

The following vindication of Mr. Whitney from the attacks made upon him by Messrs. Adams and McDuffie, is from the pen of Judge Clayton, in a communication addressed to the former gentleman, and published in 1832. Judge Clayton was the Chairman of the Committee of Congress which investigated the affairs of the Bank that year.

It is only necessary to remark, that Mr. Adams was indulged in making a full inquiry into Mr. Whitney's private life and character, through which it was hoped the Bank managers might escape exposure, by giving the hue and cry a different direction.

It was proved that Mr. Whitney (who was born in Massachusetts, and went, at the age of seventeen, in the year 1808, as a merchant's clerk, to Montreal,) remained in Canada during the war, collecting the debts (which amounted to a large sum) due to the concern of which he was the active partner, by permission of the Government of that country, under an oath to obey the laws while he remained there.

This circumstance of his having been a resident in Canada at the breaking out of the war, and remaining there to collect the debts due him, is the sole ground of the malignant abuse with which he is pursued. The charges of tory, traitor, &c., with which he has been assailed, as well as stigmatized, with nearly every epithet contained in the whole vocabulary, by the instruments of Mr. Biddle, the agent for a foreign money power in the United States, are all made up out of a fact, which would subject to the same imputations hundreds of the most distinguished American merchants and others, who were overtaken by the war in the pursuit of their business in every part of the British empire. No man knows this better than Mr. Adams, who was himself abroad during the war, as well as that thousands of mercantile agents are always permitted to remain by belligerent nations to take care of private interests, which would otherwise be sacrificed by the public hostilities.

We trust that every print, of whatever party, throughout the country, which is willing to aid in the cause of justice, and is willing to see both triumph over slander and falsehood, will copy the following:

Mr. Thomas Biddle, the near relation of the president, and the broker of the Bank, seems to have been the fortunate subject of not less than four distinct instances of peculiar partiality. First, he is the only individual from the commencement of the Bank to the last day of its investigation, that has ever received interest upon deposits. Thomas Wilson, former cashier of the Bank, most unequivocally declares that he obtained interest in two instances; one to the amount of \$1,600, and the other about \$700. He states that the question of "allowing interest on deposits was several times discussed before different boards. Applications to that effect were made by Mr. Prime of New York, and McKuen, Hale, and Davidson, of Philadelphia, and refused." This was prior to its allowance to T. Biddle. The case of the \$700 was found on the books, but the other of \$1,600 nowhere appears, and could not be accounted for. An indirect attempt was made to impeach the testimony of Mr. Wilson, on the ground that he was displeased with the President; but as a part of his testimony was very important to discredit another witness, Mr. R. M. Whitney, who had testified to more stubborn facts, the Bank found itself in a dilemma, and was obliged to ease itself down from his too faithful memory, and rely upon the hope that the community could be made to believe it was all a mistake. Be this as it may, the \$1,600 has been pocketed, if Wilson can be credited, by Thomas Biddle, and not an entry can be shown for it in all the folios of the Bank.

The second case relates to certain loans on the pledge of stock, and the discounting of notes by the president, without the knowledge of the board, and those made on the stock, *without interest*. These facts were established by R. M. Whitney. But so damning are their character, and this you have candidly admitted, that they cannot be evaded in any other way, than that of proving Whitney a "perjured wretch." And this, with all the force of character on your part, the artfulness and overwhelming power of the Bank, and under the supposed feebleness of the witness you have violently attempted. To those who would wish to be satisfied on this point, as it has produced great excitement in some quarters of the Union; to those who would desire to see one of those blasting effects, which the influence of wealth, the power of office, the force of station, and the ingenuity of fraud, can produce against the humbleness of poverty, and the shrinking weakness of obscurity, when it stands in the way of a guilty or ambitious purpose, let them calmly, and with unprejudiced minds, peruse the memorial of Reuben M. Whitney, addressed to the Congress at its last session. I unhesitatingly pronounce it the most unanswerable defence that was ever made in any case depending upon conflicting and circumstantial testimony; and when the power of the Bank, and the still higher influence of its official advocates, shall have passed away, it will so be awarded by an impartial public. Congress refused to publish it, though it was mild and respectful, and though they had scattered to the four winds of Heaven thousands of the accusations to which it was an answer. Thus attacked and then repelled by that body, who should ever guard and protect with impartiality, and treat with tenderness, the character of its citizens, however humble their walk or destitute their condition, he and his defence have been scorned with contempt by his oppressors, and they have felt themselves safe on the inaccessible eminence they occupy, and the unapproachable dignity that surrounds them. But the simple facts of the case are enough for his purpose, and they shall presently be submitted. Before, however, I proceed to that duty, let me do honor to the courage that could dare to call this individual an "informer." An informer! Shades of Jefferson, and ghosts of departed Federalists, speak peace to this trembling witness, under such a weight of odium. An informer! Scorn of Otis, where is your indignation? Pride of Marshall, where is your rebuke? An informer! Noble spirit of Bayard, shroud this accuser with your kindest charities, and snatch him from the horror of his own confusion. Can it be possible that Mr. Adams has ventured to call *any one* an informer? Yes, you have called Whitney an informer; and stated that he was "stimulated to bear testimony against the Bank from abroad," and "the more aggravated his charges" the more "acceptable to the spirit of party would be his services." I well understand to whom you allude, and in a spirit of just retaliation, I will frankly own, have given to your own inquiring genius, for instructive speculation, a subject much less equivocal in the drift of its meaning, and one you will not dare to misunderstand.

