

THE STAR, And North-Carolina State Gazette, Published, weekly, by BELL & LAWRENCE.

Subscription, three dollars per annum.—No paper will be sent without at least \$1.50 in advance, and no paper discontinued, but at the option of the Editors, unless all arrearages are paid.

An Apprentice, About 14 or 15 years of age, wanted at the office of the Raleigh Star. March 16

Drawing on the 10th of May. COHEN'S OFFICE.—BALTIMORE. March 21, 1826

Grand State Lottery of Maryland TO BE DRAWN ON THE

Odd and Even System, By which the holder of Two Tickets, or Two Shares, will be certain of obtaining at least ONE PRIZE, and may draw THREE! the whole Scheme to be drawn IN ONE DAY, and will take place in the city of Baltimore, on WEDNESDAY.

The 10th of May. HIGHEST PRIZE

Table with 3 columns: Prize amount, Number of prizes, Total value. Includes 'Twenty Five Thousand Dollars. BRILLIANT SCHEME.'

20,829 Prizes, amounting to \$160,000

Not one Blank to a Prize!

Prizes subject to a deduction of 15 per cent and payable sixty days after the Drawing but can be had, as usual, at COHEN'S OFFICE, THE MOMENT THEY ARE DRAWN.

Whole Tickets, 85 Halves, 2 50 Quarters, 1 25 Eighths, 62

To be had in the greatest variety of Numbers (Odd and Even) at

COHEN'S Lottery and Exchange Office, No. 114, Market Street, Baltimore;

Where the great and magnificent Capital Prize of

One Hundred Thousand Dollars,

in the last Grand State Lottery, was sold in One Half and Two Quarters (ALL TO INSTANT ADVENTURERS.) The half in Ramsey Hampshire county, Virginia by Messrs. Charles H. Clark and James Gibson.—One Quarter by Mr. Jacob Wolfgang of York County, near Hanover, Pa. (Both of these Shares have already been presented and the Cash instantly paid as usual at COHEN'S OFFICE.)

The remaining Quarter, which is held in Philadelphia, has not yet been presented. The names of the above gentlemen are mentioned by permission.

\* At Cohen's Office, where more Capital Prizes have been sold than at any other office in America.

Orders from any part of the United States, either by mail (post paid) or private conveyance, enclosing the Cash or Post Office Tickets in any of the Lotteries, will meet the same prompt and punctual attention as if on personal application.

Be particular in directing to J. I. COHEN, Jr. & BROTHERS, Baltimore.

COHEN'S "Gazette and Lottery Register" will be published immediately after the drawing, and will contain the complete List of the Prizes. It will be forwarded gratis to all who purchase their Tickets at COHEN'S OFFICE, and who signify their wish to receive it.

Baltimore, March 24th, 1826 15-4w

Ran Away

FROM the subscriber, on the 30th of this instant, a boy and his child. Sally is about three or four years of age, very black, white teeth &c. of common size. Her child Rosetta is a very bright mulatto girl, about eight years of age, with very straight hair. I purchased her in Suffolk, Va. of Putnam Dickerson, in 1818. She was raised by Mr. Hatton, on the Western Branch, Va. I think she will try to get back to that place. I will give ten dollars for her confinement in jail, so I get them again, with reasonable expenses.

WM. W. HELL, Raleigh, April 6, 1826 15-3c

State of North-Carolina.

In obedience to the Act of the General Assembly of 1823, Chapter 7th, the Public Treasurer hereby gives notice that he will purchase of the Stocks or Shares of any or all of the three several Banks of this State, for the use and benefit of the Public.—Letters addressed to him on that subject, post-paid, will be promptly replied to.

JOHN HAYWOOD Pub. Treas. Raleigh, Oct. 25, 1824 4-1f

Second Notice.

THE subscriber requests those indebted to his late concerns, either by bond or account, to call and discharge them without delay, as the obligations he is under to his creditors will not admit of further procrastination.

RANDOLPH WEBB, Raleigh, 20, 1826. 14-3t

25 Dollars Reward.

RAN AWAY from Jonathan T. Esom some time in the month of February, 1826, a negro man named LYN. He is a stout well made negro, not very black, about six feet high. It is supposed that he passes for a free man. There is a scar on one of his knees, cut with an ax. The above reward will be given to any person that will apprehend this negro, and deliver him to me, living six miles south of Stantonburg, or confine him in any jail, so that I can get him. ARTHUR SPICHTER, March 4, 1826 11-10w

MR. BRANCH'S SPEECH.

