of newspapers and periodical works. It will not be denied that there is an imputation of corruption in calls like these; for it cannot be pretended that, merely as a part of the business transactions of the Bank, the sums which would fall under these heads, in any estimate, however extravagant, of their amount, could be of any interest to Congress. Why then are they singled out? There is, of course, in collecting the vast amount of debt constantly falling due to the Bank, and in carrying on its large concerns, continual need of legal advice and professional service. Is it disreputable to seek this advice and service, and, having received them, to pay for them? Is the profession of the law fairly obnoxious to the stigma, which the resolution implies, on those of its members who transact the business of the Bank? Are mere partisan insinuations, fabricated with all the levity and cruelty of an unscrupulous press, sufficient ground for the virtual denunciation and proscription of a whole profession? The undersigned forbear to insist on the protection which the law gives to the intercourse of lawyer and client, and which, they believe, would protect the Bank from this search into the relations which exist between it and counsel employed in transacting its business.

Nor do the undersigned think the profession of editors and publishers, of right, more obnoxious to the imputation of corruption, on the ground of business transactions with the Bank. The nature of their business requires bank accommodation as much as any other. The undersigned do not perceive that they are more likely than any other class of citizens to be corruptly influenced by the accommodations they receive. If they were, it is doubtful, as matter of fact, whether, with an exclusive eye to

the accommodations afforded by all the banks in the country, and to the influences under which they are dispensed, it would be a better calculation, at the present day, to defend or to attack the Bank of the United States. One thing is certain, that the editor who defends the Bank of the United States, may be considered free from the suspicion of having an eye to political patronage, a source of corruption, when abused, as powerful, to say the least, as the favor of a mere moneyed institution.

7. But the undersigned hasten to express their views on the last step which was taken by the committee towards the discharge of their duty; in many respects, the most important of all. On the 9th day of May, a copy of a process, somewhat of the character of a *subpoena duces tecum*, and which may be seen in the appendix, No. 47, addressed to B. S. Bonsall, marshal of the eastern district of Pennsylvania, was served upon Nicholas Biddle, President, Emanuel [Manuel] Eyre, Matthew Newkirk, John Sergeant, Charles Chauncey, John S. Henry, John R. Neff, Ambrose White, Daniel W. Coxe, John Goddard, James C. Fisher, Lawrence Lewis, John Holmes, and William Platt, directors of the Bank of the United States, commanding the said Bonsall to summon them to be and appear before the Committee of the House of Representatives of the United States, appointed on the 4th day of April, 1834, in their chamber in the North American hotel, in the city of Philadelphia, and to bring with them the credit books of said Bank, on the 10th day of May instant, at the hour of 12 M., then and there to testify touching the matters enumerated in the said resolution, and to submit said books to said committee for inspection.

The undersigned entertained, and still entertain, great doubts of the legality of this process. The inquiry alluded to in the process is, among other things, into "the abuses, corruptions, and malpractices of the Bank," that is, the crimes and misdemeanors of its officers and directors; and the process just recited is intended to be a summons to a majority of the directors and the chief officer of the Bank to appear and testify, as individuals, to the matters of that inquiry; that is, to their own crimes and misdemeanors, with a view, as the resolution of the committee expressed it, of inquiring "whether such prosecution [viz. a criminal prosecution] should be instituted." The undersigned have already argued at length, and attempted to show, that the power reserved in the charter, of sending a committee to inspect the books and examine the proceedings of the Bank, and report whether its charter had been violated, conferred no right of compelling the production of the books out of the Bank, and the appearance of the directors, to submit to an examination on oath as to their innocence or guilt, of the unspecified crimes and misdemeanors laid to their charge. In like manner the undersigned have expressed their decided conviction that the general power of inquiry possessed by the House can have no rightful extension to a case like this. It follows, by necessary consequence, that no process, having for its object to compel the directors to appear before the committee, and bring with them the books of the Bank to be inspected, and to testify touching the matters of such an inquiry, could be legal. The object of the process was unauthorized by law.

Incident to this fatal objection to the process, is another not less so. A *subpoena duces tecum* is a process, not issuing to the party criminated or implicated in the trial, or interested in the suit, but to a third person to appear and bring with him any paper in his possession, which may be law-

fully used as evidence in the trial or suit, without prejudice to the person summoned, or his title. The process of the committee was intended to be addressed to those whose abuses, corruptions, and malpractices were the subjects of inquiry; and the book they were ordered to bring with them, was to be used in their own crimination.

The form of the process, and its mode of service, are believed by the undersigned to be not less objectionable than its object, and equally fatal to its legal character; but on this topic they omit to dwell.

Notwithstanding the strong objections to its legality, the persons to whom it was addressed, individuals unsurpassed for probity, intelligence, and weight of character in the community, treating it with the respect due to the House of Representatives, obeyed its call, and appeared before the committee at their chamber in the North American hotel. Their answer to the summons was communicated in writing, and appears among the documents as paper No. 48. They state therein that they do not produce the books of the Bank, because they are not in the custody of either of them, but in that of the Board of Directors. By the Board, it will be recollected, the books had been confided to a committee of their number, to be by them submitted to the Committee of Investigation. If it were the purpose of the Committee of the House to address their process to the party having the actual possession of the books, it would seem that the Committee of the Directors was that party delegated by the Board, and recognised throughout the transaction as their agent, by the Committee of the House. If, on the other hand, it were intended to address it to the party to whom the books ultimately belonged, it would seem that it should have gone to the corporation.

The written answer of the directors (after stating their ignorance, whether they should be called on to testify,) expressed a purpose not to testify to the matters of the inquiry, in consideration of the character of the inquiry, and their own relation to it, as corporators and directors. But as none of the persons summoned were required by the committee to testify, no actual refusal to testify took place, and consequently no contempt (supposing an actual refusal would have been such contempt, which the undersigned do not admit) was committed by the directors against the authority of the House.

The undersigned are aware that, supposing the process valid in its object, substance, form, and service, it was matter of indifference, as far as the question of right is concerned, what book or books the directors were required by it to produce. But they cannot but express the opinion, that a demand for the credit books of the Bank, showing the accounts of every individual with the institution, was the last which, in a tender regard to the rights and feelings of third persons, it would have been expedient to make.

So sacred is the confidence of individuals dealing with the Bank, that the charter exempts the state of their accounts from the weekly inspection which the Secretary of the Treasury is authorized to make, and the by-laws, which have been in force from the foundation of the institution, forbid a director, without special authority, to inspect the cash account of individuals. To require the directors to take from the banking house, convey through the public street, and open for inspection in the chamber of a hotel, the book containing the account of every individual with the Bank, would seem to indicate the purpose of putting to the severest test the power of the House, the obedience of the Bank, and the patience of innocent third parties whose vital interests might be jeopardized in this procedure.

The previous demands of the committee having assumed the form of requests, could only be objected to in their spirit and tendency. There is nothing which a committee authorized to inquire, may not request, because there is no request, which, as such, may not be refused. The law knows nothing of requests; their refusal puts no one in contempt. But the process now under consideration assumes the form of a legal and compulsory instrument, authenticated by the seal of the House, and the signature of the Clerk. Obedience to such an instrument, (if it is lawfully issued,) can be compelled against all obstacles and opponents, and those who maintain its legality, must maintain the power of enforcing it. How shall it be enforced, in case it is disobeyed and resisted? Shall the Sergeant-at-Arms be sent to attach the directors? Shall they be brought prisoners to the seat of Government, and the bar of the House, attached for refusing to produce and bring their books to the North American hotel, and for avowing a purpose (which was not put to the test) not to submit to an examination on oath, touching their own crimes and misdemeanors? A satisfactory answer, consonant to reason and justice, and grounded on the constitution and laws of the United States, must be found to this question, by all persons who maintain the validity of the process issued by the committee.

That such a process is no *subpoena duces tecum*, is obvious from the fact that it is addressed to the parties implicated. It is no process in chancery, requiring a party to produce his books and papers; for its avowed object is to inquire whether "a criminal prosecution shall be instituted;" an object for which the Chancellor will require no man to produce his papers. Unlike any of the processes known to the humane jurisdiction of the present day, it is, in their most odious features, identical with the general warrants of the dark ages of English liberty, and the writs of assistance which first kindled the spirit of resistance in the American colonies. It is a compulsory process, to compel the good people of the United States to produce their books and papers, and submit them to general search in proof of crimes not charged but suspected; to be enforced by attachment, imprisonment, and infinite distress;—a search of books, a search of papers, a search of accounts, a search of letters, and an examination on oath of the persons implicated, touching the matters whereof they are suspected. In what does such a warrant differ from those which were issued under the First Charles and the Second James, for which, among other things, Scroggs was impeached; and which the House of Commons, in 1763, after full argument, solemnly resolved to be illegal? Illegal for a Court of King's Bench in 1684, illegal in the judgment of the House of Commons in 1763, the undersigned are slow to believe that an American House of Representatives, in 1834, will be found to assert, or an American citizen to admit, their legality.

In conclusion, the undersigned would observe, that neither of them gave his voice for the resolution creating the committee, nor deemed the inquiry, in many of its objects, necessary or proper. They hope it is not improper to add the expression of the opinion that, had the attention of the House been particularly drawn in debate to the terms of the resolution, it would have received some modification; and that it is owing to its passage under the operation of the previous question, and without any examination of its details, that it received, in its present form, the sanction of the House. Being, however, placed on the committee, the undersigned were desirous of discharging their duty as members of it, under the order of the House,

to the best of their ability, and according to their understanding of the rights of the corporation visited—the powers of the House, and the principles of justice. They were desirous of taking up the various matters of inquiry enumerated in the resolution, viz. the causes of the distress, the alleged violations of the charter, and the imputed corruptions of the Bank, one by one; of considering them in the order in which they are arranged by the House; of investigating each according to its nature; of inspecting the books and examining the proceedings of the Bank according to the charter, that is, in reference to all objects which, by the charter, are properly subjects of such inspection and examination; or in regard to which the directors might voluntarily submit them for inspection; and of inquiring into the other matters referred to them, as far as, on consideration, they should deem the committee competent to do so.

