The Daily Crescent.

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The Daily Crescent

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Speech of Randell Hunt, Esq.

Delivered at the Whig Mass Meeting, held at Poydras Market, on the night of Oct. 24.

Fellow Citizens—It is a long time since I have had the pleasure of meeting and communing with you in a body. During that time, many questions of great importance and delicacy, touching the peace and harmony of the Union, and the very existence of our national government, have arisen, been discussed, and finally settled to the satisfaction of the great body of the American people, by the constitutional, honorable and expedient measures embraced in the compromise adopted under the lead of Clay and Webster, Cass and Foote, and other distinguished statesmen and patriots, who, whatever may be their differences on matters of mere party politics, have, by their magnanimous conduct on this occasion, entitled themselves to the gratitude of every true-hearted American. And I should not be true to myself, to liberty, and to the duty which I owe the country, if I refrained from paying to them the humble tribute of my applause. During that time, too, the State of Louisiana and the city of New Orleans have remained under the regular and peaceable operation of the present Constitution of the State; and I regret to say, fellow citizens, that we have failed to keep pace with our sister States in the great march of progress. In spite of the natural advantages which New Orleans has enjoyed, she has been outstripped in the race of improvement by New York, and Boston, and Baltimore, and Philadelphia, and other cities of the Union. Situated not far from the mouth of the Mississippi, with nearly half of the States of the Union at one time tributary to her, New Orleans has, within the last five years, seen the rich commerce of the Northwest gradually taken away from her; and though she has increased in population and wealth, the increase has been small in comparison with that of other cities, and her commerce, if it has not declined, has at least been stationary.

What is the cause of this? Why is it that New Orleans has been thus arrested in her progress? Why is it that the State of Louisiana, with her fertile soil and great natural resources, has not kept pace with her sister States?

The cause may be found in the mal-government of the State. The Constitution of the State is a failure. The Constitution is bad, and the legislation under the Constitution has been bad. For the last five years the government of Louisiana has been a failure.

I do not say this upon the spur of the moment, nor do I speak for rhetorical effect. But I have carefully watched the operations of our State government, and long weighed and studied these things; and the result of my best judgment is, that we have been retarded in our progress and paralyzed in our action by the Constitution and legislation of the State. The Constitution has indeed sat like a nightmare on the bosom of Louisiana, and prevented her from breathing healthfully. With its restrictions and prohibitions, it has fettered the enterprise and industry of the people, and caused capital to seek a more natural and freer home elsewhere. It has failed entirely in answering the purposes for which it was framed; and the proper remedy for it the people is to alter it or to abolish it, and to substitute a new Constitution in its place.

I propose to say something on these subjects.

The Constitution divides the powers of the Government into three departments: Legislative, Executive and Judicial. The Legislative department is defective; the Executive department is defective, and the Judicial department is defective. The whole Government is defective. It has had little effect for good, and great effect for evil.

The Constitution provides that "representation in the House of Representatives shall be equal and uniform, and shall be regulated and ascertained by the number of qualified electors." This is fair and equitable. It means that if 200 qualified electors in Opelousas or in Jefferson are entitled to a representative, 200 of the qualified electors in NewOrleans are also entitled to a representative. This is republican equality. But, when the Constitution lays down the rule in relation to representation in the Senate, it declares that the Senators "shall be apportioned among the Senatorial districts according to the total population contained in the several districts." The change in the basis of representation here made was intended to give greater proportionate weight to the country in the Senate of the State. In the House the number of qualified electors is the basis; in the Senate the total population, colored and white, slave and free, constitutes the basis. The proportion of slaves to the white population in the country is much larger than the proportion in the city. The Senatorial basis, therefore, gives an evident advantage to the white population of the country over the white population of the city. Without stopping to dwell upon this, and admitting, for argument's sake only, to be republican and just, I call your attention, fellow-citizens, to the manner in which the Constitution proceeds to apply the rule.

