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BY GEORGE HOWARD,

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Communications.

FOR THE TARBORO' PRESS.

The Right of Instruction.

Mr. Editor: Among the motives which have prompted me to submit the following remarks to the public eye, egotism or vanity have had no share. The absence of the labors of those pens far more competent than my own, is my only apology. Mine is an humble voice, but writing as I will do, *pro bono publico*, it is hoped that whatever errors may occur in the performance may be excused from the motive.

I propose to enquire into the nature and origin of the right of instruction? In governments where the sovereign power is entrusted to a single hand, no such right can be supposed to exist. The ruler being despotic and beyond control, he is responsible to no one except his God and his conscience. In limited monarchies, as in France and England, where the Commons though not sovereign form one of the estates of the realm, this right is believed always to have been recognized. A memorable instance of this occurred in the latter country in 1829, in the person of Sir Robert Peel. This nobleman had been returned as the member for the University of Oxford, while he entertained, or was believed to have entertained, sentiments unfavorable to the passage of the famous "Catholic Emancipation Bill." On taking his seat in Parliament, he ably and eloquently advocated its passage. But, before the final action of the British Legislature on that vital question, apprehending that he was not acting in accordance with the wishes of his constituents, he resigned his seat and again submitted his claims to the electing power.

But in our own country, more properly than in any other, has this right until recently been universally held sacred. The sages of the revolutionary era incorporated it into the Constitution, and held it no less a practical duty than a national theorem. "All political power is vested in and derived from the people." Here then it may be perceived that not only is this power *vested in* but also *derived from* the people. Why is it then pretended that the people only, primarily, absolutely and exclusively can exercise a political right? In regard to the novel and unheard of solecism, that though the people primarily possess this right they cannot delegate it to whom they please, a sufficient answer is not only found in the part of the Constitution above quoted, but in the practical, daily and necessary action of the government. The idea carried to its legitimate extent amounts to the perfect nonentity of the body politic—a total absence of government, and a chaotic state of society unknown since the days of the patriarchs.

Here I will take occasion to remark, that civil and political liberty, contrary to the vulgar opinion, are very different things. The English people, with a few exceptions, enjoy as much civil liberty as we do. Indeed all that we once did. The church establishment, the game laws, the doctrine of entails, primogeniture, and a few others, taken in connexion with their tardy and expensive process of judicatere, constitute the principal obnoxions features of the British municipal code. The judiciary there is little, if any, more independent of the popular will than it is with us. This so far from being a matter of regret, is one of the wisest provisions our Constitution contains. Hence we see that while the people do, or ought to possess, the power of both electing and controlling the executive and legislative departments, they have been wisely excluded from any direct control over the judiciary or *civil* department.

Recurring, however, to the main point, let us enquire whether in fact the people have not delegated to the Legislature political powers which they and they only can properly exercise? The power to pass a law is a political power, and the power to elect a Governor, Comptroller, Treasurer, Senator in Congress, &c. are nothing else. Now unless the people had also given the power to instruct and control as well as to elect, they certainly would have retained in their own hands, the means by which they could punish an obnoxious officer for a refusal to obey. But have they done it? Nay, assuming the strongest imaginable instance, that the Legislature pass a law which the people unanimously deprecate and refuse to obey. Where is their remedy? The judiciary says the law is constitutional, and their oaths compel them to enforce it. I defy the world to point out a *constitutional* remedy. The right to pass the law and the right to construe and enforce it is gone from the people, and their remedy if any they have lies in that natural right of revolution, transcendent to and above all constitutions. Apart from this dernier resort, the people possess one and one only positive right of punishing a public servant, if the right in question be denied. That is the ballot box. By this means, acknowledging at the same time the right to instruct, an odious law may be repealed, and an obnoxious officer removed.

The records of our own State contain a memorable instance of instruction by the legislative body of an officer of their own creation—a case too in which the Hon. John Branch played a distinguished part, and unless madam rumor tells a falsehood, he is greatly indebted to that fortuitous circumstance for his subsequent elevation. I mean the case of the Hon. David Stone. Who at that time denied the right in the Legislature to instruct? No one—certainly not John Branch. If the right were not in the Legislature it could not, did not exist at all. If it were with the people, it was the mere shadow without the substance; a mere naked right perfectly nugatory, because unaccompanied with any means to enforce it, or inflict a penalty for disobedience. Nay so far from possessing a power to remove or punish the refractory officer, they had only an indirect means of preventing his reappointment to the same office when the term for which he was already in office should have expired. It is contended by many that from various causes the Legislature may fail to express faithfully the will of the people. Admit it and what then? Is there one whit more reason to believe that body in 1830 any more expressed the public sentiment than it did in 1834? Was public opinion any more faithfully mirrored in the election than in the *instruction* of Mr. Mangum? This honorable gentleman, it is said, has expressed a willingness to be governed by the *will of the people!* This is all *ad captandum vulgus*. As Cicero said to Catiline, "do you not discover that your designs are understood?" The will of the people indeed! Did the will of the people send this dignitary to Congress? Will that will ever be made known to him in any more plenary form than it has been done? Every schoolboy knows better. Ingenuity, eloquence and sophistry may accomplish much; but some men seem to have mistaken the age in which they live.