Of all these objects, the undersigned confess that they regarded that which stands foremost in the resolution as vastly the most important; an inquiry into the causes of the present distress. It was their firm persuasion that the country demanded this inquiry of Congress. A number of memorials and of subscribers to them, greater by far than have at any former period come before Congress, invoked the aid of the National Legislature to relieve them from a state of unexampled distress. An embarrassment unusually extensive and severe, and not yet essentially alleviated, demanded an inquiry into its causes. It was alleged, on the one hand, to be wantonly produced by the Bank; and, on the other, to be the unavoidable consequence of the financial policy pursued by the Executive. The undersigned wished to make this the first, as it was infinitely the most important object of their investigations; to receive the testimony of enlightened merchants and men of business, in the intelligent community to which they were sent, (who might be willing to appear before them,) as to the extent and causes of the distress; to receive from the Bank those statements of its affairs, which they are well persuaded it would most cheerfully have afforded, and which would have illustrated its whole course in the difficult and trying position into which it has been thrown; and from all other persons, on whom the committee would have had a right to call, their testimony as to the manner in which this measure of the Executive has been taken up and carried on. Such an examination, the undersigned believe, would have been useful to Congress; satisfactory to the people; and powerfully efficient in leading to the removal of the heavy burdens now lying on them. This object first accomplished, as it was the first in the precept of the House, the undersigned would have proceeded to consider the violations of the charter; and as the resolution of the House does not confine the inquiry to those violations with which the Bank has been charged, they would have deemed themselves authorized to extend their researches to those of which the Bank complains, particularly to the removal of the deposits for reasons not deemed satisfactory by Congress, as now appears of record on the journal of one of the Houses of Congress. If, after these inquiries had been gone through, it had still appeared, on considering the other matters comprehended in the resolution, that they required or admitted further investigation, the undersigned would cheerfully have co-operated in the work, resorting to every source of information, legally available, as far as the same could, by the charter, be required from the Bank, or legally received or compelled from any other quarter. If, in the progress of such an investigation, so conducted, disclosures had been made of matter

requiring or authorizing any further procedure on the part of the House, the undersigned would not have been behind the most zealous of their associates, in denouncing it to the House and the country. A different view of their duty was, however, taken by their colleagues, resulting in a series of measures, from which the undersigned unfortunately found themselves obliged to dissent.

But while there was a form, in which the undersigned were prepared to meet every part of the resolution under which the committee was raised—the form most consonant to the wants and wishes of the country, (to which all other matters of party crimination are insignificant, compared with the great question of the causes, the just responsibility, and the remedies of the present sore distress)—the form unquestionably in which the resolution was viewed by one considerable class of those who voted for it in the House—the undersigned freely admit that, in the range and character proposed to be given to the inquiry by their colleagues, the majority of the committee, the purpose of the majority of the House was not mistaken. They think that no candid person, contemplating all the circumstances of the case from the first demonstrations of a policy on the part of the Executive hostile to the Bank, down to the recent measures in support of that policy in the House of Representatives, will deny that its object was the overthrow of the institution, and the impeachment of its directors, before the bar of public opinion, if not before that of the judicial tribunals of the land, of gross malpractices, corruptions, and frauds; and that the inquiry to be conducted by the committee, of which the undersigned composed the minority, was proposed to be one of the measures to promote that end. So far from this being denied, the undersigned understand it to be not only admitted but claimed as a merit, on the part of the friends of the present administration of the National Government.

How was it natural that such an inquiry should be met by the Bank, or rather by those who have been entrusted by the stockholders with its direction? The Bank is a legal abstraction. To charge the Bank with bribery and corruption, is to use words which have no accurate meaning, true or false. The party implicated is the directory and officers; men of character; men known to the community as some of its most useful members and highest ornaments; men of probity, unimpeached in private life. Some of them are merchants, whose word in the most important transactions would be deemed as good as their bond, and others are professional characters, who adorn the highest tribunals of the country. These are the party implicated; charged with a most cruel and perfidious design to bring universal distress upon the country, for the sake of paltry selfish ends; and, to promote these ends, further charged with corrupting the conductors of the press, corrupting the people in the exercise of their elective franchise, and corrupting the members of Congress. Are honest and honorable men, charged with these odious misdemeanors, to submit to the charge without a murmur; to acknowledge the reasonableness of making it; the expediency of investigating it, all vague and unspecified as it is; the reality of a *prima facie* case against them? Does conscious innocence require them to admit that there is ground of suspicion? Does the strong and indignant feeling that their characters are outraged, while their rights are invaded, call upon them voluntarily to take the culprit's place; and endure the ignominy of what they deem an uncalled for and a vexatious inquisition? Or is it not rather the natural dictate of proud and conscious innocence to

place themselves upon their rights, beneath the ægis of the law? If I go to my neighbor, as honest a man as myself, and say, "you are a swindler and a knave," shall he meekly ask me to enter his house, lay open his ledger and his letter book, and invite me to collect the materials out of which I may prejudice the public against him? The directors of the Bank are citizens, as honest and as virtuous as any of those, in office or out of it, high or low, who charge them with corruption. A good name is as dear to them as to their accusers. Their stake in the welfare of the country is as great. The success with which they have conducted the affairs of the great institution entrusted to their care, is not matter of opinion; it is notorious to all the world. At this moment, notwithstanding the fearful warfare waged against them by almost every branch of the Government of their own country, their credit is as good at London and Paris, as that of the Bank of England or France. At this moment, in the remotest East, in the markets of China, where the silver coin of the country, from the public mint, is undervalued, the paper of the Bank of usefulness, it has been, unfortunately for the country, drawn into the field of political controversy; its directors and officers vilified by name, their most laudable measures misrepresented, their most innocent acts calumniated, and their slightest errors of judgment tortured into corruptions and crimes; above all, the severe distress, with which the country has been visited, for the sake of carrying on this warfare, has been cruelly imputed to the wanton action of the Bank, though struggling for its own existence against the most formidable efforts to crush it. The calm and dignified tone which characterizes the communications of the Committee of Directors, under circumstances like these, is, to the undersigned, a satisfactory indication of their integrity and conscious purity. They have placed themselves where, as American citizens, conscious of their rights, of their injuries, and of their innocence, they had a right to place themselves, under the protection of the law.

Firmly believing that they are innocent of the crimes and corruptions with which they have been charged, and that, if guilty, they ought not to be compelled to criminate themselves, the undersigned are clearly of opinion that the directors of the Bank have been guilty of no contempt of the authority of this House, in having respectfully declined to submit their books for inspection, except as required by the charter.

All which is respectfully submitted by

EDWARD EVERETT,
WILLIAM W. ELLSWORTH.

HOUSE OF REPRESENTATIVES,
22d May, 1834.

APPENDIX.

No. 1.

PHILADELPHIA, NORTH AMERICAN HOTEL,

April 23, 1834.

SIR: I have been directed by the committee appointed to investigate the affairs of the Bank of the United States, to enclose to you the accompanying copy of a resolution of the House of Representatives of the United States, and to inform you that the committee will be prepared to visit the Bank of the United States to-morrow, at any hour that will be agreeable to you to receive them, to commence the discharge of the duties assigned them.

I have the honor to be,

Very respectfully,

Your obedient servant,

FRANCIS THOMAS,

Chairman Committee of Investigation.

N. BIDDLE, Esq.

President Bank of the United States.

Resolved, That, for the purpose of ascertaining, as far as practicable, the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States, in sundry memorials which have been presented to Congress at the present session, and of inquiring whether the charter of the Bank of the United States has been violated, and also what corruptions and abuses have existed in its management; whether it has used its corporate power, or money, to control the press, to interfere in politics, or influence elections, and whether it has had any agency, through its management or money, in producing the existing pressure, a select committee be appointed to inspect the books and examine into the proceedings of the said Bank, who shall report whether the provisions of the charter have been violated or not, and also what abuses, corruptions, or malpractices have existed in the management of said Bank, and that the said committee be authorized to send for persons and papers, and to summon and examine witnesses on oath, and to examine into the affairs of the said Bank and branches; and they are further authorized to visit the principal Bank, or any of its branches, for the purpose of inspecting the books, correspondence, accounts, and other papers connected with its management or business; and that the said committee be required to report the result of such investigation, together with the evidence they may take, at as early a day as practicable.

BANK OF THE UNITED STATES,

April 23, 1834.

SIR: I have had the honor of receiving your letter of this day's date, with a copy of the resolution of the House of Representatives of the United States, passed on the 4th instant.

I shall forthwith call a special meeting of the Board of Directors of the Bank at nine o'clock to-morrow morning, when these papers shall be submitted to them, after which a communication on the subject shall be made to you.

In the mean time, I have the honor to be,

Very respectfully, yours,

N. BIDDLE, *President.*

HON. FRANCIS THOMAS,
Chairman Committee of Investigation.

No. 2.

BANK OF THE UNITED STATES,

April 24, 1834.

SIR: I am directed by a Committee of the Directors of the Bank of the United States, to send you the enclosed copy of a resolution adopted this morning by the Board, at a special meeting, convened in consequence of your communication of yesterday to the President, and to inform you that the committee will immediately direct the necessary arrangements to be made for the accommodation of the Committee of the House of Representatives of the United States, and will attend at the Bank to receive them at 11 o'clock to-morrow morning.

I have the honor to be,

Your most obedient servant,

JOHN SERGEANT,

Chairman.

To the Hon. FRANCIS THOMAS,
Chairman Committee of Investigation.

Resolved, That a committee of seven members of the Board be appointed to receive the Committee of the House of Representatives of the United States and to offer for their inspection such books and papers of the Bank as may be necessary to exhibit the proceedings of the corporation according to the requirement of the charter.

The following directors were then appointed to compose the said committee:

Mr. Sergeant, Mr. Eyre, Mr. Lewis, Mr. Neff, Mr. Chauncey, Mr. Coxe, Mr. Henry.

No. 3.

FRIDAY, *April 25, 1834.*

Mr. Sergeant offered to the Committee of the House of Representatives the assistance of the Committee of the Bank, in giving every facility to the

prosecution of their inquiry. Mr. Thomas then presented to the Committee of the Bank the following :

Ordered, That the President of the Bank of the United States be requested to furnish the committee with a list of the books of the Bank, with an explanation of the purposes for which each is designed, and the names of the clerks to whose care and custody they are respectively committed; and, also, a copy of the by-laws now in force in the Bank, and of the by-laws in force prior to the first Monday of December, 1829.

No. 4.

BANK OF THE UNITED STATES,

April 25, 1834.

SIR: I have had the honor to send you, agreeably to your request, "a list of the books of the Bank, with an explanation of the purposes for which each is designed."

In regard to the remaining part of the inquiry, "the names of the clerks to whose care and custody they are respectively committed," I am instructed by the Committee of the Board to say that these books are not understood to be in the care and custody of the clerks, but in the general custody of the Board. The names of the clerks who make entries in them, and for that purpose have possession of them during the hours of business, are added to the list of the books.

