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From the Tuscaloosa Intelligencer.

MR. MADISON AND A NATIONAL BANK.

I put myself to the trouble of copying, below, for publication in your paper, Mr. Madison's letter on the constitutionality of a National Bank. It will be seen that, that great and good man, "the father of the Constitution," the head and the organ of the Old Republican Party, and the author of the celebrated Virginia Report of '99, (the creed of the State Rights' party), in the tranquility of his philosophic retirement, far from the raucous strifes of party contests, deliberately affirmed the constitutionality and expediency of a National Bank. I respectfully commend the letter to the candid consideration of all old-fashioned Republicans, and especially to the exclusive "Democrats" of the present day. I hope they will not venture to denounce the illustrious Madison, (of whom it may be said, with not more beauty than truth, that he was "wiser than Cato and purer than Aristides,") as a Federal Bank Aristocrat and an "impudent political quack!" I will just add that Mr. CLAY fully concurs with Mr. Madison:

"MONTPELIER, JUNE 25, 1831.

"Dear Sir: I have received your friendly letter of the 18th inst. The few lines which answered your former one of the 21st of January last, were written in haste and in bad health; but they expressed, though without attention in some respects due to the occasion, a dissent from the views of the President as to a Bank of the United States, and a substitute for it; to which I cannot but adhere. (Mr. Madison here alludes to Gen. Jackson's Government Bank.) The objections to the latter have appeared to me to preponderate greatly over the advantages expected from it, and the constitutionality of the former I still regard as sustained by the considerations to which I yielded, in giving my assent to the existing Bank.

"The charge of inconsistency between my objection to the constitutionality of such a Bank in 1791, and my assent in 1817, turns on the question, how far legislative precedents, expounding the Constitution, ought to guide succeeding Legislatures, and to overrule individual opinions.

"Some obscurity has been thrown over the question, by confounding it with the respect due from one Legislature to laws passed by preceding Legislatures. But the two cases are essentially different. A constitution being derived from a superior authority, is to be expounded and obeyed, not controlled or varied by the subordinate authority of a Legislature. A law, on the other hand, resting on no higher authority than that possessed by every successive Legislature, its expediency as well as its meaning is within the scope of the latter.

"The case in question has its true analogy in the obligation arising from judicial positions of the law on succeeding Judges; the Constitution being a law to the legislator, as the law is a rule of decision to the Judge.

"And why are judicial precedents, when formed on due discussion and consideration, and deliberately sanctioned by reviews and repetitions, regarded as a binding influence, or rather of authoritative force, in settling the meaning of the 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 vagum 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 operation, 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 are 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 exposi-

tions 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 continued 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 the constitution, that which has the uniform sanction of successive legislative bodies through a period of years, and under the varied ascendancy of parties; or that on which depends 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 away by the eloquence and address of popular statesmen, themselves, perhaps, under the influence of the same misleading causes.

"It was in conformity to 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 through a period of twenty years with the annual legislative recognition; in one instance, indeed, with a positive ratification 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 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 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 national judgment and intentions.

"It has been contended that the authority of precedents was, in that case, invalidated by the consideration, that they proved only in respect for the stipulated duration of the Bank, with a toleration of it until the law should expire, and by the Vice-President in 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 the 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.

JAMES MADISON."

MR. INGERSOLL." In another letter to the same gentleman, of about the same date, Mr. Madison says, "A virtual, and it is hoped, an adequate remedy (against a depreciated currency) may hereafter be found in the refusal of State paper when debased, in any of the federal transactions, and the control of the Federal Bank."

Such is Mr. Madison's admirable argument in favor of the constitutionality of a National Bank—an argument, which is tenfold stronger now than it was in 1817. Since that time, the Bank has been sanctioned by Congress for twenty years (we all know that it was rechartered in 1832 by decided majorities in both Houses of Congress, and was vetoed by the President,) by three successive Administrations; by some fifteen concurring decisions of the highest State Courts; by three solemn and unanimous adjudications, after elaborate argument, by that august tribunal, the Supreme Court of the United States, the final arbiter of all constitutional questions, and by the continued acquiescence of a vast majority of the American people. I have not a shadow of doubt that, at this very moment, a large majority of the American people, notwithstanding the senseless slang about Bank Aristocracy, irresponsible money power, &c. &c. are warmly in favor of a well-organized and carefully guarded National Bank. Is not the constitutional question, then, forever closed, upon the unquestionable principles of Mr. Madison's letter? and the expediency, not to say the absolute necessity of a Bank, and the falsity of the cant objections so loudly vociferated against it, abundantly demonstrated by the whole history of our government?