It is told of the great Randolph of Roanoke, that when he first took his seat in Congress he was asked the question how old he was, it being doubted if he were constitutionally qualified. "If," replied he, "you wish to know my age, go to my constituents who sent me here." "Such constituents," as he afterwards said, "as man never had before." But Mr. Mangum answers, "my constituents had a right to elect me, and after doing that I have no farther use for them nor they for me." This is a language not even tolerated in a member of the British House of Commons, and strange to say is applauded by certain modern Whigs in the mouth of a U. S. Senator. *Oh tempora! oh mores!*

But it is contended that the U. S. Senate is made sextennial and relatively permanent in order that they may not be subjected to every popular impulse, which has on some occasions proven dangerous and even fatal to the body politic. This as an abstract propositon is true enough. We have only to refer to the French Revolution, "the bloodiest picture in the book of time," and the melancholy question is more than answered. If we read of the death of Seneca under the despotism of a Nero, we read also of that of Socrates under the delusion of a republic. So too, Mr. Justice Story has eloquently remarked that ere Cæsar passed the Rubicon, the fatal malady which superinduced the fall of Rome and Roman freedom, was already preying upon her vitals. But the admission of this proposition taken in connexion with one equally clear, so far from furnishing an argument for *non-instructionists*, the argument is wholly on our side. The framers of the Constitution have not only thought proper to invest U. S. Senators with a long term of service, but have also invested them with an independence of the popular will unknown to other legislative officers. They have assigned their appointment to the State Legislatures, where popular passion and caprice cannot so easily reach them. The members of a State Legislature must be supposed to possess more intelligence, more discretion, and be less subject to sudden gusts of passion than the incautious multitude. This must be granted, or the before admitted proposition falls to the ground. Here then it is that the danger of popular phrenzy being guarded against, instruction by the Legislature is proper to be exercised by that body, because they elect as well for the reasons before stated, and not by the people who do not elect and whose exercise of the right, it is contended, would be attended with danger. How, I ask, can it be wrong, for the people to elect, and right for them to instruct or control? or vice versa, right for the Legislature to elect and wrong for them to instruct and control? I defy all the casuistry of Mangum and his minions to show me this.

Again: It must be recollected that though the office of Senator is sextennial, it is not perennial and for life. If it were intended that the incumbent should be perfectly absolute, subject to no control save his own will, the American government would present the singular anomaly of a republican people living under a government as despotic as a Turkish Divan, or a Venitian Diet. The only question is, where does the power to instruct a Senator reside? It must have "a local habitation and a name." It cannot be in abeyance or *in nubibus*. It cannot be in the people, because they have surrendered it. Where then but in the Legislature? Indeed the power to instruct is as inseparable from the power to elect as any cause and its legitimate consequence whatever.

CONRAD.

FOR THE TARBORO' PRESS.

Reading and the difference of style and character of different kinds of writing and publications.

No. 8.

Novels.—In many respects novel and historical writings have a near resemblance, and are so blended together that it would be difficult tracing the dividing line. In some valuable historical works there is to be found much novelty, or more properly speaking fiction; and on the other hand, there is often in novels much correct history and information. But notwithstanding this relation, there is a vast difference in the two kinds of writing in general, both as to value and principles on which they are founded; and this is the foundation of the difference. The historical writer aims to give us facts and a correct knowledge of important things as they have transpired. While the novel writer seizes on a few generally unimportant facts, or a coincidence of facts, suppresses such accompanying facts as he deems may be unpleasant to the taste of the reader; and exaggerates, and enlarges on such parts and in such a way as he thinks will be most likely to amuse and astonish the credulous and ignorant reader; and not unfrequently are whole novels manufactured from an author's imagination, without one fact to start upon worth telling to a party of story-loving school children. Some novel writers aim wholly at the marvellous and wonderful, and to effect this object fictions most absurd in themselves have been fabricated and found their way to the approbation and patronage of many readers, on the merits of sublime and eloquent language. In modern times and among people not easily cheated, novel writers seem to have taken different grounds and a different course: with fiction they have joined ridicule and burlesques on the foibles and the extravagance of mankind. This is certainly an improvement on the novel writing system. But who shall say that the quality and quantity of fiction now employed in the best of novels does not promote more vice than the good principles they inculcate do away. It is true a question might arise as to what constitutes novels of the best kind: this I shall not undertake to decide, but will put the limits to such writing as all acknowledge to be fictitious. Concerning the novels that find patronage and readers in the present day in the United States, there might many questions arise, such as the following: what constitutes the limits between novel and other writings? is the fiction generally employed in novels of good or evil tendency? is the light and glowing style in which they are written weakening or strengthening to the mind of the readers in general? all of which and many others that might be adduced, admit of various answers and much speculation. As to the fact whether novels are extensively patronised and read in this country at the present day or not, there is no question. As the saying is, the "press groans under the weight" of them, and their numbers are rapidly increasing, more so than any other kind of publications.

