



"The powers granted under the Constitution, being derived from the People of the United States, may be resumed by them, whenever perverted to their injury or oppression."—Madison.

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Deferred Articles.

The Whig papers now admit that the Democrats have a majority in the Massachusetts Legislature. So Marcus Morton, the Democratic candidate, will be elected Governor of the Bay State.

In the House of Commons on the 17th ult.,

Mr. Barringer presented the following Preamble and Resolution, which was read and adopted.

WHEREAS the House of Commons have heard with regret of the death of Ex-Governor Stokes, whose life has been connected for more than half a century with the history of North Carolina, and who has occupied many distinguished stations in her gift therefore,

Resolved, unanimously, That as a mark of respect to the memory of Montford Stokes, this House do now adjourn until Monday morning 10 o'clock.

Therefore, the Speaker declared the House adjourned until Monday morning 10 o'clock.

The Cincinnati case.—The Cincinnati papers inform us that the Methodists of that city have expelled from the society five persons, who were engaged in and cognizant of the maltreatment of Mrs. Stubbs, the old woman who was so cruelly neglected by her relatives. The report of the committee of the Church is officially published, and makes the horrible circumstances still more aggravated than at first reported. We have never before read any statement of such unnatural and cold blooded cruelty.

MUTINY ON BOARD THE U. S. BRIG SOMERS.

An event of a most appalling character occurred on Board the U. S. Brig Somers, Capt. McKenzie, on her late voyage from Africa. The Somers is represented as a fine "Sailer," with ten guns, and a crew of about twenty able men, and forty apprentice boys, making with the officers, some 75 persons on board. Shortly before the brig arrived at St. Thomas, where she put into water, the startling fact was disclosed that a mutiny was in preparation, headed by Midshipman Spencer, son of the Secretary of War. Spencer was thereupon arrested and papers were found in his possession signed by such a number of the crew as would have been able to carry out the plan by a surprise. A Court Martial was immediately held which determined that nothing short of the prompt execution of the ring leaders would insure the safety of the Ship. Spencer and two petty officers were thereupon ordered to be hung on the yard arm, which was done forthwith!

Such is the account of the horrible affair as published in the New York papers, at the Navy Yard of which city, the brig now lies with all hands on board, all intercourse with the shore being forbidden.

Public opinion seems to justify the conduct of Capt. McKenzie and his officers,—though if it be true as a correspondent of the Madisonian states, that four days elapsed between the seizure of the three ringleaders and their execution, we concur with some of our brethren of the Press in the opinion that the Captain and his officers, will have to make out a very strong case to convince the country of the necessity of the execution of the wretched individuals at sea. The writer of the communication is undoubtedly Mr. Secretary Spencer, the father of the young man above named, who ought to be as familiar with the facts of the case, and as cautious in speaking of them as any other man at Washington. He states young Spencer's age at less than 19 years, and adds, "As to the probability that such a mere boy,—utterly unacquainted with navigation,—brought up in the interior, would seriously endeavor to seduce to mutiny an old seaman who had arrived at the rank of boatswain's mate, and who is represented to have been employed heretofore on board a slave, or to have been a pirate—an impartial tribunal, before which both sides will be heard, will determine.

"The only accounts we have given by Spencer himself, is, that it was all a joke. If it shall appear to have been the mere romance of a heedless boy, amusing himself, it is true, in a dangerous manner, but still devoid of such murderous designs as are imputed, and if the execution of him and two seamen (against one of whom, at least, there is not yet a particle of evidence) should prove to have been the result of unmanly fear, or of a despotic temper, and wholly unnecessary at the time to repress or prevent a mutiny; if all this can appear, it cannot be doubted that the laws will be vindicated."

The New York Express professes to give the following additional particulars:

"In the first place, the mutiny was discovered before her arrival at St. Thomas, and the execution took place on the 20th Nov. several days before she reached that island.

