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BY JOHN A. BACKHOUSE.

LIBERTY...THE CONSTITUTION...UNION.

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TERMS.

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Scene from Faust.

In the course of their perambulations, Faust and his friendly demon contrive to leave a box of jewels at the house of Gretchen. She goes over the way to shew them to a neighbor, and Mephistopheles fabricates a fictitious narrative for the purpose of introducing himself to them.

MARTHA'S HOUSE.

Martha. (alone.)
May heaven forgive my husband dear
For leaving me so helpless here:
Abroad into the world he's gone
And left me in the straw alone;
(weeping.)
And then perhaps he's dead, alas!
I wish I had a magic glass.

Gretchen. (enters.)

O Mrs. Martha!
Martha. What my dear?
Gretchen.

My knees are trembling with such fear!
Just think! I've found another box
With a gold key that snugly locks,
And jewels all so rich and rare,
Much finer than the first ones were.

Martha. Now if you go and tell your mother
The priest will get this like the other.

Ah do but look! oh do but view!
Martha. (puts them on her.)
You lucky, happy creature, you!

Ah me! I dare not walk through town,
Or go to church with these things on.

Martha. That's nothing—you can come, you know,
And dress yourself in private here—
Look in the glass an hour or so,
And thus we'll take our pleasure, dear,
And when there comes a holiday,
You can walk with the crowd so gay;
First wear a bracelet, then a earring,
Then, all without your mother's hearing.

Gretchen. Who could have brought both boxes here?
There's something wrong in it I fear.
(a knock at the door.)
Oh! is mother come again?

Martha. (peeps through the window curtain.)
'Tis a strange gentleman. Walk in.

enter MEPHISTOPHELES.

Meph. I beg you, madam; you are very good—
Beg pardon ladies—hope I don't intrude.
(bows respectfully to Gretchen.)
Does Mrs. Martha Schwerdtlein live in here?

Martha. I am the lady! Would your honor see her?

Meph. (in a low tone.)
Ah! now I know the lady—that's enough.
I see a noble visitor within;
Forgive the freedom which I took, so rough,
And after dinner I will call again.

Martha. (aloud.)
Think child! of all things on the earth,
He deems you a dame of noble birth!

Gretchen. I'm but a poor young girl of humble blood.
Ah me! your honor is by far too good,
This jewellery is not my own.

Meph. Ah! 'tis not fiery alone.
She has the life—she has the eyes so bright,
It does me good to bask within their light.

Martha. (aside.)
What is his business? I should like quite well—

Meph. I wish I had some better news to tell.
I hope that you will not think hard of me—
Thy husband's dead and sends his love to thee.

Martha. Is dead? Alas the poor dear saint!
My husband's dead! Oh I shall faint!

Gretchen. O dearest madam—don't despair!
Meph. But hear the sorrowful affair.

Gretchen. I do declare I never will fall in love,
For should he die, it sure my death would prove.

Meph. Times go by turns; we all must laugh and cry.

Martha. O tell me where did my dear husband die?

Meph. He lies in Padus, entombed
In holy St. Antonio's section,
There, in a sacred spot inhumed,
He sleeps in hope of resurrection.

Martha. And have you brought me any legacy?

Meph. Yes madam, one of great solemnity.
He wants three hundred masses said
For his poor soul,—you'll see expenses paid.

Martha. What! not a single keepsake for his wife,
A duty he should hold more dear than life,
And, which the poorest man in all the land,
Considers almost a divine command?

Meph. Madam—I'm truly sorry for it; yet
Upon my soul it was no fault of his,
His wants he most sincerely did regret,
And much complained of his unhappiness.

Gretchen. Ah me! how wretched sometimes the men are,
Each day, for him I will put up a prayer.

Meph. You lovely child! if merit honor carried,
You would be well and very shortly married.

Gretchen. Oh no! I never thought of such a thing.

Meph. If not a husband, drop the wedding ring.
And a short time some brave gallant will bring.
It must be one of heaven's most glorious charms,
To take so sweet a thing into one's arms.

Gretchen. 'Tis not the custom of my native land.
Meph. Custom or not, 'tis done on every hand.

Martha. Come tell me though—
Meph. I stood by his bed-side;

'Twas not exactly on the dirt he died;
But on old straw—he went off like St. Peter,
And to the last his sorrows grew the greater.