Whether it may be inferred from such a state of things that society and morals are in a state of improvement or degeneracy? is a question on which there would also be various opinions. Yet as intricate as it may seem, on it I will venture to give my opinion but not without backing it with one reason. My opinion is, that it is an evidence of a state of degeneracy, and the reason is this. It is to eminent statesmen, clergymen, lawyers, doctors, merchants, mechanics, farmers, and soldiers, that we are indebted to, next to our God, for the liberty and prosperity of this country and the happiness we enjoy; and it is not to novels that these citizens are indebted for their eminence; it is to a higher order of books and resources that they were indebted for their eminence. Hence if novels multiply faster than the works and means by which these citizens profited, it is an incontrovertable evidence that people are becoming averse to arduous study, to industry and deep penetration, and are easing themselves down into the gulph of ruin on the soft and delusive strains of novelty and fiction.

Were I to be asked, whether I would recommend novels to be read at all and how much, and on what occasions? I should answer, let him who has a desire and relish for history, philosophy, or any other substantial works, read such and let novels alone. As to him who has no desire or pleasure in reading these sound works, let him read novels if he will—he had better read them than nothing; reading novels may cultivate his taste, enlighted in some measure his benighted understanding, and prepare his mind for the reception and enjoyment of more valuable things.

COMMON SENSE.

Health—A writer in the Elizabeth City Times of 29th ult. in speaking of the causes of sickness at this season of the year, remarks, that "to leave weeds standing is bad, but to *cut them down and leave them* is a thousand times worse. The action of the sun on these cut-down weeds is pestilential in a high degree; the miasmata arising from them will infect whole neighborhoods with bilious malignant fever. The innocent suffer with the guilty, for we are so near each other, the malaria is apt to engender disease in a family that have scrupulously avoided such pratices as in that of the weed mower himself."

☞By our advertising columns it will be seen that the magnificent undertaking, the New Orleans and Nashville Rail Road, is to be commenced immediately, the first *fifty miles* being advertised for contract.

The length of the road is 565¼ miles, estimated to cost $10,063,946, including the machinery, depots, water stations, &c.

We learn that its prejectors have determined to make it one of the most perfect works that the present state of science and art will admit. When completed, the time between Nashville and New Orleans will not exceed thirty-six hours.

This, by facilitating the mails and transit of passengers, will render it, in a commercial point of view, the most important improvement ever projected, and in case of invasion, the South may have a more prompt resource in the western militia,—as cantonments in the vicinity of Nashville, where the abundance of provision and health of the climate are equal to any in the world, can be made for the rendezvous of the Western Army, and when required, transferred to the coast at a single day's notice.

Mr. Ramsey, the Chief Engineer, is now on his way to Europe, with a view to make contracts for the delivery of iron, and the examination of the machinery and roads now in use or progress there.

Should the Virginians determine to connect their contemplated James River improvement with this work, we may expect to travel from Washington to New Orleans in four days, with an ease and comfort never before contemplated.—*Globe.*

Episcopal Convention.—At the Convention of the Protestant Episcopal Church recently held in Philadelphia, the Rev. Francis L. Hawks, D. D. late of this State, was elected a Bishop, and assigned the episcopal charge of Florida, Louisiana and Arkansas; in additon to which, it is thought he will undertake provisionally the charge of the diocess of Alabama. Rev. Jackson Kempir, D. D. was also elected a Bishop, and assinged the episcopal charge of Mississippi and Indiana.

☞On Saturday the 29th ult. we learn that a serious disturbance took place at Norwich, Connecticut. A large collection of individuals, four or five hundred in number, attacked the Academy kept by Mrs. Giles Buckingham for the instruction of negroes, and turned the children about ninety in number adrift. Mr. Rockwell, the Mayor, has offered a reward of $50 for the apprehension of the rioters.

☞The late Gen. *Samuel Blackburne*, of Bath county, in this commonwealth, liberated his negroes, 46 in number, by his last will, and has charged his estate with the expense of their removal to Liberia.—*Norfolk Bearon.*

☞Mr. Edward C. Young, of Delaware, is the author of the "spark catcher," a machine lately invented to catch and dispose of the sparks flowing from Locomotive Engines. It is a valuable invention and is entitled to every commendation.

☞It is stated that the notorious Robert Potter, of North Carolina, is now engaged in organizing the militia of Texas to oppose the Mexican troops.

Sat. Ev Post.

Death of Matthias.—This singular and audacious impostor, it is stated, has ended his career by jumping overboard from one of the Jersey city ferry-boats, together with a disciple whom he had persuaded to accompany him in putting to the test his claims to supernatural power. If he were not really insane, he must have been driven to this step by the goading of remorse, and the universal manifestations of popular indignation.—*ib.*

Being born Again.—One of the Boston papers relates the following anecdote in such a manner as to say to every reader, disbelieve it if you dare:

A little boy, after listening to a sermon on the absolute necessity of being born again to be saved hereafter, returned home much afflicted, and with tears in his eyes, told his dear mother; "I did not like the sermon, and ma, I don't want to be born over again, for who knows but I might then be a *gal*."