"After the mutiny was discovered, Commander McKenzie imparted the information to some of his officers, who armed themselves and went on deck, when the commander ordered all the officers of the brig to come out on the quarter deck. Spencer came with the rest, and being all assembled, the commander charged him with mutiny; and ordered him to

be put in irons. Spencer made no resistance, but turned up the sleeves of his coat to receive the irons. This was done in presence of the crew, who, it was supposed, Spencer expected would rise in his favor. But there was no effort of the kind. One or two days after, the other two men were put in irons.—Spencer was in irons four days before he was executed. On the day or night previous to the execution, an examination was had, and it was resolved to execute three. A gun was fired at one o'clock, when the prisoners were summoned to expiate their crimes and the crew were assembled to witness the execution. Spencer received the sentence with great firmness and apparent disregard of death. On the signal being given they were all run up at the same instant, at the main yard arm, Spencer on one side of the vessel and two men on the other," &c.

The New York Courier gives further accounts of what it calls "this extraordinary but entirely justifiable proceeding"—professedly drawn from the highest authority.—Among other circumstances, it states, that it was Midshipman Spencer, who communicated the plot to Mr. Wales, the Purser's Steward, under an oath of secrecy—that finding he was watched he detailed the matter to the Purser, who made it known to Captain Mackenzie—that Spencer's papers were then examined, and all the details were fully confirmed.—Capt. McKenzie then consulted his officers in a circular letter, requesting their opinion—and each one returned for answer that Spencer and the other two ringleaders deserved immediate death—and the Captain counselling with them determined to carry it into immediate execution. Small (one of the mutineers,) publicly confessed his faults. As he was about to be executed, Spencer asked the respite of ten minutes, for himself and companions. An hour was granted—and Spencer was asked if he wished to write to his father or mother; but he replied that he did not—he then acknowledged his guilt, and the justice of his punishment—and remarked that he would rather meet his death (at sea;) than be subjected to the infamy of exposure on shore. They were all run up together. The N. Y. Courier believes that the conspiracy was communicated to Capt. M. on the 27th November, and the execution of the Mutineers took place on the 1st December.

Congressional Reports.

The following synopsis of the annual Report of the Secretary of the Treasury to the present session of Congress, we copy from the National Intelligencer; and that of the Secretary of War from the New York Tribune—both Whig papers, but we suppose they would not misstate the contents of official documents like these.

THE ANNUAL TREASURY REPORT.

The Annual Report of the Secretary of the Treasury was received in Congress yesterday, from which we have with great haste skimmed the following particulars:

The Receipts into the Treasury during the three first quarters of the present year, with the estimated receipts for the fourth quarter from every source, (including loans and Treasury notes,) amount to thirty-four millions five hundred and two thousand dollars, besides the balance of two hundred and thirty thousand dollars in the Treasury on the first of January last.

The Expenditures for the three last quarters of the year, with the estimated expenditure for the remaining quarter, amount (including \$7,356,400 for redemption of Treasury notes) to thirty-four millions five hundred and three thousand dollars.

The Receipts for the half year ending 1st July next are estimated (including Treasury notes and loan to amount of \$5,538,000) at \$14,588,113; and the Expenditures for the same period (including interest on debt and Treasury notes to amount of \$605,000) at \$10,381,186. The estimates of Receipts and Expenditures for the fiscal year ending the 30th June, 1843, (under the new arrangement effected by the act of the last session,) are estimated, the Receipts from customs and public lands (and \$150,000 from miscellaneous sources) at \$18,850,000, and the Expenditures (including interest and Treasury notes) at \$20,945,498.

The balance remaining in the Treasury on the 30th June, 1843, it is estimated will amount to \$3,731,369, and on the 30th June, 1844, to \$1,635,871.

Since the estimates were prepared at the several Departments, it has been ascertained that the expenditures for the fourth quarter of the present year will fall considerably short of the amount estimated, so that the balance in the Treasury on the 1st January next will be considerably larger than estimated; but, as the difference will become a charge on the Treasury in the next year, it has not been deemed necessary to alter the amount as first estimated.

The recommendations of the Report are confined to that of a further provision for revenue and the support of public credit by a taxation on untaxed or lightly taxed articles of import to produce an addition to the present revenue of three millions of dollars a year; an authority to allow interest on all outstanding Treasury notes, as under the last issue thereof; and the establishment of a warehousing system.

