

a quotation which I heard from the venerable and revered President of my Alma Mater,* many years ago, when I stood in the situation which some of you now occupy. Would that I could impart to it the rich and melodious and impressive tones of eloquence in which it fell from his lips, and which still seem to linger on my ear! And would that it might not only be fixed in your memory, as it has been in mine, but be cherished in your hearts and regulate your lives! "WHATSOEVER THINGS ARE TRUE; WHATSOEVER THINGS ARE HONEST; WHATSOEVER THINGS ARE JUST; WHATSOEVER THINGS ARE LOVELY; WHATSOEVER THINGS ARE OF GOOD REPORT, IF THERE BE ANY VIRTUE, AND IF THERE BE ANY PRAISE, THINK ON THESE THINGS."

* The Rev. Samuel S. Smith, President of Princeton College, the learned scholar, the accomplished gentleman in all his intercourse with his pupils, and who united in himself, as far as the author of this address could the judge, and as he now believes, fervent piety with as pure and graceful and eloquent oratory as ever adorned the pulpit.

Communications.

FOR THE FREE PRESS.

The State Constitution. No. 2.

Assuming the position, in my last number, that the sovereignty resides in the people, I endeavored to prove that the People, the sovereign power, might impose limitations as well upon a Convention, as upon every other body acting under delegated authority. I now proceed to specify some of the features in the present Constitution, which are considered objectionable by those who advocate a change in that instrument. And here I would premise that much unnecessary excitement has grown out of this subject—feelings of great bitterness have been engendered—and a sectional spirit originated hostile to the best interests of the State and fatal to that harmony of feeling and of action from which alone sound and wholesome legislation can proceed. All discussions of this subject have been predicated upon the fallacy that a difference of interest exists in the East and West. The public mind has been deluded—the public councils distracted and while the great and paramount interests of the State have been neglected, those who desired its offices and its honors have found in this unhappy subject a fruitful theme for declamation. But in truth we are one people. Identity of pursuit—a common property—common laws and a common language have made us so, and neither men's avarice nor their ambition can vary it. The question then in relation to the amendment of the Constitution is one of political expediency—perhaps of political justice. It should not be considered a struggle for political ascendancy between the East and the West, but a contest of a nobler character, resulting from differences of opinion upon great fundamental principles of government.

city followed as, the punishment of her impotence. There is now no trace of the faith that was once preached. The candlestick shall be removed from the station where it was placed by the apostles. The traveller looks down from the heights of Priam, Corissus, and Pactyas, upon a scene of solitude and desolation. All is silence, except when occasionally interrupted by the sea-bird's cry, and the barking of the Turkoman's dogs, or the impressive tones of the muezzin from the ruined towers of Aisaluk; and the remains of the temples, churches, and palaces of Ephesus, are now buried beneath the accumulated sands of the Caystir. The Sardinians and Laodicæans were found degenerate and lukewarm; and to a similar doom of subversion they were to be subjected. There are now no Christians in either. A few mud huts in Sart represent the ancient splendor of Croesus, and the nodding ruins of its Acropolis, with the colossal tumuli of the Sydian kings, impressively teach the littleness of man and the vanity of human life.

The whole white population of the State is about 430,000. Thirty four counties contain 160,000 or one third of the entire population, while they elect a majority of the Legislature and thus control the legislation of the State and fix its political character. Upon land, these thirty four counties, containing one third of the whole population, but constituting

an actual majority of the legislature, pay tax of \$8000, while the other thirty one counties, with two thirds of the population of the State, pay \$17,000, and are represented by as decided a minority in both branches of the legislature. The aggregate amount of taxes paid by the thirty four small counties is \$24,000—while the minority pay \$43,000.

The annual expenses of the Government of the State somewhat exceed \$30,000.—There are 65 counties in the State and if this sum were equally apportioned each county would pay a fraction under \$1230. The thirty four counties however, who constitute a majority of the Legislature, do not pay more than one half of their proportion of the expenses of the Government. Indeed seventeen of them do not contribute enough to defray the expenses of their own members of Assembly.

The smallest county in the State contains a white population of 2700—and pays an annual tax of \$600. The largest county contains 17,600 and pays annually \$2000. Both these counties have the same representation and consequently the same weight in the enactment of laws and in the election of public officers. Many other comparative statements might be made, where the same inequality exists. Taking together the twelve smallest counties, which elect more than one fifth of the legislature, we find that they contain only a tenth of the population and pay but \$5400 which is only about one fifteenth of the entire expenses of the State.