Says he, "ev'n in the ground I shall be grieving,
For like a fool my wife and children leaving.
The recollection cuts me like a knife,—
O that she would forgive me in this life."

Martha. O the dear man! forgive him willingly.
Meph. "And yet Lord knows she's more to blame than I."

Martha. The liar! what on the grave's edge to lie?

Meph. He must have fabled in the closing act,
Because he knew I did not know the fact.
He said, "She gave me not a moment's ease,
Nor let me eat a single crust in peace."

Martha. Could he forget my love and truth, I pray,
And all the plague he gave, both night and day?

Meph. By no means! 'Twas a subject near his heart.
He said, "Just as we left the Maltese mart,
I prayed for wife and children with much zeal,
And heaven, for once seemed to consult my zeal.
Our gallant ship captured a Turkish galley,
Which bore the treasures of Mehmet Ali,
Then valor found at last a worthy mood,
And a rich portion was to me decreed."

Martha. Ay ay! O ho! think you he buried it?

Meph. Who knows which way the four winds carried it?
Some time in Naples he contrived to spend,
And there, a pretty girl became his friend,
And on him, so much truth and love she lavished,
That to his happy end his soul was ravished.

Martha. The rake, the cheat of his own flesh and blood!
Could no experience do him any good,
Or change the shameful course which he pursued?

Meph. But see! it killed him. Were I you,
I'd mourn for him about a year,
And then I'd seek the world anew,
And try to find another dear.

Martha. Ah me! a spouse of such exelling worth,
Is hard to find upon this wicked earth.
Good easy man! there are not many such,
Although he loved to rove abroad too much,
To seek strange women, wine, and bet
His money on the curt roulette.

Meph. Well, well, he's dearly paid, 'tis true,
For foolishly neglecting you,
And if it could be done with grace,
I swear I'd like to take his place.

Martha. Oh dear! your honor does but jest.

Meph. (aside.)
'Tis high time now that I were gone,
For she can talk the devil down.

(to Gretchen.)
How is your tender heart impressed?

Gretchen. What does your honor mean?

Meph. (aside.) Sweet, gentle child!

Ladies farewell!

Gretchen. Farewell sir!

Martha. Stop a while.

I'd like to have a little notice made,
Of where my treasure died and where he's laid;
And as I like to see things done in order,
I'll have it published in the next Recorder.

Meph. Yes, my dear madam; by the mouth of two,
A fact is always firmly fixed as true.
I have a gallant fellow-traveller here,
With whom, before the notary I'll appear.
I'll bring him with me.

Martha. O yes, do.

Meph. Will the young lady be here, too?

He's a bright youth—has travelled much,
And 'mong the ladies there was never such.

Gretchen. I could but blush before such lofty worth.

Meph. Not before any king of all the earth.

Martha. Here in my little garden's flowery walk,
We shall expect you both at four o'clock.

ORIGINAL ANECDOTE.—Mr. Editor,—For the amusement of your readers, I give a conversation I had, with a celebrated French Doctor some years ago in St. Louis, Missouri. Dr. St. Leger, the person referred to, was a great adept in Mineralogy and Geology, and had some pretensions to the medical science; his peculiar manner of relating any event, his broken English, all contributed to render his conversation pleasing, and in fact laughable. When I first knew the Doctor, he resided in Nashville, Tennessee. Meeting him in the street at St. Louis, I enquired very naturally, how are all the good people in Nashville?

Ah, sare, I no live in Nashville now, I have been remove to Franklin some time ago.—Well, Doctor, how do you like the good people of Franklin?—Ah sare, I tell you, all very fine people who live here. Only one d—d rask, he dog my servant, only because he look at him, I go to one gentleman for one explanation, and what you tink den, he fetch me a h—ll of a box, I say, for why you box me so, and what you tink den, he kick and I run, he kick and I run, he kick and I run, and when I almost exhaust, I turn round to fight. By gar he not dere; I go home, furious, furious, all my friends

very much consarned for me, they know I am one Doctore, one Philosopher, who studies the animale courage. They say, Doctore, we very much afraid one grand difficulty will grow out of dis ting. I say, no my friends, dat dam rask is one Cowarde, for ven I turn round he had run away. I can only look on him, the grand rask, with one grand despise.