REPORT OF THE SECRETARY OF WAR.

The Report of Secretary SPENCER furnishes a very full and satisfactory account of the state of the Department under his immediate control. A very thorough inspection has been made, under his order, of all the military affairs of the country, and the information thus obtained, he says, is of the most gratifying character. The estimates for the army proper for the first of the year 1843, amount to \$553,586; whereas the appropriations for the same service for the half of 1842 were \$2,142,334, thus showing a reduction of \$1,588,748—made possible by the close of the Florida war, the suspension of many expenditures in consequence of the low state of the Treasury and a general disposition to economize. The same causes have induced a reduction of the estimates for the fiscal year commencing July 1st, 1843, \$3,204,563 being \$1,030,100 less than the equivalent appropriations in 1842, and \$867,430 less than those of 1840. The Secretary believes that the present military establishment of the country may be maintained for \$3,100,000, not including stores, &c., nor expenses of erecting fortifications. The recommendations for the ordnance service of the year, commencing July, 1843

are \$775,200, and in the Engineer Department for the next eighteen months, \$1,245,500 are asked. The whole amount of estimates for the military service for the fiscal year ending July 1, 1844, is \$4,144,154. The estimates for pensions for 1843 are \$697,650. In the Indian Department the expenses are regulated by law and will amount in 1843 to \$791,484.

The Secretary states that arrangements have been made with nearly all the Florida Indians to remove beyond the Mississippi; and that during the year 450 have been shipped, and 200 more surrendered. A force of 1641 men is retained in Florida. The troops withdrawn have been stationed at different points.

A strong force has been placed on Red River under Gen. Taylor, to keep the Indians in check, and to prevent any attempts to engage in the contest in which Texas is involved with Mexico. The safety of the Southwest, West and Northwest frontiers, in the Secretary's opinion, demand the continuance there of the present mounted regiments.

From the general returns of the army it appears that the whole number of troops now in service is 9,847, consisting of 781 commissioned officers, 9,600 non-commissioned officers, musicians, artificers, and privates, and 247 enlisted men of ordnance. The aggregate is \$47 less than the number stated in the last annual report. The desertions have not been frequent though many discharges have been made of foreigners; and the Secretary recommends a modification of the laws prohibiting the enlistment of such. The ordnance Bureau is well conducted. Several of the States are delinquent in the returns of their militia—New Jersey, Delaware, Arkansas and Louisiana not having made returns for from 12 to 18 years. During the season no work has been done at the armories, though operations are now resumed, and orders have been given to make 500 rifles and 500 percussion muskets per month for the next six months. The importance of a national foundry is urged.

The reserved mineral lands in the North of Illinois, Wisconsin and Iowa are recommended to be sold in ten acre lots at the minimum rate of \$100 per lot; as demanded alike by the interest of the United States in the lands and the prosperity and peace of the citizens occupying the lands. Measures have been adopted for putting in order Fort Jesup in Louisiana, and Fort Atkinson; for establishing the new posts on the Marmiton river, and on or near the False Washita as an anchorage, at Detroit, Plattsburg, Fort Sullivan, Fort Adams and at various other posts.

The Secretary again invokes the attention of Congress to the dishonored pledge given by the quartermaster general, in the name and by the authority of this nation, to the Creek Indians, to remunerate them for their services in Florida, as a consideration for their removal. "The earnestness," says the report, "with which a gallant soldier pleads for the faith and honor of his country, and for justice to a helpless tribe, who have no resort but to our own sense of right, it is hoped will not only be excused by the circumstances, but will find a hearty response in every bosom."