These are some of the facts upon which the complaints of inequality in our representation are based. Upon these facts the question has been asked, Is it right that one man in one section of the State should have as much political power as four men in another? Is it just that the majority of the freemen of the State should pay the minority to make laws for them, when they can make them as well themselves? Without undertaking to answer these serious enquiries, the facts are submitted to a candid and an impartial community.

ARISTIDES.

FOR THE FREE PRESS.

The Case re-stated.

Mr. Howard: When a short time since I penned a small political article, (the result of a leisure moment,) I did not apprehend that I was provoking a newspaper controversy. I am no partizan, and would prefer to remain a "mere looker on in Verona." It seems however, I am driven to the necessity of submitting a few remarks in reply to your correspondent "Curtius."

Your readers will bear in mind the basis on which my former article rested, and the nature of the issue between him and me. I have endeavored to sustain the ground that the resolutions in question, were not the result of a constitutional power, but were the offspring of faction and party spirit. Now I again enquire, whence was the right of the Senate to exercise such a power derived? We all know that to find a constitutional power, we must go to the Constitution itself. "Curtius" does not pretend that there is any such express power to be found there. According to his own reasoning then, the power is implied and incidental, or it does not exist. "Curtius" says he agrees with me that this implication should be clear. It would seem then that if it be clear, he could have shown us where it is. I confess my entire ignorance of what clause in the Constitution "Curtius" would deduce it from, or to what other power it is incidental. It would seem that he who contends that a case is clear, might at least give us some clue, by which we might be convinced. We all know that there is no power given but what was intended to be exercised, and certainly no right granted without an object. If the power in question was ever given, it was not given for nothing. It had its object, and was meant to be exercised. Now if "Curtius" will be so kind as to tell me what possible good can possibly accrue to the American people by the exercise of such a power, I will then admit that there would be some plausibility in infer-

ring its existence. We cannot suppose that the framers of the Constitution intended to give any power to be used for our injury, either express or implied. Nay, none but what was intended for some good purpose. Now, did the passage of the resolutions referred to, work any good to any one individual? What good purpose could they answer? None whatever. So far from it, they have done a vast deal of harm.

"Curtius" says he agrees with me that the power to pass them was never intended to be given for the sole purpose of censuring or rebuking another public functionary. Now, I would thank him to show me for what other purpose they were passed! This is the very thing I insist upon. The first resolution censures Mr. Taney—the second, President Jackson—and this is all they do. If the Senate had any other design in view, they have most ambiguously expressed it. Perhaps, however, "Curtius" would have us to imply some other. Away with such logic.

Again: the Senate can act in three capacities only—either in a legislative, executive, or judicial one. In which of these characters did they act in the case before us? Not in a legislative one, because then the act would have had some binding, practical consequence. The very name of Legislature clearly implies a power of making laws. To that and that alone have we reference, when we speak of a Legislature. Mr. Walker defines the word to mean, "the power that makes laws." Was it then in an Executive capacity? This would be the grossest solecism. Executive power must be either positive or negative. Here it cannot be negative, because that would be nonsense. It cannot be positive, because the Constitution has assigned that to another. Was it in a judicial one? Surely not, because the Senate could not sit as a High Court of Impeachment, until after the other House had passed a bill of impeachment. It is then very clear to my mind, and I think it must be equally so to all other impartial ones, that in neither of these characters could they act, and not having power to act in any other, the act becomes nugatory and absurd.

"Curtius" can see no analogy between the present case and that of the "Middlesex election." Very well; I don't know that that is a matter of much consequence. Time will show him the analogy. It may very likely be that persons differing as widely in opinion as "Curtius" and myself, should not agree in regard to analogies. But why am I referred to the "Roman Senate in the times of the Cæsars, or the English Parliament in the times of the Stuarts?" Does "Curtius" think that because Julius Cæsar fell a victim to the hand of a false friend, and Charles the First went to the block, that so ought Gen. Jackson? If this be the analogy he would wish me to trace, (and I can really conceive no other,) I decline the advice of the apologist of assassination. Mr. Webster's allusion to the Barons of Runymede and the reluctant John, foreign as it is, is yet more decorous, and, it may be, more applicable. I will merely hint this classic writer that he may probably find something analogous in the Judges of Socrates, or the French Council which sent the weak but good Louis XVI. to the guillotine. He may possibly too in the case of the exiled Alfred, or the unhappy Margaret of Anjou.

