

From the Raleigh Register.

MR. MADISON—U. S. BANK.

In looking over a file of the Register for 1831, we came across the following letter, addressed by Mr. Madison to C. J. ...

Montpelier, June 23, 1831.

Dear Sir:—I have received your friendly letter of the 18th inst. The few lines which answered your former one ...

The charge of inconsistency between my objection to the constitutionality of such a Bank in 1791, and in 1817, turns on the question, how far legislative precedents, expounded in 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.

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

And why are judicial precedents, when formed on due discussion and consideration, deliberately sanctioned by reviews and repetitions, regarded as of binding influence, or rather of authoritative force, in settling the meaning of a law? It must be answered, 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.

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 the preceding Legislatures, proceed to act on that difference, they not only introduce uncertainty and instability to the Constitution, but in the laws themselves; inasmuch as all laws proceeding from the new construction and interpretation 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 at 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 explications 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

and prudent theorist. He will find it impossible to adhere to, and act officially upon, his solitary opinion 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 through 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 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 of which may be added, a depressing 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 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 of 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.

THE CIRCULAR TO OFFICE HOLDERS

As many persons professing Jeffersonian democracy with their lips, affect to regard the late circular as anti-republican and tyrannical, we think it may be useful here to remind them of the views and practice of two former Presidents whom they profess to respect. The circular treats the footsteps of Jefferson, and carries out the views of Jackson, as the following extracts will serve to show.

MR. JEFFERSON'S CIRCULAR.

Extract from Mr. Jefferson's Circular addressed to office holders under him—If "The President of the United States has seen with dissatisfaction, officers of the General Government talking, on various occasions, active parts in the elections of public functionaries whether of the General or State Government. Freedom of election being essential to the mutual independence of Government, and of the different branches of the same Government, so vitally cherished by most of our constitutions, it is deemed improper for officers depending on the Executive of the Union, to attempt to control or influence the free exercise of the elective right. It is expected that no officer will attempt to influence the vote of other men, nor take any part in the business of electioneering—that being deemed inconsistent with the spirit of the Constitution and his duties."

From Gen. JACKSON'S Inaugural Address.

"The recent demonstrations of public sentiment inscribed on the list of Executive duties in characters too legible to be overlooked, the task of reform—which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections."

From the Charleston Patriot.

PRESIDENTIAL PROFESSIONS AND PRACTICE.

It is a remarkable fact that such of our Presidents as have been among the sturdiest assertors of the rights of the States and the warmest defenders of the principles of the Constitution, have exhibited the broadest contrast between their acts and their opinions before and after their accession to the Executive Office. Power does effect, at times, marvellous revolutions in the minds of men. Mr.

Jefferson sailed into office under the flag of State Rights and strict construction. He was the father of the school of literal interpretation of the National charter. In a very few years where did his political position leave his principles? He purchased Louisiana. There was no warrant for this but in the loosest Constitutional implication that can be conceived. It was the ultraism—the very extremity—of the general welfare doctrine. Well, no one blamed Mr. Jefferson when the public necessity did not admit the questionable wisdom of the act. No one called Mr. Jefferson the enemy of State Rights when he applied to the National treasure for the purchase of territory that could not have been gained unless by war and bloodshed.

Mr. Madison was also trained in the school of rigid construction. He furnished the text and his was the authority on which rested the extreme application of State Rights theories. He was seated in the Chair of State as a State Rights President, by almost popular acclamation. Among the test principles of the State Rights Republicans of that day, in Virginia, was uncompromising opposition to a National Bank. Where did the necessities of his official position place Mr. Madison when his principles were put to their practical proof? He, like Mr. Jefferson, was compelled to compromise with his political conscience. He sanctioned the charter of a National Bank. The war had left the country cursed then, as now, with the evils of irredeemable paper money. The conviction was overwhelming, within and without the walls of Congress, that such an institution was the only instrument of deliverance from this curse, the parent of so many other moral curses. The Statesmen of that day were, many of them, compelled, if not to offer up their abstract constitutional opinions as a total sacrifice on the altar of patriotism, to consent, at least, to so important a modification of their principles as to leave them in a state of lamentable contradiction between their theory and their practice.

Economy in the N. York Custom House.