AMADISONIAN REPUBLICAN.

Note.—Since the foregoing was written, I have

seen Gen. Jackson's Message, vetoing the Maysville Road bill; in which he expressly admits that the right of Congress to appropriate money, to aid in the construction of national works, is "warranted by the co-terminous and continued exposition of the constitution." In discussing the subject, he holds the following emphatic language: "Although it is the duty of all to look to that sacred instrument (the Constitution) instead of the statute book, and to repudiate, at all times, encroachments upon its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances, it is not less true, that the public good, and the nature of our political institutions require, that individual differences should yield to a well settled acquiescence of the people and confederate authorities, in particular constructions of the constitution, or doubtful points. Not to concede this much to the spirit of our institutions, would impair their stability, and defeat the objects of the Constitution itself." Apply this excellent doctrine, (none the worse because the General himself disregarded it,) to the Bank question, and is not the question settled?—There is infinitely more authority for the Bank than for the internal improvement power. The Supreme Court of the United States, the final arbiter of constitutional questions, has repeatedly sanctioned the Bank; while it has never decided upon the constitutionality of internal improvements; and Congress has affirmed the Bank power from the establishment of the government down to this day, and the people have acquiesced.

THE OLD CHURCH AT QUINCY, MASS.

The 200th anniversary of the gathering of this Church was celebrated a few days since, and appears to have been an occasion of great interest, though, as it fell on the Sabbath, few ceremonies were observed. A discourse was delivered by the Rev. Mr. Lunt, junior pastor of the Society, a hymn furnished by the Hon. J. Q. Adams, one of the members, &c. The exercises were, in fact, on the simple plan of those observed one century before, when the Rev. John Hancock, father of the illustrious patriot of the Revolution, was the sole pastor of this venerable Church. This gentleman's ministry lasted from 1726 to 1745. The present senior incumbent, Mr. Whitney, has occupied his situation about 40 years!

Many circumstances correspond to give interest to this commemoration. Mount Wallaston, as Quincy was first called, was settled as early as 1635, five years only after Plymouth, and five before Boston;—and it is supposed to have been the first permanent settlement in the Massachusetts Colony. Great names too are connected with this humble institution. We are told by the Boston Register that among the early baptismal records of the century now closed, is written the name of

"John, son of John Adams,"

a name which has since deeper written in the history of our nation and in the hearts of men. The Church counts him among her sons—his father waited at her table; and he was at his death her oldest member. Rarely was he absent from the services of the Sabbath, and he now lies beneath the stone Temple which his munificence endowed, and which but lately has risen, a connecting link between the centuries which have gone and the future. Inscribed on the same records, and from the pen of the same pastor, is the name of

"John Hancock, my son."

Again, it appears that from this ancient Church, in July, 1767, John Quincy Adams received the sign of baptism, and on the list of her communicants his name is enrolled. Thus has this little Society, founded in feebleness, nurtured in its bosom two of the Presidents of the Union, and the President of that glorious body which issued the Declaration of American Independence. To these names may be added that of Quincy also, hardly less distinguished. Edmund, the progenitor of all that race, was one of the earliest members and founders of this Church.

Those of our readers familiar with the accustomed observances of our New England brethren on these occasions will be prepared to hear that the psalms were sung from the collection published at Cambridge in 1640, by Messrs. Weld and Eliot, ministers of Roxbury, and Mather, of Dorchester—the first book printed in America, and used by the early Church. The psalm at the close of the afternoon service was, after the ancient manner, line by line, alternately read and sung by the minister and choir.

The following is the hymn, written for the occasion by Hon. John Q. Adams:

THE HOUR GLASS.

Alas! how swift the moments fly!
How flash the years along!
Scarcely here, yet gone already by;
The burden of a song.
See childhood, youth, and manhood pass,
And age with furrowed brow;
Time was—Time shall be—drain the glass—
But where in Time is now?

Time is the measure but of change:
No present hour is found,
The past, the future, fill the range
Of Time's unceasing round.
Where then is now? In realms above,
With God's atoning Lamb,
In regions of eternal love,
Where sits enthroned I AM.