I also enclose "a copy of the by-laws now in force in the Bank, and of the by-laws in force prior to the first Monday of December, 1829."

I have the honor to be,

Very respectfully, your obedient servant,
JOHN SERGEANT,

Chairman.

The Hon. FRANCIS THOMAS,
Chairman of Committee of Investigation.

No. 5.

BANK OF THE UNITED STATES,

April 26, 1834.

SIR: In compliance with the direction of the Committee of Investigation, I have the honor to enclose to you the accompanying resolutions.

I am, very respectfully,

Your obedient servant,
FRANCIS THOMAS,

Chairman.

To JOHN SERGEANT, Esq.
Chairman of the Committee of Directors of the Bank U. S.

No. 6.

[Enclosed in the foregoing.]

Resolved, That the proceedings, investigations, and examinations of the committee of the books, papers, and affairs of the Bank, shall be confidential, unless otherwise ordered by the committee.

Resolved, That the investigation of this committee into the affairs, management, and concerns of the Bank of the United States, shall be conducted without the presence of any person who is not required, or invited to attend the examination of this committee.

Resolved, That the chairman communicate a copy of the foregoing resolutions to the committee appointed by the directors of the Bank of the United States to receive the Committee of the House of Representatives.

A true copy.

RICHARD RUSH,
Secretary to the Committee.

No. 7.

BANK OF THE UNITED STATES,

April 26, 1834.

SIR: I have received, and have laid before the Committee of the Directors of the Bank of the United States, your note of this date, and the enclosed copy of the resolutions of the Committee of the House of Representatives of the United States. I am directed by the committee to inform you that your communication will be laid before the Board at a special meeting convened for the purpose, and that we will be prepared to make known to you the decision of the Board at your next meeting, on Monday, at 11 o'clock.

I have the honor to be

Your most obedient servant,

JOHN SERGEANT, *Chairman.*

To the Hon. FRANCIS THOMAS,

Chairman of the Committee of Investigation of the House of Reps.

No. 8.

BANK OF THE UNITED STATES,

April 28, 1834.

SIR: In conformity to my communication of the 26th instant, your note of that date, and the resolutions enclosed in it, have been laid before the Board of Directors of the Bank of the United States at a special meeting convened for the purpose. I have now the honor to enclose you a copy of the resolutions of the Board, and to be,

With great respect,

Your most obedient servant,

JOHN SERGEANT, *Chairman.*

To the Hon. FRANCIS THOMAS,

Chairman of the Committee of the House of Reps. U. S.

1. *Resolved*, That the Board recognise the right of the Committee of the House of Representatives of the United States to inspect the books and to examine into the proceedings of the Bank of the United States, according

to the provisions of the charter ; and, to enable the committee to exercise this right, according to the order of the House of Representatives, the Board have endeavored to do all that could manifest their respect for the committee, or contribute to the convenient performance of its duty, by offering a room in the banking house for its accommodation, and appointing a committee of directors to exhibit the books and papers according to the requirement of the charter : but the Board cannot, consistently with their sense of duty to the Bank, and of the obligations of the trust committed to them, consent to give up the custody and possession of the books and papers of the Bank, nor permit them to be examined but in the presence of the committee appointed by the Board.

2. *Resolved*, That considering the nature of the proceedings, which resulted in the resolution for the appointment of the Committee of the House of Representatives of the United States, to examine the Bank of the United States, and considering the very grave and accusatory nature of the inquiries directed to be made by that resolution, as well in their bearing upon the Bank, as upon the individual citizens entrusted with its administration, the Board cannot but deem it due to the demands of common justice that the institution, and the individuals, should have the opportunity to be present, by their representatives appointed for that purpose, at all examinations to be made by the committee touching their character and conduct, whether the same be of books and papers, or of witnesses. It is most manifest to the Board that, for the purpose of arriving at the truth, examination in the presence of the parties would be the natural and effectual mode of proceeding ; and the Board, being confident that examinations so conducted would result in a manner creditable to the Bank, have promptly and cheerfully acceded to the amplest investigation : but, if they are to understand the resolutions of the Committee of the House of Representatives of the United States, of the 26th instant, as announcing an intention to pursue a different course, they do solemnly protest against the same, being fully satisfied that secret and partial examinations are unjust and oppressive, and contrary to common right, and never to be resorted to but in cases of necessity, of which the present cannot, in the opinion of the Board, be said to be one.

3. *Resolved*, That the committee, appointed on the 24th instant, be instructed to furnish a certified copy of the foregoing resolutions to the Committee of the House of Representatives of the United States.

No. 9.

BANK OF THE UNITED STATES,

April 28, 1834.

SIR : I have been directed by the Committee of Investigation to acknowledge the receipt of your letter of the 28th instant, and to inform you that I shall be authorized to reply to it by to-morrow at 9 o'clock A. M.

I am, very respectfully,

Your obedient servant,

FRANCIS THOMAS.

JOHN SERGEANT, Esq.

Chairman of the Committee of Directors of the U. S. Bank.

No. 10.

COMMITTEE ROOM, *April 29, 1834.*

SIR : I have the honor to enclose to you the accompanying copies of resolutions which have been adopted to-day by the Committee of Investigation, in reply to your communication of the 28th instant.

With great respect,

I am your obedient servant,

FRANCIS THOMAS.

To JOHN SERGEANT, Esq.

Chairman of the Committee of Directors of the U. S. Bank.

No. 11.

[Enclosed in the foregoing.]

COMMITTEE ROOM, *April 29, 1834.*

At a meeting of the Committee of Investigation of the House of Representatives, on motion,

1. *Resolved*, That this committee duly appreciate the disposition manifested by the directors of the Bank of the United States, in offering accommodations in their banking house for its use, as contained in the communication of the Committee of the Board of Directors of the 24th instant, that this committee accepted that offer under the belief that it would promote as well its convenience as that of the officers of the Bank, and that the room thus offered would be exclusively for its occupation, and that of those whose attendance might be, by the committee, required or assented to, during the business hours of the Bank, and that the committee is willing still so to consider it.

2. *Resolved*, That this committee, charged with important duties, and acting under its responsibility to the House of Representatives, and the laws of the United States, claims the right, to be exercised at its discretion, to compel the production of the books and papers of the Bank for inspection, and to inspect the same in such mode as to the committee may seem best calculated to promote the objects of its inquiry. But this committee has not determined that it will become necessary to perform that duty, out of the presence of those charged by the directors to submit the same to the inspection of the committee.

3. *Resolved*, That this committee cannot recognise the right of the Board of Directors to regard the resolution of the House of Representatives as accusatory in its character, or this committee as charged with the duty of criminating the Bank or its officers. That, in the resolution of the 26th instant, the committee intended to assert its right to control its own proceedings, and not to indicate a purpose of making a secret and partial examination, or of practising injustice or oppression. That the committee cannot but regard the expression of such an apprehension by the Board of Directors as unjust to its members, and unauthorized by the resolution.

4. *Resolved*, That this committee, actuated by a sense of justice, will unhesitatingly afford to every person, whose character or conduct may seem to be affected in the progress of their investigations, a full opportunity of explanation and defence, but claim the right of determining the time and mode of giving such privilege; and, therefore, cannot recognise the right of the directors to prescribe the course to be pursued by this committee in making its examinations.

5. *Resolved*, That a copy of the foregoing resolutions be communicated by the chairman to the Committee of the Directors of the Bank.

No. 12.

BANK OF THE UNITED STATES,

April 29, 1834.

SIR: I have the honor to acknowledge your note of this date, and the copy, enclosed in it, of the resolutions adopted by the Committee of the House of Representatives of the United States. They have been laid before the Committee of the Board of Directors, and I am directed by them to make the following reply:

The committee would, in the first place, respectfully state that it was not their intention, nor the intention of the Board, to allege that the Committee of Investigation was charged with the duty of criminating the Bank or offices. They meant only to say, as will be seen by reference to the resolution, that the inquiries directed to be made were in their nature accusatory: and so the Committee of the Board are still obliged to consider them.

The committee would further respectfully state that it was not the intention of the Board to impute to the Committee of Investigation a purpose of making a secret and partial examination, or of practising injustice or oppression. They simply intended to assert what they believe to be beyond all dispute or doubt, that secret and partial examinations into matters which have a bearing upon the character and conduct of individuals are unavoidably unjust and oppressive.

And, finally, the committee would most respectfully disclaim all intention to control in any manner the proceedings of the Committee of Investigation, or to prescribe to it any course whatever. The Board are very sensible they have neither the power nor the right to do so. The only purpose of the Board was to exhibit respectfully to the Committee of Investigation their views of their own rights upon the two points presented by the resolutions of the Committee of Investigation of the 26th instant, from which views they have seen no reason to depart.

The committee are very happy to perceive that, as yet, there is no practical difference between the views of the Board and those entertained by the Committee of Investigation, as to the mode of proceeding to be adopted, inasmuch as the resolutions you have done me the honor to send me, inform us that the Committee of Investigation have not come to any decision, and we, therefore, may indulge a hope that, seeing the reasonableness and justice of the views respectfully suggested by the Board, the Committee of Investigation, when they come to decide, will not differ from the Board in opinion.

I am directed, in conclusion, respectfully to request, when the Committee of Investigation shall have decided upon the mode of proceeding they will adopt, they will be good enough to communicate their decision, that the Board may be able to take such measures as it may seem to require. In the mean time, I beg you to be assured of the continued disposition of the Board and the committee to contribute all that may be in their power to promote the accommodation and convenience of the Committee of Investigation, as well as of the great respect of

Sir, your most obedient servant,

JOHN SERGEANT, *Chairman.*

To the Hon. FRANCIS THOMAS,

Chairman of the Committee of the House of Reps. U. S.

No. 13.

COMMITTEE ROOM, *April 29, 1834.*

SIR: In compliance with the directions of the Committee of Investigation, I have the honor to enclose to you the accompanying resolutions.

With high respect, I am your obedient servant,
FRANCIS THOMAS, *Chairman.*

To JOHN SERGEANT, Esq.,
Chairman of the Com. of Directors of the Bank of the U. S.

No. 14.

[Enclosed in the foregoing.]

Resolved, That the President, Directors, and Company of the Bank of the United States be requested to furnish the Committee with a statement of the outstanding certificates of the public debt, for which the Bank holds the money in deposit to redeem, under the designation of "redemption of public debt," showing the names and residence of the holders of such outstanding certificates; the amount of each, and the aggregate of the whole; the class of loans to which they belong respectively, and whether the Bank has paid interest to any of the holders of the same, since they fell due and payable.