After laughing heartily at the manner in which the story was related, and the evident intention of the Doctor to make me believe that he had the advantage in the affray, I left him fully convinced, that "discretion is the better part of valor," and that, "he who fights and runs away, will live to fight another day."

Petersburg Constellation.

EXTRACT FROM THE REMARKS OF MR. BUCHANAN, OF PENN.

In Senate of the United States, Jan. 3, 1837, on the bill to admit the State of Michigan into the Union.

I now come, Mr. President, to speak upon subjects concerning which I should gladly be silent. The internal concerns of the States should never be introduced upon this floor when it can be avoided; but the Senators from South Carolina (Mr. Calhoun) and Ohio (Mr. Morris) have thought differently, and have rendered it necessary for me to make some observations in reply.

First, then, I would ask what possible connection can be imagined between the conduct of the Senatorial electors of Maryland, who refused to execute a trust for which they were elected, and that of the people of Michigan, who chose delegates to a convention upon the express invitation of an act of Congress? The Maryland electors refused to perform their duty under the State constitution; but the people of Michigan did give their assent to the condition which we had prescribed to them, and upon which alone they could enter the Union. There is as great a difference between the two cases, as "between a hawk and a handsaw." Standing here as a Senator, I have no right to pronounce judgment upon the conduct of these electors. They are responsible to the people of the State of Maryland, not to me.

The other Maryland question, to which the Senator adverted, is one of a very different character. It involves the decision of the important principle, whether, under a settled form of constitutional Government, the people have a right to change that form in any other manner than the mode prescribed by the constitution. If I were to admit that they did not possess this power, still the Senator is as much of a revolutionist as myself. He admits that if the Legislature of Michigan had passed a law authorizing this convention, and fixing the time and place of its meeting, then its proceedings would have been regular and valid. But who gave the Legislature of Michigan this authority? Is it contained in the constitution of the State? That is not pretended. Whence, then, shall we derive it? How does the Senator escape from this difficulty? Upon his own principles it would have been a legislative usurpation; and yet he says, if the Legislature had acted first, the convention would have been held under competent authority.

Now, for my own part, I should not have objected to their action. It might have been convenient, it might have been proper, for them to have recommended a particular day for holding the election of delegates and for the meeting of the convention. But it is manifest that as a source of power to the convention, legislative action would have been absurd. The constitution of Michigan fixes the boundaries of the State. For this purpose, it refers to the act of Congress of the 11th of January, 1805, establishing the Territory. How could these boundaries be changed? If in no other manner than that prescribed by the constitution of Michigan, it would have been a tedious and a troublesome process, and would have delayed, for at least two years, the admission of the State into the Union. First, such an amendment must have been sanctioned by a majority of the Senate and House of Representatives. Then it must have been published for three months. Afterwards it must have received the approbation of two thirds of both houses of a Legislature subsequently elected. And, after all these prerequisites, it must have been submitted to a vote of the people for their ratification. It was to avoid these very difficulties, that the Senate, at their last session adopted, by an unanimous vote, the measure which the Senator now calls revolutionary, and referred the decision of the question directly to the sovereign people of Michigan in their primary capacity. Then was the appropriate moment for the Senator to have objected to this course. That was the occasion on which to convince us that this was an unconstitutional and lawless proceeding. He suffered the precious moment to escape; and it is now too late to tell the people of Michigan that they shall be punished by an exclusion from the Union, because they thought proper to take us at our word. That would have been the time to have inserted an amendment in the bill requiring a previous act of the Legislature, prescribing the mode of electing the delegates. But the Senator was then silent upon this subject. There had then been no proceedings in Maryland such as he now calls revolutionary. A word upon that subject. We are told in that sacred and venerated instrument which first proclaimed the rights of man to the world, that "all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed." But suppose the case of a State, whose constitution, originally good, had, from the lapse of time and from changes in the population of different portions of its territory, become unequal and unjust. Suppose this inequality and injustice to have gone to such an extent that the vital principle