After declaring that Senators shall be apportioned according to the total population contained in the several Senatorial districts, the Constitution provides, "that no Parish shall be entitled to more than one-eighth of the whole number of Senators." The number of Senators being thirty-two, no Parish or district can ever be entitled to more than four Senators. This is evidently aimed at NewOrleans. Her population entitled her to a representation of at least one-fourth of the number of Senators. In order to carry out this injustice, the Constitution specially provides that in apportioning representation to the Senate "the population of NewOrleans shall be deducted from the population of the whole State, and the remainder divided by twenty-eight, and the result produced thereby shall be the Senatorial ratio entitling a district to a Senator." Thus, one man in any other Parish of the State was made politically equal to two men in NewOrleans. Is this republicanism, equality, justice? The city of NewOrleans is divided from the city of Lafayette by Felicity Road. By what reason, by what principle of justice, is a man on the other side of this division line, made equal to two men on this side? Why is the resident of Ouachita or Jefferson given a representation in the Senate double that of a resident of NewOrleans? It has been said by Mr. Taylor, and others, that the Constitution extended the right of suffrage. Doubtless this is true. But it is evident that in extending the right of suffrage, the Constitution has deprived the electors in NewOrleans of the object of that right—an equal and fair representation in the Legislature. And yet, Mr. Taylor and Mr. Dunbar think this Constitution good enough, and seek to obtain the votes of the citizens of NewOrleans, while, at the same time, they are endeavoring to uphold a Constitution which stigmatizes these citizens as unworthy of equality with the other citizens of this State.

The framers of the Constitution were not satisfied with putting only this stigma on the citizens of New Orleans; they went still further, and ordained that the city of New Orleans should stand accursed and proscribed—that the very soil on which she rests shall be considered as infamous and polluting, and that the corrupt and pestilent atmosphere that envelopes her, shall be held to embrace and poison the surrounding portions of the country within a circle of sixty miles.

They provided that the General Assembly should, within a month of the first session under the Constitution, designate and fix the seat of Government at some place not less than sixty miles from New Orleans, and that when so fixed, it should not be removed without the consent of four-fifths of the members of both Houses of the General Assembly.

I wish, fellow-citizens, that every one of you would read the arguments urged in the Convention in favor of this provision. New Orleans, it was said, was immoral and corrupt; that the country members would be bribed by dinners and parties, and moneyed influences, so as to be controlled by city factions, and would sacrifice the interests of their immediate constituents. Miserable pretext for a mean injustice! Why, the very argument is a calumny against the constituents of the members who used it. Those constituents never dreamed of this foul wrong—never contemplated any injustice or inequality in the political rights of the citizens of the different parts of the State. Their main objects, in common with the entire people of the State, were to extend the right of suffrage, and to effect a reform in the Judiciary of the State. The people of the country parishes are an intelligent, honest, high-minded, and republican people; and when these matters shall be brought properly before them, they will stamp with reprobation the conduct of those who have misrepresented them. I do not say that they will remove the seat of Government; but I do say that they will remove the stigma which is now fixed on New Orleans, and that they will put her citizens on a footing with the citizens of other parts of the State. For my own part, I must frankly declare, with respect to the best seat for the Government, that the city of New Orleans presents many advantages. It is the emporium and mart of the commercial business of the West. From its situation, it receives the first information and news from other parts of the Union, and from abroad. It is the centre of the arts and sciences and literature of our State, and it abounds in libraries and other sources of information, necessary or important to the business of enlightened legislation.

The evil effects of the unjust provisions of the Constitution in the apportionment of representation in the Senate, had been seen and felt. In the spring of '49, a crevasse occurred beyond the limits of the city of New Orleans. The river broke through the Levee at Mr. Sauve's plantation, some six miles above Carrollton, in the Parish of Jefferson. The rear of our city was overflowed. I do not remember that I have ever looked upon so melancholy a spectacle. The city of New Orleans, after repeated efforts and a great expenditure of money, succeeded in closing the crevasse. It was deemed necessary for the future protection of the city to make a Protection Levee; and the best informed and most experienced engineers in the State prepared a plan, and presented a report to the Legislature upon this subject. A bill was introduced into the House of Representatives, making an appropriation for such a Levee. It passed the House, where the people of New Orleans were fairly represented. In the Senate, however, where we had but one-half of our just quota of members, it was defeated or lost by a single vote. If there had been a just republican equality in the apportionment of Senators; if we had had the four or six additional members in the Senate to which we were entitled, even on the basis of the population of the State, the bill would have passed; and the spectacle would not have been witnessed of the State voting thousands for Internal Improvements, but refusing a cent to New Orleans (in which was centred more than one-fourth of the taxable property of the State) to save her from the danger of inundation.

Fellow-Citizens: If we examine the laws that have been passed by our Legislature since the adoption of the present Constitution, we will find them characterized by injustice and a narrow and illiberal policy. Never has such legislation been seen. Many laws passed on the most important subjects, have been pronounced by the courts to be unconstitutional; while others have been drawn up in such a bungling manner as to be utterly unintelligible, contradictory and incapable of being executed. Without going beyond the last session of the Legislature, our statute book unfortunately furnishes convincing proof of this.