Arrangements have been made whereby 2085 guns may be mounted at important points on the sea-coast. The works at Detroit and Buffalo will be vigorously prosecuted; and operations at the outlet of Lake Champlain have been suspended in consequence of thecession to our Government of Rouses Point, where the commencement of a work is recommended. With regard to the defence of our own harbor the Secretary says:

"Although the state of the works for the defence of the harbor of New-York is very gratifying, yet it should not be forgotten that they do not complete the system, and that without such completion, they do not afford adequate protection. The fortifications on Staten Island at the Narrows are deemed more important than the opposite forts Hamilton and Lafayette. The United States has expended more than \$15,000 in erecting the works on Staten Island, upon land belonging to the State of New-York. That State has offered to convey this land on receiving the original purchase money and the interest. The difficulty respecting the title, which was supposed to exist, has been removed by the opinion of the Attorney General, that the right to the land is unquestionably in the State of New-York. It is therefore confidently hoped that the necessary appropriation will now be made to purchase the site of the works erected and to put them in repair. Should any apprehension be felt of a want of means, they can probably be supplied by the sale of the site of Fort Grausvoort, on the North River, which has become comparatively useless, and by the application of the proceeds of such sale to the works on Staten Island. Another and most essential part of the defence of the harbor of New York, which has been rendered more necessary by the discovery of a new channel, consists of a work on Sandy Hook, the immediate commencement of which is strenuously urged by the chief engineer by the most convincing considerations. It is most earnestly and respectfully recommended to the consideration of Congress."

The Report recommends the defence of Mobile Bay, the completion of the Cumberland Road, and the payment of expenses already incurred for its continuance. The Report of the Board appointed to visit the Military Academy at West Point is regarded as very satisfactory.

Important from Washington.—We are informed by a private letter from Washington, that an express has arrived there from the Pacific, bringing intelligence that the British Government has sent a large fleet into the Pacific. The object has not as yet transpired, whether the destination be California, the Oregon, or the Society Islands. It will be recollected that we published a letter about a year ago, (written to us from London, by General Duff Green,) in which it was predicted that Lord Ashburton would refuse to settle the Western boundary. We shall refer to this letter again—perhaps republish it.

Boston Post.

As we have not made the remark before, perhaps it is not yet too late to say that we have never seen the Members of Congress come together in better apparent temper and friendliness towards each other than at this session.—Nat Intelligencer.

State Finances.

HOUSE OF COMMONS.

The Committee on Finance to whom was referred the Reports of the Public Treasurer and Comptroller have instructed me to

REPORT:

That they have examined the Books and vouchers in the Comptroller's Department, find the vouchers to correspond with the books kept by the Comptroller, and the reports of that officer, and the Committee have cancelled the Vouchers for the two last fiscal years, ending Nov. 1, 1842. The Committee have also examined the Books, Vouchers and Cash in the Treasurer's office, and the Deposits in Bank, as reported by the Treasurer, and they find that the Vouchers correspond with the Books and the printed report of that officer, and that the deposits in Bank are made as reported, and have been made in conformity with the law on that subject. The Public Treasurer reports, as Treasury change on hand, the sum of \$149 64. The Committee counted and burnt \$152 70 (some Treasury notes having been redeemed since Nov. 1,) and they have instructed me to report a resolution in favor of the Treasurer for that amount, which resolution accompanies this report.

I am instructed by a majority of the Committee to report further, that the investment of a portion of the Literary Fund in the bonds of the Raleigh and Gaston Rail Road Company and the Wilmington and Raleigh Rail Road Company, was, in the opinion of the Committee, made by the President and Directors of said Fund without authority of law. Before, however, this instruction was given, the Committee considered it due to the Literary Board, to enquire the reasons of the Board for said investment, and for the law under which it was made, and in answer to that enquiry, they received from the Governor, as President of that Board, the communication appended, which I am directed by the Committee to submit with this report.

The construction given to the law by the Governor, and the reasons assigned, were not satisfactory to a majority of the committee, and, therefore, the instructions before referred to.

