RALEIGH REGISTER,

AND

NORTH-CAROLINA GAZETTE.

"Ours are the plans of fair, delightful Peace,
"Unwarp'd by party rage, to live like Brothers."

VOL. XXII, FRIDAY, AUGUST 3, 1821. NO. 1141.

CONSTITUTIONAL POWERS.

STATE OF NEW-HAMPSHIRE.

In the year of our Lord one thousand eight hundred and twenty-one.

Whereas a report of a committee of both Houses of the General Assembly of the State of Ohio, and certain resolutions founded thereon, relating to the proceedings in suits in the Circuit Court of the United States for the district of Ohio, against certain officers of that State, have been communicated by his excellency the Governor, with a request of the Legislature of the State of Ohio, that this Legislature will express its opinion thereon, which report and resolutions having been duly considered: Therefore,

Resolved by the Senate and House of Representatives in General Court convened, That the Congress of the United States has, by the Constitution, power to establish a Bank, with offices of discount and deposite, in the several States, as is done by the act esablishing the Bank of the United States. And that the exercise of this power is necessary for the due administration of the fiscal concerns of the United States.

Resolved, That as the constitution and laws of the United States, made in pursuance thereof, are the supreme law of the land, "any thing in the constitution or laws of any state to the contrary notwithstanding;" therefore, any act of the Legislature of a state, which, if carried into effect, would prevent or defeat the rightful exercise of any powers vested in the general government, is void.

Resolved, That the act of the Legislature of Ohio, levying a tax of the Bank of the United States, if carried into effect, would compel a removal from that state of the office of discount and deposite there established, and thereby prevent and defeat the rightful exercise of the power vested in the general government, by virtue whereof the offices of the bank were there established.

Resolved, That, inasmuch as the judicial power of the United States extends to all cases in law and equity arising under the constitution and laws, this legislature is of opinion that the judicial power of the United States is co-extensive with the legislative power, and that it appertains to the judicial department of the government of the United States to determine cases arising from a conflict between the laws of the United States & the laws of a particular State, and that the preservation and due exercise of this power is essential to the peace and safety of the Union.

Resolved, That, in the opinion of this Legislature, the proceedings in the Circuit Court of the United States for the district of Ohio, in the before mentioned report stated, do not violate either the letter or the spirit of the eleventh article of the amendment of the constitution of the United States, nor constitute any just cause of complaint.

Resolved, That while this Legislature will always be ready to lend its aid to defend against any real encroachment on the rights of any of the states of the union, it will give its full support to the general government, so long as it confines itself within its prescribed limits, in the exercise of the powers entrusted to it by the people of the United States, to secure the great objects for which the constitution was formed.

Resolved, That his excellency the Governor be requested to transmit to the governors of the several states of the Union, a copy of the foregoing resolutions.

In the House of Representatives, June 28, 1821.

The foregoing resolutions being read, motion was made that the same do pass; on which question the yeas and nays were required, and are as follows: Yeas *one hundred and seventy-two*—Nays *eight*.—And so the said resolution passed.

Sent up for concurrence.

ICHABOD BARTLETT, Speaker.

In Senate, June 29, 1821.

The foregoing preamble and resolutions being read, motion was made that the further consideration thereof be indefinitely postponed, on which question the yeas and nays were required, and were as follows:

Those who voted in the affirmative, are—Messrs. Penhallow, Healey, Hill, Wallace, Harvey, Drew and Huntington.

Those in the negative—Messrs. Richardson, Eastman, Hart, Lord, and Livermore. Yeas 7, and Nays 5.

So the motion prevailed.

[The immense majority of the House of Representatives, in favor of these resolves, distinctly shews us what is the sense of the people of the Democratic State of New-Hampshire on this subject, respecting which an unaccountable delusion appears to have blinded the State of Ohio. The Legislature adjourned the day on which the Senate postponed these resolves. It was owing to this circumstance, probably, that the subject was deferred in the Senate.]—*Nat. Int.*

AMERICAN SENTIMENTS.

From the National Intelligencer.

We have pleasure in placing before our readers the following truly national effusion, called for by the occasion of the Celebration of the 4th inst. by a company in Chester county, in the State of Pennsylvania.

Mr. Charles Miner has been a uniform Federalist in his politics, but distinguished more by the truth & sweet simplicity of his moral illustrations, than by party zeal. He is the Editor of a newspaper called Village Record, and was, at the last election, the unsuccessful candidate for Congress in opposition to our worthy Republican friend, Dr. Darlington. It is Mr. Miner that utters the noble sentiments below. Would that every unsuccessful candidate for office, and every party editor, would display the same temper and inculcate as sound doctrine! Then might we indeed say—"We have called by different names brethren of the same principle. We are all Republicans; we are all Federalists."

