



**The "Tarborough Press,"**

BY GEORGE HOWARD.  
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**DOMESTIC.**

**From the North-Carolina Standard.**  
**MR. EDWARD'S SPEECH.**

A promise was made in your last, to endeavor to furnish the argument of Mr. Edwards, of Warren, on the Resolutions of instruction to Mr. Mangum, adopted at the late session of the Legislature. It is the purpose of the writer now to fulfil that promise, so far as that argument was applicable to the right to instruct,—no attempt having been made, at least within the writer's knowledge, to pervert Mr. E.'s arguments on the other points presented by the Resolutions. After the lapse of such an interval of time, it will not be expected that the copious illustrations used by Mr. E. in enforcing his views before the Senate, or the happy embellishments in which those views were clothed, will be pretended to be accurately given. The purpose is to present, in language intelligible, but unadorned, the pith and essence of his reasoning on the occasion referred to, and leave it without adventitious aid to withstand as it may the attacks of all who are disposed to assail it.

As soon as the Resolutions were taken up by the Senate, the Senator from Rockingham (Mr. Martin) rose, and moved that they be stricken out, with the view of inserting a substitute which he read to the Senate. In the course of his argument on the question to strike out, he advocated the doctrine, "that the Legislature had no power to instruct Senators in Congress, unless it (the Legislature) had been first instructed by the people so to instruct." After an exordium, as beautiful as it was appropriate, in which Mr. E. entreated all to the dignified moderation that became them; after reminding Senators that the question was not, "who could swell the tide of passion highest, or toss the feelings into the greatest tempest?"—he proceeded to examine the position that had been taken by the Senator from Rockingham. Mr. Edwards exposed the absurdity of the position, by showing that it contained in itself its own refutation. The position was, that the Legislature had no authority to instruct, without having first received some impulse from the People. Mr. E. could not perceive any manner in which the powers of the Legislature could be abrogated or enlarged but by an alteration of the fundamental law. With as much propriety might it be said, that the Legislature had no power to enact laws without specific instructions, or that a Senator under direct instructions from his constituents, who introduced a bill here, required by their interests, derived his right to do so from his instructions; and without such instructions, that such right did not exist! Mr. E. contended that the mere circumstance of instructing, imparted no new right, but was to be considered as merely directory how rights already existing should be exercised. If this were not true, the strange anomaly would often be presented, of members of the same body, possessing different rights; those who happened to be instructed, might act; but those who were not, could take no action at all. Mr. Edwards insisted that the right to

pass the Resolutions, like the right to enact laws, was a qualified right, in the manner of its exercise subject to, but not derived from, the instructions of the people. The propriety of making laws arose from the conviction that they were required by public sentiment. In this case as in that, whenever the public mind expected it, the Legislature should take the responsibility of acting.

Having disposed of the argument of the member from Rockingham, Mr. Edwards took up the first Resolution, which asserted the right of the Legislature of a State to instruct its Senators in Congress. Mr. E. first took a glance at the right to instruct in the abstract; it was a right, he said, inherent in, and inseparable from, the true theory of representative government; it was sustained by all the principles applicable to the relations of principal and agent; it was the only mode by which public opinion, the very basis on which were erected our free institutions, could at all times exercise a salutary control over the conduct of public servants. According to the nature of our institutions, our government might be denominated the *plantation* of the people, intended to be cultivated for their benefit; the avails and products were peculiarly theirs; this being the case, it would be passing strange if they were denied the right of directing and restraining faithless overseers, who claimed not only the mastery of the farm, but the crop itself! Whenever a representative, Mr. E. said, who was a mere fiduciary, a mere public agent, refused to be controlled by those whose agent he was, and prescribed for himself no rule of action but his own will, he assumed at once arbitrary power, and so far as he was concerned, converted the government into a sheer despotism. As to the abstract right, then, in a Government like ours, he supposed none could be found hardly enough to deny it. The great difficulty seemed to arise from the question, Where was the proper depository of this right in all cases? Mr. E. agreed that the great right always abided in, and belonged to the constituent body; that none but those who were the qualified electors of a Representative, [he used the term in contradistinction to other public officers,] could of right directly instruct him. The members of the Legislature were as much the qualified electors, and by consequence the constituent body, of Senators in Congress, as were the free-holders in any county in the State, the qualified electors and constituent body of the Senators on that floor. In support of this view, Mr. E. compared and noted the resemblance in the language between the two clauses of the Constitution of the United States and the Constitution of this State, when directing the manner in which the Senators of the respective governments shall be elected. The Constitution of the United States, Article 1st, Section 3d, declares:

"That the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years."