Two acts only need be mentioned. The act creating a Board of Liquidators for the consolidation of the debts of the Municipalities had scarcely gone into operation, when it was pronounced to be unconstitutional. The act establishing the Mayor's and Recorder's Court in the city of NewOrleans, is so clumsily and inartificially drawn up, that it has never been put, and cannot be put, into useful operation. The only effect of these acts has been to give Messrs. Benjamin and Micou, as Attorneys of the Board of Liquidators, some fees which were doubtless well earned, but with no benefit to the public; and to give Mr. Reese the office of second District Attorney—a sinecure of $1500 per annum. These are fair specimens of the legislation of the last Legislature of Louisiana. The legislation was bad: the theory upon which the legislation was based was bad. The present party in power, has been substantially in power since 1845, and might have done some good, but they have not done any. Nothing whatever has been done for NewOrleans. She is in a condition of atrophy. She looked to the Legislature for bread and received a stone. Perhaps under the present Constitution, it would be difficult to pass laws giving NewOrleans benefits adequate to her wants. That instrument prohibits the legislature from subscribing to the stock of any corporation or joint stock company; it prohibits the creation, renewal or extension of any corporate body with banking or discounting privileges; it prohibits the creation of corporations by special laws, except for Municipal purposes; it directs the Legislature to provide by general laws for the organization of all other corporations, except corporations with banking or discounting privileges—the creation of which it again specially prohibits. New Orleans is in rivalry with the other great cities of the Union—with Boston, NewYork, Philadelphia and Baltimore. She is in want of banking capital—of capital for commerce and business purposes. The whole circulation of bank issues of the State does not exceed three and a half millions. Look along the Levee, and consider the vast quantities of produce under which it annually groans: you will see at a glance that our bank issues are utterly inadequate to our commercial wants. In all the other great cities in the country, in Boston, in NewYork, in Philadelphia and in Baltimore, they have proportionally ten times the amount of bank facilities that we possess. How is it possible under such circumstances for NewOrleans to compete with them? We want capital. We want the benefit of a large capital for business of every kind, and especially for banking. Under this condition of things, the framers of the Constitution have thought proper to prohibit the creation of any banking corporation in this State. It is true, the banking system has been a subject of great abuse; and thousands have been involved in ruin by that abuse. But are we never to learn by experience? Can other commercial cities enjoy the benefits of banking corporations with safety and advantage to themselves, and is NewOrleans alone incapable of managing such institutions? What commercial country in the world prospers without them? Cannot a safe banking system be established here in Louisiana? The whigs, in a paper called their platform, have declared themselves the advocates of "a well-regulated system of free banks;" and Mr. Miles Taylor is reported to have said that we have free banking now among us. This assertion of Mr. Taylor may be true in one sense; but it is unfounded in another sense, and in the sense in which free banking is understood by the people. It is true that every citizen who chooses, and who has the means of banking, is free to bank upon those means. There are no laws in this State to restrain him from doing so. Mr. Robb, we all know, is a banker: and Mr. Jacob Barker is also a banker and issues his notes for circulation. In this sense Mr. Taylor may be right in saying that we have free banking now. But this is using the terms in a sense peculiar to himself and different from the general understanding of the community. At all events this is not the system of free banking which the whigs refer to in their platform.

In the State of NewYork restraints upon private banking were adopted by the Legislature at an early day. In 1781, Congress incorporated the Bank of North America, and recommended to the States to prohibit any other bank or bankers within those States during the war. And the Legislature of NewYork, in 1782, followed the recommendation. After the treaty of 1783 there was no law restraining banking in NewYork until 1804, when an act was passed to restrain unincorporated banking companies—generally denominated the restraining act. In 1838 a law was passed authorizing Free Banking Associations in NewYork, and the system of Free Banking was established. Mr. Dunbar, in a letter to the editors of the Delta, says, that there is no need of any change in our Constitution to establish Free Banking here; because in NewYork and in England, it has been decided that joint-stock companies or associations may be created in which the shares may be made transferable, the responsibility of the shareholders may be limited, and the company or association may be declared not dissolved by the death of a member, and suits may be prosecuted by and against the President of the association or company; and all this, without making such associations corporations. And in support of this view, Mr. Dunbar refers to a case in 23 Wendell's Rep. 103.

