

*Mr. Adams's Report* has also been published. In adverting to the part of the Majority's Report that relates to the loans granted to the editors of newspapers, Mr. Adams says, "In reviewing this decision, and the proceedings of the committee subsequent upon it, he deems it his duty to declare, that none of his objections to it have, in his judgment, been removed. He views it as a precedent of portentous evil; as an unjustifiable encroachment of arbitrary authority upon the freedom of the press; as an odious persecution of individual citizens, to prostrate the influence of personal or political adversaries, by the hand of power.

"Of this class of accounts thus produced, those of one newspaper establishment only underwent the investigation of the committee. Those of James Watson Webb and Mordecai M. Noah, editors of the New York Courier & Enquirer, one of the most distinguished and extensively circulated journals of the Union. Mr. Webb was examined upon oath by the committee at his own request. Mr. Noah transmitted to the committee his own affidavit made before a magistrate of the city of New York. Mr. Silas E. Burrows, a private citizen, not an editor of a newspaper, but connected with the responsibilities of Messrs. Webb and Noah in the Bank, was subpoenaed to appear before the committee, but as the subscriber believes, with a just estimate of his own rights, did not give his attendance. No proposal was made in the committee to issue a compulsory process against him. As editors of a public journal, and in that character as guardians and protectors of the freedom of the press, the subscriber is of opinion that neither Mr. Webb nor Mr. Noah ought to have appeared in person or by affidavit before the committee. If in their transactions with the Bank, they had committed any violation of law, they could not be examined as witnesses to criminate themselves. If they had committed no violation of law, the inquisitorial powers of the committee did not extend to them.

“Their transactions with the Bank, unforbidden by the law of the land, were no more within the lawful scrutiny of the committee, than the dwelling-house, the fireside, or the bedchamber of any one of them. These even in the darkness of heathen antiquity, were the altars of the household gods. To touch them with the hand of power is profanation. Assailed, however, in reputation, as they already were, and had been, on account of these transactions, by their political enemies and the enemies of the Bank, from false and exaggerated rumors concerning them which had crept into public notice, it was certainly not unnatural, and perhaps not improper in them, to state, in full candor and sincerity, what their transactions with the bank had been.

"From these it appears that in August, 1831, James Watson Webb obtained at the Bank of the United States a loan of twenty thousand dollars upon his own note endorsed by Mordecai M. Noah. The application for this loan, made in person by Mr. Webb, was sustained by a letter from Mr. Noah, and sundry statements relating to the pecuniary condition and credit of the New York Courier and Enquirer. The letter from Mr. Noah was enclosed to the President of the Bank by Walter Bowen, mayor of the city of New York, who had been one of the earliest Directors of the Bank, with a recommendation of the application itself, to be considered as a *business transaction*. It was so considered by the Board of Directors who acceded to the loan desired. But the editors of the Courier and Enquirer had long been, as they still are, ardent and active political partisans, and their newspaper has been, and continues deeply immersed in that portion of political affairs immediately connected with elections.— The peculiar character sustained by the paper

The peculiar character sustained by the paper and its editors, at the time when this application for a loan was made, was that of devoted friends to the present administration, and particularly to the eminent citizen at its head. This character they and their paper still retain. They have of course numerous adversaries of the opposing party, and numerous rivals in their own. Sometime before this application for a loan from the Bank of the United States, there had been between them and some of their competitors for party and public favor, a newspaper war, with regard to the conduct of their journal, and the opinions of its editors with regard to the Bank of the U. States. In all this, the interests of rival printing offices and rival banks, may without breach of charity, be presumed to have been a very willing auxiliary to editorial virulence and the posulated party of the public press. ~~For~~ ~~the~~ ~~paper~~ ~~had~~ ~~been~~ ~~or~~ ~~were~~ ~~thought~~ ~~to~~ ~~have~~ ~~been~~, ~~successively~~ ~~hostile~~ ~~and~~ ~~friendly~~ ~~to~~ ~~the~~ ~~Bank~~ ~~of~~ ~~the~~ ~~United~~ ~~States.~~ It