Without impugning the motives of the Board, or intimating that they had any other object or interest in making the investment, than the good of the State, and the interest of the Fund, which the Governor implies may be charged by protesting in advance against such an inference, without asking whether "the plighted faith of our honest old State is good security" an enquiry never before deemed necessary by "one son of North Carolina," because always considered beyond suspicion, the Committee were naturally led to enquire, by what authority of the Literary Fund was made in the bonds of Rail Road Companies, whose stock is quoted in the market at the nominal sum of \$200,000 for \$100 paid in. The committee were not directed in their enquiries by the assistance of "eminent jurists," but a reference was had to the Statutes creating the Literary Board, to ascertain their powers. The 3d section of 66 Chap. of Rev. Stat. passed in 1825, provides, that "The President and Directors of the Fund hereby created, are authorized to vest any part, or the whole of said Fund, in the Stock of any of the Banks of this State, or the United States, or in the Stock of the Government of the United States, and at all times to change, alter, and dispose of the same, and of any real or personal estate belonging to the said fund, in such manner, and upon such terms as may, in their opinion, be best calculated to improve the value thereof." The 4th sect. of 67 chap. Rev. Stat. passed in 1836 provides, "In addition to the said lands, (the swamp lands vested by 3d sect.) the following property and funds shall be vested in said corporation and their successors in trust as aforesaid, to wit: all the shares of Stock owned by the State of North Carolina excepting one thousand shares, together with all the shares of stock now held in said Bank, in the name of the President and Directors of the Literary fund, making in all five thousand shares of stock in the capital of the Bank of Cape Fear and the profits and dividends arising from said stock: which profits shall be reinvested by the said President and Directors from time to time as they accrue for the use of said fund as they may judge best: subject however, at all times, to the direction and control of the General Assembly." At the same session (1836) an act was passed increasing the capital of the Bank of Cape Fear and providing that upon an acceptance of the amended charter by the Stockholders the State shall be entitled to subscribe 3000 shares of said increased capital, and at the same session, Chap. 69 sec. 3. of Rev. Stat. it is provided if the Stockholders in the Cape Fear Bank shall fail to accept the amendment of their charter, which is made by an act of the present General Assembly, so that the funds of the State cannot be invested in the stock of said Bank, as by said act is directed, it shall be the duty of the President and Directors of the Literary fund to loan out the sum so directed to be invested and added to the Literary fund, or otherwise to secure and manage the same so as to cause said fund to accumulate as rapidly as possible.

This is all the law the Committee have been able to find authorizing or relating to investments by the Literary Board. The first enquiry is; does the act of 1825 authorize the investment of any part of said fund in Rail Road bonds? The stocks named are "the stock of any of the Banks of this State, or of the United States or in the stock of the Government of the United States, and at all times to change, alter and dispose of the same." Rail Road Stocks or Bonds are not included: and why particularly the Stocks, if, by the authority "to change, alter, and dispose of the same," it gave unlimited power "to invest the whole fund in such stocks and permanent securities as the Board may deem proper." The Committee cannot concur in a construction neither sanctioned by the letter or spirit of the act, as they believe the 4th Section of 67th Chapter Revised Statutes, passed in 1836, authorises a "reinvestment" of the profits arising from Bank Stock directed to be vested. This language is said to be ambiguous; but the right claimed, and the practice under it is neither ambiguous or uncertain; when the Statute directs an investment of Bank Stock, and a reinvestment of the profits of the Stock, it would seem to be an exceedingly liberal construction to permit an unlimited discre-

tion to buy rail road bonds, or any securities the board may choose; but the Committee submit no such power was given, or intended to be given, and such right is completely negatived by the 3d Section of 69th Chapter Revised Statutes, before quoted, which authorises a loan or other disposition, in case the Bank fails to accept the amended charter. The Bank did accept, and the necessary consequence follows, that the Board was confined to the stocks named in 66th-67th chapters. The Committee cannot perceive the weight of the argument in favor of the course pursued by the Board derived from Legislative sanction or the acquiescence of the Committee on Finance at the last session of the Assembly. The Committee find that "the present Speaker of the Senate," "the present Speaker of the House of Commons" and "the present Chairman of the Committee on Finance" were members of the Committee on Finance at the last session, and notwithstanding they were members of said committee then differently constituted by different Speakers, "a report was made to the General Assembly by the Honorable Mr. Spaight, the Chairman, and now a member of this Committee, in which "not the slightest intimation was made that the Board had not authority to make these investments," or his Excellency had not power to draw warrants for different other purposes which he judged proper and expedient; yet, in a report subsequently made by the same Committee upon a resolution of instruction from the House of Commons, the Committee admit that sundry sums were drawn from the Treasury not in "strict conformity to, and by authority of law."

