DEBATE
ON THE BANK QUESTION,
Which took place in the House of Commons, from Dec. 29 to Jan. 6.

(Concluded.)

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Mr. Bynum rose and said, Mr. Speaker, I am aware of the impatience of the House, and of the exhausted state of the subject; but, Sir, as the advocates of this measure have been accused of favoring a system of *rapine* and *plunder*, he felt it a duty which he owed to himself—a duty which he considered paramount to all other considerations, to discharge himself, as far as his feeble power would enable him, from an allegation, to say the least of it, so entirely unfounded. He had not intended to have expressed himself at all on this all-absorbing subject, until a very late stage of the discussion. It was his misfortune, however, to differ from many of the friends of the bill on the table, in attributing sinister and corrupt motives to those who opposed it. He was willing to admit, and in fact had no right to believe otherwise than that, the gentlemen from Newbern, Buncombe and Hillsborough, whose motives seemed to have been mostly impugned, on this occasion, were as honorable and as virtuous in the course they pursued, as those opposed to them. In fact, he looked upon the opposition as a mere difference of opinion on a subject, which he confessed, was of doubtful policy. Mr. B. said, he had ever been opposed to the policy of the present system of banking in the United States, and he would here take the liberty of replying to the remarks that fell from the honorable gentleman from Newbern, and the gentleman from Buncombe, some days since on the subject of the Bank of the United States. He could not subscribe to the commendations and eulogiums pronounced upon that Institution: he believed it a *mammoth*, that would not only swallow up the different Banks of the State, but that, in the course of time, would, with a slow, undeviating and resistless stride, swallow up a proportion of the liberties of the people of this country. With deference, however, to the opinions of greater men, he believed its origin unconstitutional, and the tendency of the Institution most destructive to the operations of a Republican government. He thought it an *ill-shapened whelp* of that system of *paper patronage* introduced in England by Sir Robert Walpole, under the denomination of the *funding system*, to buoy up and give permanency to a tottering throne. As a great camera obscura, it had inverted every thing within its sphere. By the aid of its great patron and founder, the *Tories*, who then held the landed interest in England, were supplanted by the *Whigs*, and stock-jobbers, by the magic of paper patronage, became the land-holders of that country. Its effects had been to oust the land-holders of every country, and its prosperity had been in proportion to their adversity and oppression. These paper institutions and manufacturing establishments had been the *curse* of England: they had *constantly* contributed to enrich the aristocracy of that country, and to degrade and impoverish the commonalty and yeomanry of the country. If, then, the same causes are productive of the same effects—are not similar institutions in America likely to produce the same effects that they have produced in England? Mr. B. said he believed that the effects would, in due process of time, be unavoidably the same in this country that they had been in England, if there was not a proper and timely application of legislative interference. He stood not alone when he asserted, that he viewed the Bank of the United States as a *dagger* of *death*, pointed at, and approaching slowly, and, he feared, with an irresistible pace, the vital principles of our Republican Institutions—its foundation had been opposed by some of the most distinguished patriots of the Revolution, whose principles should ever be held sacred by every lover of a Republican form of government. He thought the principles of the Banks of the State of North-Carolina as analogous to those of the Bank of the United States, as the Banks of the United States are analogous to the Banking institutions of Europe, whose effects had been invariably generative of the most oppressive aristocracies. He was, therefore, more opposed to them from principle, than from any impropriety of conduct; but that he did believe that the conduct of the different Banks of the State had been unauthorized by their charters, illegal and oppressive to the people; he therefore felt doubly bound, (opposed to them as he was in principle,) to support the passage of the bill which authorized a judicial investigation of their illegal conduct.