Then, Pilgrim, let thy joys and tears
On Time no longer lean;
But henceforth all thy hopes and fears
From earth's affections wean.
To God let votive accents rise;
With truth, with virtue live;
So all the bliss that Time denies,
Eternity shall give.

We observe that the second centennial celebration of the town of Quincy occurs in May next. It was common in the first settlements for the Church to be gathered before the civil system was matured.

The following lines, which we take from an exchange paper, although they show how fleeting and subject to the withering breath of time, are earthly things, still they point out as a reward of lasting solace, sweet and heaven-born virtue—a gem of un fading and undying beauty.

THE WITHERED FLOWER.

A lady, robed in white,
Sat in her lonely bower;
A form of life and light
Wept o'er a wither'd flower.
"This rose," she said, "at morn,
Awoke in Nature's bloom;
But now, of beauty shorn,
My bosom is its tomb.

"So Nature's fairest fade,
The flow'rets of a day;
Youth, in life's bloom array'd,
And beauty pass away.
The flow'rs of hope and love
Leave Nature's changing scene,
Methinks to bloom above,
In vales for ever green."

A sage o'erheard her sighs—
"Fair moralist," he said,
"There's hope in yonder skies,
There's bliss above the dead,
There's love's eternal bower,
In regions bright and fair,
Virtue's an immortal flower,
And blooms forever there."

FROM CHATEAUBRIAND.

William Pitt.—Pitt, tall and slender, had an air at once melancholy and sarcastic. His delivery was cold, his intonation monotonous, his action scarcely perceptible; at the same time the lucidness and fluency of his thoughts, the logic of his arguments, suddenly irradiated with flashes of eloquence, rendered his talents something above the ordinary line.

I frequently saw Pitt walking across St. James's Park, from his own house to the palace. On his part, George the Third arrived from Windsor, after drinking beer out of a pewter pot with the farmers of the neighbourhood; he drove through the mean courts of his habitation in a gray chariot, followed by a few of the horse-guards. This was the master of the Kings of Europe, as five or six merchants of the city are the masters of India. Pitt, dressed in black, with a steel-hilted sword by his side, and his hat under his arm, ascended, taking two or three steps at a time. In his passage he only met with three or four emigrants who had nothing to do; casting on us a disdainful look, he turned up his nose and his pale face, and passed on.

At home, this great financier kept no sort of order; he had no regular hours for his meals, or for sleep. Over head and ears in debt, he paid nobody, and never could take the trouble to cast up a bill. A valet-de-chambre managed his house. Ill dressed, without pleasure, without passion, greedy of power, he despised honors, and would not be anything more than William Pitt.

In the month of June, 1822, Lord Liverpool took me to dine at his country-house. As we crossed Putney-Heath, he showed me the small house where the son of Lord Chatham, the statesman who had Europe in his pay, and distributed with his own hand all the treasures of the world, died in poverty.

It is a common error to suppose that the solvency of a bank depends on the amount of specie in its vaults, but such a test can no more apply to a bank than an individual. The farmer has his lands and negroes, the townsman has his houses and lots, and yet neither may have a hundred dollars in specie.—Money is profitable only when invested, and few people care to have idle money about them when it can be made useful. A bank, then, like an individual, may have liens on the safest and most valuable property in the State, and yet have very little specie.—It is not necessary to the safety of a bank that she should have any specie at all; and the laws formed to compel the banks to keep a certain portion of specie operate mainly in keeping specie perpetually floating between one country and another, and different parts of the same country. The great object of specie is to pay balances, and, like cotton and tobacco, it will find its level of itself. Laws and combinations may embarrass trade, and keep up for awhile a fictitious state of things, but the common level will be found at last.—Norfolk Beacon.

An Incident at the Reception.—When Mr. Van Buren alighted on Monday at Sanderson's Hotel, the crowd, clamorous to see him, insisted upon entering the apartment prepared for him. In the midst of the tumult, the voice of the host was heard addressing them to the effect, "That they professed to be the friends of Mr. Van Buren; that that gentleman was then laboring under great fatigue and exhaustion, having eaten nothing since an early hour in the morning; and that if, under such circumstances, they still persisted in seeing him, they could not be regarded as his friends." The crowd cheered the orator, and carried him on the shoulders of some of them into the street, where, sorrowful to relate, one of the light-fingered gentry relieved the host of his pocket-book, which fortunately, however, contained no money.—Phila. North American.

Clean a brass kettle before using it for cooking, with salt and vinegar.