[After the 7th Toast the President called on Mr. Miner for a Volunter. Mr. Miner prefaced the sentiment by the following observations, which, at the request of the President, he has furnished for publication.]

Mr. President—I obey your call with pleasure; and if it will not too much interrupt the flow of hilarity which prevails, I will offer you some reasons for the sentiment which I give.

It cannot have escaped you, that in the discussions growing out of the Missouri controversy, a dissolution of the Union was adverted to by zealous partizans on both sides of the question. I confess to you, sir, that I cannot hear this subject spoken of without feelings of horror and dismay. It sounds in my ear like a proposition of patricide. Such a measure, it is manifest, could not be effected without the most desolating civil wars; & should it be accomplished, would be followed by eternal contests between the neighboring tribes; (for they would no longer deserve the name of states or nations.) Standing armies—oppressive taxes—the violation of public rights, and private security—and finally the subjugation of the whole by some military adventurer, would be the inevitable result. I tremble to look down this dark abyss of misery and ruin. Despotism throughout the earth would exult at the issue; while wise and patriotic men, to the latest generations, would hold our name in pity and in scorn.

I do not make these remarks because I apprehend that on any side there is a disposition deliberately to bring about a separation. The man who should propose it would be driven by public indignation from society. But rash and ambitious men—in moments of great excitement—inflamed by passion, and reckless of consequences, may hereafter attempt the measure, if the minds of the people are not effectually guarded against it. The union of the States should be considered, like freedom of conscience, or the right of self-defence, not for a moment to be bro't in question. The Law of our Union should be impressed upon our children as of the most sacred and paramount obligation.—Habits are more powerful than laws—sentiment is more operative than reason. I think, therefore, that law and reason should be fortified by habit and sentiment. And the doctrine should be inculcated in our schools—from the press, and in our public assemblies; so that successive generations may grow up with the impression indelibly fixed in their minds—that the Union of the States is the fundamental law on which our freedom is based, and the only sure foundation of our prosperity and glory.

I shall not attempt formally to reason this matter, but I beg leave to repeat to you an old story: An Indian Sachem, finding his life drawing to a close, called his children around him, and, holding out a bundle of rods bound firmly together, told his sons to break them. Each tried in his turn, but was unable. He then separated them, and broke each rod, himself with ease. "Thus," said he, "will it be with you, my children. In union, you will find safety—divided, your enemies will easily overpower you. These rods, firmly united, the efforts of strong men could not break; but, when separated, a feeble old man could destroy them."

After the late collision, in which we differed so widely and so warmly from our southern friends, it may possibly be thought that something of prejudice against them may remain in our breasts.—Throughout Pennsylvania, I am bold to say, that whatever difference of opinion may exist on some subjects, there is no other general sentiment prevailing towards them that of entire good will.

We are not only bound to the South by the cords of interest, but by the stronger ties of affection. We not only feel a satisfaction in the productiveness of her rice, sugar, cotton, and tobacco plantations, which contribute so largely to the national resources; but we anticipate in the pride of her chivalric character, and exult in the triumphs of her eloquence and her arms. Her history and the fame of her heroes are the objects of our respect and veneration. The southern are a high-spirited, mercurial people, distinguished by quickness of perception, rapidity of thought, and celerity of movement; nice in notions of honor, jealous of their rights, quick as lightning, they flash when in collision—but "like the flint they shew a hasty spark & straight are cold again." Withal they are frank, generous, brave and hospitable, and in truth combine within themselves all the elements of a noble character. Their fathers and our fathers fought many a well contested field, side by side, for independence. Our Wayne, and the gallant soldiers of the Pennsylvania line, gathered laurels, which shall be ever green, in the same bloody conflicts which immortalized Monroe, Lee, Morgan, Pickins, Campbell, Pinckney, Sumpter and Marion.

And what Pennsylvanian, nay, what American, is not proud to claim Laurens as his countryman? What bosom so cold as not to throb with rapture when the historian pourtrays the eloquence of Henry and of Randolph? American literature exhibits, with conscious pride, the works of Ramsay, Marshall, and of Wirt. And, while older nations boast of their heroes and statesmen, we may point to a phalanx in Virginia, with Washington at their head, and boldly challenge a comparison.

Southern statesmen, soldiers, and orators, crowd so fast on the recollection, that it is impossible to name them. But their fame is our common inheritance; and while the memorials of our nation shall endure, it will not be forgotten that at Yorktown, in Virginia, Cornwallis surrendered a numerous and well appointed army to Washington and his comrades in arms; or that at New-Orleans, Pakenham and his vaunted veterans were signally overthrown by Jackson and his gallant followers, our brethren of the West and South.

