

The North Carolina Whig.

"Be true to God, to your country, and to your Duty."

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Poetry.

WINTER TO THE POOR.

BY MRS. E. KISSAY.

Stormy Winter comes again,
Bringing snow, and hail, and rain,
Beating 'gainst the window pane—
Rudely knocking at the door
Boreds holds to-night a rout;
See the shutters belted stout;
Fasten all the doors about,
Stormy Winter is without—
God have mercy on the poor!

On the poor, half-clad in shreds,
Through whose low and leaky sheds,
Snows beat down on aching heads,
Piled upon the naked floor,
He that looks may their behind
Side by side, the young and old,
Shrivelled arms the babe enfold,
Oh, how dreadful is the sight—
God have mercy on the poor!

Iron-hearted Winter comes,
Knocks in vain at cozy doors;
But he screeches through the holes,
Scattered where he finds no more.
Then no shutters belted tight,
Faster on the stormy night,
There no hearth is blazing bright,
Oh, how dreadful is the sight—
God have mercy on the poor!

See, the famished infant wails,
To find but empty breast;
While the mother bends distressed,
Drooping tears upon the floor,
Then who hears at the pining cry,
How back down with the wren's eye,
Send them merrily from the sky?
Oh, let him have their bread supply—
God have mercy on the poor!

Hears that all increased in gold,
Self-enriching have grown old,
Who have never felt the cold,
Once unbar your bosom door,
Let compassion now go forth,
Learn what ye to learn were loth,
That no luxury ever
Half true bounty's joy is worth—
Oh, have mercy on the poor!

Hark, the storm is raging yet—
Who bends his fire can sit,
Add the sufferers' woe,
Shivering on the frozen floor?
Ye, who downy pillows press,
Ye, whose limbs soft beds caress,
Pity and relieve distress,
Oh, the storm is pitiless—
God have mercy on the poor!

Miscellaneous.

From the Flag of our Union.

TUNING A PIANO;
OR,
A JACK TAR RAISING THE WIND.

BY FALCONBRIDGE.

As a general thing, there is but little inventive faculty or trillery about a sailor. Jack is too apt to snirk boots and shoes, like cocooners, grow on trees, and that the world is only *finished* long ago, but don't want repairing, and is quite good enough, without alteration, for anybody. But Jack's a practical joker, and so proverbially fond of fun, that the result of a long voyage of hardship and danger goes in a jiffy, to gratify some transient, nonsensical whim or caprice.

Old man Bernard, son of the famed comedian of thirty years ago, John Bernard, gives us among a variety of odd and amusing recollections of life and adventures, a story, which we think worth repeating. Bernard ran away from home when a boy, and became a sailor, and of course became subject to all the ups and downs, trials and tribulations of a sailor's adventurous life. One day, says he, I found myself ashore, ay, on a low shore, not a shot in the locker, nor a friend, in the city of New York. Bernard stalked down to the shore, got a free passage up the Hudson on a market boat, and the next day, says he, I was put ashore near the town of Rhinebeck. Two shillings in his pocket and a stick in his hand, he went off on a tramp, determined to seek his fortune among the sturdy farmers, or go into anything that might develop the means of getting bread for labor. The honest tar fell in with some "company" in the town of Rhinebeck, and of course his two York shillings, presented him by the commander of the market boat, vanished for stimulant.

To let John Tar tell his own story, says he:

"I was out of rhino, in Rhinebeck, and without any idea of the next move. It was a fine evening in June, the moon was up, and my spirits were high. I starts out of the tavern to take a walk to myself, Jack, says I, you're in a pooly fix, you are, up here high and dry, among these land crabs, stuck like a big bumble bee with a pin through his back, in a showman's case. I was a case, that's a fact. So I went a head, thinking it all over and over again,

and the more the line got kinked up and tangled; until says I, Jack Bernard, it's no use ballyhooing and boxing the compass in this way; come to old boy, and take it easy.

"I now hears music, a piano was going, hand over hand. I always liked music, was brought up to it you may say, I could play violin some, pianos were out of my latitude, but I could sing you know with anybody. I stops right under the lee of the handsome house where the young ladies were singing and playing the piano, and taking a fancy position against the railings in front of the house, I listens. The lady got through with piece of music, and says I to myself like, you know, that's good—*bravo!*"

"Hailow!" says a gentleman looking out of the window. "What are you at there, sir?"

