



The "Tarborough Press."
 BY GEORGE HOWARD,
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Communications.

FOR THE TARBORO' PRESS.

To the qualified Voters of the 3d Congressional District of N. C. FELLOW CITIZENS:

In the course of a long service as your Representative, I have frequently in the discharge of my duty addressed my views to you on public matters. In doing so, I have always appealed to your understanding and judgment, to your mental and intellectual faculties, not to your passions and prejudices. I now present myself to you again, appealing to the tribunal of your reason and justice in behalf of myself and those with whom I have been acting. In appearing before you at present to deliver up an account of my stewardship, I come not as a messenger of evil, but of good—not as one bringing the ill boding and evil tidings of distress, of war, of pestilence and famine—but I come as the harbinger of peace, plenty, and prosperity. It gives me great pleasure to say that not within my memory has the country presented such a picture—one so wholly in contrast with the prophetic paintings of the disturbed imaginations of the enemies of the present Administration. What was the picture drawn by the Opposition last Congress? It was that of gaunt misery, distress, and revolution. What is that now presenting itself in high relief to your senses? It is that of peace and prosperity emptying the horn of plenty into the lap of abundance. Never were predictions more completely falsified—never were a set of faithful public servants more unjustly abused for doing their duty—never was there a more unnecessary and unjustifiable attempt to abuse the honest confidence of an honest people, than has been carried on against the administrators of your affairs during the last twelve or eighteen months. But the scene has changed, the storm has passed away, and all is sunshine and peace.

I purpose in a calm and positionless manner to remark on some of the most prominent subjects and measures of the last Congress. The Bank of the United States, with its political and monied influence has been one of the great causes of our disturbances. This institution I have always deemed unconstitutional, inexpedient, and a war with the true principles of our republican institutions. Late events have not changed this opinion. They have confirmed and irrevocably established it. The influence of its own misconduct and the misrepresentations of its friends, show how dangerous an institution it is, how imperiously the interest of the people and the stability of our political institutions demand its discontinuance. My views as to the constitutional power of Congress to create corporations of any kind have been given so fully on another occasion, that I will only show from the Journal of the Federal Constitution that no such authority was given. Among the powers proposed in Convention to be

granted to Congress explicitly, (some of which were adopted and others rejected,) were the two following forms to grant the chartering faculty, without being adopted. Page: 260, August 18th, 1787: "To grant charters of incorporation in cases where the public good may require them, and the authority of a single State may be incompetent." This power if granted would precisely have included the case of the United States Bank, but was not granted either directly or indirectly. Again on the same page. "To grant charters of incorporation"—this also was withheld, and the two propositions embrace all varieties of corporations, public as well as private, and upon this authority I have founded the opinion that Congress cannot, without a violation of the Constitution, grant any charter of incorporation, either public or private, or create bodies politic of any kind within the limits of any State. In doing so, it would not only violate the Constitution, but let me say to those who talk about State Rights and advocate the Bank at the same time, it would also most palpably violate their principles. Are they aware, that they claim for Congress the right to settle what are the personal and political franchises of individuals? to settle the personal and political rights of any freeman or set of men within the State? For if they can do it in one case, they may in any. But this faculty to create bodies politic within the States, of any description, has not been granted. It might as well be done for one purpose as another. Those who say they are opposed to the United States Bank and wish it put down, seem not to be aware that in attempting to destroy the popularity of President Jackson for the removal of the deposits, they are attempting to put down the only means by which this powerful institution could have been put down. It is not believed that any other man could have had weight of character, decision and popularity sufficient to have borne up against so powerful an antagonist. Few would have been willing to risk their popularity, nor do I believe any other man could have withstood its power. As to the removal of the deposits, time has shown the total fallacy of the outcry made upon that subject. And but for the noise made by the politicians and friends of the Bank, and its own unnecessary curtailment, acknowledged in effect to have been unnecessary, it would scarcely have been known. A moment's consideration will show the total inadequacy of the cause to the effect, charged to the removal of the deposits from the United States Bank. The deposits consisted of the revenue bonds taken by collectors of the revenue at different ports in the Union, placed in the Bank for collection. Now it must be evident that the mere changing the place of collection, could not lessen the amount of money to be paid for these bonds one dollar, whether collected by one Bank or another, or by private individuals. Not a dollar less was in the country, but at the very time of the panic and outcry raised to alarm the people, millions of gold and silver coin were flowing into the country from abroad. This was produced mainly by the acts of Congress adopting foreign coins as legal money; the fact being, from whatever cause, that between twenty and thirty millions of gold and silver have been brought into the country within the short space of twelve or fifteen months. Thus relieving the country of any real pressure from the contractions of Bank circulation. The conduct of the Bank as a fiscal agent rendered the removal of the deposits proper. I not only approved the measure, but think it was the du-