We learn from Bennett's Herald, that the new collector, Mr. Curtis, is getting a long quite comfortable. He has adopted a rule, which is now inflexible, not to give audience to applicants during office hours. In this way, he manages to dispatch the public business, and at the same time to make such changes as are deemed advisable. There seems to be no doubt that the number of men employed in the Custom House has greatly exceeded the necessities of the public service. We understand that the Secretary of the Treasury has sent on peremptory orders to Mr. Curtis to dispense with all officers, except such as are indispensable to the administration of the revenue laws. The Collector has made as careful an examination into the matter as the circumstances admitted of, and has come to the conclusion that from sixty to one hundred inspectors and other officers can be dispensed with, without detriment to the public service. This will effect a saving to the Government of from \$60,000 to \$100,000 per annum. There may not be as much electioneering and loafing hereafter, as under the old dynasty, but it is hoped that the interests of the people will, at least, be as carefully looked after.

Petersburg Intel.

ONE OUT OF MANY.—At Macon, in Georgia, a Postmaster of unexceptionable character was waited on by a Loco Foco committee, and required to go to a public meeting and otherwise take part in influencing elections. He pleaded in vain that it was against his habits and sense of propriety. Nothing could save him from the axe. A committee was dispatched to Washington to communicate the behests of "the party" and, accordingly, Mr. Tyler was forced to walk the plank. Off with his head, demanded the committee—off with his head, echoed the Postmaster General. Well! the tables have been turned, and Mr. Tyler, whose only fault was not bringing "the patronage of the government into conflict with the freedom of elections," has been restored! That's all! But how will the case be characterized in the Loco Foco papers? Proscription! horrid murder!!! the guillotine streams with the blood of innocent martyrs!!! Not one word of retrospect. Oh no! they would have the people believe it to be an original case of unprovoked cruelty—not remembering that the suppression of truth is often the most sly as well as most wicked mode of telling a falsehood. Such, the public may be assured, is the character of ninety-nine out of a hundred of the groans that are resounding through the land. Mr. Grant seems to have one advantage over his colleague—he is more abused. And what man ever rose to eminence in a Republic without being pursued and harked at by "Tray, Blanche and Sweetheart!"

Madisonian.

The Washington Globe howls most piteously over the removals from office that are taking place under the new Administration. The Globe, when its own party was in power, defended the most indiscriminate proscription; no man, no matter what had been his service to the country, who entertained political sentiments adverse to the party in power, was permitted to hold an office; he was removed to make room for some noisy bar room politician, and the Globe pronounced it all right and proper. Even the venerable General Solomon Van Rensselaer, who had fought and bled for his country, and who bears the marks and evidence of his service and his bravery upon his body, was thrust from the Post Office in Albany, and a hungry partisan put in his place. This infamous act of party pro-

scription did not shock the feelings of the editor of the Globe, nor of his party. But now, when the Whig party comes into power, and ignores Loco Foco office holders for cause—for converting their offices into political engines, or neglecting to perform their duty—these modest leaders of the Guiltless Party affect to be thrown into spasms of grief at such a vile proscription! Shame upon the vile hypocrites! Hudson River Chron.

BELA BADGER.—The appointment of this gentleman, as Naval Officer at Philadelphia, has thrown the whole Loco Foco party into convulsion. Why this should be so we are at a loss to conjecture, without it results from mortification at the failure of their attempt to destroy his reputation by one of the foulest plots which ever disgraced any age or country. This individual is one of those to break down whom the great office holder's Conspiracy was last fall concerted, and which eventuated only in the prostration and disgrace of the inventors. They failed to make good their charges, in a single instance, even with the aid of perjured witnesses, acting in concert in a deep laid scheme of villainy. If the mere imputation of misconduct were to be deemed sufficient to proscribe a person, without reference to the weight of testimony to sustain the accusation, then, indeed, there might be some apology or justification for the course which the Loco Focos are pursuing. But the people demand some evidence of the truth of their declarations, more than has yet been submitted. Not a particle of positive proof has been adduced, to make good the charges preferred against this gentleman. Democratic Journal.

Nothing, certainly, can be more ill-timed ungenerous, or base, than the present efforts of a portion of the opposition press to misrepresent the state of political affairs by comparing the currency and business of the country at the present time with their condition one year since. Do not the conductors of those presses know that the measures of the late Administration are still in force, and that no opportunity has been given to effect a change by legislation? And do they think the People are so stupid as to expect that the country can recover from its prostrated condition, without a uniform currency and with the sub-Treasury, merely upon a change of men and without a change of measures? It was for the purpose of providing for the deficiencies of the public Treasury, and to introduce measures more consistent with the public welfare and the prosperity of the people, that an extra session of Congress was called by the lamented Harrison. Bangor Whig.