Whitney's testimony is to the following effect: Sometime in 1824, he was informed by two of the officers of the Bank, that T. and J. G. Biddle were in the habit of coming to Bank and getting money, and leaving in the teller's drawer certificates of stock to represent it, without paying interest. They also stated, that the Messrs. Biddles had notes discounted in their favor, by the president, not while the board of directors were in session, and they were entered upon the books after their regular business was closed. Upon this information they conducted him to the teller's drawer, and there he found two certificates of stock, deposited by the Biddles; one for \$45,000, dated 25th of May, and one for \$24,000, dated 26th; these sums represented cash. They then carried him to the books, where he found one note discounted for T. Biddle for \$20,000, on the 15th of May, at fifteen days, and one for Charles Biddle on the 21st of May, at sixteen

* See Paul Beck's evidence, p. 128, B. Rep.

days, for \$38,519, both entered after the regular business of the day was closed and added up; of these facts, he then and there made a memorandum, which was produced to the committee. He added, he communicated them to the president in his own room, who promised him the practice should cease. The time of the communication was immediately after the occurrence had taken place. He directed the officers to enter these stock loans on the books, which was done, as appears by the books, on the 27th of May. Whitney, at the time, informed Mr. Wilson Hunt of the circumstances, and showed him his memorandum. This transaction occurred when no committee was authorized to make a loan, and no loan was made but by the board of directors. Opposed to this testimony is the evidence of the two officers of their want of recollection of having given the information to Mr. Whitney, though one of them was in the habit of frequently consulting him, as he was of one the most efficient directors in the Bank. It further appears that interest was charged on these stock loans. But the objection mostly relied on, is the denial of the president that Whitney ever communicated to him the information stated; and shows that he was in Washington City from the 23d of May to the 1st of June, between which dates the events are said to have taken place. The president of the Bank thinks "the dates of a story are its essence;" you seem to think that the charging "the use of the money without interest, is the *quintessence*" of the crime. Now, it is not an uncommon thing to try to divert the mind from the real merits of a case, to some minor features of its history, and then if an inconsistency can be found the whole matter is a fabrication. If you have ever visited courts of justice, you very well understand my meaning. Indeed, if you have ever been a witness yourself, I have no doubt you have a perfect recollection, that the main object of the examining lawyer was to convict you of a discrepancy; and if he could have succeeded, he would have told the jury that not one word of your testimony was true, and that you were wholly unworthy of belief. Nothing is more treacherous than the memory, and particularly as to time, and nothing is more common than a disagreement among witnesses, but if this circumstance were to amount to an invalidation of testimony, courts of justice could never determine a cause, for there never was a case of any great number of facts, in which a conflict of testimony did not occur. Let me bring to your recollection a remarkable case, in which you will be apt to feel the full force of the justness of my remarks. In the celebrated case of Harris and Lewis, tried in the Supreme Court of Pennsylvania, in which you were a witness, the testimony of William H. Crawford, then Secretary of the Treasury, directly conflicted with yours: and yet no one believed you guilty of perjury. It was a matter depending upon recollection. But great indeed must have been the discrepancy to have justified Mr. Dallas, then counsel for the plaintiff, in using towards you, who had recorded your facts in your black book, these remarkable expressions: "We will show that he (Mr. Adams) has, in this case, been the *slave of his passions and prejudices*, bending the *facts* to them, instead of controlling them by the facts; and that when he *diarized* he put down, *not the facts*, but what he wished to be the facts." Such a case as this ought to have alarmed your fears, if it did not excite your charity, when you were trying to blast the reputation of a man, whose only crime was the want of a recollection equal to that of some other witness, who, perhaps, recollected what never happened. Have you forgotten the singular discordance in the testimony of yourself, Mr. Wirt, Mr. Monroe, Mr. Crowninshield, Mr. Calhoun, and Mr. Crawford, in a late controversy between General Jackson and Mr. Calhoun, in relation to several facts, but particularly as to time; and yet who would accuse any of those gentlemen of the base crime of perjury? What earthly inducement could Mr. Whitney have for testifying to a falsehood? He has been shown to have maintained a good character. He was a most active and efficient director—he had the full confidence of the president of the Bank—was selected by him to perform some of its most confidential transactions—he did perform them to his satisfaction. The stock loans, as stated by him, are placed on the books, none like them are to be found prior to that time, and none were ever allowed thereafter. The discounts are also found on the books precisely as he represents them. No one was authorized to make loans but the board—he had not seen them for eight years before—he had left the Bank and lived in perfect retirement, almost unknown in the city of Philadelphia—never engaged in politics—had seldom or ever voted at elections—had been unfortunate in business, but paid the Government every cent he owed it, to the amount of a million of duties—showed his memorandum of facts to a person at the time—that person establishes the fact—no cause of quarrel between him and the president, to suppose that all these circumstances could be fabricated to answer a political purpose eight years after they transpired, and that too upon the investigation of the Bank by a committee of Congress, which of course was *exactly* foreseen by the witness, is giving to him a character for management and a spirit of prophecy which cannot possibly be received by the weakest credulity of the weakest community in the world. This thing will be well understood and perfectly reasonable when the Bank shall have retired to private life, and its influence shall have sunk to its merited oblivion.