A true copy:

RICHARD RUSH, *Secretary.*

No. 15.

Resolved, That the President, Directors, and Company of the Bank of the United States be requested to furnish the Committee with the entire correspondence between said Bank, or any of its agents, and the Secretary of the Treasury and Baring, Brothers and Company, and Hottinguer and Company, touching the bill of exchange drawn by the Treasury Department on the French Government, on the 7th of February, 1833; also copies of all accounts and accounts current with said Bank, from either Baring, Brothers and Company, or Hottinguer and Company, between the 1st of January and July, 1833.

A true copy:

RICHARD RUSH, *Secretary.*

No. 16.

Resolved, That the President, Directors, and Company of the Bank of the United States, be requested to furnish the Committee with a list of the names and residences of all the persons who surrendered their certificates of three per cent. stock, and received a credit on the books of the Bank therefor; the time when, and amount placed at the credit of each; the aggregate amount thus surrendered, and the dates at which the same were paid by the Bank to the proprietors; the names of the agents employed by the Bank in any negotiations or arrangements to postpone the payment of said stocks; the compensation allowed to each agent; and the amount of expenses allowed to each in addition to compensation.

A true copy:

RICHARD RUSH, *Secretary.*

No. 17.

Resolved, That the President, Directors, and Company of the Bank of the United States be requested to furnish the Committee with a statement, showing the names of all special agents employed by the Bank since its establishment, the objects of such agencies, the compensation allowed to each, the services rendered

by each, the duration of such agencies, the expenses allowed to each in addition to compensation, and whether either of such agents was either a member of Congress, State Legislature, or officer of the General Government, at the time of employment. A true copy: RICHARD RUSH, *Secretary*.

No. 18.

Resolved, That the President and Directors of the Bank of the United States be requested to furnish this Committee with the following statements:

1st. A statement showing the amount of public money on deposit in the Bank and its branches respectively, to the credit of the Treasurer, and other officers of the United States, in each month, from April, 1832, to April, 1834, inclusive.

2d. A statement showing the number of votes given at each election for Directors of the parent Bank since December, 1832; showing, also, what number of votes were given in person by the stockholders, and what number by proxy, and by whom such proxies were held, and a list of the Directors elected at each election.

3d. A statement showing the amount of gold or silver coin which has been purchased or sold by the Bank, the names of the persons to whom such sales and from whom such purchases have been made, and the gross amount of profit derived by the Bank therefrom; and also showing the most usual and highest prices received for each of the following descriptions of coin, and whether the same have been sold in the United States, or in foreign countries.

1. Gold eagles, halves, and quarters of the United States' coinage.
2. Silver dollars, halves, and quarters of the same coinage.
3. Spanish doubloons, and their parts.
4. Patriot do. do.
5. Spanish milled, Mexican, Peruvian, and Chilian dollars.
6. English guineas and sovereigns.
7. Louisd'ors of France, and five-franc pieces.
8. Half joes of Portugal or Brazil.

4th. A statement showing the amount of gold or silver coin which has been drawn, by order of the parent Bank, from each of its western, southwestern, and southern offices; and also the amount of specie which has been sent thereto by the same authority.

5th. A statement showing the names of all persons, alphabetically arranged, who were indebted to the parent Bank on the first Monday of December, 1829; showing, also, whether by authority from the Board of Directors, the Exchange Committee, the President, or other officer of the Bank, each loan thus made the residence of each borrower or debtor, the terms on which each loan was made, and whether each debtor was liable as endorser or drawer, principal or security.

6th. Statement, similar to the foregoing, of the debts due to the parent Bank on the 1st day of June, 1832, and on the 28th day of April, 1834.

7th. A statement showing the amount of foreign or domestic gold or silver coin, or bullion, which has been exported by the Bank, for each and every month, since the 1st of March, 1832, and the profits derived by the Bank from such exportation; and also the amount of specie imported by the Bank within the same period.

8th. A statement showing the capital of each of the offices or branches of the Bank, with a tabular statement showing the liabilities and resources of each branch or office, on the 1st of each and every month, from March, 1832, to April, 1834, inclusive.

9th. A statement showing the amount of domestic bills possessed by each of the branches and officers of the Bank on the first day of each month, from March, 1832, to April, 1834, inclusive; showing also the places at which the same were

purchased, and the time when and places where the same were or will be payable.

10th. A statement showing the amount of money which has been at any time loaned by the Bank on pledges of stock as collateral security, the kind and description of stocks thus pledged, the date and terms of each loan, the names of the borrowers, with the amount loaned to each, and the amount now due by such borrowers respectively.

11th. A statement showing the names of the stockholders of the Bank, with the number of shares held by each, the residence of each, their official stations, if in office; and showing also the aggregate number and value of the shares held by foreigners and citizens of the United States respectively.

A true copy:

RICHARD RUSH.

No. 19.

COMMITTEE ROOM, (North American Hotel,) April 30, 1834.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th instant, and, having submitted it to the consideration of the Committee of Investigation, have been authorized to present to you the following reply:

The Committee regret to find that the character of the resolutions heretofore adopted by them, and of which copies have been forwarded to you, is much misunderstood. In your letter of the 29th, it is said "that the Committee of Investigation have not come to any decision" as to the mode of proceeding to be adopted. The propriety or justice of such an allegation is not perceived. The Committee have decided, and made known to you that decision, that they have the power to compel the production of the books and papers of the Bank for inspection; that they have the power to make such inspection in the presence of those only who may be by the Committee required or invited to attend; and to exclude from their room all persons whatever, who, by their presence, may in any degree tend to impede the progress of the inspection of the books and papers, or incommode the members of the Committee in the discharge of the high duties devolved on them by the House of Representatives. The Committee reserve the right to exercise that power when it shall become necessary, and in the manner which their sense of propriety, and desire to do justice to the Bank and to the country, may dictate. They hope that nothing will occur, in the course of this scrutiny, which may render it proper for them to decide upon and exercise the full extent of the powers conferred upon them by the House; and are happy to learn that "there is no practical difference between the views of the Board and those entertained by the Committee." They will be glad to know whether they are authorized to conclude that the room which has been offered for their accommodation at the banking house, can be conveniently set apart for their exclusive use and occupation, from ten o'clock, A. M. until three, P. M. during their continuance in Philadelphia. The Committee assure the Committee of Directors, that it is their desire to conduct the investigation at the place mutually convenient to them and the officers of the Bank, and in a manner calculated to work no "injustice or oppression."

An answer, consistent with your earliest convenience, to so much of this communication as relates to the occupation of the room in the banking house, is respectfully requested.

I have the honor to be, with great respect, your obedient servant,

FRANCIS THOMAS.

To JOHN SERGEANT, Esq., *Chairman of the Committee
of the Board of Directors of the Bank of the United States.*

BANK OF THE UNITED STATES, *May 1st, 1834.*

SIR: I have the honor to acknowledge your letter of the 30th of April. It has been laid before the Committee of the Board, and, by their direction, I make the following reply:

In saying that, according to the tenor of the resolutions of the Committee of Investigation of the 29th ult., there was "as yet no practical difference" between the Committee and the Board, the Committee of the Board still think the language they used was correct and appropriate. It is true, that in these resolutions the Committee of Investigation had asserted a power which might, perhaps, have been controverted. But it was not the intention of the Committee of the Board to discuss or question the powers of the Committee of Investigation in the abstract, or as matter of opinion, but simply to set forth their own views of what they believe to be the rights of the Bank, and of the individual citizens intrusted with its administration.

The "practical difference," according to the view of the Committee of the Board, would only occur when there should be an actual, as distinguished from a theoretical collision; that is to say, when an exertion of power, attempted by the Committee of Investigation, should be met by an assertion of right on the part of the Board, incompatible with its prosecution. Such a state of things would be extremely to be regretted. It must, nevertheless, be conceded that a case might be presented in which the Committee of the Board would be compelled, by a deep sense of duty, to consider their rights, and to act upon their own views of them.

Among the risks incident to an error of judgment in deciding, they would esteem it one of the greatest that their conduct might, by possibility, be imputed, however unjustly, to a want of due respect for the Committee of Investigation, or for the high source from which their authority is derived.

Under the influence of these feelings, and with a strong desire that the investigation might be conducted in a manner satisfactory to both the parties, the Committee of the Board gladly embraced the belief—it may be that their strong inclination led them too hastily to believe—that there was, "as yet, no practical difference." If in this they misunderstood the terms of the resolutions of the Committee of Investigation, they will be ready to receive explanation of the Committee, in this or any other matter, to correct the misunderstanding.

They deem it due, however, to the Committee of Investigation, as well as to themselves, to say further, that in the letter of the Committee of Investigation of the 30th ult. there appears to be a misapprehension of the meaning of the Committee of the Board in their letter of the 29th ult.

The Committee of the Board did not say "that the Committee of Investigation had not come to any decision as to the mode of proceeding to be adopted." They do not know, nor can they, without failing in the respect due to themselves, pretend to know, what may have been, or what may be, the decisions of the Committee of Investigation, except so far as the Committee may think fit to communicate them. Accordingly, their letter of the — ult. was founded entirely on the resolutions of the — ult., copies of which were transmitted to them by the Committee of Investigation; and the passage above quoted, with its context, referred especially to the following sentence, in the second of those resolutions, to wit: "But this Committee has not determined that it will become necessary to perform that duty out of the presence of those charged by the Directors to submit the same to the inspection of the Committee." Comparing this with the resolutions of the Board of Directors, heretofore handed to the Committee of Investigation, it did appear to the Committee of the Board that there was no decision upon this material point, and, therefore, that there was "as yet no practical difference."

Acting upon the same principle that has hitherto governed the Committee of the Board, it is not their intention to question the statement of the Committee of In-

vestigation, "that they have the power to compel the production of the books and papers of the Bank," &c. That such is the opinion of the Committee of Investigation they have no doubt; and, as their opinion, the Committee of the Board freely admit its claim to high respect. It is only when ceasing to be opinion merely, it shall come in conflict with the rights of the Bank, or of those intrusted with its administration, (if ever that should happen,) that the Committee of the Board will find themselves bound, however reluctantly, to examine its application.