"Beg your pardon," says I, "I was listening to that young lady's song, and it was good. I say—*bravo!*"

"Go a long sir," says the gentleman, "a-bout your business; don't stand there."

"Thank you," says I.

"Go along," says he, "none of your palaver."

But I stood my ground, and the piano started again, and two of the ladies and one of the gentlemen sang a really clever *trio*. And when they got through, I like it so, that I said *Good!* *Bravo!*

"Who the deuce is that fellow?" says one of the insiders.

"Go, start him off," says another.

"Why bless me, it's a sailor!" says a beautiful voice, from a perfect angel of a girl, as I observed, as she came to the window and looked out at me.

"A sailor!" says some others of the ladies, and then several of them came to the window. I heard the door open, and out comes a gentleman, and says he:

"Look here what do you want?"

"Well, sir," says I, straightening up and looking him in the face, "a good deal, and yet not much either."

"What do you want here, sir?"

"O! I beg your pardon, sir, I was leaning along, and hearing the ladies singing and the piano going—"

"Well!"

"I stopped."

"We see you have, but you must pass a long sir," says the gentleman, motioning me to push back.

"Let him stand there," I heard one of the ladies say, bless her heart, "if he wants to listen, George, let him be."

"You are a sailor, ain't you?" says the gentleman.

"Yes, sir, I am," I responded "but I know something about *music*, sir, for all that. I like music, I was brought up to it, sir," says I.

"Indeed!"

"Yes, sir," says I, "and when I heard that piano of yours, I knew it was out of tone, (the gentleman grew quite attentive). Yes, sir, sadly out of tone," I continued.

"Call him in," says the gentleman.

"Yes, George, bring the sailor in," says the ladies, and by Biscay O, in I went.

"Do you play, sir?" says one of the gentlemen.

"O, do sit down and play for us," says the ladies. Well, the fact was, I never could play the piano, and so says I "Ladies," doffing my *tarquin*, "you see it's some time since I played, my hands you see are hard and pokery, and I'd make a mighty poor fit of it, now; but I'll try, and down I sits, with all the flourish of a regular professor. I leaned back on the stool, spread my feet, and stretched my hands and fingers—*tum a hum dom dum tweelle twelle twelle—de de de—sweet!*"

"By the Bay of Biscay, and they looked at me, as I dashed over the keys."

"Dom, dom," I hits the bass some rousing thumps, and then says I, in seeming agitation at the want of melody or vibration in the strings:

"Dom m-m, dom deddle eddle, *tweet!* This piano's all down, quite down; dom, dom, *dum!* Hear that? Fine instrument, but horribly out of tone."

"I knew it was," cried one of the ladies.

SIGNS OF COMMERCIAL PERIL.

Hunt's Merchants' Magazine for January touches briefly upon two or three topics, which, at this moment possess more than ordinary interest. We extract the following suggestive paragraphs:

"Our merchants have never enjoyed such uninterrupted prosperity. Branches of mercantile faith, or failure to meet commercial engagements, have been almost unknown, and thus the profits-and-loss account exhibits a range of entries all upon the credit side. What next? is the question asked, and anxiously considered on every side. Have we reached the height of prosperity only to make our fall the more disastrous? Is the course of commercial affairs always like the segment of a circle described by a child's swing, and can there be no progress without a corresponding recession? Has the world grown no wiser with age than thus to toil up the hill with the certainty that the ground will all be lost again? These are thoughts which will come to many during the long evenings that close in upon the first days of the new year.

"There are, it is true, some signs of evil portent. We regard as the most dangerous the rapid increase of new banks. The principal danger from this source is not in the fact that the expenses of legitimate banking will be greatly increased, while the profits will only be divided. Nor is it so much in the healthy expansion which will be created by the increased issue of paper money, although this is an evil of great magnitude. The great danger lies in the fact that the control of the currency and the direction of monetary affairs will pass, in a great measure, from the hands of the judicious and experienced into the hands of a new set of men too little accustomed to such a change. The new banks are managed in a great degree by new hands, undisciplined by former reverses, and unaccustomed to the dangers which are sure to be encountered. Like inexperienced mariners, they will carry too much sail in fair weather, and give way to too sudden a panic when the storm overtakes them. A large class of the new banks, too, are originated by *barometers* instead of capitalists, and this will add neither to their caution nor stability.