ty of the Executive under the circumstances to do so; and the only fault, if fault there was, consisted in its not being done quite soon enough. Had the measure been earlier adopted, the noise and difficulty might probably have been less and sooner over. The improper acts of the Bank leading to, and subsequently justifying the act of the Executive in removing the deposits were, its interference to postpone the payment of a portion of the public debt, that it might retain the public money appropriated for that purpose, to strengthen it in a political contest—the extraordinary extension and contraction of its accommodations—its improper and partial loans—its exclusion of the public directors from a knowledge of its most important proceedings—the unlimited authority conferred on the President of the Bank to expend its funds in hiring writers, and procuring the execution of printing, and the use of that authority—the retention of the pension money and books, after the selection of new agents—the groundless claim to heavy damages in consequence of the protest of a bill drawn on the French government, and the seizure of the dividends on public stock in the Bank as indemnity, contrary to law. Immediately after the close of the first session of last Congress, an indirect acknowledgment was announced that in effect the curtailment and consequent panic were not necessary to the safety of the Bank, and that it was able to go on with its usual accommodations though the deposits had not been restored, proving at once the groundlessness of the panic. As to the power exercised under the authority of the executive government, it is expressly recognised in the 16th section of the Bank charter; a power known to have existed and to have been exercised from the organization of the treasury department—a power which must exist in some officer of the government, somewhere, and in whomsoever it does exist, the execution of this power being the execution of the law, the officer of necessity performs a part of the executive power. It is immaterial what depository we have for the public money, whether the U. States Bank, a State Bank, or banks, still unless this power is in some responsible officer of the government, the whole revenue will be of necessity left in the control, and at the disposal of an irresponsible power. What control have the people over the President and Directors of the U. States Bank? What remedy would they have if the whole revenue should be retained or improperly used, and the means of the Bank placed as they might be out of the reach of government? On the other hand your public officers are responsible in various ways. The President is responsible to the people by election, through the influence of public opinion, and by impeachment. And if guilty of such crimes as justify it, subject to prosecution after being turned out of office.

"The President, Vice President, and all the civil officers of the United States, shall be removed from office on impeachment, for and conviction of treason, bribery, or other high crimes and misdemeanors."

Thus your highest civil officers are trebly responsible, and are not yet deemed worthy to superintend the transactions relating to the revenue, while an irresponsible body politic is justified in any thing it may do. But I will not dwell longer on this worn out subject of the deposits, all the predictions in regard to which have been wholly falsified. As to the necessity for the United States Bank as a fiscal agent, experience and practice satisfactorily shew that it is not required. The collection of the revenue, and the transfer of funds to distant points for disbursement, have been made

by the deposit banks promptly, effectively and without charge to the public. In addition to this your money concerns are in a better state than they have been for years. Executive usurpation and executive patronage have been charged and enlarged on without measure and without justice or propriety. Many are not aware that the executive cannot exercise any patronage without the previous act of the legislative department of the government. All offices are created by law. The President cannot create offices, nor has he any but a participated power to distribute them after their creation. He can only "nominate and by and with the advice and consent of the Senate appoint" to office, the Constitution itself thus circumscribing and restricting the power of executive patronage within much narrower limits than many are aware of. As to usurpation, like many others it is a charge without proof. And from the structure and operation of the government, the executive is less able and likely to encroach upon the legislative department than to have its own powers usurped, because its practical power and action is consequent to the legislative and consists only in giving effect to the laws. The remark of a celebrated minister of Queen Elizabeth (Lord Treasurer Burleigh,) "that when the legislative became as corrupt as the executive department of the British government, the Constitution would perish," is not strictly applicable here. Whatever may be the errors of the government, in our system the foundation of most of them must of necessity commence with the legislative, either as acts of omission or commission, either from neglect or error in making laws, because the executive power is dormant until brought into action by the legislative. The control also by impeachment is held by one branch of the legislature, the immediate representatives of the people. No wise man, no one who understands its effects, would desire to have the patronage so much talked of. Its distribution is a most invidious and disagreeable office, creating more enemies than friends, because there are always more applicants than offices; and where but one out of many can be gratified the many are disappointed, and often rendered inimical by not getting what it was impossible for more than one to have. Those who are not well versed in government affairs may not be aware that a very great portion of the opposition to every administration grows out of this very matter of official patronage. It is not desirable to any man who likes peace and quiet. Unfortunately for the President, whoever he may be, he is compelled by the law to perform a most invidious and disagreeable task in exercising only a share of this distribution, while he is made to bear all the blame. The proper method of curtailing the patronage would be to repeal the laws unnecessarily creating it. This is an essential reform which I hope shortly to see carried into effect. The laws regulating the currency are now so generally known that I need not dwell minutely on them: I have long wished the passage of these laws, from the conviction of their great utility in giving a better and more stable currency—and also giving a better character to any bank paper which may be in circulation. The substitution of gold and silver for paper in the smaller transactions in money matters, will be convenient and useful and there is no longer a doubt of the success of those measures being more speedy and effectual, if the people will insist on the State legislatures using their

undoubted authority to restrict the issue of small bank notes. Many of the States are making this arrangement, and with the aid of the treasury and the rapid coinage no doubt success is certain. The new coinage is placed so nearly upon a footing with foreign coins as to render its exportation not profitable. In future therefore we are likely to have the benefit of our own mint, which heretofore has to all practical purposes been useless and expensive, operating only for foreign use.