In reply to that part of your letter in which you inquire whether the Committee of Investigation "are authorized to conclude that the room which has been offered for their accommodation at the banking house can be conveniently set apart for their *exclusive* use and occupation, from 10 o'clock A. M. until 3 o'clock P. M., during their continuance in Philadelphia," I am directed by the Committee to say that they still have, as they always have had, every disposition to accommodate the Committee of Investigation, and such they are persuaded is the disposition also of the Board. The Committee find their authority in this respect set forth in the resolutions of the Board of the 28th of April, communicated to the Committee of Investigation on the same day, by which it appears that the Board directed them to offer to the Committee of Investigation "a room in the banking house for its accommodation, and appointed them a Committee of Directors to exhibit the books and papers according to the requirement of the charter." But the Board at the same time declared that they could not, "consistently with their sense of duty to the Bank, and of the obligations of the trust committed to them, consent to give up the custody and possession of the books and papers of the Bank, nor to permit them to be examined but in the presence of the Committee appointed by the Board. The Committee of the Board have great pleasure in renewing to the Committee of Investigation the offer of the room, in the manner pointed out by this resolution, and in tendering any further service in their power that can promote the convenience of the Committee of Investigation.

I have the honor to be, very respectfully, your obedient servant,
JOHN SERGEANT, *Chairman.*

The Hon. FRANCIS THOMAS,
Chairman of the Committee of Investigation.

No. 21.

NORTH AMERICAN HOTEL,
COMMITTEE ROOM, *May 1, 1834*

SIR: I have the honor to enclose to you the accompanying copies of resolutions which have been adopted by the Committee of Investigation.

Very respectfully, your obedient servant,
FRANCIS THOMAS, *Chairman.*

JOHN SERGEANT, Esq.
Chairman of Committee of Directors of the Bank U. S.

[Enclosed in the foregoing.]

Resolved, That the President and Directors of the Bank be requested to furnish the Committee with copies of all correspondence between the President of the Bank or any of its officers with members of Congress, or of unanswered letters received from any one of them since the 1st day of July, 1832, touching the renewal of the charter of the Bank, the removal or restoration of the public deposits, or touching the business transactions of such members with said Bank.

Resolved, That the President and Directors of the Bank be requested to furnish the Committee with a statement showing the whole number of slaves which

it has taken since its establishment, by purchase or in payment of debts, the time when and from whom each was taken, the amount they were taken to pay or secure; and whether such debts were under protest when such slaves were taken, the names of all parties obligated upon each debt, and whether such slaves have been sold by the Bank; and, if so, the amount obtained for each, the deficiency or excess in each case of sale in respect to the debt on which such slaves were taken, designating the branches at which such slaves were taken or sold.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with a statement of their expense account since the 1st of January, 1829, up to the date of this resolution being complied with, showing the items and total for each half year, corresponding with the entries in their expense book, and showing the names and residence of all persons to whom any payments have been made, the amount to each, and the time and consideration of such payments, with copies of all vouchers taken for such payments.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with a statement in detail of all over-drafts which have been made on said Bank or branches since 1829, by members of Congress, or State Legislatures; the time such over-drafts were made; and also by printers, editors, and publishers of newspapers or periodicals, stating the time and amount of each over-draft, by whom made, the period such over-drafts remained unpaid, and the time and manner in which such drafts have been paid or secured.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with the particular items and the aggregate of all fees or compensations paid during each year to attorneys, counsellors, or lawyers, since the establishment of the Bank; stating the amount paid to each person employed, together with their names and residence, the times when the payments were made, and the particular services rendered for each charge paid; also whether the same has been paid at the parent Bank or branches, and at which, designating them; also of all sums paid as a general or annual fee or salary to counsellors for the Bank, specifying the name of each person, the amounts, and times, and places of payment; and also whether such sums were paid by the order in each case of the Board of Directors, or how otherwise paid, designating such sums as have been paid in cash, and such as may have been passed to the credit of such persons or others in payment of any debt or debts due to said Bank.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with the entire correspondence between the Bank and the New York branch since the 1st of January, 1833.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with a statement of all the accounts and copies of the entire correspondence between the Bank or any of its officers and ———; also the correspondence of the Bank, or that of any of its officers with the officers of the branch at Washington, touching the debt owing, or which has heretofore been owing by them to the Bank of the United States or any of its branches, or touching any negotiations for the loan or payment of money since the 1st of January, 1829.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with a statement showing the amount of debt directly or indirectly due or owing to said Bank by ——— and ———, or either or both, jointly or severally, or by any other person for their benefit, or the benefit of either of them; showing also the amount of debt thus due at any time heretofore, with a statement of all payments on their account, with the dates thereof since the 1st of April, 1832, with copies of any deed or deeds of trust, arrangement, contract, or agreement, or assignment, entered into between said Bank and them, or either of them, or others for the benefit of said Bank, or in which it may have a beneficial interest; also copies of the entire correspondence between said Bank, or any officer thereof, and the said ——— and ———, or either of them; also a copy of any consent which the Bank may have given, so far as concerned permitting ——— to estab-

ish and publish a newspaper in the city of ———, notwithstanding his contract with ——— to the contrary.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with a statement of the amount of debt directly or indirectly due or owing to the said Bank, or any of its branches, from ———, editor of the ———, or any other person for his account and benefit; stating the maximum of his loans or debt at any time since he became indebted, the times and places when and where contracted, and the time and manner in which the same has been paid, reduced, or secured, and with copies of its entire correspondence with the said ———.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with a statement, showing the details of the debt, which has, at any time, been owing by ——— ———, publisher of the ——— ———, since March, 1832, and showing how the same has been settled, secured, or arranged; also copies of all proceedings of the Board of Directors, or any committee or officer of said Bank, in relation to said debt, since that period; showing also the amount of loss, if any, it has, or may probably, sustain by him.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with copies of all legal opinions which it may have obtained from counsel, touching the right of the Bank to hold the public moneys, contrary to the powers or orders of the Secretary of the Treasury to remove the same; also copies of all the opinions obtained from counsel, in relation to delivering over, as directed by the proper officer, the funds, books, and papers, provided for paying revolutionary pensioners, or annuities, under the act of 7th June, 1832.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with a detailed statement of all loans made since the 1st of January, 1829, to individuals who then were, who have been since, or who now are, members of Congress, stating the amount of each loan, when the same was made, for what term the security was given, and the time when such security was received; and also the security which the Bank now holds, and the amount now owing by any and each of such borrowers, or other persons for the benefit of such borrowers, at the Bank, or either of the branches; and stating also the particulars of any such loans which have been protested, or which are now under protest, and the names of the parties to any such debts; also the names (if any) of such persons whose notes have been renewed after the same had become due, and not protested or renewed, with the names of individuals, parties to said renewals, whose notes were under protest at the times such renewals were made; and also whether such loans in each case were made by the Directors or otherwise, and by what authority.

No. 22.

BANK OF THE UNITED STATES, *May 1, 1834.*

SIR: I am directed by the Committee of the Board of Directors of the Bank of the United States to acknowledge your letter of the 29th of April, and the copies enclosed with it of various resolutions of the Committee of the House of Representatives of the United States.

The Committee deem it proper to lay your communication before the Board, and would, for that purpose, have convened a special meeting before this time, but that it seemed to them necessary, first, to collect certain materials of information for the Board. This work they caused to be begun as soon as they could; it will be completed at the earliest moment possible, so as to be laid before the Board tomorrow, after which no time will be lost in communicating to you their decision.

With great respect, I have the honor to be,

Your most obedient servant;

JOHN SERGEANT, *Chairman.*

HON. FRANCIS THOMAS,
Chairman of the Committee of Investigation.

No. 23.

BANK OF THE UNITED STATES, *May 2, 1834.*

SIR: I have the honor to acknowledge your communication of the 1st instant, together with sundry copies of resolutions which accompanied it. They have been laid before the Committee and before the Board.

The Committee this morning also laid before the Board your communication of the 29th ult., and the copies of resolutions accompanying it; and they have directed me to inform you, that as the resolutions of the 1st instant will involve the necessity of a similar inquiry as those of the 29th ult., the Board do not deem it expedient to decide upon the one until they are prepared to decide upon the other. As soon as this decision is made, it will be communicated to you.

With great respect, &c.

JOHN SERGEANT, *Chairman.*

HON. FRANCIS THOMAS,
Chairman of the Committee of Investigation.

No. 24.

NORTH AMERICAN HOTEL, *Committee Room, May 2, 1834.*

SIR: In compliance with the directions of the Committee of Investigation, I have the honor to enclose to you the accompanying copies of resolutions; and remain, with great respect, your obedient servant,

FRANCIS THOMAS, *Chairman.*

TO JOHN SERGEANT, Esq.,
Chairman of Committee of Directors of Bank of the U. S.

No. 25.

[Enclosed in foregoing.]

COMMITTEE ROOM, (North American Hotel,) *May 2, 1834.*

Resolved, That the President and Directors of the Bank of the United States be required to submit for the inspection of this Committee, at their committee room at the North American Hotel, on Saturday, the 3d day of May instant, at 11 o'clock, A. M., the book or books which contain the minutes of the proceedings of the Board of Directors, at their several sittings on the 1st and 8th days of October in the year 1833, and from the 21st day of April, 1834, to this day.

Also, the report of a Committee of the Board, rejecting a proposition to transmit a copy of certain resolutions adopted on the 1st day of October, 1833, to the Secretary of the Treasury of the United States; also, the expense book of the Bank, and the vouchers for expenses paid or incurred by said Bank, since the 1st of January, 1832.

A true copy:

RICHARD RUSH.

No. 26.

COMMITTEE ROOM, (North American Hotel,) *May 2, 1834.*

Whereas this Committee, sincerely desirous to conduct the inquiries, examinations, and investigations which they have been required by the House of Representatives to make, with fairness, impartiality, order, and despatch, have learned with regret that the Directors of the Bank of the United States have declined accommodating this Committee with a room in their banking house, for the ex-

clusive use and occupation of this Committee: Therefore, *Resolved*, That the sittings of this Committee shall be held in their room at the North American Hotel, in the city of Philadelphia, until otherwise ordered.

A true copy:

RICHARD RUSH.

No. 27.

BANK OF THE UNITED STATES, *May 3, 1834.*

SIR: I am directed by the Committee of the Board to acknowledge the honor of your letter of the 1st instant, covering sundry resolutions of the Committee of Investigation; and in reply to that letter, as well as in further reply to your letter of the 29th ult., to enclose to you a copy of the resolution of the Board of Directors of the Bank of the United States, at a special meeting convened this morning for the purpose of taking into consideration the several communications of the Committee of Investigation, not heretofore answered.

With great respect, your obedient servant,

JOHN SERGEANT, *Chairman.*

The Hon. FRANCIS THOMAS,

Chairman of the Committee of Investigation.

No. 28.

[Enclosed in the foregoing.]