"Another indication of evil is the rapid formation of new houses by young and inexperienced clerks, who ought to be kept under the control of wiser heads until they are more fit to be trusted to their own strength. The requisition for the successful management of mercantile business are greatly underrated by a majority of the young men in this country; and the melancholy disasters with which our commercial history in the past is so thickly strewn, seem to have no influence in deterring the young and adventurous from embarking in the same desperate enterprise. And many even of those who have some reason in setting up for themselves, show but little judgment at the very outset of their career. They have no patience for the small beginnings, the slow and sure earnings which have laid the foundation of all legitimate success in mercantile pursuits. They lay out their schemes on a scale of magnificence truly dazzling, and their expenses are generally in a ratio inverse to their profits. This multiplication of mercantile houses will be one of the most *revings* of all the assaults upon our prosperity for the coming year."

A WELL-TIMED SUGGESTION.

From the Providence (R. I.) Journal.

The resolution to erect an Equestrian Statue of Washington was passed many years ago, and the appropriation only carries into effect a measure of national gratitude long delayed. Another of a similar character has been even longer delayed. Next to Washington in his claims upon the public gratitude for revolutionary services stands Nathaniel Greene. Possessing in the fullest degree the confidence of the great commander, he was selected for the most difficult and delicate positions, and he never failed to come up to all that was expected of him. When the enemy had overrun the South, and the opposition was confined to a handful of partisan forces, his arm turned back the tide of disaster and defeat, and planted the American standard upon the States which his valor had recovered. The whole country rang with joyful acclamations at the news of the battle of Eutaw Springs. Congress voted Gen. Greene a British standard and a gold medal, and subsequently two British field pieces.

Gen. Greene died in Georgia, and "to this day no man knoweth of his sepulchre." No stone has been raised above his honored dust, and no monument has been erected to the memory of the man who stood confessedly next to Washington, and who would, in all probability, have been appointed to succeed him, had Providence permitted so great a calamity as his death.

On the 12th of August, 1786, less than two months after the decease of Greene, Congress passed the following resolution:

"Resolved, That a monument be erected to the memory of the honorable Nathaniel Greene, at the seat of the Federal Government, with the following inscription: Sacred to the memory of the Honorable Nathaniel Greene, who departed this life the nineteenth of June, 1786: Late Major General in the service of the United States, and commander of the army in the southern department. The United States, in Congress assembled, in honor of his patriotism, valor and ability have erected this monument."

This resolution, so creditable to the patriotism of the Congress of the Confederation, has never been carried into effect. It is the present a favorable time to complete the act of gratitude!

It is said that the Chairman of the Committee of Ways and means intends shortly to report an important bill for the regulation of the coinage.

It is said a number of the members of Congress and others have held a meeting and resolved to make an effort to push the French Speculation Bill through.

SPEECH

OF THE
Hon. Alexander Stevens, of Ga.
In defence of Mr. Corwin, against the charge of being improperly connected with the Gardiner Claim.

Delivered in the Ho. of Representatives Jan. 13, 1853.

MR. KING, of New York. I call for the regular order of business.

The SPEAKER. The first business in order is the motion to recommit the bill to prevent frauds upon the Treasury.

Mr. STEPHENS, of Georgia. The bill under consideration, Mr. Speaker, is reported by the Secretary of the Treasury, appointed to investigate the Gardiner claim. I do not see any connexion which it has with the business submitted to that committee. It seems to be before the House anomalously. I suppose it must have got here by unanimous consent. The committee certainly had no authority from this House to report it. So far as the bill, therefore, is concerned, I shall treat it as an independent measure before this House, as if reported by any individual, and I shall not connect its merits with the investigation of the Gardiner claim. I see no legitimate connexion between it and the subject referred to that committee by the Senate by a Senator from North Carolina (Mr. BAUM), in the remarks which I shall make upon its merits. I shall necessarily, in noticing the topics of discussion which it has given rise to, introduce some of the subjects which the gentlemen have alluded to in the progress of the debate. The gentleman from Ohio, (Mr. OLDS), for instance, who I believe, addressed the committee first upon this subject, and whose speech is reported for the first time in the Globe of this morning, seems to consider the report of this bill by that committee as confirming his original remarks in relation to the Secretary of the Treasury, Mr. Corwin. I do not so consider it. I do not consider that there is anything in the report of the committee which can justify such an inference. I take this occasion to state to this House that I think the investigation and report of this committee fully and completely vindicates the Secretary of the Treasury from that Gardiner claim which the gentleman from Ohio, (Mr. OLDS), seemed to entertain the opinion or suspicion that he held. I notice the following, in the report of the gentleman's remarks, and I shall be brief upon this point:

"Mr. Speaker, I will not say that at the time I offered the resolution calling for this committee of investigation, that I had not a settled conviction upon my mind, that Corwin must have known, & at least have strongly suspected, the fraudulent character of this claim. That conviction has not been changed, but greatly confirmed, by the evidence reported by the committee. But, sir, notwithstanding these convictions, I had no purpose of making any such charge in the resolution, knowing the utter impossibility of proving a man's thoughts or impressions. Nothing in the language of the resolution, or in the remarks with which I accompanied the resolution, can be construed into such a charge."

Now, sir, I have the remarks of the gentleman as made before this House, in which he says:

"Through the investigation of Congress, their Galphinism has been exposed; and Crawford, loaded with the execrations of the American people, has received his passports to perpetual infamy. But Corwin still remains unwilful of infamy. True, sir, his cat-spaw and accomplices in the fraud, is loaded with iron, and is handed by public sentiment as a perjurer and forger; but the master moving spirit, the head and brains in the fraud, through the negligence of this House, is still permitted to outrun the Treasury of the U. S."

Mr. OLDS. That is a quotation from a speech made in July upon entirely another question, in which I referred incidentally to the Galphinism of the country. It had no connexion with this resolution whatever.

Mr. STEPHENS. These were remarks made by the gentleman in connexion with this subject. It is prepared now before the House to say that he takes this expression back?

Mr. OLDS. No, sir, I say that the remarks I made at the time I offered this resolution show that I intended to make no such call upon the House for investigation.

Mr. STEPHENS. Then, if the gentleman does not take them back, or modify them, he should make them good. They were remarks made by him in this House and to the country before this committee was raised, as one of the reasons for raising the committee, though they may not have been made at the time the committee was ordered. Now, then, the gentleman ought either to sustain the charge before the House, or modify it. I must consider it as a part of the remarks made by him which induced the House to raise the committee. This was the gist of the accusation. It is not my purpose at all to discuss the merits of the Gardiner claim; that is, whether it was founded in justice, or whether it was a fabricated fraud from beginning to end. That was not even before the investigating committee. I am free to state, however, carefully, I consider the report of the investigation, that my impression is that it is fraudulent. But the subject referred to that committee to investigate, and which, so far as its report is concerned, is now before the House, is his (Mr. Corwin's) "improper" connexion with the claim; because the very resolution offered by the gentleman, and passed by this House, stated that:

"Whereas a strong suspicion rests upon the public mind that fraudulent claims upon the public treasury have been made, and have been allowed by the late Mexican Claim Commission, with one of which it is suspected that Thomas Corwin, Secretary of the Treasury, has been improperly connected; Therefore,

"Resolved, That a committee, consisting of five members of this House, be appointed by the Speaker, to investigate all the facts touching the connexion of the said Thomas

Corwin, the present Secretary of the Treasury, with the said Gardiner claim; what fee, if any, he was to receive for his services as agent or counsel for said Gardiner; what interest, if any, other than his fee interest, he purchased and held, either directly, in said claim, and the amount paid, or stipulated to be paid therefor, and condition of such purchase; at what time he ceased to act as the counsel or agent of said Gardiner; to whom and for what consideration he disposed of his fee interest; to whom and for what consideration he disposed of his one fourth interest in said claim."