As the result of these views, I beg leave to give you—

"The United States—and the Citizens of the South—May our union be everlasting as our hills; and may mutual good will, freedom, and prosperity, like our rivers, flow through the land in perpetual streams."

YEARLY MEETING.

From the Philadelphia Union.

An American author has said, that the people called Quakers are laughed at by fools & admired by philosophers. There are certainly many things in their character which are deserving of admiration, and among others their method of doing business is not the least worthy of notice.

The yearly meeting in Philadelphia is probably the largest deliberative assembly in the world. The members convene in two large buildings in Arch street, not indeed as splendid as the Capitol, but quite as commodious. and though they are not all the most fluent speakers, there appears to be among them a stock of good sense which would well atone for the lack of eloquence. They are of both sexes, and all ages. One house is composed exclusively of females, and confers with the other by means of committees.—In this division of the assembly into two parts, the yearly meeting may be likened to our national legislature; but we fear that there are few other points in which a resemblance can be discovered; for here is no letter writing, newspaper reading, or long speaking. When a subject is broached, a member rises and gives his opinion of it in language at once concise, comprehensive, and definite. A second follows him, extending the view of the subject, if there is any cause for extension; if not, he expresses his accordance of sentiment in a short sentence, such for instance "I am in unity with the friend who has last spoken,' or, 'that friend speaks my mind,' and down he sits very composedly.—A third rises, delivering his opinion in like manner, or, or if he dissents from the others, he expresses his disapprobation in a speech equally pertinent and laconic; and thus a subject is broached, discussed, and decided upon, in less time, perhaps, than we have taken to relate the mode of proceeding; for these people do not think it necessary to use ten thousand words to communicate ten ideas, or give to ten ideas ten thousand forms.

The ecclesiastical economy of the Quakers, it is well known, embraces more points than that of any other religious community. Many difficult cases come before the yearly meeting, which has in some instances an original, and in others an appellate jurisdiction. Some of these cases involve points of doctrine as well as discipline, and yet all the multifarious business growing out of the ecclesiastical concerns of the many thousand persons to whom its care extends, was transacted in 1821 by 'the yearly meeting held in Philadelphia, by adjournments from the 16th of the 4th month, to the 20th of the same, inclusive.' Thus much for good order, and good sense. But we will venture to say that, if 'Friends' had adopted the mode of doing business at present in vogue with some deliberative assemblies, they would have been forced to continue their adjournments till the 20th of the Fourth month 1822.

There are certain general dicta, which, though the result of but partial experience, have acquired the character of universal truths. Among these are the vulgar dogmata, that large assemblies are incapable of transacting business judiciously, and that a propensity to loquacity in the fair sex disqualifies them for every thing but talking. That these are not universal truths is proved by the case of the yearly meeting; and we are happy that, in refuting erroneous opinions, we can both evince our gallantry, and serve a more important purpose which we have in view. The facts here adduced place it beyond doubt, that the ability of a public assembly for business depends more on the character of the members, than their number, and that a great fondness for prolixity of speech is owing to the mind and not the sex of the speaker.

Both sexes, and all ages, as we have before observed, compose the yearly meeting of Friends; but it must not be supposed that every one of the five or six thousand persons who form the two 'Houses,' troubles the meeting with his or her observations. On the contrary, none speak but those who have something to say, and the speakers endeavor to include, in their discourse, not all that *could* be said on a subject, but all that *ought* to be said.

Thus, by avoiding all needless repetition and unnecessary declamation, and by an order as excellent in other things as in debates, the yearly meeting transacts business with ease and despatch, which, if brought before certain other deliberative bodies, would perplex, vex, and weary the members, be but half done, ill done, or not done at all.

ON PRISON DISCIPLINE.

From an English paper received at the office of the N. York American.

A numerous and respectable assemblage of ladies and gentlemen took place on Saturday, the 2d of June, at the Freemason's Tavern, in London, for the purpose of receiving the annual report from the Committee of the Society *for improving prison discipline, and for the reformation of juvenile offenders.*

It was attended by the Duke of Gloucester and many persons of rank and distinction. Mrs. Fry, with a considerable number of the Quaker persuasion, was also present.

