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NOTES.—Subscription, three dollars per annum; no paper will be sent without at least \$1 in advance, and no paper discontinued or option of the Editors, unless all accounts paid. Advertising, not exceeding five lines, inserted three times for one, and twenty-five cents for each insertion. All letters to the editors must be post-

ed of authoritative force, in settling the meaning of a law—it must be answered, first, because it is a reasonable and established axiom, that the good of society requires that the rules of conduct of its members should be certain and known, which would not be the case if any judge, disregarding the decisions of his predecessors, should vary the rule of law according to his individual interpretation of it. *Misera est servitus ubi jus est aut regum aut incognitum.*—Second, because an exposition of the law publicly made, and repeatedly confirmed by the constituted authority, carries with it, by fair inference, the sanction of those who, having made the law through their legislative organ, appear under such circumstances to have determined its meaning through their judiciary organ.

Can it be of less consequence that the meaning of a constitution should be fixed and known, than that the meaning of a law should be so? Can indeed a law be fixed in its meaning and operations, unless the constitution be so? On the contrary, if a particular legislature, differing in the construction of the constitution, from a series of preceding constructions, proceed to act on that difference, they not only introduce uncertainty and instability in the constitution, but in the laws themselves; inasmuch as all laws preceding the new construction and inconsistent with it, are not only annulled for the future, but virtually pronounced nullities from the beginning.

But it is said that the legislator having sworn to support the Constitution, must support it in his own construction of it, however different from that put on it by his predecessors, or whatever be the consequences of the construction. And is not the Judge under the same oath to support the law? yet has it ever been supposed that he was required, or at liberty to disregard all precedents, however solemnly repeated and regularly observed; and by giving effect to his own abstract and individual opinions, to disturb the established course of practice in the business of the community? Has the wisest and most conscientious Judge ever scrupled to acquiesce in decisions in which he has been overruled by the matured opinions of the majority of his colleagues; and subsequently to conform himself thereto, as to authoritative expositions of the law? And is it not reasonable that the same view of the official oath should be taken by a legislator, acting under the Constitution, which is his guide, as is taken by a Judge, acting under the law, which is his?

There is in fact and in common understanding, a necessity of regarding a course of practice, as above characterized; in the light of a legal rule of interpreting a law; and there is a like necessity of considering it a constitutional rule of interpreting a constitution. That there may be extraordinary and peculiar circumstances controlling the rule in both cases, may be admitted; but with such exceptions, the rule will force itself on the practical judgment of the most ardent theorist. He will find it impossible to adhere to, and act officially upon, his solitary opinions as to the meaning of the law or constitution, in opposition to a construction reduced to practice during a reasonable period of time; more especially where no prospect existed of a change of construction by the public or its agents. And if a reasonable period of time, marked with the usual sanctions, would not bar the individual prerogative, there could be no limitation to its exercise, although the danger of error must increase with the increasing oblivion of explanatory circumstances, and with the continual changes in the import of words and phrases.

Let it then be left to the decision of every intelligent and candid Judge, which, on the whole, is most to be relied on for the true and safe construction of a constitution, that which has the uniform sanction of successive legislative bodies thro' a period of years, and under the varied ascendancy of parties, or that which depends upon the opinions of every new legislature, heated as it may be by the spirit of party, eager in the pursuit of some favorite object, or led astray by the eloquence and address of popular statesmen, themselves, perhaps under the influence of the same misleading causes.

It was in conformity with the view here taken, of the respect due to deliberate and reiterated precedents, that the Bank of the United States, though on the original question held to be unconstitutional, received the Executive signature in the year 1817. The act originally establishing a Bank had undergone ample discussions in its passage through the several branches of the government. It had been carried into execution throughout a period of twenty years with annual legislative recognitions; in one instance, indeed, with a positive ramification of it into a new State; and with the entire acquiescence of all the local authorities, as well as of the nation at large; to all of which may be added, a decreasing prospect of any change in the public opinion adverse to the constitutionality of such an institution. A veto from the Executive under these circumstances, with an admission of the expediency of binding influence, or rath-

er than the obligation arising from juxtaposition of the law on successive judges; the constitution being the legislator, as the law is a delegation to the Judge.

Why are judicial precedents, formed on due discussion and examination, and deliberately sanctioned by the court, of binding influence, or rather

and almost necessity of the measure, would have been a defiance of all the obligations derived from a course of precedents amounting to the requisite evidence of the rational judgment and intention.