this state of things, it is stated by Messrs. Webb and Noah, that two or three of the Banks in the city of New York denied them the accommodation of loans which they had previously yielded, and refused to discount for them paper of unquestionable credit. They affirm that these City Banks, in punishment of their friendliness for the Bank of the United States, withdrew from them facilities previously extended to them, and required the repayment of a large accommodation loan for which they were indebted. To discredit these imputations, reaffirmed by Messrs Webb and Noah in their testimony upon oath before the committee, a majority of the committee deemed themselves authorized to send a commission and request the Presidents of the two City Banks in New York, to make affidavits before a magistrate, giving notice thereof to Messrs Webb and Noah, and to transmit those affidavits to the Chairman of the committee at Washington. The depositions of Isaac Wright, President of the City Bank,

and of Albert Gallatin, President of the National Bank, at New York, were accordingly taken and transmitted to the Chairman of the committee. They did not in the slightest degree impair the testimony of either Mr. Webb or Mr. Noah. On the contrary, they confirmed, so far as they could confirm, that part of their evidence which it had been the purpose, in requiring the affidavits from the two New York banks, to invalidate. They proved that at both of those banks, in July 1831, notes offered for discount by James Watson Webb, with an endorser of unquestionable credit, were rejected. The reasons of those rejections, both the Presidents of the banks, with great propriety, declined to give. They state that at one of the banks, no note is discounted if objected to by any one member of the Board of Directors. At the other bank, any note is rejected to which two of the Directors concur in objecting, and that no Director is required to assign any reason for his objection to any discount. In these answers of the two Presidents, the subscriber cannot forbear to remark a demonstration of the impropriety of the call by the committee upon those gentlemen for their testimony in this case. The object of the call was to impeach the truth of testimony given by the two witnesses, Webb and Noah, upon oath

before the committee—witnesses whose veracity stood as fair before the committee as that of any other citizen of the community, and who, in the opinion of the subscriber, could consider the call itself on the Presidents of the New York Banks to contradict them, in no other light than that of a gratuitous and wanton insult upon themselves. Of the fact that notes offered by Webb had been rejected at the New York banks, no doubt was or could be entertained. The reasons of the rejection were avowedly inferences of Mr. Webb and Mr. Noah, which might even have been incorrectly drawn by them, without impeachment of their veracity. The committee could not, in the opinion of the subscriber, possess the *right* of calling upon the Presidents of the New York banks for the reasons of their refusing discounts to James Watson Webb, or to any other man. The call itself was a violation of individual right, and the refusal to answer it, though in terms entirely respectful and dispassionate, carries with itself a censure upon usurped authority, not undeserved.

"To this call upon the Presidents of the New York banks, the subscriber had another objection. The chairman of the committee had, by an act of Congress, authority to administer oaths to witnesses, and the committee had received from the House authority to send for persons and papers. But the subscriber did not consider the committee as possessing the power of delegating to other men authority to take depositions from persons, whom the committee were authorized to call before themselves, and to hear in person. No member even of the committee, other than the chairman, was authorized to administer an oath. To administer oaths to witnesses was in the competency of the chairman specially authorized by statute. To send for the persons and papers existing was in the competency of the committee, authorized by the House. But to direct to be taken, and to receive as testimony, depositions of persons whom the committee might have summoned to appear and testify before themselves, was as the subscriber believed, to transcend their lawful authority, and to set a precedent which would lead to most pernicious abuses. This encroachment of power could not be justified by the request of the chair-

man of the committee to the deponents, that James Watson Webb and Mordecai M. Noah, the persons whose testimony it was supposed these depositions would discredit, should have notice of the time and place, when and where they should be taken. To give notice of a deposition to be taken to impeach the testimony of another is the duty of a party to a cause, and not of the deponent himself. The witness whose testimony is to be discredited, cannot be bound to receive a notification from the witness called to discredit him. The volunteering of a committee to send forth mandates in search of contradictory evidence, to fasten imputations of perjury upon witnesses of veracity, before them unimpeached, has in the view of the subscriber, an aspect too unjust and odious in itself, to be legitimated by any notice given to the witnesses thus outraged in their feelings and their rights. The whole procedure was in the opinion of the subscriber, unlawful and unjust.—He recorded against it his vote upon the journal of the committee; and he deems it his duty to repeat his protestation against it in his report.