In Senate of the U. States. MARCH 30, 1826.

The Senate took up the following preamble and resolution, submitted by Mr. Branch, of North Carolina, some time since, in secret Session, and subsequently transferred to the Legislative Journal for public deliberation:

"Whereas the President of the United States, in his opening Message to Congress, asserts, 'that invitations had been accepted, and that Ministers on the part of the United States would be commissioned to attend the deliberations at Panama,' without submitting said nominations to the Senate: And whereas, in an Executive communication of the 26th day of December, 1825, although he submits the nominations, yet maintains the right, previously announced in his opening Message, that he possesses an authority to make such appointments, and to commission them without the advice and consent of the Senate: And whereas a silent acquiescence on the part of this body may at some future time, be drawn into dangerous precedent: Therefore, Resolved, That the President of the United States does not constitutionally possess either the right or the power to appoint Ambassadors or other public Ministers, but with the advice and consent of the Senate, except when vacancies may happen in the recess."

The resolution having been read— Mr. Branch rose, and said: Under the impression that the first and most important duty I owe to the State that sent me here, is to preserve inviolate, and to transmit to posterity unimpaired the form of government under which we live, I have believed it to be my duty to submit, for the consideration of the Senate, the resolution which has just been read. My opinion is, that a Representative has performed only a part of his duty, and perhaps the last part, when he discharges the ordinary duties of legislation as delegated to him by the Constitution. I feel, said Mr. B. that we have an important task to execute in resisting the encroachment of ambition on the constitutional powers of this body, whether they be open or covert.

The principle embraced by the resolution, is so plain in itself, so obvious in its nature, as to need no argument on my part to make it plainer. I should conceive it to be an insult to the understanding of the Senate to attempt such an argument. The resolution asserts a constitutional principle. Yes, sir, a fundamental principle, which is doubtless appreciated by this body.

It may be, however, proper for me to call the attention of the Senate to the opening message of the President of the United States, at the commencement of the present Session, and to his Executive communication to the Senate of the 26th December last. For it will be found that, in these communications, he has assumed a power and asserted a right, which I boldly contend he does not possess; and in making this denial I feel confident that I am sustained by the Constitution of the United States. In the opening message he says, "Among the measures which have been suggested to them by the new relations with one another, resulting from the recent changes in their condition, is that of assembling at the Isthmus of Panama a Congress, at which each of them should be represented to deliberate upon subjects important to the welfare of all. The Republic of Colombia, of Mexico and of Central America, have already deputed Plenipotentiaries to such a meeting, and they have invited the United States to be also represented there by their ministers. The invitation has been accepted, and Ministers on the part of the United States will be commissioned to attend those deliberations." &c. &c.

This language, I thought at the time, was unequivocal, and since has been rendered more explicit by the Executive communication before alluded to, of the 26th December, which I will take the liberty of reading to the Senate: "Although this measure was deemed to be within the constitutional competency of the Executive, I have not thought proper to take any step in it before ascertaining that my opinion of its expediency will concur with that of both branches of the Legislature."

Has he not then asserted that he has the right to appoint Ministers, independently of the Senate—ministers, too, of no ordinary character, clothed with powers admitted on all hands to be of the most important and perilous nature? Now sir, what does the Constitution say—this invaluable and inestimable little book, which I hold in my hand—the commission under which we all act and from which we derive all our powers; which every officer of the government takes a solemn oath, in the presence of his God and country, to preserve, maintain, and defend? "That the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers," &c. &c.

I shall not, as I said before, attempt, by language, to make this subject more explicit than it is. The wise framers of our Constitution, under the most auspicious circumstances, formed it, and transmitted it to us. It is our duty to preserve it in all its pristine purity and vigor. Although it may not be necessary to illustrate this principle, I hope the Senate will indulge me for a few minutes while I attempt to give them some additional reasons why I submitted this resolution. I view the usurpation which it notices, and purports to repel, as a link in a chain threatening the most portentous and calamitous consequences to the liberties of this People. In this light it has made a deep impression

on my mind. Isolated, unconnected with any thing else, yet so plainly and palpably conflicting with the letter and spirit of the Constitution, it is truly appalling to the friends of liberty; but when I connect it with the transactions that have tarnished the page of our history, for little more than a twelve-month past; when I connect this open usurpation, this wanton trespass on the form of government under which we live, with the covert and insidious innovations which gave existence to, and characterize the conduct of the present Chief Magistrate, I am decidedly of opinion that every friend of his country should be at his post.