The Report contains an account of the present state of the prisons, and of the improvement that had been introduced. It stated that instruction was now afforded, moral habits superinduced, order and decorum established, and the most beneficial consequences likely to result. That since the commencement of the visits of the Ladies' Committees at Newgate, and the Borough Counter, the number of female prisoners recommitted had decreased no less than one-fifth; and that the awful extent of juvenile delinquency had led the committee to recommend that a prison should be built solely for the confinement of boys, who required a different discipline from men to reclaim them from vicious habits.

The Report then alluded to the formation of similar societies in foreign countries, and to the happy effects which they had produced in France, Russia, and Switzerland.

The meeting was addressed by Lord Calthorpe and Lord John Russel, each of whom made a forcible appeal to the meeting in behalf of the benevolent objects of the Society.

Our limits allow us to furnish only the following able and eloquent speech of Sir James Mackintosh:

He observed that, in rising to perform the task allotted to him on this occasion, he might with still greater truth than his noble friend say, that little was left by which the discussion of this subject could be protracted. It was, nevertheless, with peculiar pleasure that he felt himself called upon to serve, as it were, under the command of his Royal Highness, under whose auspices he had long labored in another cause—he meant the abolition of the American slave trade, that greatest moral and political evil which ever afflicted human society. The miseries, however, which they had now to contemplate touched them more nearly—their motives to exertion were animated by the reflection that it was on behalf of their own fellow subjects, the members of that beloved community, to which, after all, the sphere of their principal obligations must be limited. He had himself been called by the peculiarity of his public life, to introduce to the notice of parliament certain bills for abating the severity of punishment in criminal cases. On the other side, he was told that, in abolishing the punishment of death, he had provided no substitute, and was therefore proposing to leave society exposed to the commission of crimes, without any adequate means of suppressing them. He now called upon that institution to supply him with an anwer. They had, indeed, furnished him with an answer, and one that must shut the mouth of every gainsayer. It was remarkable that an attention to the state of prisons was almost peculiar to modern times; and that only one hundred and fifty years ago, when this country was adorned by the most eminent statesmen and philosophers, it was found necessary to pass an act of parliament to prevent prisoners from being left to perish of hunger. Mr. Howard was the first person who caused the stream of sympathy to flow in this direction; for, before his time, the matter was either overlooked, or the only sentiment entertained was a kind of stupid abhorrence of every one who was merely accused of a crime.

It was not till then that the true principle and object of all penal inflictions was acknowledged to be, not the gratification of human vengeance, nor the anticipation of eternal justice, but simply the prevention of crime. He agreed with what had been said by his noble friend, that punishment should be limited by its necessity, and, considered with regard to the punishment of death, that every life taken without necessity was taken without justice, and that no such necessity could exist till the inadequacy of all other means of prevention had been proved.—The progress of this institution, as described in the Report, gave him sincere satisfaction; he doubted not that it would speedily check the effusion of human blood. He learned, on the authority of a friend, that, so recently as 1818, only 23 out of 518 prisons were regulated according to law. That number was now greatly increased; and what he was chiefly desirous of impressing on their minds was, in schemes like these, not to grow weary of well doing; not to be damped by failure in their first efforts, not to be provoked by unreasonable opposition, but to be content with perhaps the little that could be attained. Thus engaged and directed, they might justly feel conscious of accomplishing more good than had been effected by all the conquerors who had dazzled the world with their exploits. Among the secondary advantages of this association might be esteemed that of its bringing together, for the purest and noblest objects, individuals of different ranks and religious persuasions. While each regarded his own religious system with peculiar veneration, he was here taught to recognise a moral equality, and to act upon principles that belonged to every religion. He here learned to think candidly of all who, in a course like this, participated in his feelings, or co operated in his activity.

Never before had there been known such a combination of parties and of sexes. That sex indeed which was so naturally fitted for offices of gentleness and compassion had not been satisfied to remain mere spectators. They had here formed a good work, in which, without laying aside their modesty, they might take an active, useful, and becoming part. A road to fame (if so mean a thought was admissible on this subject) had been opened to them, in which they might surpass men without exciting jealousy, & in which they had actually surpassed them. Appointed by Providence to soften as well as to adorn society, they were not more its ornament than they were the depositary of that class of virtues which were most essential to its happiness and welfare. In the arrangements for a reformation of female offenders they had taken an active and effectual part. The success of prison discipline, and the efficacy of secondary punishments, had been doubted: happily for the argument, and honorably for the sex—honorably, he would say, for the British nation—this question stood no longer on mere reasoning; it was now decided by experience, by incontrovertible facts, by the triumphant efforts of that more than female Howard (Mrs. Fry) & the band of sister heroines, whose conduct inspired him with feelings far beyond those of cold admiration, and who had diffused amendment and reform thro' the most crowded and polluted prison in the empire.