The Return Home of the Mediterranean Squadron.—Our readers will doubtless be surprised at the sudden return home of the United States squadron of vessels of war from the Mediterranean. So should we certainly have been, had we not received information, some days ago, that advice had been transmitted by our minister at London to the commander of that Squadron, of the great excitement in England, on receipt of Mr. Pickens's report, accompanied by some indication that the immediate return of that squadron to the United States was advisable, the station being one which, in the event of a war with Great Britain, it would be entirely unsafe for it to attempt to remain in.

We have no doubt that our information on the subject, though unofficial, was substantially correct. That the circumstance of so precipitate a return of the squadron to port at home, leaving the immense commerce of the United States unprotected in the Mediterranean, is very much to be regretted, and is besides calculated to spread an unnecessary alarm amongst Americans abroad, elsewhere as well as in the Mediterranean, cannot admit of a doubt. We are astonished by the fact of such advice having been deemed necessary, how much nearer we have been to the point of actual hostilities with Great Britain than was supposed in this country; for nothing certainly but an absolute conviction of the probability of such a conflict could have induced our Minister at London to take the responsibility of advising the return of our ships of war from that sea.

What a lesson ought not this to be against such indiscretions as the report of Mr. Pickens, unconsidered and heedless as it was, and unmentioned either by the people or the executive of the United States! What a warning against constituting committees of such importance as the committee on foreign relations out of mere party men, having no idea of any policy but what is suggested by party feeling! We do not mean to apply this observation to Mr. Pickens particularly, but to the party majority of one vote in the committee on foreign relations which sustained him (the chairman of it) in making such a report, not only gratuitous in itself, but under the circumstances of our pending relations with Great Britain, positively mischievous.

The immediate consequence of the return of the squadron under Commodore Hull will, we presume, be to expedite the departure of the Squadron, under Commodore Morris, which was understood to be fitting out for the purpose of relieving the squadron now returned. National Intel.

The Legislature of Virginia and Maryland, Delaware, Illinois, and Indiana, have removed the penalties for suspension of specie payments from the banks of those states, and authorized them to issue notes under the denomination of five dollars.



The Agricultural meeting advertised to be held at March court having been postponed from various causes, it is proposed that the friends of Agriculture shall meet in Hillsborough, on Wednesday of May Court, at 2 o'clock, to take into consideration the formation of a Society for the improvement of Agriculture, Horticulture, &c. It is hoped that the Farmers of Orange will not be indifferent to an object of so much importance as this is, and that a large number will be in attendance.

North Carolina Elections.

The election in Orange county on Thursday last, resulted as follows:

Table with 3 columns: Name, Smith, Saunders. Hillsborough, 306, 121. Morrow's, 94, 117. John R. Holt's, 71, 28. Cumming's, 32, 15. Fogleman's, 10, 18. M. Holt's, 30, 34. Wm. Holt's, 48, 59. Geeringer's, 19, 100. Faucett's, 47, 143. Lee's, 53, 77. Mason Hall, 47, 67. Nichols's, 15, 77. Turner's Mill, 71, 25. Horner's, 140, 17. Wilkerson's, 59, 115. Herndon's, 12, 54. Wm. Trice's, 23, 47. Chapel Hill, 139, 66.

The result in the district is as follows:

Table with 3 columns: Name, Smith, Saunders. Orange, 1216, 1180. Wake, 635, 802. Person, 1851, 2343. Total: 3702, 4325.

Majority for Saunders, 492

2d district. J. R. J. Daniel, Opp. (late Attorney General,) is elected over Wm. W. Cherry—No change.

4th district. William H. Washington, Whig, is elected by a considerable majority over J. O. Watson, Opposition—A Whig gain.

6th district. Archibald Arrington, (opposition,) is elected, beating Hawkins, the late member, and Russell, also anti-administration—No change.

7th district. Edmund Deberry re-elected.

9th district. Augustin H. Shepherd, Whig, elected. In Guilford, Shepherd 2000, Reid 367; Stokes, Shepherd 1022, Reid 987; Rockingham and Caswell not heard from—Whig gain.

10th district. Abram Rencher elected over Jonathan Worth, both Whigs—A Whig gain.

The other districts not heard from, but there has probably been no change. In which case there will be eight Whigs and five Locos.

In INDIANA, the Whigs have succeeded in all the Congressional districts but one; and that, the strongest Whig district in the state, was lost in consequence of division among the Whigs.

The Kentucky Congressional election has resulted in the choice of eleven Whigs and two opposition. Among the Whigs are three new members, Messrs. Owley, Sprigg and Marshall; all the others are old members re-elected.