The only question, therefore, so far as the report of that committee is concerned, is, whether the Secretary of the Treasury was improperly connected with the claim of which there was a suspicion of fraud attached to it. That is the only question. Well, sir, does not this report of the committee, raised at the instance of the gentleman from Ohio, sufficiently show to us and to the country that there was no improper connexion at all on the part of the Secretary of the Treasury with the claim? The gentleman from Ohio attempts to argue not; and the whole of his speech seems to be a sort of enure upon the committee that was raised at his own instance; at least it so struck me. He seemed to be grumbling at their conclusion. What is that conclusion of the committee on the real point in issue? Here is their language:

"No testimony has been adduced before the committee proving, or tending to prove, that the Hon. Thomas Corwin had any knowledge that the claim of the said Gardiner was fraudulent, or that false testimony or forged papers had been, or were to be, procured to sustain the same."

The testimony before the committee shows conclusively that Mr. Corwin had no interest whatever in this claim after he became Secretary of the Treasury; and the committee say that there is no evidence showing, "or tending to show," that even as a private citizen, in his vocation as an attorney, he knew any thing at all of the fraud. There is nothing, then, connecting Mr. Corwin improperly with the claim. But, says the gentleman, the committee have reported this bill. Now, it is to that point that I wish to speak briefly, because this bill was not reported by any authority conferred on the committee, nor does it touch the case before them. I do not intend to let the gentleman escape in this way. I call the attention of the House to the fact, that if Mr. Corwin, as Secretary of the Treasury, had been improperly connected with this claim—as was intimated in the original charge—there would have been no necessity at all for any special bill to reach his delinquency.

Sir, the founders of our Government, in one of the first acts passed by Congress after the organization of the Government, sufficiently protected the Treasury of the United States in this particular. If Mr. Corwin acted improperly, you need pass no new law for others; you can now prosecute him, and visit upon him the punishment he deserves; you need not let him pass from defect of the law. I call the attention of the House to the act creating the Treasury Department in 1789, to show that there is no necessity for this bill to meet any future case similar to that then before the committee. I read the eighth section of that act:

"Sec. 8. And be it further enacted, That no person appointed to any office instituted by this act shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner, in whole or in part, of any sea vessel, or purchase by himself or another in trust for him any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use, or gain, for negotiating or transacting any business in the said Department, other than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of \$3,000, and shall, upon conviction, be removed from office, and forever thereafter incapable of holding any office under the United States." &c.

Sir, if Mr. Corwin, as Secretary of the Treasury, was "improperly connected" with this claim against the Treasury, as charged, here is a law of the country that has been in existence since 1789, under which you can proceed against him, and by which you cannot only displace him, but disgrace him forever. If, therefore, the committee undertook to recommend this bill to meet Mr. Corwin's case, I beg to inform them, and the gentleman from Ohio, that their work is but an act of supererogation. Here is a law quite sufficient for them or him to act upon. My object, sir, is to disconnect this bill, upon which I intend to speak hereafter, entirely from the matter and case referred to that committee. But I wish to premise a few remarks upon the facts reported by that committee, and which have been commented on in the debate.

Now, Mr. Speaker, these facts are, that Mr. Corwin, while he was a Senator of the United States, was employed as an attorney before the Board of Commissioners to adjudicate claims against Mexico in behalf of Gardiner, a claimant, and that he also took an interest by assignment in his claim. These facts are admitted. The gentleman from Tennessee, (Mr. JOHNSON), argued yesterday that it was *autum in se*; that it was *wrong in itself* for a member of Congress to appear as an attorney for fee or reward before any such tribunal. If he is, Mr. Corwin did something wrong in itself, and deserves censure. If not, he is certainly above the reproach of even the most fastidious in what he did. Let us refer to our history on this subject. Every gentleman who hears me knows that it is usual and has been from the beginning of this Government, for Senators and members of this House to appear as counsel for fee and reward, or compensation, before the Supreme Court of the United States, to appear before any of the courts of the Union, and before the courts of the States, and to adjust

claims similar to these—before just such tribunals as this was. Nay, more; I believe that even anterior to our Revolution, Dr. Franklin did not consider it *autum in se* to receive fees and act as agent for several of the colonies before the proper departments of the government of the mother country, Great Britain. He was the regular agent, first of Pennsylvania, then of Massachusetts, and of Georgia, perhaps others of the colonies. I maintain, therefore, that there is nothing in the thing itself which, by the general consent of our countrymen, even the wisest and the best, is, or has been considered, wrong in acting as counsel or attorney, or agent for proper compensation in such a capacity. I believe it is a historical fact that after the Jay treaty, there was a commission instituted for the adjudication and settlement of claims provided for in that treaty, and that the ablest attorneys in the country at that time appeared before the board thus constituted—amongst them members of Congress.