The Constitution of N. C. 2d Sec. declares "That the State Senate shall be composed of representatives annually chosen by ballot, one from each county in the State." The 7th sec. directs that they shall be chosen by free-holders only.

Now Mr. Edwards presumed that no Senator on that floor, and least of all the gentleman from Rockingham, (Mr. Martin) would contend that those in their respective counties who were not free-holders, had a right to send their instructions there; and what did this prove? Why, it showed conclusively, that altho' the Senator was the representative of the County, yet that portion of the

people only, who had the authority to elect, had the right to instruct; the latter right being incident to the former. So, Mr. E. contended, to carry out the analogy, the Senators in Congress were regarded as the representatives of the State, yet being chosen by a particular portion of the people of the State, constituted by the Constitution of the United States qualified electors for that purpose, they occupied the same relations to the Legislature as a constituent body, as did the Senators on that floor to the free-holders of the counties. Mr. E. said he submitted this view of the subject with great confidence—he desired however not to be understood as denying, that in this or in any other duty pertaining unto their stations, they were subject to be directed by the people whenever they thought proper to instruct them as to the manner in which they should act.

Many, Mr. Edwards said in continuation, had called this right of instruction a *sovereign right*; Mr. E. preferred to call it a *political right*, resulting from the peculiar character of our institutions. When the term *sovereignty* was used in its strict sense, it meant that supreme authority which belonged to the whole people as one community, an authority with which they were invested independent of and above the constitution—such in all cases in our government, he did not consider this right to be; he had already shown that it was a qualified and limited right.

Another position was sometimes taken, Mr. E. said, which operated against his argument; that the Legislature was the constituent body of U. States Senator; It was sometimes said that after the Legislature which elected had expired, it was incompetent for a future legislature to instruct, that they were distinct and different bodies.—This position was unsound; the fallacy consisted in confounding the political with the natural body. The members of the Legislature might die or be removed, or one of its sessions might expire; but the legislature itself, was a political entity, and by a constitutional intendment never died. As long as the Government existed, it was the Legislature of the State—the constituent body of its Senators in Congress, and the organ of its public will and political power. It had been asked, Mr. E. proceeded, if the Legislature could instruct Senators because it elected them, why could it not also instruct the Governor? Mr. E. reminded gentlemen, that there was a broad distinction between legislative and executive duties. The Legislature enacted laws for the government of the other department, and prescribed rules of action for the people. The Executive had no such discretion, it obeyed and executed the public will as expressed thro' the proper organ; all the laws were so many positive instructions to the executive, which it was bound to execute and obey.

Another objection had sometimes been urged against the existence of right to instruct Senators—that it interfered with the tenure by which they hold their seats. If this argument were sound it amounted to an absolute annihilation of the right to instruct every where and in every body. The members of the House of Representatives of the U. S. were elected for two years—you must not instruct them, because according to this doctrine you would interfere with their term of service, which this argument considered inviolable—in like manner you could not affect the tenure by which the members of the Legislature held their seats. This would be giving up the question. To say that the power of the electors had been exhausted at the ballot box, and that thence forward they could not interfere, would be at once

to render all public functionaries irreponsible, and make them their own liege lords and masters.