It is due, however, to the Committee on Finance of the last Session, to state (which is done upon the authority of part of the members of the present Committee then members,) that the ground assumed by that Committee and acted upon, was, that it was no part of the duty of the Committee on Finance to investigate the authority, by which warrants were drawn by the Governor, and this conclusion was arrived at too in opposition to the opinions of "the present Speaker of the Senate, the present Speaker of the House of Commons," and "the present Chairman of the Committee on Finance," and therefore the "fact" relied upon which it is presumed, "will go farther to sustain the course pursued by the Board than any other," loses much of its force to justify a course, "not in strict conformity to, and by authority of law."

This Committee considered it their duty to enquire for the law authorizing the loans from the Treasury or the Literary Fund for investments or otherwise. It is urged that the investment is a safe one, because the State is Security in the Bonds. This will not apply to \$85,000 of the Wilmington and Raleigh Rail Road Bonds invested; before the last session, the State had endorsed no bonds for that Company, the investment made, the Board accomplished without the consent of the Legislature, what the Legislature had failed and indirectly refused to do. The credit of the State was only loaned to the Rail Roads on bonds a long time to run. By the investment, the money of the State is loaned at once, and the consequence will be, the Committee believe, an abstraction and loss of nearly the whole sum from the Literary Fund, by the mere unauthorized act of the Literary Board; for who is not satisfied that the State will ultimately lose a large amount on her endorsement upon Rail Road Bonds? The Committee conclude, that if the Board were driven to the necessity of determining whether a portion of their fund should lie idle, or their powers should be extended by a forced construction, without the intervention of the Legislature, (a dilemma the Committee cannot perceive,) it would have been infinitely preferable to adopt the former course. The Committee have acted upon a cherished republican principle, that public agents ought to be held to a strict accountability, and they have in the discharge of a public duty, instituted the enquiry, and herewith submit the result thereof, to the General Assembly. They cannot, in conclusion, do otherwise than express some "surprise" too, that a request for explanation from public agents by a Committee of the General Assembly, is considered inappropriate, and an indirect denial of their right is intimated.

All of which is Respectfully submitted, ASA BIGGS, Chairman.

EXECUTIVE OFFICE, Dec. 13, 1842.

To Col. Asa Biggs, Chairman of the Committee on Finance:

SIR: I have the honor to acknowledge the receipt of yours of yesterday, in which you say, "I am instructed by the Committee on Finance, to request you to inform the Committee, in writing, why a portion of the Literary Fund has been used, for the purchase of Bonds of the Raleigh and Gaston Rail Road Company, and of the Wilmington and Raleigh Rail Road Company, and under what law said investment was made."

In reply, I have the honor to state, that why a portion of that Fund was so used, was for the purpose of making an investment of a portion of that Fund, which was lying idle in the Treasury, for the benefit and increase of the Fund, and of course all investments for the benefit of that Fund, must be made out of the Fund itself.

If the design of the enquiry is, to know the reasons, which influenced the Literary Board, in selecting the Bonds for investments, instead of any other objects of investment, I will briefly give them.

It will be observed, that the last Legislature directed the Public Treasurer to borrow any monies that the Public Treasury might need, from the Boards of Internal Improvement and of Literature; the Treasurer was under the necessity of using a large amount of this Fund, until the Public Taxes of 1841 were paid in Sept. and Oct. of that year.

The first of the year 1842 found a large amount of the Literary Fund idle in the Treasury, and not much probability of its being required by the Public Treasury. The Board determined to invest a small amount of the Fund, which they did in the latter part of 1841, but mostly in the first part of 1842.

In casting about for suitable objects of investment the Board turned their attention to such Stocks and Bonds as occurred to them, for you will observe there is no law, to authorize the Fund to be loaned. At that time, our Banks were in a state of suspen-