Institutions thus pernicious in their tendency, should be dealt with according to the strict letter of the law. They were sufficiently deleterious in their very nature, without allowing to them any additional latitude in their operations. But gentlemen had said, if a prosecution was instituted, ruin must inevitably ensue. Did he believe such to be the fact, perhaps he should be amongst the last to support the measure before them; but he most religiously believed that it would avert the impending ruin which now hovered over the country, rather than to create more. He was extremely loth to place his legal opinion in opposition to that of the honorable gentleman from Newbern. He thought the law read by the gentleman would admit of a different construction from that which was placed on it by that gentleman on a former occasion. The gentlemen opposed to the measure, at first held out that the Legislature had no right to interfere with the charters of the Banks; and if they did, and their charters were forfeited, that a dissolution of the Corporation would ensue, and consequently a total extinguishment of the debts to and from that Corporation would immediately take place. To justify this opinion, they have relied on the following passages in Blackstone's Commentaries. The common law, said Mr. B. had ever recognized in all Corporations, certain visitatorial powers. In England, this power sometimes resided in the King, and to such other persons, or donors, or powers as created them. In all Corporations, in this country, created by the Legislatures, he considered that this visitatorial or corrective power, as we would call it in this country, resided in the Legislatures themselves, who had created the bodies corporate. The parity of the corrective power claimed by the Legislature, to that of the visitatorial power exercised by the King, was perfectly just and compatible with the principles of the common law. In England, they were tried for their misdemeanors by the Court of King's Bench, and he thought the jurisdiction of the Supreme Court of the State had the same recognizance of any misdemeanors of the different Corporations within the limits of this State, and particularly when instructed by the corrective or visitatorial power that the Legislature claimed. To give it a different construction, would be yielding to all corporate bodies an unlimited control, which, he thought, bore an absurdity on its face. To shew that his (Mr. B's) construction was a fair one, he would read it, as he found it laid down in *Bl. Com. p.* 481, second paragraph:—"The King being thus constituted by law, visitor of all civil corporations, the law has also appointed the place wherein he shall exercise this jurisdiction, which is the Court of King's Bench, where and where only, all misbehaviour of this kind of corporations are required to be redressed, and all their controversies decided: and this is what I understand to be the meaning of our lawyers, when they say that these civil corporations are liable to no visitation." This, Sir, will bear me out in my construction of the common law, with regard to the corrective power which I propose to substitute for the visitatorial power that is recognized to reside in the *King* by the common law, as read. Mr. Speaker, said Mr. B. the honorable and learned gentleman from Newbern has read another passage from the same author, upon which he relies to justify the opinion, that on a forfeiture of charter, a total extinguishment of the debts to and from the Banks would immediately ensue, in these words, p 484: "But the body politic may also itself be dissolved in several ways, which dissolution is the civil death of the corporation, for the law doth annex a condition to every such grant, that if the corporation be dissolved, the grantor shall have the lands again, because the grant faileth. The grant indeed is only during the life of the Corporation, which may endure forever, but when that life is determined by the dissolution of the body politic, the grantor takes it back by reversion, as in the case of every other grant for life. The debts of a corporation, either to or from it, are totally extinguished by its dissolution; so that the members thereof cannot recover or be charged with them, in their *natural capacities*, agreeable to that maxim of the civil law." Now, sir, what is the meaning of this passage?—"The land shall go back to the grantor, upon a dissolution of the corporation,"—and whatever is granted should revert to the grantor by the same law. The Legislature has granted no land, nor effects; but, sir, it has granted a privilege, or franchise, if you please: and, sir, according to the doctrine, as above laid down, would this not, upon a forfeiture, revert again to the Legislature, to be disposed of by them, at discretion? The latter part of this quotation, however, seemed to have been dwelt on with peculiar emphasis by the gentleman:—"The debts of a Corporation, either to or from it, are totally extinguished by its dissolution"—but how? "*so*," says Blackstone, "that the members thereof cannot recover, or be charged with them"—in what respect? "*in their natural capacities.*" And, sir, is this any thing more or less than to prevent them, as *individuals*, from collecting and being liable to the debts of the corporation in their individual capacities. Then is there, in these words, any thing that would preclude the Legislature, or creative power, from using this privilege, that is similar to the land of the grant, or, which reverted to them on the dissolution of the Corporation, as policy might dictate? If it were the privilege that enabled the Corporation to act, would it not enable the grantor to act when resumed? He did not view the privilege as totally extinct to all purposes, but thought, even without an additional enactment, the Legislature was competent to proceed to the adjustment of the debts due to and from the Corporation, in a case of forfeiture. In order to prevent the doubts that might arise by the construction of this law, the bill on the table contained certain clauses for the express purpose of disposing of the effects of the Bank, in case of a forfeiture, according to the rules of equity and justice, guaranteeing, both to the debtor and creditor, re-payment and lenity. Sir, can there be any thing devised further from *rapine and plunder* than the measure proposed? Is there one cent to be taken from an individual, contrary to the laws of the land, and without the greatest regard to justice and equity? Sir, this is the hue and cry that has ever been made by the friends of legitimate government that has ever been made by the friends of illegitimate governments. Touch not our institutions, they say, with unholy hands—if you do, death and ruin will follow. Where, asked Mr. B. was the necessity of first disturbing the subject, if we were to go no father than to ascertain their guilt.