There have during last Congress been two measures of a kindred character pressed upon public attention. The Land Bill to divide the proceeds of the public lands among the States, and a similar proposition to divide the surplus of the general revenue likewise. These measures have in a great degree the same purpose, and would have much the same effect. The one would have a tendency both to keep up unnecessarily the general revenue and the taxes which produce it, and also to keep up the price of the public lands. The other would also keep up unnecessary taxation for no valuable purpose, but in my opinion for a most mischievous one. I think the measures both unconstitutional, and would be productive of vast mischief. I can see no possible benefit in taking the money by taxation away from the people, to return it again even if it could be done equally and justly; and if, as must be the case, it is done unequally—and most probably at a great loss—then the game would surely be most unwise. It would also be inverting the order of our political system, to make the federal government the collector of revenue for the State authorities to disburse. Here again I appeal to those who call themselves State Rights men, to examine and see if these measures are not directly at variance with all their professed doctrines. What sort of sovereigns would the States be, if dependant on others for their revenue, and were obliged to submit to dictation in their legislation as those measures propose, and as would evidently be their effect. The whole scheme is well worthy of the consolidating principles of Alexander Hamilton, contained in his proposition in the Federal Convention, for a government. Where, in his plan he proposes to place the State governments under the control of the general government by vesting the appointment of Governor, or, as he calls him, President of each State in the general government, and giving him a veto upon all the laws about to be passed in the State of which he is Governor. In effect I can see very little difference between this controlling power, and that resulting from the measures just mentioned, making the general government the source from whence the States are to derive their revenue; and that to be also directed to particular objects—indicated in part at least by the general government. Would not this be placing the States effectually in a state of political minority or pupillage to the federal government, as much so as any man could be to another who had the control and direction of his private concerns? Independently of these effects the plan of excessive taxation beyond the wants of the general government, and the improper and corrupting effects on the legislation of the States, the discontent and dissatisfaction arising from log-rolling and partial appropriations for electioneering and sectional purposes, would vastly outweigh any supposed advantage arising from these measures. The proper principle is for the federal and State authorities each to attend to its own proper business. Each at present is

the collector and disbursing of its own revenue. To one part of the plain objections were so apparent that it was proposed to alter the Constitution to effect it. This is of itself strong evidence that it was at least of doubtful character. The proper way to get rid of the revenue if too great, is to reduce the taxes which produce it. This is the dictate of common sense.

The course pursued in regard to our relations with France, has been very much misrepresented. The recommendation of the executive, though the legislative department of the government did not concur, was not altogether of that positively warlike character which it was said to be. Even had reprisals been adopted under the circumstances of the case, according to the laws of nations it would not have been just cause of war. Vattel says:

"Reprisals are used between nation and nation to do justice to themselves, when they cannot otherwise obtain it. If a nation has taken possession of what belongs to another; if it refuses to pay a debt, to repair an injury, or to make a just satisfaction, the other may seize what belongs to it."

He also says:

"That the wealth of the citizens forms a part of the total wealth of the nation; that between State and State, (nation and nation,) whatever is the property of the members, is considered as belonging to the body, and is answerable for the debts of the body: whence it follows, that in reprisals, they seize the goods of the subject in the same manner as those of the State. After having shewn that it is permitted to make reprisals, when we can no otherwise obtain justice, it is easy to conclude from thence, that a sovereign has no right to oppose force or make war against him who, in such a case, by ordering the making reprisals only exercises his just right."

France I think under the circumstances would not have had just cause of war, though nations go to war occasionally without just cause. France recently applied this remedy (reprisals) towards Portugal, and under circumstances not more clear. Yet prudence and forbearance may render it proper not to exercise even an undoubted right, and the course eventually pursued by the government generally, by its various departments, has been the most proper. There seems now no longer any doubt as to the indemnity being made, the appropriation for which has been made by the French legislature.

There has been a charge made that a large sum of money had been proposed to be given to Gen. Jackson for his own use. There was no such proposition before Congress. He can use no public money for his own use except his salary, nor can he draw even any part of this without the same legal restriction, that any other person receiving a part of the public money due to him has to submit to. There was a conditional proposition to set apart a portion of the public money for defending the country in case as was supposed by many the French might make war on us. It was believed and roundly asserted by many that this would result from the President's message, and Mr. Livingston also seemed to think it not altogether unlikely that France might commit some act of hostility. The measure suggested by the Committee of Foreign Affairs was only precautionary and conditional, and as events have turned out if the appropriation had been made, there would have been no call for nor would any part of it have been used. The hands of the executive are so tied up by the law, that appropriations for one purpose cannot be transferred to another, and any portion of an appropriation, which becomes unnecessary, is carried to what is called the surplus fund and must be reappropriated before it can be used. The Committee of Foreign Affairs were in a situation to know