Resolved, That the Board do not feel themselves at liberty to comply with the requirement of the resolutions of the Committee of Investigation of the 29th ultimo and 1st instant, and do not think they are bound to do so, inasmuch as in respect to a part of the papers called for, the effect would be the same as the surrender of their books and papers to a secret and ex-parte examination, which they have already refused to consent to; and as to the other part they relate to matters over which the Board have no control; and if they could overcome these objections, and had the power over all the papers, still it would be impossible for them to comply within any reasonable time, having ascertained, by a careful examination, that the copies and statements, called for by the resolutions of the 29th ult. alone, would require the uninterrupted labor of two clerks for at least ten months to make them out; and that the remaining resolutions, so far as they concern matters not beyond the reach of the Board, would require great additional time, which they are not able exactly to compute, without causing what they fear would be an inconvenient delay to the Committee of Investigation; and they take it for granted that it would no more comport with the views of the Committee of Investigation to wait till so distant a period, than it would with the rights of the Bank to have such a burthen imposed upon it.

No. 29.

BANK OF THE UNITED STATES, *May 3, 1834.*

SIR: I am directed by the Committee of the Board to acknowledge the honor of your letter of the 2d instant, covering copies of two resolutions of the Committee of Investigation, and to inform you that a special meeting of the Board was called at the earliest practicable hour this morning, that there might be no disappointment or delay to the Committee of Investigation. The answer will be found in the copies of resolutions, herewith transmitted by order of the Committee.

With great respect,

I have the honor to be,

Your obedient servant,

JOHN SERGEANT, *Chairman.*

Hon. FRANCIS THOMAS,

Chairman of the Committee of Investigation.

No. 30.

[Enclosed in the foregoing.]

Resolved, That the Board are not aware of having declined to accommodate the Committee of Investigation with the exclusive use and possession of a room in the banking house, unless the Committee of Investigation so construe the early and ready offer of the room by the Board with the assertion of the right of the Committee of the Board to be present at the examination and investigation of the books and papers of the Bank, and to have the care and custody of the same; and if such be the meaning of the Committee of Investigation, then the Board are constrained to adhere to the ground, as they think of manifest right, taken in their resolution of the 28th ultimo, namely, that "the Board cannot, consistently with their sense of duty to the Bank, and of the obligations of the trust committed to them, consent to give up the custody and possession of the books and papers of the Bank, nor to permit them to be examined but in the presence of the Committee appointed by the Board.

Resolved, That, with every disposition on the part of the Board to conform to the wishes of the Committee of Investigation, so far as it may be done without a violation of the trust reposed in them, the Board cannot, nevertheless, consent to let the books and papers of the Bank go out of their care and custody, nor out of the banking house, which is their proper place of deposit; and, therefore, they cannot comply with that part of the resolution of the Committee of Investigation of the 2d instant, which requires that certain of the books and papers of the Bank be sent to the North American Hotel this day at eleven o'clock, believing that this would be contrary to their duty to the stockholders, and would transcend their lawful power, as well as be liable to be deemed an abandonment of the right to be present by themselves, or their committee or agents, at the examination and investigation; inferring, in all these respects, a very grave responsibility, which the Board, in their limited authority, do not think they can be reasonably required to assume.

No. 31.

COMMITTEE ROOM, May 5, 1834.

SIR: By authority from the Committee of Investigation, I have the honor to enclose to you the accompanying resolution; and to be,

With high respect, your obedient servant,

FRANCIS THOMAS.

To JOHN SERGEANT, Esq.,

Chairman of the Committee of Directors of the U. S. Bank.

No. 32.

[Enclosed in the foregoing.]

Whereas the President and Directors of the Bank of the United States have refused to submit certain of their books and proceedings to the inspection of this Committee, at the Committee Room at the North American Hotel, as required in the Committee's resolution of the 2d instant, but have declared that they are not aware that they have declined to furnish this Committee a room in their banking house, for its exclusive use and occupation, as expressed in the second resolution of the 3d instant, and this Committee is earnestly desirous fully to execute the resolution of the House of Representatives, and does not waive its right to inspect the books of the Bank as required: therefore,

Resolved, That this committee will repair to the banking house this day at one o'clock, to inspect such of the books called for in the resolution of the 28th of April, 1834, and such other books as they may require to be produced; and that the chairman inform the Committee of Directors of the Bank thereof.

A true copy:

RICHARD RUSH.

No. 33.

SOUTH FOURTH STREET, No. 89, }
 May 5, 1834, 11½ A. M. }

SIR: I have the honor to acknowledge your letter of this date, just now received.

It appears to me impracticable to bring together the Committee, and to make the needful arrangements for their receiving you, and attending the investigation and examination of the books and papers of the Bank, in conjunction with the Committee of Investigation, by the time you mention. They will be re-assembled, however, without unnecessary delay, and, I do not doubt, will notify to you the time when they will be prepared to meet the Committee of Investigation, and act with them in the investigation and examination—probably not later than some hour to-morrow.

With great respect, I have the honor to be, your most obedient servant,
 J. SERGEANT, *Chairman*.

HON. FRANCIS THOMAS,
Chairman of the Committee of Investigation.

No. 34.

NORTH AMERICAN HOTEL, *May 5, 1834.*

SIR: Your unofficial communication has just been delivered to me. The members of the Committee of Investigation separated this morning, after adopting the resolution which I have had the honor to transmit to you, to re-assemble again at one o'clock, to enter on the performance of their duty, at the Bank. I have no authority to signify that this purpose will be changed by your letter.

I take pleasure in adding, that I have no doubt the Committee will be pleased to see any member of the Committee of Directors, at the hour appointed, at the Bank.

And am, with great respect, your obedient servant,
 FRANCIS THOMAS.

To JOHN SERGEANT, Esq., *Chairman, &c.*

No. 35.

Ordered, That the Cashier of the Bank of the United States be, and he is hereby requested and required, to submit for the inspection of the Committee, the minute books containing the proceedings of the Board of Directors since the first day of January, 1829.

No. 36.

BANK OF THE UNITED STATES, *May 5, 1834.*

SIR: I have had the honor of receiving from you, personally, in my interview with the Committee of Investigation, a resolution of the said Committee, in the following words:

“ Ordered, That the President of the Bank of the United States be requested and required to submit to the Committee of Investigation the minute book containing the proceedings of the Board of Directors of the Bank of the United States; the expense account and vouchers for expenditure, under a resolution of the Board, of the 30th of November, 1830.”

In answer to the requisition, I have the honor to state that I have not the custody of, nor control over, the books and papers mentioned in the resolution. The general custody of the same is in the Board of Directors of the Bank, who, by resolutions of the 24th and 28th ultimo, already communicated to the Committee of Investigation, appointed a Committee of Directors, for the purpose of exhibiting these books and papers to the Committee of Investigation, and declared that they could not permit them to be examined, except in the presence of the said Committee of Directors. I am, therefore, unable to comply with the requisition contained in the resolution.

I have the honor to be, very respectfully, yours,

N. BIDDLE, *President.*

Hon. FRANCIS THOMAS,
Chairman of the Committee of Investigation.

N. B. A reply, similar to the above, was addressed by the Cashier to the Chairman of the Committee of Investigation.

No. 37.

BANK OF THE UNITED STATES, *May 6, 1834.*

SIR: In the absence of the Chairman of the Committee of the Board, owing to a cause explained to you yesterday, I have the honor to send you herewith a copy of the resolutions the Committee have adopted at a meeting this morning.

With great respect, I am, sir, your most obedient servant,

S. JAUDON, *Cashier.*

The Hon. FRANCIS THOMAS,
Chairman of the Committee of the House of Representatives.

No. 38.

[Enclosed in the foregoing.]

At a meeting of Directors held at the Bank on the 6th day of May, 1834, the following resolutions were adopted:

Resolved, That the Committee of the Board will be prepared to receive the Committee of the House of Representatives, at the banking house of the Bank of the United States, to-morrow morning, the 7th instant, at eleven o'clock, then and there to proceed in the execution of their duty, according to the requirement of the charter, and in conformity with the instructions of the Board, as contained in the several resolutions, copies of which have heretofore been communicated to the Committee of the House of Representatives of the United States, as the same have been explained to be understood by this Committee; to which understanding they continue to adhere.

Resolved, That a copy of the foregoing resolution be transmitted by the Cashier to the Hon. Francis Thomas, chairman of the Committee of Investigation, in reply to his communication of yesterday to the Chairman of this Committee.

No. 39.

MAY 7, 1834.

Resolved, That the Committee will proceed to examine into the truth of the statement made by the Government Directors to the President of the United States and to Congress, and for that purpose will this day call for the production, for inspection, of the minute books, containing the proceedings of the Directors of the Bank, and the expense books, and vouchers for expenses incurred.

True copy:

EDWARD D. INGRAHAM,
Secretary of Committee of Investigation.

No. 40.

MAY 7, 1834.

The Chairman of the Committee of the Board read to the Committee of Investigation the following preamble and resolution:

Whereas it appears from the resolution of the House of Representatives of the United States appointing the Committee of Investigation, that two distinct inquiries were contemplated, one of them directed to ascertain whether the charter had been violated, and limited to the acts of the corporation; and the other so very general and indefinite, as to make it difficult, if not impossible, to say whether it has any limits at all, either as to the matters to be inquired into or the mode of pursuing the inquiry: And whereas it appears, from calls made by the Committee of Investigation, that they have proposed a very wide range, embracing, among other things, an extensive examination of the acts, transactions, accounts, and letters of individuals, and thus instituting a kind of general search, which is the more objectionable, because, if it have any purpose at all, it must be to criminate those individuals as well as the Bank; and if it have not this purpose, it is without any assignable object, and would be an injurious invasion of private interests: And whereas, under these circumstances, it is the duty of the Committee, by all lawful means, to protect the rights and sacred confidence intrusted to their keeping, and to yield nothing, by consent, which cannot be legally demanded from them: And whereas, after careful and anxious consideration, they are of opinion that the inquiry can only be rightfully extended to alleged violations of the charter, and this inquiry ought to be conducted according to some certain principles and rules: therefore,

Resolved, That the Committee of Investigation be respectfully required, when they ask for books and papers, to state specifically, in writing, the purposes for which they are proposed to be inspected; and if it be to establish a violation of the charter, then to state specifically, in writing, what are the alleged or supposed violations of charter to which the evidence is alleged or supposed to be applicable.

Resolved, That, in the opinion of this Committee, it would very much conduce to the purposes of justice, as well as to the convenience of all concerned, if the Committee of Investigation would furnish a specification of all the charges intended to be inquired into, and proceed with them in order as stated.