It has been contended that the authority of precedents was in that case invalidated by the consideration, that they proved only a respect for the stipulated duration of the Bank, with a toleration of it until the law should expire, and by the casting vote given in the Senate by the Vice President in the year 1811, against a bill for establishing a National Bank, the vote being expressly given on the ground of unconstitutionality. But if the law itself was unconstitutional, the stipulation was void, and could not be constitutionally fulfilled or tolerated. And as to the negative of the Senate by the casting vote of the presiding officer, it is a fact well understood at that time, that it resulted not from an equality of opinions in that assembly on the power of Congress to establish a Bank, but from a junction of those who admitted the power, but disapproved the plan, with those who denied the power.—On a simple question of constitutionality, there was a decided majority in favor of it.

Mrs. Madison joins me in hoping that you will not fail to make the intended visit to Virginia, which promises us the pleasure of welcoming you to our domicil, and in a sincere return of all the good wishes you kindly express for us.

JAMES MADISON.

Mr. INGERSOLL.

Trial of Murray for the Robbery of the City Bank.

William J. Murray, an Englishman by birth, 56 years of age, was indicted by the Grand Jury for Grand Larceny in feloniously taking from the City Bank two hundred and forty eight thousand dollars. The prisoner was yesterday put to the bar of the Court of Sessions, and a Jury sworn. Mr. Price conducted the prosecution, and Messrs. Patterson and D. Graham appeared for the Prisoner. The case was briefly opened by Mr. Price, who observed, the magnitude of the robbery, and its attendant circumstances, rendered it one of the most important cases that had ever occurred in the city or country.

The officers of the Bank proved the grand larceny, and identified several of the parcels of bills found in the possession of Edward Smith, as the property of the Bank. The testimony to connect the prisoner with the transaction was briefly this:—Early on Monday morning the 21st of March, a black driver named Henry Allen, who had been in the Philadelphia Steamboat, was hired by a man in Chatham square, and directed to take him down Roosevelt street towards Oak street. —He did so, & turned up Oak street, where he stopped. The man convicted by the name of Edward Smith was the individual who hailed him.—Smith went back into Roosevelt street, and returned in a few minutes with another person, each bringing a leather trunk. The trunks were fastened on behind, and while Allen was engaged in that act, the two persons went again into Roosevelt street, and came back with a woman and a valise. They all entered the carriage, and directed the driver to carry them to the North River, which he did, stopping at the foot of Courtland street. Smith got out of the carriage there, and walked round into West street, remarking that he expected to meet a gentleman. Shortly after, he returned, and the driver was told to take off the trunks, and put them on the sidewalk, which was done. The other person and the woman left the carriage and the driver drove off. Being asked by the prisoner's counsel if he could identify Murray as the person who was in company with Smith, the black driver replied that he could not.

It was given in evidence by Jedediah Corey, a cartman, that he was called by Smith at the foot of Courtland street to take two trunks, and that he carried them to the boarding house of Mrs. Bangs. It appeared from the testimony of Mrs. Mary Bangs, that the prisoner called at her house on Monday morning about 7 o'clock, in about 15 minutes after Smith arrived, and asked if Mr. Jones, as Smith gave his name, had taken lodgings there. Being answered in the affirmative, he was shown into Smith's room, where he remained a short time. The prisoner called daily to see Smith, and sometimes twice, from Monday to Saturday morning. On Friday he took dinner with Smith.

In the cross-examination of Mrs. Bangs, she stated that the prisoner, who brought from Philadelphia, was considerably altered in his appearance. His eye brows were changed, and his whiskers cut off. He always called to see Smith in the day time. Her suspicion was first excited that Smith was the bank robber on Wednesday.

An important witness for the prosecution was Mrs. Elizabeth Simpson, the wife of James Simpson, a companion of Smith and Murray now in the State Prison for grand larceny. Mrs. Simpson stated that she accompanied her husband from Philadelphia to this city sometime in January, and took lodgings first at Murray's house in Roosevelt

street, and afterwards at Smith's in Division street. On Monday morning the morning after the robbery of the Bank, she left under the protection of Smith and Murray. Murray suggested to her that she had better go home to Philadelphia. She was disengaged, but he urged it and gave her five sovereigns to enable her to pay her expenses. A carriage was provided to take her to the steam boat, and Mrs. Smith and Mrs. Murray accompanied her to the boat.—She did not hear of the Bank robbery, until she got down to the boat. She went alone to Philadelphia, and staid with her mother and knew nothing of Murray's being there, until she was summoned by the Mayor to attend his examination. Murray then passed by the name of John Ellis. As soon as she entered the Mayor's office, she recognized Murray, who immediately remarked in an elevated tone, "I am the lady don't no me." This was uttered before she had been asked a question or said a word. On the morning that he gave her the sovereigns, he had large full eye brows and whiskers, and had the same when she saw him in Philadelphia. [It may be proper to state that when Murray was brought to this city, he had no whiskers, and very thin eye brows.] This female gave her testimony in a very clear and distinct manner, and there can be no doubt that the only imputation which can by any possibility be cast upon her, is that she is the wife of a convicted felon. She is respectively connected in Philadelphia, where she was married about 8 months ago, without the least suspicion of her husband's character and habits.