Again, at the close of the last war with England under a convention, a similar board was constituted. The celebrated Mr. Pickney, of the State of Maryland, a distinguished member of this body—an honor to his State, an honor to his country—a man whose eloquence was perhaps never questioned, so far as I know—he, sir, appeared, as I am informed, before that commission, and argued important cases as attorney for parties interested. Who ever heard his conduct questioned? Who ever heard an imputation cast upon his character, for thus advocating the rights of those who sought the aid of his legal counsel? I give him as one instance amongst others. But further still, I have a paper before me, from which it appears that the Hon. George M. Dallas, while he was Vice President of the United States, received fees for prosecuting, with others, a claim before one of the departments—others were engaged with him in the same case, members of Congress, of the highest character and the strictest purity. How can men thus employed be said to be employed against the Treasury of the United States? In most instances the only questions is, who among several claimants shall receive a particular fund?

But, sir, I come down even to this very tribunal before which Senator Corwin appeared as counsel. He was not the only member of Congress who appeared, or agreed to appear, there as counsel. And if there was anything improper in his connexion with Congress? Mark you, I do not allude to these facts by way of casting imputations upon any of the gentlemen whom I shall name, but I do not intend, sitting here in this Hall to permit a false impression to go before this country, or that Mr. Corwin, who is a distinguished lawyer, shall be a speck upon any gentleman whom this floor—Mark you, that the whole charge *autum in se*, that Mr. Corwin, while a Senator, was employed by Dr. Gardiner to represent his claim as one amongst other lawyers before the Board of Commissioners. For the testimony is conclusive that, perhaps, knowing the state of 1789, which I have read, if from no other consideration, he disconnected himself from that relation before he assumed the position of Secretary of the Treasury.

But the gentleman from Ohio (Mr. OLDS) says that the transfer of his interest was all a farce. Well, if so, the issue is between him and his committee. They do not report that it was a farce. The witnesses are unimpeached, and they swear that it was an *unconditional transfer* of all his interest in the claim. I am bound, therefore, so to consider it. Well, then, sir, was Mr. Corwin the only distinguished Senator who appeared as counsel before that Commission? I have not seen the docket, but I speak from information which has been communicated to me, and which I have no doubt is correct. I am informed that the honorable Senator from Missouri (Colonel BREXTON) appeared in a case there. I am informed that the honorable Senator from Louisiana (Mr. SOLLE) appeared in a case there. I believe that the honorable Daniel Webster appeared as counsel there in two cases. The honorable Mr. BENTLEY, a Senator from Indiana, appeared there also in four cases, as I am informed. Whether those gentlemen appeared for fee or reward, I do not know. I come now to this House; and mark me again, that I do not intend to cast any imputation upon any gentleman, because I do not consider myself that there was any wrong in it. There was no law against it, and it had been the custom of the country, from the beginning, for men holding such positions to act in such a capacity. But I am informed that the honorable Mr. HOWARD, of Texas, appeared before that Commission in behalf of some claimants. The honorable Mr. EWING, of Tennessee, who was then, but not now, a member of this House, appeared there as counsel, or represented some party, as I am told. The honorable Mr. PHELPS, of this House, did the same thing.

Mr. PHELPS. The gentleman from Georgia is mistaken in relation to that matter.

Mr. STEPHENS. Well, sir, I shall be glad to be corrected. I only speak from information received from others, as I have stated.

Mr. PHELPS. Permit me, then, to make a brief statement. When the Mexican Commission assembled, one of my constituents handed me his memorial, with the request that I would send it to the Commission, with the proofs accompanying it. I did so send it. My constituent then desired me to appear before the Commission, if necessary, and attend to the case. Action was laid upon the case, but I never appeared before the Commission. I only appeared of one of the Commissioners what action had been had upon it. I received no compensation for it whatever. I attended to the business as I would attend to any other business of my constituents. But I did not appear as counsel in the case.