No. 41.

Whereas this Committee have, by resolutions severally communicated to the President and Directors of the Bank of the United States, declared that, in discharging the duties confided to them by the House of Representatives, they claimed, on their responsibility to that House and to their constituents, to regulate their proceedings, to judge of the extent of their powers and duties for themselves; that they are not charged with the duty of criminating the Bank, its directors, &c

others, but simply to inquire, amongst other things, whether such prosecution, in legal form, shall be instituted; and that, in so doing, they would afford to every person, who might appear to be implicated by their examinations, full and fair opportunity of explanation and defence:

Resolved, therefore, That, in performing the duty of "inspecting the books and examining into the proceedings of the Bank," the Committee cannot rightfully be "required," and, from the nature of their duties cannot comply with a request, to state specifically, in writing, the purposes for which they are proposed to be inspected.

Resolved, That the Committee cannot comply with a request or requisition to specify what are the supposed violations of charter, because they are not conducting a prosecution, but simply inquiring whether one shall be instituted.

True copy:

EDW. D. INGRAHAM,
Sec. Com. of Investigation.

MAY 7, 1834.

1. Mr. Mason called for the production of the minute books containing the proceedings of the Board of Directors from the 1st of September, 1832, to the present date.

2. The Chairman requires that the expense book of the Bank, with the vouchers, showing the expenses of the Bank incurred under resolution of the 30th November, 1830, be submitted to the inspection of the Committee of Investigation.

3. Mr. Muhlenberg desired that the books showing the account of ——— with the Bank of the United States, with the notes and papers explanatory of such account, from the 1st day of January, 1832, may be submitted to the inspection of the Committee.

True copy:

EDW. D. INGRAHAM,
Sec. Com. of Investigation.

MAY 7, 1834.

4. *Resolved,* That the Committee of Directors be, and they are hereby, requested and required to submit, for the inspection of this Committee, the credit books and pay lists of the Bank, to enable this Committee to ascertain "whether it has used its corporate powers or money to control the press, to interfere in politics, or influence elections."

True copy:

EDW. D. INGRAHAM,
Sec. Com. of Investigation.

MAY 7, 1834.

5. *Resolved,* That the Committee of Directors be requested and required to submit, for the inspection of this Committee, the minute books of the Bank, together with the correspondence, journals, and other memorandums of the proceedings of the Committees of Exchange, on the state of the Bank, and on the Offices, that this Committee may be enabled to ascertain whether the Bank has had any agency, through its management or money, in producing the present pressure.

True copy:

EDW. D. INGRAHAM,
Sec. Com. of Investigation.

MAY 7, 1834.

Resolved, That the Committee of Directors be, and they are hereby, requested and required to submit, for the inspection of this Committee, the minute books

containing the proceedings of the Board of Directors, together with the correspondence, journals of the President of the Bank, the Exchange Committee, the Committee on the state of the Bank, and the Committee on the Offices, that this Committee may be enabled to judge whether the Board of Directors have violated the charter of the Bank, by authorizing, permitting, or sanctioning the exercise of improper and illegal powers by those committees or by the President of the Bank.

True copy:

MAY 7, 1834.

EDW. D. INGRAHAM,
Sec. Com. of Investigation.

No. 42.

BANK OF THE UNITED STATES, *May 8, 1834.*

SIR: I have the honor to enclose to you a copy of a resolution of the Committee of the Board, and to be,

With great respect, your most obedient servant,

JOHN SERGEANT, *Chairman.*

The Hon. FRANCIS THOMAS,
Chairman Com. of Investigation.

No. 43.

[Enclosed in the foregoing.]

Resolved, That, after full deliberation, and with every feeling of respect for the House of Representatives, and for the Committee appointed by them, and with a firm conviction that they have nothing to fear from scrutiny of the affairs of the Bank, however severe, the Committee of the Board are constrained to adhere to the resolutions yesterday handed to the Committee of Investigation, and to decline complying with the calls heretofore made upon them, in any other manner than is therein laid down; believing this to be their duty, from which they are not at liberty to depart.

No. 44.

Whereas at a special meeting of the Board of Directors of the Bank of the United States, held at the Bank on the 24th of April, in this present year, a resolution was adopted and communicated to the Committee of the House of Representatives, by which a "Committee of seven members was appointed" to receive the Committee of the House of Representatives of the United States, and to offer for their inspection such books and papers of the Bank as may be necessary to exhibit the proceedings of the corporation, according to the requirement of the charter:"

And whereas, at a room in the banking house, on the 7th day of May instant, the Committee of the House of Representatives, required of the Committee of the Board of Directors the production of certain books and papers of the Bank of the United States by the Committee of the House of Representatives to be then and there inspected, as set forth in the following resolutions:

"*Ordered*, That the minute book, containing the proceedings of the Board of Directors from the 30th September, 1830, to this date, May 7, 1834, be produced for inspection."

"*Ordered*, That the books showing the accounts of _____, of _____, with the Bank of the United States, with the notes and papers explanatory of such account, from the 1st day of January, 1832, to this day, be submitted to the inspection of the Committee."

“Ordered, That the expense book of the Bank, with the vouchers showing the expenses of the Bank incurred under a resolution of the 30th of November, 1830, be submitted to the inspection of the Committee of Investigation.”

“Ordered, That the Committee of Directors be requested and required to submit, for the inspection of this Committee, the minute books of the Bank, together with the correspondence, journals, and other memorandums of the proceedings of the Committee of Exchange on the state of the Bank, and on the Offices, that this committee may be enabled to ascertain whether the Bank has had any agency, through its management or money, in producing the present pressure.”

“Ordered, That the Committee of Directors be, and they are hereby, requested and required to submit, for the inspection of this Committee, the minute books containing the proceedings of the Board of Directors, together with the correspondence, journals of the President of the Bank, the Exchange Committee, the Committee on the state of the Bank, and the Committee on the Offices, that this Committee may be enabled to judge whether the Board of Directors have violated the charter of the Bank, by authorizing, permitting, or sanctioning the exercise of improper and illegal powers by those Committees, or by the President of the Bank.”

And as preliminary to a reply, received from the Committee of the Board of Directors, a preamble and resolutions as follows:

“Whereas it appears from the resolution of the House of Representatives of the United States appointing the Committee of Investigation, that two distinct inquiries were contemplated; one of them directed to ascertain whether the charter had been violated and limited to the acts of the corporation, and the other so very general and indefinite, as to make it difficult, if not impossible, to say whether it has any limits at all, either as to the matters to be inquired into, or the mode of pursuing the inquiry: and whereas it appears from calls made by the Committee of Investigation, that they have proposed a very wide range, embracing, among other things, an extensive examination of the acts, transactions, accounts, and letters of individuals, and thus instituting a kind of general search, which is the more objectionable, because if it have any purpose at all, it must be to criminate those individuals as well as the Bank; and if it have not this purpose, it is without any assignable object, and would be an injurious invasion of private interests; and whereas, under these circumstances, it is the duty of this Committee, by all lawful means, to protect the rights and sacred confidence intrusted to their keeping, and to yield nothing by consent which cannot legally be demanded from them: and whereas, after careful and anxious consideration, they are of opinion that the inquiry can only be rightfully extended to alleged violations of the charter, and this inquiry ought to be conducted according to some certain principles and rules: therefore,

“Resolved, That the Committee of Investigation be respectfully required, when they ask for books and papers, to state specifically, in writing, the purposes for which they are proposed to be inspected; and, if it be to establish a violation of the charter, then to state specifically, in writing, what are the alleged or supposed violations of charter to which the evidence is alleged or supposed to apply.

“Resolved, That, in the opinion of this Committee, it would very much conduce to the purposes of justice, as well as to the convenience of all concerned, if the Committee of Investigation would furnish a specification of all the charges intended to be inquired into, and proceed with them in order as stated.”

Which being considered, was replied to by this Committee, as follows:

“Whereas this Committee have, by resolutions, severally communicated to the President and Directors of the Bank of the United States, declared that, in discharging the duties confided to them by the House of Representatives, they claimed, on their responsibility to that House and their constituents, to regulate their proceedings, to judge of the extent of their powers and duties for themselves; that they are not charged with the duty of criminating the Bank, its direct-

ors, or others; but simply to inquire, amongst other things, whether such prosecution, in legal form, shall be instituted; and that, in so doing, they would afford to every person who might appear to be implicated by their examinations full and fair opportunity of explanation and defence.

Resolved, therefore, That in performing the duty of "inspecting the books, and examining into the proceedings of the Bank," the Committee cannot rightfully be "required," and, from the nature of their duties, cannot comply with a request, to state specifically, in writing, the purposes for which they are proposed to be inspected.

Resolved, That the Committee cannot comply with a request, or requisition, to specify what are the supposed violations of charter, because they are not conducting a prosecution, but simply inquiring whether one shall be instituted.

And a specific answer requested.

That, in answer to these several calls, the Committee has received the following:

BANK U. S., *May 8, 1834.*

SIR: I have the honor to enclose to you a copy of a resolution of the Committee of the Board, and to be, with great respect,

Your most obedient servant,

JOHN SERGEANT, *Chairman.*

To the Hon. FRANCIS THOMAS,
Chairman of the Committee of Investigation.

Resolved, That, after full deliberation, and with every feeling of respect for the House of Representatives, and for the Committee appointed by them, and with a firm conviction that they have nothing to fear from scrutiny of the affairs of the Bank, however severe, the Committee of the Board are constrained to adhere to the resolution yesterday handed to the Committee of Investigation, and to decline complying with the calls heretofore made upon them, in any other manner than is therein laid down, believing this to be their duty, from which they are not at liberty to depart.

And whereas this Committee does not feel authorized to consider the act of the Committee of the Board of Directors, in thus refusing to submit the books and papers called for, to the inspection of the Committee of the House of Representatives, as within the authority conferred on their Committee by the Board of Directors, and thus the act of the corporation: therefore,

Resolved, That the chairman be requested to communicate this resolution to the President of the Bank of the United States, and to ask that it may be submitted to the Board of Directors, and this Committee informed by the said Board whether the refusal of the Committee aforesaid is to be regarded as the act of the Board, or done by its authority.

Resolved, That the Chairman be directed to transmit this resolution to the President of the Bank of the United States.

NORTH AMERICAN HOTEL, *May 8, 1834.*

SIR: I have the honor to enclose to you two resolutions which have been adopted by the Committee of Investigation, and to ask the favor of you to submit them to the consideration of the Board of Directors at an early hour.