It is time to re-assert magna charta. It is time to re-assert the principles of the Declaration of Independence.

The danger to be apprehended from precedent, even from what has been termed the harmless ipse dixit of the President of the United States, may be made manifest by a recurrence to a few circumstances of comparatively recent date. Two years ago the immediate predecessor of the present President proclaimed to the European world, that they must not interfere with Old Spain and her revolted colonies; intimating, if they did, that we might take part. I considered it, at that time, as an unauthorized, unmeaning, and empty menace, well calculated to excite the angry passions, and embroil us with foreign nations. Yet, sir, has this declaration been construed into a pledge or guarantee to the South American Republics; and, moreover, has been recognized as being obligatory on this nation, by those now in power. In proof of this, look to the letter of Mr. Poinsett, our Minister at Mexico, to Mr. Clay, dated September, 1825:

"To these observations I replied, that, against the power of Spain, they had given sufficient proof that they required no assistance, and the United States had pledged themselves not to permit any other power to interfere either with their independence, or form of Government: and that, as, in the event of such an attempt being made by the powers of Europe, we would be compelled to take the most active and efficient part, and to bear the brunt of the contest, it was not just that we should be placed on a less favorable footing than the other Republics of America, whose existence we were ready to support at such hazards."

See the language of this gentleman, well known and highly estimated for his talents and integrity. Are we not bound to believe that the sentiments he avows, are in conformity with his instructions? Can we attribute to him so gross a violation of his duty? To fortify this opinion, I will call the attention of the Senate to Mr. Clay's letter to Mr. Poinsett, 9th Nov. 1825, in which he speaks of Mr. Monroe's pledge, in language that cannot be mistaken. When we reflect that the Secretary of State is a gentleman officially and confidentially connected with the President of the United States, shall we, are we at liberty to doubt, that this pledge, given by Mr. Monroe, has been recognized by the present President and Secretary of State? I say we can come to no other conclusion. Does it not then become our imperative duty, when we clearly see the dangerous consequences resulting from analogous usurpations, to protest against it, though he may not think proper, at the moment, to carry the principle into practice?

Again: I contend, if the President is bound to advise with the Senate in ordinary cases, of appointing and sending Ministers where, by the laws and usages of nations, their powers & duties are susceptible of the clearest and most explicit definitions, and where the consequences likely to result are known and properly estimated; much more should he be bound where the objects to be obtained, and the duties to be performed, are not even understood by the President himself, as in this case may be seen by reference to the documents: in which it appears that he himself declined it in the first instance, until he could be satisfied on those points. But, strange to tell, this ground was abandoned, without assigning a reason and the invitations were accepted. Now, Sir, as to the objects understood and openly avowed, what are they? to expound and settle important principles of international law—to concert the means for a more effectual resistance to the approaches of European domination, and doubtless to give efficiency to the recognized pledge of Mr. Monroe, in connection with a wild and enthusiastic crusade against the Roman Catholic religion. Are these legitimate objects, to say nothing more of them? Or rather, are they not fraught with consequences of the most dangerous and most ominous nature, to the future peace and tranquility of this country?

I will not trespass on the patience of the Senate, by an argument on this point. My object is to show that these Ministers to Panama are Ministers of the first and most important character, clothed with powers of awful import, and calculated to excite the well grounded fears of every lover of his country.

We are called upon to send Ministers to South America, to combat the prejudices of the Roman Catholic religion. I should think our labors had better be confined at home.

Furthermore—I contend, that, if the President of the United States is not constitutionally bound to advise with the Senate in appointing Ambassadors and Ministers, that the Senate is not bound to act on the subject at all; in truth, has no right to act. Are we dependent on the whim, or caprice, or courtesy, of the President for power? Is it competent for him to enlarge our functions? Can he circumscribe them at pleasure? I trust not, sir.

We rely on higher authority; we rely on the commission given to us by the People themselves in convention, and before my country I protest, most earnestly protest, against all & every encroachment on the kind. Before my God, I declare, that I never will be diverted from what I conceive to be the true policy of my country. I will never be paid by any power save the Constitution and "the will of my constituents." Yes, sir, however unfavorable the recognition of this dependence on our constituents may be, I must be permitted to pay my devotion to it, and recognize its obligation on me. They are the early impressions of my youth; they have been riveted on my mind, as fundamental republican truths; they have taken the firmest hold. They are such as I have fondly cherished in my bosom, and such as the people of

this country never ought, never can, abandon, unless they prove false to themselves.