Mr. JOHNSON, of Tennessee. I wish to ask the gentleman from Missouri this question: Did you ever receive any compensation for your action before this Commission?

Mr. PHELPS. I did not appear before that Board at all, nor did I receive any compensation for filing the memorial.

Mr. HOWARD. As the gentleman from Georgia has mentioned my name in this connection, I desire to state, that two constituents of mine sent cases to which I filed before the Board. I presented them, however, without having exacted or received any compensation.

Mr. STEPHENS. Then I understand the gentleman from Texas did appear before the Board, but received no compensation for it.

Mr. HOWARD. I will state, that I received petitions and papers made up, some of which I corrected, and one petition I drafted, signed them as counsel, and presented them before the Board, but I never received any compensation nor charge any. I have never charged or received any pay for business to which I have attended before the Department.

While I am up, however, I will state, that I do not myself consider an appearance before such a board as anything improper in itself. I agreed to state my reasons for this opinion before the debate closed.

Mr. STEPHENS. What I was informed, then, is true, that these gentlemen, did act as counsel before this Board. Mr. PHILIPS did not appear before the Board in person, because it was not necessary; but as the papers presented by them were for constituents, they did not charge or receive any compensation for their services. On that point, as I stated, I was not informed as to either or any of the gentlemen named by me.

Mr. PHELPS. I did not appear before the Board at all. I merely appeared in the papers.

Mr. STEPHENS. The gentleman did not appear, because it was not necessary. I presume there is no question that neither of these gentlemen received any compensation for their services. But the gentleman from Texas very correctly states, in my opinion, that there was nothing unusual or improper in members of Congress appearing before such a Board as counsel for compensation.

Mr. STANTON, of Tennessee. Will the gentleman allow me to make a statement.

Mr. STEPHENS. Be brief.

Mr. STANTON. I do not know whether the gentleman from Georgia has my name as appearing before this Commission or not; but I did appear there, in one case for a constituent of mine, who employed me as his counsel, and paid me for it. I drew his memorial and presented it before the Board. I did not think the Commission allowed him half as much as he was entitled to, but he paid me in accordance with his own proposition.

Mr. STEPHENS. I did not have the gentleman's name; and it is very possible appearing before this Commission or not; but I did appear there, in one case for a constituent of mine, who employed me as his counsel, and paid me for it. I drew his memorial and presented it before the Board. I did not think the Commission allowed him half as much as he was entitled to, but he paid me in accordance with his own proposition.

Mr. STEPHENS. It seems, then, that the two gentlemen, Mr. HOWARD and Mr. PHELPS, happened to have the papers of constituents, in consideration of which they did not charge them for their services; but if the papers had been prepared by others, according to the statement of the gentleman from Tennessee, (Mr. STANTON), and of the gentleman from Texas, (Mr. HOWARD), they would have considered it nothing improper to have appeared before that Commission, any more than to have appeared before the Supreme Court as counsel.

Now, my point was, to show from the whole legislative history of the country, that such a connexion has never been deemed improper; that there is no legislation against it. This, I think I have established. The only Department of the Government in relation to which such a connexion is prohibited by law, is that of the Treasury. That is the only Department in which public officers are prohibited from holding such a relationship. In the War Department there is no law against either the head of it or any subordinate being interested in a claim, or presenting a claim pending before the Treasury. In the State Department there is no such prohibition, or in any other Department. Here, and in this connection, I beg to call the attention of the House to the investigation which was had in 1837, before the honorable committee of Mr. Wise. You recollect, perhaps, that amongst other charges of impropriety preferred by Mr. Wise, was that the heads of some of the Departments were speculating in the public lands, and with having interest in, and with presenting claims against the Government. The position of General Jackson and of the party then in power, of which he was emphatically the head, was, that *there was no law against it*, and that if the heads of any of the Departments, except the Treasury, or any of the officers of the Government, had a claim against the Government, or was disposed to invest his money in speculating in the public lands, that it was no well-grounded charge against the integrity of such officer. I have the reports of that committee before me, with the remarks of Mr. Wise upon it. These papers, I think, fully sustain this position.

The Secretary of State was charged at that time with being largely interested in a land company in the State of Alabama. Questions were put upon the stand, and questioned as to that fact. The question