The decision to which Mr. Dunbar refers supports the doctrine for which he contends. The distinction between such associations and corporations is nice and shadowy, and has, I admit, been recognized by the Courts. But the transferability of shares, the limited responsibility of shareholders, the non-dissolution or continued existence notwithstanding the death of a member, and the prosecution of suits in the name other than that of the members of an association, are usual elements of corporations as described in the books. Attorney-General Bronson gave his opinion on the 6th of January, 1835, to the Senate of NewYork, that such associations would enjoy corporate privileges; and Attorney-General Beardsley, in 1837, expressed the same opinion. And in the Constitution of the State of NewYork, of 1846, it was expressly declared that the term corporations shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships.

Two of the Judges of our Supreme Court—Chief Justice Eustis and JudgePreston—were members of our Convention. They had signalized themselves as opponents of the Banking system—of any credit system. They both voted for the clauses in the Constitution prohibiting banks to which I have referred. Judge Eustis has recently declared in substance that, in reflecting on his votes in the Convention, he was fully satisfied with those he had given upon the subject of banks. With this bias, then, upon the minds of Judge Preston and of Chief Justice Eustis, with the dissenting opinions of two Attorney-Generals of NewYork, as to the nature of Free Banking Associations, and with the provision in the Constitution of NewYork, adopted in 1846, declaring such associations corporations, can it reasonably be expected that capitalists and the holders of securities will be induced to vest their stocks and money in institutions created under the present Constitution of this State? With such doubts, whether well founded or ill-founded, as to the constitutionality of such institutions, or rather as to the probable decision of our Supreme Court, would capital come here and engage in the business of Free Banking?

What is this Free Banking?

It is not, as I have already said, what Mr. Taylor defines it to be, a mere right of every man to bank on his own money or capital. That is not the system of banking which the people of Louisiana want. They want the system as advocated by the whig platform. They want a well regulated system of Free Banks, so guarded that while it shall diffuse the benefits of capital, it shall at the same time afford a safe circulation, convertible into specie at all times and under all circumstances. They want a system which may produce a beneficial influence upon our embarrassed affairs and depressed community. They wish a system such as exists in New York or Massachusetts.

By such a system, individuals and associations formed for the purposes of banking, may, upon a transfer of such public stock of the United States, or such other stock or securities as the State may designate, obtain from the Auditor of Public Accounts, the Treasurer of the State, or any other officer who may be appointed for the purpose, such quantity of circulating, notes to be countersigned and registered by the officer, as the State may deem it expedient to issue upon the stock or securities pledged. These notes, after having been executed and signed, as required by law, may be circulated as money, and if not paid on demand, must be redeemed by the State officer, with the stock or securities thus transferred, and for this purpose, the officer is authorized, often ten days' notice, to sell the same at public auction. The system, then, is to give to individuals the right to associate, and to enable them to obtain upon a pledge of good securities, countersigned bills proportionable to the amount of stocks or securities pledged. It will be the duty of the State to take care that the stock or securities offered shall be good and sufficient. By a provision of law, the amount of bills issued may be limited, so as to protect those who receive the bills from all danger of loss. For instance, individuals or associations holding United States stock to the amount of ten thousand dollars, may, upon the pledge of that stock, be furnished with notes for circulation to the amount of five thousand dollars, and if the notes should not be redeemed or paid in specie when called for, the stock pledged will be sold, and the bill holders paid out of the proceeds. Where too large an amount of notes is not issued on stock, there cannot ultimately be any loss to the note holders.

What has been said, is only by way of illustration. It will be for the State to determine the proportion between the stocks or other securities and the notes.

What has been said of ten thousand dollars, is equally applicable to one hundred thousand dollars, or five hundred thousand dollars, or any other amount. Make the notes payable at the proper point—at the point most convenient to the note holder; and with prudence and care, and the adoption of such guards as experience has pointed out in NewYork and Massachusetts to be necessary and effectual, the system cannot fail to be highly beneficial to the struggling commerce, to the working man in New Orleans, and to the people of the State at large.

And what are the inducements which this system holds out to capitalists to use their stocks and securities as proposed? Why, in the first place, they would have the interest upon their stock, which would remain safe in the hands of the State officer; and, in the second place, they would have the profits of their banking business. This, then, is a safe and profitable system for the capitalists, and it will be a safe and a proper system for the community at large. The circulated medium will be perfect; the safe, and the community will be accommodated with bank facilities.

This is the system of Free Banking proposed by the whigs—the Free Banking by which capital is to be invited and induced to come here—the Free Banking by which every class in the community is to be alike benefited, money made plenty, confidence established, commerce and industry stimulated, and the value of labor raised.