The Senate was wisely designed to act as a check upon the appointing power, not, I admit, to be exercised capriciously, but fearlessly and independently, when the public good requires it. It, therefore, becomes imperiously our duty to guard well the powers conferred on this body. We are tenants at will, or rather, trustees for the present and future generations; and it is, comparatively of very little moment as regards the few fleeting moments we occupy here. It is as time to eternity, when compared with the fundamental principles contained in this book. This, I hope, intended for ages to come. It is intended, I trust, to be perpetual. It was so designed; but I have the most awful forebodings that it will not be. I have my fears, although, sir, it has stood the severest storms in a recent contest, and has carried us triumphantly through a war which has covered our country with imperishable renown—a struggle that embraced in its consequences the dearest principles of a free government. But, though it carried us through this struggle successfully, it may not prove an adequate protection against the insidious encroachments of ambitious leaders.

When I take a retrospect of the past history of our Government, when I recur to events of recent date; when I associate them with the manner in which the present President came into office, and the principles avowed by him since; I feel that it is the duty of every patriot to be vigilant.—I will not say that he came into office in violation of the letter of the Constitution. He came in under it. He is our President, and, so far as his measures are calculated to advance the general interest, shall have my most cordial, energetic support. And yet, (it is unnecessary to disguise the fact) he came into office in opposition to three-fourths of the American people, in opposition to seventeen or eighteen States out of the twenty-four. He came in by the prostration of our dearest principles. He came in by a total disregard of the right of instruction, the basis of a republic. He came in, sir, in opposition, not only to the sovereign will of the people, but he overcame the most formidable of all difficulties. He came in opposition to the will of the Representative too. This may seem paradoxical, but it is nevertheless true. He came in under the influence of precedent, under the influence of the principle I am now combating, and, if we do resist it at the outset, he will give it such an impulse as will enable him, not only to nominate, as he has done, but to appoint his successor.

And what, Mr. President, is the policy of the present administration? The original debt of gratitude is to be paid at all hazards; the one fourth is to become the majority, if the creation of offices, and the patronage of the Government can effect it. Yes, Sir, the first appointment made by the present President is conclusive on this point, and his subsequent course is in entire accordance. Merit is proscribed, unless it acquiesces in and subserves the ulterior purposes of the administration. In the language of the day it will not do to afford to the liberal and intelligent freemen of the country, who happened to differ with the administration, the means of annoyance; therefore, they are to be placed under the ban of the Empire—they are to be proscribed. All are to be brought into the fold, that can be, by hook or by crook; and those who cannot be brought in this way, why, forsooth, are to be coerced.

Am I not justified in saying this? Has it not been openly avowed by the confidential friends of the President and Secretary of State, that the Senate ought to be coerced into a discharge of their duties? Has not the attempt been made in the other House, through the instrumentality of the uninformed populace, operated upon by confidential knowledge, to drive this body into an acquiescence with the mad schemes of the administration, in a way disreputable to this Government, and to the Chief Magistrate of a free, enlightened, and independent People? Sooner than see the patronage of the Government thus employed; the offices bestowed in a manner so detrimental to the public interest; I would do any thing that I could, to relieve the administrators of the Government from such onerous burthens. I would sooner appropriate a million of dollars to the contingent fund, and place it at the arbitrary disposal of the President. For, Mr. President, although I am not a convert to what has been termed the political heresy of the Poet, contained in the following lines: "For forms of Government let fools contest, 'Tis that which is best administered, is best."

Yet the sentiment, all must admit, is founded in great good sense, and is the offspring of a vigorous intellect. The sentiment is the result of the deepest research into the principles of our nature; for, what good will the form or name do us, if the substance is lost? I would not give a fig for it.

Permit me, before I set down, to ask of the Senate whether the President has dealt ingeniously with us in relation to the publication of the documents, the mission, and the discussions which grew out of them? When we called on him to know whether the existing negotiations with any power would be prejudiced by throwing the doors open and discussing the subject in public, he answered that the documents were asked in confidence, communicated in confidence, and that the rule was based on ancient and well established usage, and if we departed from it in that instance, we must act on our own responsibility. The answer was so little characterized by frankness, so equivocal, and at the same time so derogatory to what I conceived to be the constitutional rights of the Senate, that I moved, instantly, to throw open the doors, and let the world know what we were about. I regret that my motion did not prevail. I shall ever regret that the arguments made in concave, with the doors locked on us and the key in the President's pocket, should be necessarily lost to society.