of representative republics was destroyed, and that the vote of a citizen in one county of the State, was equivalent to that of six citizens in another county. Suppose that an equal disproportion existed between taxation and representation, and that, under the organic forms of the constitution, a minority could for ever control a majority. Why, sir, even under such circumstances, I should bear with patience whilst hope remained. I would appeal to their sense of justice, to call a convention under the forms of the constitution, for the purpose of redressing these grievances; but if, at last, I found they had determined to turn a deaf ear to all my intreaties, I should then invoke the peaceable aid of the people, in their sovereign capacity, to remedy these evils. They are the source of all power, they are the rightful authors of all constitutions. They are not for ever to be shackled by their own servants, and compelled to submit to evils such as I have described, by the refusal of their own Legislature to pass a Law for holding a convention. Whoever denies this position, condemns the principles of the Declaration of Independence and of the American revolution. There is not one of the old thirteen States, whose Governments were not called into existence upon these very principles. It is now too late in the day, in our favored land, to contend that the people cannot change their forms of Government at pleasure. The glorious experiment which we are trying in this country, would prove a total failure if we should now decide that the people, in no situation, and under no circumstances, can hold convention without the previous consent of their own Legislature. It is not my province to say whether the proper time for this peaceful action of the sovereign people in their primary capacity, has yet arrived or will ever arrive, in Maryland. That question may safely be left to them; but I feel no terrors, my fancy conjures up no spectres, from such doctrines as I have advanced.

I am exceedingly sorry that another topic has been introduced into this debate, by the Senator from Ohio (Mr. Morris,) which, if possible, has still less connection with the question before us than the recent conduct of the Senatorial electors of Maryland. The Senate will at once perceive that I refer to the letter of Mr. Dallas on the subject of the repeal of the bank charter. I regret that this letter has become the subject of debate here. We are abundantly able to settle all our local differences in Pennsylvania; and we are justly jealous of foreign interference. This is not the proper form in which either to argue or decide the Pennsylvania bank question; and I call upon the whole Senate to bear me witness, that nothing but necessity compels me to speak here of the subject. The letter of Mr. Dallas has been denounced by the Senator from Ohio as incendiary, as revolutionary, and as calculated to excite the people to rise up in rebellion against the laws. Would I not then be recreant to my own character if I should not raise my voice in defence of a distinguished citizen of my own State, against such an unfounded assault.

The letter of Mr. Dallas has been much and greatly misrepresented. Garbled extracts from it, have been published throughout the whole country, without the context and innumerable false commentaries have been attached to him sentiments and opinions wholly at war with its general tenor. In speaking upon this subject, I am fully sensible how liable I am myself to misrepresentation; but I shall endeavour so plainly and so clearly to present my views, that at least they cannot be misunderstood by any person present.

In the first place, then, Mr. Dallas never did assert that the convention about to be held in Pennsylvania will possess any power to violate the constitution of the United States. He never did maintain the proposition that this convention would be the final judge, and could decide, in the last resort, that its own decrees were no violation of that sacred instrument. Why, sir, such propositions would be rank nullification; and although I have never had the pleasure of being on intimate terms with Mr. Dallas, I can venture to assert that he, in common with the people of Pennsylvania, is opposed to this political heresy. For my own part, I can say, that however much I may admire the apostles of this new faith, their doctrines have never found any favor in my eyes. No, sir; Mr. Dallas has expressly referred to the Supreme Court of the United States as the tribunal which must finally decide whether the convention possesses the power to repeal the Bank charter.

From what we have heard on this floor, it is manifest that public opinion is greatly in error as to the principles of the anti-bank party in Pennsylvania. I profess to be a member of that party; and I now propose briefly to state their principles. If I should err in presenting theirs, I shall at least place my own beyond contradiction. The constitution of the United States declares that "no State shall pass any law impairing the obligation of contracts." This is a most wise and salutary provision; may it be perpetual! It secures the private rights of every citizen, and renders private contracts inviolable. It imparts a sacred character to our titles to real estate, and it places the seal of absolute security upon the rights of private property.

Still the question remains, is a privilege granted by a State Legislature to a corporation for banking purposes, a contract, within the spirit and intention of the constitution of the United States? In other words, is the authority, which the Legislature of Pennsylvania has given to the Bank of the United States to create and circulate a paper currency of thirty-five millions of dollars, irrevocable by any human power short of an amendment to the federal constitution? My own convictions are clear that such an act of legislation is not a contract under the constitution. It is true that this instrument speaks of "contracts" in general

terms; but there is no rule of construction better settled than that of restraining the universality of general words, so as to confine their application to such cases as were exclusively within the intention of those by whom they were used. It would be useless to enumerate instances under this rule. Its existence will not be denied by any.