Ralph Heriman has seen the prisoner—He is now thinner than usual, probably from confinement in prison. He understood that the prisoner had kept a respectable public house in London.

Upon this evidence the respective counsel summed up the case, and the Recorder charged the jury. They were absent about three minutes and came into court with a verdict of Guilty.

N. Y. Journal of Commerce.

To the editor of the Harrisburg Intelligencer.

West Point, June 18, 1831.

Dear Sir:—I have read many cases of presentiment of death, as it is called, in which the melancholy anticipations of the subject have been realized; but I recollect none which excited my sympathies so much as one I heard related by General L. of the army, this morning. Gen. L. was in the practice of the law, in the State of New York, at the commencement of the war, and was appointed a Capt. in infantry. When his commission arrived, his student, William Hunter, a talented and correct young man, called upon him and stated his determination to go with him. The captain expressed his regret that his wishes had not been known before the list of officers was complete, that he might have procured him a commission—as it was, he could only make him a sergeant. Hunter made out his own enlistment, and he and his captain in a few days filled a company of recruits from the neighborhood. They were ordered to the lines, and were in various engagements. Whenever hard fighting took place, there were they found. At the battle of Chippewa the sergeant for his gallantry was promoted to the rank of ensign. On the night of the 23d of July following an alarm took place. On investigation it was found groundless, and the army was permitted to retire to their tents, with the exception of an officer of each company, who were directed to remain in front of their tents. General, then Maj. L. during the night made a personal inspection of the encampment. Passing down the line, he met the ensign on duty. Taking him by the arm, they walked together. Hunter was reserved. His commander inquired the cause, and after some hesitation he was told that he could not avoid a feeling of certainty that in a very short time, they would have another general engagement, and that he should fall. This feeling was ridiculed for awhile, but at length he was told that he should be ordered to take charge of a detachment of sick across the river, and out of the reach of the enemy. Hunter replied "no; I came here, as you know, only to defend the character of my country; and nothing could induce me to leave my post when danger is to be expected. But I feel my fate as decided; and I only mention it to ask your services in a matter near to my heart. You know that I have been engaged in marriage; to be consummated at the close of the war. When I fall, I wish you to take my watch, and procure my bounty land for Deborah.—Tell her and my friends at home, that I have done my duty."

The battle of Bridge water took place on the 25th of July. Hunter was observed by his commander, foremost in all danger. He fought bravely till the battle was decided in favor of our brave countrymen, when a staggering fire from one of the enemies retreating muskets passed through his heart, and fulfilled the melancholy sentiment of Eosign Hunter. Deborah—still wears her words in sorrow for her gallant lover.

THE OURANG OUTANG.

It appears by late London papers that two Ourang Outangs have recently been imported into that city, and excited considerable interest among the lovers of natural history. The subjoined description of them we copy from the Observer of the 29th May:

Two animals of this species have recently been imported into this country; one said to have been found in Borneo,

and the other near the Ganges. They are to be publicly exhibited at the Haymarket, where we were yesterday present at a private inspection of them.

These creatures are of the order primates, of the genus simia, and of the sub species. They are not, however, of the same family; one being like the orang-outang, and the other like the gibbon. They are both small, and to be considered rarely dangerous, the orang-outang which has attained their growth, have been taken alive. One of those now about to be exhibited is a male, and the other of the species, a female, the latter being smaller, and of a lighter color. They are both, and to be considered rarely dangerous, the orang-outang which has attained their growth, have been taken alive. One of those now about to be exhibited is a male, and the other of the species, a female, the latter being smaller, and of a lighter color.

John Lyon, called on behalf of the prisoner, testified that he had known him since he arrived in this country in November last. He had property with him, and told the witness he was worth about £2000. He was anxious to open a public house, and made efforts to obtain one. His conduct appeared always to be strictly correct. In the cross-examination of this witness, he admitted that when he last saw Murray before the robbery, he wore whiskers.

Mrs. Brainerd stated that the prisoner came as a boarder to her house in the latter part of November, and remained with her about four weeks. He occupied rooms afterwards as a tenant. He had a great deal of money with him, gold and bills. He always kept good hours. Murray conversed with witness about the Bank Robbery after it took place, and spoke about it as freely as others did. He had neither whiskers nor eyebrows; and a very fine man he appeared to be.

Ralph Heriman has seen the prisoner—He is now thinner than usual, probably from confinement in prison. He understood that the prisoner had kept a respectable public house in London.

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Although from these and many other countries, it would seem that the smaller and gentler kinds of the ourang outang may, when taken young, be easily tamed and rendered tractable; yet a different account has been given