As to the particular mode of instruction, proposed by the resolution, Mr. E. argued, that it had been sanctioned by the usage and practice of the States, ever since the formation of the government. That the government was partly national and partly federal. The Senate represented the States, the House of Representatives the people; the people therefore should constitute the organ of the public will for the one, while the Legislature performed the same office for the other. In conclusion, Mr. E. said, he was not one of those who believed that the people were destitute of intelligence or virtue; however much some might seem to despise public opinion or oppose its mandates, whenever it spoke it would be heard by all, "like a voice in the wilderness, with awe." He was not such a demagogue, either, as to desire to stir up the people to sedition or undue excitement—he would rather persuade, advise, exhort, and, if able, instruct them. He would, however, have them insist on their rights, exercise them with discretion, and always preserve unceasing and untiring vigilance over their public servants.

The writer has thus given, in a brief and desultory manner, a meagre skeleton of Mr. Edwards' argument on the right of instruction. As the attention of the public has been repeatedly called to it, they will now have an opportunity of examining it as in substance it was made.—His friends have no cause to fear any analysis which may be applied to it, or any test to which it may be submitted—why should they, when such was the conviction it carried to the minds of all, that not even an attempt was made on the floor of the Senate to answer it, by the party which affects to claim "all the talents" of the country.

**VINDEK.**

**Dr. Caldwell.**—As soon as the intelligence of the death of this estimable man reached Raleigh; Mr. A. S. Waugh, Artist, hastened to Chapel Hill, for the purpose of taking a cast of his countenance. We understand that he succeeded in his object, and a bust of this good and great man will be the result.—*Ral. Reg.*

**Death by Freezing.**—The Savannah Georgian of the 8th ult. says:—"Yesterday morning a canoe was picked up near four mile point containing a negro man, a boy, a woman and child: who had been exposed the whole of the previous night to the inclemency of the weather. The man and boy were frozen to death, and the woman and child were nearly dead, but were revived by the attention paid them, and are, we understand now doing well."

**Baltimore, Feb. 14.**  
**Burning of the Court House.**—Not quite a week has elapsed since we had to announce the destruction by fire of that splendid edifice, the Athenæum, and we have now to add the loss of the principal part of the Court House. This noble structure was considered a model of architectural beauty. It was finished in the most substantial and elegant style, and was divided into apartments for the courts, clerks, register of wills, sheriff, &c. the rooms in which the records were kept being made fire proof. About 11 o'clock yesterday morning the alarm of fire was given, and the dome of the Court House was soon discovered to be in a light blaze, presenting a most sublime, yet melancholy spectacle. The fire companies were, as usual, prompt in their attendance, but found it impossible for some time, from the height of the build-

ing, and the fire being exclusively confined to the dome, to work to any advantage. We are informed that considerable delay also occurred for the want of a sufficient supply of water. The roof being of slate, the interior of the upper story was destroyed before it was possible for the engines to operate successfully; but when the dome and roof fell in, the exertions of the firemen were more efficient, and it was no longer doubtful that a portion of the building would be saved. The second story was entirely destroyed, but the lower story sustained comparatively little injury. We understand that most of the papers belonging to the different offices were saved.

The loss to the city and county will be great, and much inconvenience must be experienced by the public officers. The City Court was in session at the commencement of the fire, engaged in the trial of criminal causes.

For various reasons we are induced to believe that this fire was the work of an incendiary—and we understand that persons were last evening examined by Judge Brice on the subject.

We regret to state that a member of the Vigilant Fire Company had his leg broken, and was otherwise seriously injured—and that another person had his foot crushed.—*Chronicle.*

**American Orators.**—The Liverpool Journal of the 20th ultimo, contains the following tribute to the powers of some of our distinguished orators:

"It is too much a custom in England to undervalue the merits of our transatlantic rivals. Because, all at once, the United States has not produced such a long list of worthies, as, from the accumulation of centuries, England can boast of, they are taunted with having produced none. This too, while Irving is one of our naturalized British classics—while Bryan's poems have found a place on every table, and an echo in every heart; while Leslie and Newton strive with the best artists of these Isles for the pre-eminence, and certainly have not strived in vain.