Formerly *Hierarchies* and *Aristocracies* were dependant on superstition cloaked under the mantle of religion, to perpetrate their designs, and for centuries have held in bondage much the greatest proportion of mankind. But as science and knowledge advanced, superstition and ignorance were dispelled, and the influence of these modes of oppression, both in Church and State, have been proportionably diminished—until Aristocracy, by far the most ingenious, invented this system of *banking and paper patronage*, and is ready, with the *Hierarchs of old*, to cry out sacrilege against those who would arraign the guilty legitimates of their order. And, indeed, it is much to be regretted that they have hitherto been to successful in beguiling mankind to screen themselves from justice.

Mr. Speaker, banking alone, apart from all artificial aid and usurpations, as a natural tendency to enrich the capitalist by extracting gradually the substance of the people. The different Banks of the State have at this moment a debt due to them of $5,179,517 by the people of the State. They have in circulation $1,809,288, which, subtracted from the 5,179,517, would leave a balance due by the people to the Banks of $3,370,229, after they had drawn every cent of their paper out of circulation.

Now, sir, here is a fair demonstration of the doctrine laid down in the former part of my remarks. That the land-holders or farmers of the country, must, in the process of time, be ousted by the operation of this paper system, and these *stock-jobbers* in their turn, will become the lords of the soil. Is not the result unavoidable? With what can you pay off this 3,370,229 dollars?—bear in mind that they have taken every cent of their paper out of circulation. Sir, they will take your property at their own price. The lands of the farmer must go—the result is unavoidable—the operation though slow, is as certain as death. The people of North-Carolina pay an indirect tax at this moment to these Banks, separate from that which is paid to the Bank of the United States in the shape of annual interest—provided they dealt fairly—the sum of 310,000 dollars; more than three times the amount of the balance of the direct tax that is paid to the State. Mr. B. thought the crisis of the times required legislative interference; the best interest of the country demanded it. He would ask again, why was this investigation at first instituted, if it were not to prosecute the Banks, if found guilty of the charges? Why was there a committee appointed? Why should the House have consumed, so unnecessarily, its time, if, upon the report of the committee against them, they should proceed no farther with it? He thought the House had committed itself on the subject; and to refuse to prosecute was a retraction of the position it had first taken. He would not say one word of the report of the minority of the committee, but by that of a majority, which he considered more in the light of an apology for their illegal conduct, than a strict and impartial report; and by that even, the Banks had been found guilty of a majority of the charges preferred. Indeed, said Mr. B. this guilt was admitted by many of their best friends, and if guilty, why should they, more than individuals, escape punishment? Gentlemen had endeavored to extenuate their guilt, by recriminating the legislation of the State. He confessed that the Legislature had acted most impolitic indeed; first, in creating them, as they did, and secondly, in allowing them so great a latitude; but he did not consider the Legislature as "*particeps criminis*" in the charges made against the Banks, as he thought them perfectly ignorant of their conduct. The charge against the Legislature he viewed merely as an evasion of the question—it was not to the purpose he thought—whether the Legislature were guilty or not—he did not conceive in what manner that went to the exculpation of the Banks. The very institution of this investigation by the Legislature, was, to him, a disclaimer on the part of the Legislature, of being a participater in the conduct pursued by the Banks. He looked on it as the business of the Legislature to disavow any participation in the illegal conduct of the Banks, and to exercise its corrective power in behalf of the people, by committing them to some judicial tribunal, on sufficient evidence being shown to them of their guilt—and he asked the House, if, on the evidence afforded by the committee, they did not stand convicted of the following illegal acts (i. e.) *usury*—speculating on their own paper—dealing in cotton—purchasing up bank stock—and refusing to pay specie for their notes; all of which, he believed, was admitted by their friends to be illegal, and contrary to their charters. He conceived it due to the people of North Carolina, that a judicial investigation into their conduct should take place—that they should be stopped from these high-handed measures, if found guilty—which he presumed from the flood of evidence shown, would scarcely be doubted by any man of ordinary capacity. But the attention of the Legislature had been called off from the question at issue, and diverted by the honorable gentleman from Buncombe, with statements made of the profits of the State. The State, it was said, made nearly as much, or more than the stockholders; whether it it did or did not, he thought it little applicable to the present subject. The question was not, he conceived, who made most out of the people, the Banks or the State? but whether or not the Banks were guilty of the allegations made? The same gentleman had been pleased to call this prosecution a rebellion of the poor against the rich, of poverty against property. Mr. B. said, he owned the correctness of the statement of the gentleman, if he meant to state, that the Banks were rich and the people of the State poor—for he would venture to assert, that if the statement of the gentleman be not correct at this time, unless the Legislature did interfere in behalf of the people, and suppress these *Banking institutions* in their career, that it would, at no very distant time, be literally true—for he had ever believed, that to be the natural tendency of these very institutions in their origin, and thought it precipitating the result, by permitting them to continue in their course of oppression and usurpations. And if, continued Mr. B. resentment and resistance to oppression and usurpations powers, be rebellion on the part of the people, he, for one, as far as his feeble powers would admit, was willing, and felt it his duty to join in it.