The Standard of last week has an article of a column's length upon "the Hillsborough Recorder" and the "President's Furniture" but we find in it nothing new; nothing, in fact, which disproves a single statement made in our former remarks. If the Standard expected that the mere "certainty of Harrison's election" would restore prosperity to the country, and is now disappointed because his eager gaze "up and down street" cannot perceive "the coming of the good times," we can only pity him for his folly. The distresses of the country were not produced without cause, but are the consequence of a course of ill-advised measures; and no sane man can suppose that sudden prosperity can be restored by a change of men alone, before an opportunity is afforded for a change of measures. To effect this change of measures an extra session of Congress has been called; and to the wisdom and virtue of that Congress, co-operating with the Executive, are the hopes of the country turned for relief. If the Standard has deluded himself with the hope that the election of a Whig President would open a shorter road to pros-

perity, he has had greater faith in the virtues of "whiggery" than we have had. The Standard has a list of articles which he says were provided for Gen. Harrison, amounting in all to \$5,350.50; and he wishes the people to ponder well the articles.

The most prominent item in the list is \$500 for "an entire dinner set," so that we may presume that the President's table is to be no longer deficient in the necessary article of dishes.

The Standard is afraid that the articles in his list will not be sufficiently scrutinized; he therefore parades some of them out for particular inspection. "Upwards of \$40 for a single window curtain, for every day use." Well, we have before us a list of articles purchased for Mr. Van Buren in 1837; and here is a specimen: "Three window curtains, as per estimate, \$1,307.50"—upwards of \$435 for each of these "single window curtains" for Mr. Van Buren!

Again, the Standard goes on: "A centre table, with marble top, at \$60, for every day use." Well, what says Mr. Van Buren's list? "One elegant stationary centre table \$150; one elegant dining room common do. \$120; statutory marble top for do. 70." Think of that, if you please, Master Brooks; one hundred and ninety dollars for centre table and marble top for common use!

But the Standard caps his climax with "a French bedstead," the very species of articles upon which the Whigs had charged extravagance in Mr. Van Buren; yes, he says, "\$25 for a French bedstead for every day use!" Well, what did Mr. Van Buren's bedstead cost? Look at his list: "One large elegant French bedstead \$150, boxing for do. \$8, one palliaps for do. \$12;" in all \$170—not quite seven times as much as the Whigs paid!! Verily the Standard, as we said before, like every other pharisee, finds it a very little matter to strain at a gnat and swallow a camel.

FIRE IN RALEIGH.—The spacious boarding house of the Misses Pulliam, in Raleigh, was consumed by fire on Friday night last. The fire originated in the loft of a stable in the rear, which being filled with hay and other combustible materials burnt with great rapidity, and soon communicated to the kitchen, and thence to the main building. By blowing up the building on the south, aided by the stillness of the night, the farther progress of the flames were arrested.

The fire is supposed to have originated from a candle, used by a party of negroes who are believed to have been gaming in the stable loft that night, one of whom has been since arrested and committed to jail. There were in the stable, 13 horses, of which 5 were burnt to death, all efforts to get them out proving unsuccessful.

The Hon. Robert Strange has been appointed by Judge Dick, Solicitor for the Judicial Circuit where he resides, in the place of Alexander Troy, deceased.

The School Law was submitted to the people of Stokes county on the 13th, for their adoption or rejection, and was adopted by a majority of 178. The votes stood, for school, 862; no school, 684.

A report has been in circulation, that Gen. Jackson's estate had become so much involved in consequence of his endorsements for one of his nephews, that he found it inconvenient to meet a draft of 100 dollars. This report we are pleased to see contradicted, in a letter from Maj. A. J. Donelson to the editor of the Nashville Union. The letter says that Gen. Jackson's estate is worth at least 100,000 dollars above all his liabilities.

It is stated that the late Postmaster General left the Department under his control one million of dollars in debt.

In the Legislature of Pennsylvania, resolutions have been passed instructing the Senators and Representatives in Congress from that state to vote for the repeal of the Sub-Treasury Law.

A portion of the Democratic party in the city of Philadelphia have associated themselves together as the "Old Ironsides Club," and have recommended Commodore Charles Stewart as the Democratic candidate for President in 1844.

The Hon. Charles F. Mitchell, member of the last Congress, who recently committed forgeries to a large amount, and fled with the proceeds of his villainy, has been taken in Montreal, and is in custody of the New York police officers who went in pursuit.

Dr. T. W. Dyott, for many years a noted chemist and apothecary in Phila-