I have the honor to be, very respectfully,

Your obedient servant,

FRANCIS THOMAS,

Chairman of the Committee of Investigation.

NICHOLAS BIDDLE, Esq.

President of the U. S. Bank.

No. 45.

BANK OF THE UNITED STATES, *May 9, 1834.*

SIR: I had last evening the honor of receiving your letter dated "North American Hotel, May 8, 1834," accompanying a copy of two resolutions of the Committee of Investigation.

These papers were submitted to the Board of Directors at their meeting this morning, and I am instructed to transmit to you a copy of their proceedings thereon. This I accordingly do, with the assurance of the respect of

Yours,

N. BIDDLE, *President*

Hon. FRANCIS THOMAS,
Chairman of Committee of Investigation, Philadelphia.

No. 46.

[Enclosed in the foregoing.]

BANK OF THE UNITED STATES, *May 9, 1834.*

At a meeting of the Board of Directors, held this day, the following resolutions were unanimously adopted:

Resolved, That the Board, having heard the report of the Committee appointed on the 24th ultimo, upon the matters referred to them this morning, do fully approve and sanction the resolutions adopted by the Committee on the 7th and 8th instant, and presented by them to the Committee of Investigation, which resolutions are as follows:

Whereas it appears, from the resolution of the House of Representatives of the United States, appointing the Committee of Investigation, that two distinct inquiries were contemplated; one of them directed to ascertain whether the charter had been violated, and limited to the acts of the corporation; and the other so very general and indefinite, as to make it difficult, if not impossible, to say whether it has any limits at all, either as to the matters to be inquired into, or the mode of pursuing the inquiry: and whereas it appears, from the calls made by the Committee of Investigation, that they have proposed a very wide range, embracing, among other things, an extensive examination of the acts, transactions, accounts, and letters of individuals, and thus instituting a kind of general search, which is the more objectionable, because, if it have any purpose at all, it must be to criminate those individuals as well as the Bank; and if it have not this purpose, it is without any assignable object, and would be an injurious invasion of private interests: and whereas, under these circumstances, it is the duty of this Committee, by all lawful means, to protect the rights and sacred confidence entrusted to their keeping, and to yield nothing by consent which cannot be legally demanded from them: and whereas, after careful and anxious consideration, they are of opinion that the inquiry can be only rightfully extended to alleged violations of the charter, and this inquiry ought to be conducted according to some certain principles and rules: therefore,

Resolved, That the Committee of Investigation be respectfully required, when they ask for books and papers, to state specifically, in writing, the purposes for which they are proposed to be inspected; and if it be to establish a violation of the charter, then to state specifically, in writing, what are the alleged or supposed violations of charter to which the evidence is alleged or supposed to be applicable.

Resolved, That, in the opinion of this Committee, it would very much conduce to the purposes of justice, as well as to the convenience of all concerned, if the

Committee of Investigation would furnish a specification of all the charges intended to be inquired into, and proceed with them in order as stated.

[Here follows the resolution of the 8th instant, inclosed in the letter of the President of the 8th instant to the Chairman of the Committee of Investigation.]

Resolved, That the President be requested to send a copy of the above resolution, duly certified, to the Chairman of the Committee of Investigation.

No. 47.

By authority of the House of Representatives of the United States.

TO BENJAMIN S. BONSTALL,

Marshal of the Eastern District of Pennsylvania.

You are hereby commanded to summon Nicholas Biddle, president, Emanuel Eyre, Matthew Newkirk, John Sergeant, Charles Chauncey, John S. Henry, John R. Neff, Ambrose White, Daniel W. Coxe, John Goddard, James C. Fisher, Lawrence Lewis, John Holmes, and William Platt, directors of the Bank of the United States, to be and appear before the Committee of the House of Representatives of the United States, appointed on the 4th day of April, 1834, "for the purpose of ascertaining, as far as practicable, the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States, in sundry memorials which have been presented to Congress at the present session, and of inquiring whether the charter of the Bank of the United States has been violated, and also what corruptions and abuses have existed in its management; whether it has used its corporate power, or money, to control the press, to interfere in politics, or influence elections; and whether it has had any agency, through its management or money, in producing the existing pressure; also, to inspect the books and examine into the proceedings of the said Bank, and whether the provisions of the charter have been violated or not; and what abuses, corruptions, or malpractices have existed in the management of said Bank; and also to examine into the affairs of the said Bank and branches; and further, to visit the principal Bank, or any of its branches, for the purpose of inspecting the books, correspondence, accounts, and other papers connected with its management or business," in their chamber in the North American Hotel, in the city of Philadelphia, and to bring with them the credit books of said Bank, showing the indebtedness of individuals to said Bank on the tenth day of May instant, at the hour of twelve o'clock, M. then and there to testify touching the matters of said inquiry, and to submit said books to said Committee for inspection.

Herein fail not, and make return of this summons.

Witness the seal of the House of Representatives of the United States, and the signature of the Hon. Francis Thomas, Chairman of the said Committee, at the city of Philadelphia, this ninth day of May, in the year one thousand eight hundred and thirty-four.

FRANCIS THOMAS.

Attest: W. S. FRANKLIN,
Clerk House of Representatives U. S.

MARSHAL'S OFFICE PHILADELPHIA, *May 10th, 1834.*

Served the within, on the individuals within named, to wit: Nicholas Biddle, Emanuel Eyre, Lawrence Lewis, Ambrose White, Daniel W. Coxe, John Holmes, Charles Chauncey, John Goddard, John R. Neff, William Platt, and Matthew Newkirk, by handing a copy thereof to each of them, on Friday, the 9th instant; and on James C. Fisher, John S. Henry, and John Sergeant, by handing a copy thereof to each of them on the 10th day of May instant, between the hours of 8 and 9, A. M. So answers,

BENJAMIN S. BONSTALL,
Marshal Eastern District of Pennsylvania.

The undersigned having been individually served by B. S. Bonsall, Esq, marshal of the Eastern District of Pennsylvania, with a copy of a process dated the 9th instant, by which he was commanded to summon them, by the following names and descriptions, to wit: Nicholas Biddle, President, Emanuel Eyre, Matthew Newkirk, John Sergeant, Charles Chauncey, John S. Henry, John R. Neff, Ambrose White, Daniel W. Coxe, John Goddard, James C. Fisher, Lawrence Lewis, John Holmes, and William Platt, Directors of the Bank of the United States, to be and appear before the Committee of the House of Representatives of the United States, appointed on the 4th day of April, 1834, in their chamber in the North American Hotel, in the city of Philadelphia, and to bring with them the credit books of said Bank, on the 10th day of May instant, at the hour of twelve o'clock, M., then and there to testify touching the matters of said inquiry, and to submit said books to said Committee for inspection, have consulted together, that they might be assisted by the judgment of each other as to the course they were individually to pursue, and have concurred, each for himself, in the conclusion for the government of his individual conduct, which will now be stated; and, to avoid misapprehension or controversy, have reduced their answers to writing, signed with their names, and herewith respectfully presented, each for himself, as follows:

1. Without waiving any objection there may be to the legality of the said process, or the service, (which is expressly reserved,) we deem it most consistent with the respect we wish upon all occasions to acknowledge to be due to the Committee of the House of Representatives of the United States, to attend upon them in person, and accordingly do so attend, to manifest our respect, but not to admit any obligation.

2. We do not produce the books specified in the paper before mentioned, that is to say, "the credit books of said Bank, showing the indebtedness of individuals to said Bank," because they are not in the custody of either of us, but, as has heretofore been stated, of the Board, whose views upon this subject, we would take occasion to say, have already been respectfully communicated to the Committee of Investigation.

3. We do not know whether it was the intention of the Committee of Investigation to call upon either of us to testify, or whether the object of the paper was not simply to require us to produce "the credit books of said Bank, showing the indebtedness of individuals to said Bank." But, to avoid unnecessary trouble to the Committee, and in the spirit of frankness required by the respect that is due to them, we have deemed it proper to consider the alternative first mentioned, and each of us now says, for himself, that, considering the nature of the proceeding, and the character of the inquiry, even as explained in the resolution of the Committee of Investigation of the 7th instant, and considering that, as corporators and directors, we are parties to the proceeding, we do not consider ourselves bound to testify, and therefore respectfully decline to do so. We are sure that the committee will duly estimate the sacrifice we make of personal feeling in thus deciding, conscious as we are that we have no knowledge, which, if a necessary regard to our duties and the rights of others permitted, we would not willingly expose without reserve.

N. BIDDLE,
M. EYRE,
M. NEWKIRK,
JOHN SERGEANT,
CHARLES CHAUNCEY,
JOHN S. HENRY,
JOHN R. NEFF,

A. WHITE,
D. W. COXE,
JOHN GODDARD,
JAMES C. FISHER,
LAWRENCE LEWIS,
JOHN HOLMES,
WILLIAM PLATT.

PHILADELPHIA.

No. 49.

NORTH AMERICAN HOTEL, *May* 10, 1834.

Sir : I have the honor to transmit to you, by direction of the Committee of Investigation, two resolutions, which you will find enclosed.

I have the honor to be,

With great respect,

Your obedient servant,

FRANCIS THOMAS,

Chairman.

To JOHN SERGEANT, Esq., *Chairman of the
Committee of the Board of Directors.*

Whereas, resolutions have been adopted by this Committee into which the names of private individuals were necessarily introduced, that the Committee of Directors might more readily know where the accounts or papers, which were called for to be examined confidentially, were to be found: and whereas it has never been the intention of this Committee to publish such resolutions, unless, after such confidential examination, it should appear that the duty of the Committee, under its resolution of inquiry, required it: and whereas the Directors of the Bank have declined to produce the accounts thus called for, and this Committee is unwilling to excite suspicions against any one which they have not the means either to justify or remove, and there is no longer necessity for such injunction of confidence: therefore,

Resolved, That the members of this Committee be, and they are, released from the injunction which has been imposed, to consider confidential their journal and proceedings, except such parts thereof where the names of private individuals appear.

Resolved, That a copy of the foregoing preamble and resolution be forwarded to the Committee of Directors.

True copy:

EDWD. D. INGRAHAM,

*Secretary to the Committee of Investigation.**10th May, 1834.*

COMMITTEE ROOM, NORTH AMERICAN HOTEL, }
10th May, 1834. }

Resolved, That when this Committee adjourn to-day, they adjourn to meet in the City of Washington, on Thursday, the 15th of May, 1834, at 10 o'clock, A. M.

True copy:

EDWD. D. INGRAHAM,

Secretary to the Committee of Investigation.