Sir, the same gentleman has styled the proposed prosecution, "a *plundering* and litigious *crusade*." In what the applicability of this assertion consisted, he confessed was far beyond his powers of comprehension. In the bill on the table, every thing was proposed to be conducted with a due regard to law and equity—the rights even of the delinquent were to be observed with the strictest regard to the rules of equity and law. Sir, in the heat of argument, gentlemen seem to have forgotten that these institutions were amenable to any law. In the ardor of their defence, they would have us believe them irreproachable, and beyond the control of the Legislature. What, sir, a creature greater than the creator? Has North-Carolina wove for herself a *legal net*, that she cannot control? He could not support such a doctrine.

The learned gentleman from Newbern, had spoken of Constitutional impediments and *ex post facto* law. He had not the vanity to contrast his legal opinions with those of the learned gentleman, for whom, he must confess, he had ever had a kind of superstitious reverence; but, so far as they regarded the present measure, he really could not see their application or weight; for if correct, he thought the bill on your table went the full length to obviate every constitutional objection founded upon the principles of "*ex post facto law*;" as it authorized the debts, when collected, if a forfeiture did take place, to be appropriated to the benefit of the stockholders; so that the only injury they would receive, would be the taking from them their charters, and preventing them from longer speculating on the people under the guise of Bankers. He agreed with the gentleman, when he said that the Legislature that created these institutions, were in a partial hallucination.—Never, in his opinion, had any institutions been conducted with more injury to the people that were intended for their benefit. The country had been flooded with their paper, and a spirit of speculation had raged, never before witnessed—which spirit had been created by the Banks themselves, and fostered in order to once get their paper in circulation. It proved a *curse* to the people, and the salvation of the Banks.

With that gentleman, he regretted the retirement of the old forty shillings bills from circulation. It had been regretted by some of the profoundest politicians of the State, and he most cordially agreed with them. That the connexion between the State and individuals was calculated to corrupt both, and it was to be deprecated equally with the connexion between Church and State; and it was on that ground he founded his opinion that if a Bank must be had, it should be exclusively a State Bank—so that the enormous revenue which was extracted by the Banks from the people, in the name of interest, to enrich the Stockholders, and which, in substance, was a tremendous indirect tax, that they paid the Banks, might be appropriated to lessen the direct tax on the people, and for this purpose, if such be practicable, it might have a salutary effect. Pennsylvania, he believed, had been benefited by such an institution, and other States had followed her example.