I avail myself of this occasion to protest against the assumed right of the President to control the Senate in the exercise of a sound discretion in regard to confidential communications. The confidence is official.—My responsibility is to my State and country, not to him: And what was the course of the President immediately after the confirmation of the Mission by the Senate? Why, sir, to come out, to the House of Representatives and to

the world, with an elaborate argument, accompanied with some of the documents which had been sent to the Senate, and some that had not been sent, in answer to the objections which had been urged in the Senate against the Mission, and of which at that time, the world knew nothing, and therein essentially changing his ground. I again ask has he dealt fairly with us? Or rather, has he not lost sight of that candor which I had fondly trusted would ever mark the conduct of the Chief Magistrate of the free magnanimous People? I forbear further remarks on this subject—it is a delicate one. Yet the public must and will be informed.

CONGRESS.

SENATE.

Friday, April 7.

Mr. Woodbury, from the Committee on Finance, reported a bill repealing in part the duty on imported Salt.

The bill was read and passed to a second reading.

Mr. Smith, from the Committee on Finance, to whom so much of the President's message, as relates to the subject, was referred, reported a bill to reduce the duties heretofore levied on Coffee, Tea and Wine.

The bill was read and passed to a second reading.

The Senate proceeded, according to the order of the day, to the consideration of the bill from the House of Representatives, "further to amend the Judicial system of the United States."

The Senate Committee on the Judiciary, to which the bill was referred, reported a substitute for the second section of the bill.

The question was then taken on agreeing to the amendment, and carried, yeas 32, nays 4.

Mr. Rowan then moved further to amend the bill by adding thereto the following sections:

"4. And be it further enacted, That the Supreme Court shall, in no instance, decide that the Constitution of any State, or any provision thereof, or the law of any State, or any law of Congress, or any part or portion thereof, or either or any of them, is invalid or void, by reason of any supposed collision between them, or any part or portion of them, or any or either of them, and the Constitution of the United States, or any article, section, or clause thereof, unless at least seven of the Justices of said Court shall concur in that decision—in which case it shall be the duty of the Justices who shall concur therein to make out each his opinion in writing, separately, and deliver it to the Clerk, whose duty it shall be to spread the same upon the record of the Court.

"5. And be it further enacted, That hereafter, until it shall be otherwise provided by law, such kind of process only shall be issued, and in such order only, upon the judgments or decrees of any of the Courts of the U. States, as are authorized and permitted by the laws of the State wherein such judgment or decree shall be pronounced, to be issued upon the judgments or decrees of the highest judicial tribunal of that State; and the marshal or other ministerial officer of such Court of the U. States, shall be governed by and conform to the laws of the said State, in his execution of the said process, as well in relation to the property or person subject thereto, as to his proceeding therewith: Provided, That nothing in this section shall be construed to extend, or apply to any judgment or decree pronounced by any of the said Courts, in cases affecting the public revenue, or to the process which may issue thereon, or the management and execution thereof, by the ministerial officers of the said Courts."

The amendment was ordered to be printed.

Monday, April 10.

The Senate resumed the consideration of the bill "further to amend the Judicial System of the U. States"—the question being on the adoption of the additional sections offered to the bill, by Mr. Rowan, on Friday last.

An interesting debate took place on the propositions contained in the proposed sections, which continued more than four hours.

Mr. Rowan addressed the Senate two hours in support of his amendments; and Messrs. Holmes, White, Van Buren, Mills, Tazewell, Johnson, of Ky. Dickerson, and Be lien, severally delivered their sentiments on the subject, pro or con. In the course of the debate, Mr. Tazewell—for reasons which will appear in the debate—moved to strike out the number seven, in the first of the proposed sections, and insert six; which motion was lost—only 8 or 9 members rising in favor of it.

The question was then taken by yeas and nays on the first of the proposed new sections, and lost—yeas 20, nays 21.

The second proposed section was also rejected—yeas 7, nays 34.

Mr. Findlay then moved an adjournment, which motion prevailed, 20 to 19, and the Senate adjourned.