If then it can be made manifest, that the framers of the constitution, by the use of the word "contracts," never could have intended to embrace the creation of such a bank by a State Legislature, then the question is decided. It would be an easy task for me to prove, from the history of this provision, that its object was to secure rights arising from private contracts; and that a State bank charter was not within the contemplation of those by whom it was inserted. But I forbear. My sole purpose at present is to state general principles.

It never can be imagined that the sovereign States, who are the parties to the federal constitution, intended, by this prohibition, to restrain themselves from the exercise of those great and essential powers of Government which vitally affect the general interests of the people, and the laws regulating which, must vary with the ever varying changes in society. If they have been guilty of this absurdity, they have acted the part of suicides, and have voluntarily deprived themselves of the power of rendering the people under their charge prosperous and happy.

I think, therefore, it may be stated, as a general proposition, that the constitution of the United States, in prohibiting the Legislatures of the respective States from passing laws to impair the obligations of contracts, never intended to prevent the States from regulating, according to their sovereign will and pleasure, the administration of justice; their own internal commerce and trade; the assessment and collection of taxes, the regulation of the paper currency, and other general subjects of legislation. If this be true, it follows, as a necessary consequence, that if one Legislature should grant away any of these general powers, either to corporations or to individuals, such a grant may be resumed by their successors. Upon a contrary supposition, the legislative power might destroy itself, and transfer its most important functions for ever to a corporation. In these general principles, I feel happy that I am sustained by the high authority of the late Chief Justice Marshall, in the celebrated Dartmouth College case—4 Wheaton, pages 627, 628, 629, and 630.

I shall not consume the time of the Senate in reading the whole passage; but shall confine myself to the conclusion at which he arrives. He says, "if the act of incorporation [of Dartmouth College] be a grant of political power; if it create a civil institution to be employed in the administration of the Government; or if the funds of the college be public property; or if the State of New Hampshire, as a Government, be alone interested in its transactions, the subject is one in which the Legislature of the State may act according to its own judgment, unrestrained by any limitation of its power imposed by the Constitution of the United States." He then proceeds to decide the case of Dartmouth College, on the principle that it is not a public, but a private eleemosynary corporation, and therefore, within the prohibition contained in the constitution.

Here then, the principle is distinctly recognised, that if a corporation created by a State Legislature "be a grant of political power; if it create a civil institution to be employed in the administration of the Government," then the charter may be altered or repealed at pleasure by the State Legislature. The distinct principle, clearly deducible from this opinion, as well as from the nature of our Government, is, that contracts made by a State Legislature, whether with corporations or individuals, which transfer political power, and directly affect the general administration of Government, are not such contracts as the constitution intended to render inviolable. In other words, although these contracts may be within its general words, they are not within its intent and meaning. To declare that they were, would be to say that the people had surrendered their dearest rights into the keeping of the Legislature, to be bartered away for ever at the pleasure of their own servants. This would be a doctrine utterly subversive of State rights and State sovereignty.

Let me now illustrate these principles by a few examples.

The judges of the Supreme Court of several of the States, hold their offices under the State constitutions. They have abandoned the practice of a lucrative profession, and the State has entered into a solemn contract with them, that they shall hold their offices during good behavior, and receive a fixed annual compensation, which shall not be diminished during their term of office. Here is a solemn contract, founded on a valuable consideration; and yet in all the changes which have been made in the constitutions of the different States, it has never, to my knowledge, been seriously contended, that judges, under such circumstances, might not be removed, or have the tenure or salary of their office entirely changed. This has been done in repeated instances. And why? Because, although this be a contract, it is one not of a private, but of a public nature. It relates to the administration of justice, which is one of the most important concerns of Government; and the interest of the individual judge must yield to that of the whole community. It is therefore not a contract within the meaning of the constitution of the United States.

Again, suppose the Legislature of a State, should create a joint stock company, with a capital of thirty-five millions of dollars, and grant them the exclusive privilege of purchasing and vending all the cotton, the flour, the iron, the coal, or any of the other great staples of the State, which might seek a market in their commercial metropolis. Will any