The gentleman from Hillsborough had manifested much sensibility as to the result of this prosecution. He thought it productive of the most destructive consequences. For his part, said Mr. B. he saw nothing so alarming in the prosecution. Ruin and misery, said the gentleman, must follow, if this bill prevailed. How it could produce either, for himself, he could see no possible cause. But one thing he could and did see—if the Banks were not stopped in their illegal acts, slavery, and a system of poverty and beggary would ensue, never before witnessed by the people of this country.

If, then, we are between "*Scylla* and *Charybdis*," and ruin must ensue, let us meet it like men—let us brave it at its *threshold*—and expunge from our government a system so prejudicial, and so destructive of the best interests of the country. Sir, the people call for this interference and they should have it—they will never be reconciled to these Banks, until something is done. They are now groaning under the pressure of these institutions, looking up to us for redress: will you refuse it? Have you a right to do so? If the Banks are innocent, they have nothing to fear—if guilty, they should certainly be checked, and we are forgetful of our duty if we do it not.

I pray gentlemen to reflect upon the first object of the investigation—whether it meant something or nothing? If it meant nothing, why commence it?—if something, why stop it, by the rejection of the bill? He had been in favor of the investigation, and to preserve consistency, he felt himself bound to vote for the measure then before him, as the only anodyne to the disquietude of the country.

The question on the third reading of the bill being loudly called for, it was taken by Yeas and Nays, as follows:

YEAS—Messrs. Alexander, Allison, Bass, Battle, Bateman, Blackwood, Bogle, Boykin, Branch, B. S. Brittain, M Britain, Brooks, Bynum, Byrum, Clement, Cooper, Davenport, Dozier, Edmonston, Fisher, Fleming, Gary, Hampton, Hodges, Jasper, D. Latham, Lilly, Martin, Montgomery, G. T. Moore, A. C. Moore, Moore, Morris, M'Kiel, M'Lean, Pierce, Pool, Potter, Riddick, Rogers, Rogerson, Sinclair, Shipp, N. G. Smith, T. B. Smith, J. Smith, Stedman, Stockard, Styron, Underwood, Vail, Wadsworth, Watson, J. Webb, Webster, Wheeler, A. Williams, Wilkinson, Wilson.—59.

NAYS—Messrs. Alford, Barnhardt, Bethell, Blackledge, Borden, Bozman, Brown, Calloway, Clayton, Cox, Dickinson, Foy, Gaston, Gillespie, Graham, Gregory, Hancock, Harper, Hester, W. G. Jones, H C. Jones, W. Jones, Kendall, Kerr, Larkins, T. Latham, Mendenhall, Mitchell, Moye, M'Millan, M'Neill, Nash, Nelson, Newland, Nicholson, Purcell, Raney, Rhodes, Ruffin, Sharpe, L. R. Simmons, B. T. Simmons, Spruill, Stephens, Swain, Tyson, H. Waddell, A. Waddell, Walker, R. Walker, H. Walker, Ward, T. Webb, Whitaker, Wilder, E. Williams, Wright, Wyche—58.

The House being equally divided, after a moment's pause, the Speaker *(Mr. Settle,)* rose and said, "This places me in a situation of great responsibility; but I shall not shrink from it; believing the bill ought not to pass, I place my vote with those of the minority."

Of course, the bill was lost.

Mr. W. Hill, of Comb Hay, near Bath, in his letter to the Bath and West of England Society, on the subject of Orchard Plantation, states that he had for several years past directed his attention to the cultivation of various sorts of apples, principally table fruit, and he had so far succeeded as to receive from trees of a first year's crop 4, of a second year's crop 12, and of a third year's crop 15 pecks of fruit. His method of planting was, after clearing the land, and preparing it for planting, to throw out the soil to the depth of 18 inches, and loosen it about 12 inches deeper still: the soil so thrown out he suffered to remain until it became pulverized; he then proceeded to planting, raising the trees occasionally and shaking the roots, by which they acquired a firm and equal standing.

He much reprobated the common practice of throwing the soil around the roots in heavy lumps as it was dug up, and then treading it in; contending that this process must necessarily tear the roots, and deprive them of bark or the riod. Most people, he observed, were aware that if a tree were stript of its bark it would die; but planters of trees in many instances appeared to forget that the more tender bark of the roots might be destroyed in the same manner. By adopting the manner of planting which he had recommended, he had last year on some plants half a peck, and on others a peck of fruit.