There is something at once supercilious and ill bred in thus asserting that America has not yet produced any man of surpassing intellect. The cavaliers forget; that while Scott reigns on the land, America has her Cooper, who is unrivalled on the sea. We have had our Fox, Sheridan, Pitt, Curran, Canning—but America has orators who can compete with the proudest productions of these great men. There is Webster, with an overwhelming strength of argument, which, while it requires not the aid of beautiful language, does not disdain to use it; there is Clay, whose wit sends forth many a shaft, and whose eloquence takes many a lofty flight—there is Calhoun, who condenses his thoughts into the most forcible and lucid form of expression—there is Poin-dexter, who utters sarcasms the most withering and bitter, in that quiet tone which yet further irritates the victim writhing under the infliction—there is Preston, who (true orator that he is) is most eloquent on the sudden emergency, and unites eloquence of language with force of reasoning—there are Sprague, Porter, Leigh, Clayton, Frelinghuysen, all of these are now living—all of these now have seats in Congress, and we venture to assert that the best speaker in the English Commons is not equal to any one of them. Nay, where these away, we would venture to back Edward Everett against the field.

**Shocking Catastrophe.**—A party of six persons, consisting of a gentleman, his wife, and two children (one a female of eleven years of age, and a child about 10 months old) a young lady about 18, a sister of the wife, and a young lawyer from Enfield, Conn. while travelling on the Bennington road, in Powell, Vt. about two miles north of Williamstown, on the bank of the Hoosic river, in a two horse pleasure wagon, were precipitated about fifty feet into the torrent below, and three of their number killed, and the others severely injured. The road at that place was a "dug way," very narrow, and covered with glare ice, without a railing of any description.

It seems that some part of the wagon gave way, which rendered it altogether unmanageable; before any of the party could save themselves, they, together with the wagon and horses, were hurled into the stream. The wife of the gentleman and lady were killed; and the girl, though alive, was not expected to recover. The gentlemen were not considered dangerous. The young lady was on her return from a boarding school in Connecticut, to her parents, who reside about fifty miles from Bennington.

*Westfield Journal.*

**PA Monsieur St. Victor**, professor of legerdemain, has been sorely abused by the good people of the town of Lowell, for having spoken lightly of their honorable bodies. When going through with his tricks, they served him a trick, by pitching the lamps at him, an uproar ensued, he made his escape, they made a noise and that was the end of the affair.

**PA Suffolk paper** gives the following paragraph:—"Lately was married at Swelling, after a courtship of more than fifty years, Charles Cook, bachelor, to Sarah, Spinster. This happy pair was born, bred, and upwards of seventy years treated the pure, the unsophisticated air of Swelling, in sighs, deep, strong, and sonorous.

**Remarkable Sagacity of a Dog.**—The most extraordinary instance of the sagacity of this faithful animal that we recollect to have heard, occurred the other day in this city.—While the carriage of Mr. Powell was standing in Spruce street, near Fifth, the horses became alarmed and set off at full speed. The dog immediately ran after them, and by seizing the reins in his mouth, actually succeeded in stopping them until the driver came to his assistance.—*Phil. Adm.*

**Chivalrous act.**—As five or six young ladies belonging to Miss Draper's seminary at Hartford, Conn., were on Tuesday last crossing a foot bridge over a considerable stream, they became dizzy and could neither go forward or return. In this fearful situation they remained for some time, until one of them fell into the water below, and was carried down the rapid current. The cries of the young ladies for relief reached the ears of Master Charles E. Babcock, son of Charles Babcock, Esq. fourteen years old, and the gallant boy plunged at once into the current, swam to the drowning girl, carried her ashore, and then went on to the bridge and led each of the young ladies safely to the shore. If some one of these girls does not fall in love with this brave lad, and thus furnish him the appropriate reward for so noble a deed, there is less romance in good old Connecticut than—we hope there is.—*Courier.*

**PA street duel**, as they are termed in the southern states, occurred in the streets of Knoxville, on the 25th ult. between Daniel Campbell and L. D. Slater; the latter was seriously wounded with a knife, when drawing a pistol he shot Campbell dead.