"Curtius" labors to sustain the powers of the Senate, but seems to have ominous forebodings of the exercise of those of the Executive. He can see no danger of usurpation on the part of the one, but ruin on that of the other. The gentleman cannot be ignorant that usurpation is as dangerous and as much to be opposed, come from what quarter it may. I have endeavored to show that the Senate has usurped powers not legitimately their own. I come now to the enquiry, has the President? I am told of no case wherein he has done so, except in the late executive proceedings in regard to the public revenue. Let us first enquire what these executive proceedings were? The first official act of the President in regard to that matter was the calling together

his Cabinet Council, with whom he advised. This was neither unconstitutional nor illegal. The second was, the acting Secretary of the Treasury who alone could do so, refused to remove the public moneys, the President removes him from office. This "Curtius" admits he had a right to do. The third was, he appoints a successor. Here then is all the official acts of the President in regard to that measure. Will any one say they were "in derogation of the Constitution and laws?"

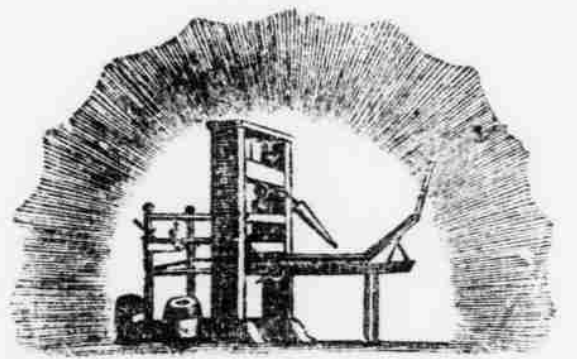
Now, I might enquire what has Mr. Taney done? This, however, is rendered unnecessary by "Curtius" contending the President is not responsible for what he does. Aye, the President has nothing to do with the responsibility! This covers the whole ground. Mr. Taney removed the deposits and he is responsible, not the President. Let us mark the language of the resolutions—the Senate say, in the late executive proceedings, &c. The Constitution of the U. States says:—

Art. 2. Sec. 1. "The executive power shall be vested in a President of the United States of America."

The proceedings for which he was censured, the accusers themselves say were executive! If they were executive, they were peculiarly such as the Constitution vests in the Executive the right to exercise. They do not accuse the President of usurping any legislative or judicial powers. No, they have not said, that in the late judicial or legislative proceedings, &c. The falsity and absurdity would have been too glaring.

Of the expediency of the removal of the deposits I did not design to speak. Indeed I have no doubt much more fuss has been made about it than it deserved. At the time of their removal, no man who ever read the Bank charter, can deny the right of the Secretary of the Treasury to remove them. It was even then generally conceded, that the Bank could not be rechartered. They could not probably remain much longer where they were. They must have been soon taken away by somebody, and that very somebody the Secretary of the Treasury. In regard to the great distress which that event is said to have caused in the country, I have always been incredulous. I knew the Bank could give relief if they would. They have now admitted it.

I cannot close this communication without saying a word about the names of parties of the present day. All who sustain as wise and as patriotic an administration as the country ever knew, are called Tories. All those who oppose it, including Federalists, Nullifiers, whiskey insurrectionists, abolitionists, Mormons, or no matter who, are called Whigs! This would be laughable, if it were not disgusting. I know several old soldiers of the Revolution, who were as true Whigs as ever pulled a trigger, every one of whom would spurn this modern whiggism as they would the hand of a Joab or the kiss of a Judas. CONRAD.



CARBOROUGH.

FRIDAY, SEPTEMBER 19, 1834.

☞ We have received a pamphlet copy of the "Address delivered before the Dialectic and Philanthropic Societies, at Chapel Hill, N. C. June 25, 1834, by the Hon. James Iredell." We have transferred this chaste and eloquent production to our columns. It is very appropriately addressed to the Students of the University, yet it embodies sentiments well worthy the attention of all classes in society.

☞ The Fall Term of our Superior Court was held in this place last week, Judge Donnell presiding. On Wednesday, negro Will was arraigned, charged with the murder of Richard Baxter. We learn that the evidence was submitted to the Jury, who in pursuance of an understanding of the counsel and the sanction of the Court, returned a special verdict—by which it