It is said that the democrats are in favor of this system. I am glad of it. I believe the great body of the people—democrats as well as whigs—are in favor of the system. But I advise you, fellow-citizens, to distrust the professions of those who have been so long in power, but who have never taken a step towards the introduction of the system. Turn them from them, and give your support to those who stand pledged, and are ready to create and give legal efficacy to a system which at the earliest possible moment in the best and safest form.

However beneficial, fellow-citizens, a well regulated system of Free Banking might prove to New Orleans, it would yet, of itself, be inadequate to regain the commerce which she has lost, to open new sources of wealth, and to restore her to prosperity, unless some wise and liberal system of railroads and other improvements should at the same time be adopted for the encouragement of the labor and the development of the resources of the State. New Orleans should be considered at present, for all practical commercial purposes, as cut off from communication with the rest of this State, and (if we exclude Mobile) with other parts of the Union, except by means of the Mississippi. Content with the natural advantages which the river affords, and with having so long received tribute from the great valley of the Mississippi, she has remained supine and inactive, while other commercial cities of the Union, by their superior enterprise in making railroad and other internal improvements, have opened artificial communications with almost every portion of our country, and, by the facilities which they have afforded, have diverted from New Orleans a considerable portion of the produce which heretofore came to her market and constituted a great source of her prosperity. New York and Boston have been taking away the commerce of the rich growing States of the Northwest. Philadelphia, Baltimore, Charleston, and Savannah, are rapidly drawing from us a portion of the trade of the valley—and Mobile is endeavoring by means of the Mobile and Ohio road to turn from its accustomed channels, a large portion of the trade of Mississippi and Tennessee. During the present season of the year, when the rivers are low, a famine can come from Louisville to New Orleans, by the way of New York, sooner than by the way of the Ohio and the Mississippi. All this is owing chiefly to the advantages arising from a system of railroads. Louisiana has but eighty-one miles of railroad within her limits.

We must arouse ourselves, fellow-citizens, and enter at once upon the work of improvement. We, too, must build up Railroads, if we wish to prosper. NewOrleans must stretch her iron arms into the interior of the State, and extend them even beyond the limits of Louisiana. She must carry her improvements to the doors of her neighboring States, and connect her roads with their roads. The efforts made by her rivals to draw her trade from her will then prove unavailing. Large quantities of land of great fertility, within our own limits, will be brought into cultivation. Along the whole line of her Railroads, land will increase value, while her property, and especially the real estate of NewOrleans, will also be enhanced.

The benefits arising from Railroads may be seen in the progress of other cities and other States in the Union, and have been clearly shown by the writers on the subject.

The advantages attending improved means of transport are evident. The products of agricultural labor have in general great bulk, with proportionally small value. It is important, therefore, to the agriculturist that such improvements should be made as will enable him to carry his goods at the cheapest rate and in the shortest time to market. The expenses incidental to transport frequently amount to a large portion of the price of the article; for instance, if a person should buy ten thousand dollars' worth of cotton on the banks of the Cumberland, for the purpose of shipping it from NewOrleans to Liverpool, the price that would be paid by the consumer would be, not only the price paid to the farmer on the Cumberland, but also the price paid for its transport from that place to the consumer. This would consist of the freight paid for conveying the cotton, the interest on the price paid to the producer from the time of purchase till it reaches the consumer, and the insurance. There are many articles, indeed, which are of little or no value except in consequence of transportation; for instance, ice in the middle of the winter, in Long Pond, near Boston, has no value. But when properly packed and embarked and transmitted to NewOrleans, or to Havana, it becomes of considerable value. Guano is of no value in the place where it is found, but when transported to the field of the agriculturist, it become eminently useful and valuable.

Dr. Lardner states, that when the Houses of Parliament were occupied with the Railway Acts, a great mass of evidence was produced, illustrating the advantages which both producer and consumer would obtain by the increased cheapness and expedition of transport which railways would supply. Extensive graziers declared that animals of every species, driven to market on common roads, suffered so much, that when they arrived at market their flesh was not in the wholesome state, and they were frequently obliged to be sold on the road for what they would fetch. The butchers declared that the value of cattle receiving such injury, was considerable less, in consequence of the inferior quality of the meat. It was shown, further, that steam vessels did not altogether remove the objection; and all parties agreed that a speedy transportation, even though it cost double the price, would be a benefit. The evidence was still stronger respecting the produce of the dairy and the garden. Milk, cream, fresh butter, vegetables of every description, and every kind of fruit, were usually supplied from a narrow strip of soil about the outskirts of great cities. The milk was of a very inferior quality. The animals that yielded it were fed on grain and similar articles, in a great degree, and not upon wholesome and natural pasturage. But since the introduction of railroads, numerous wagons are brought from pasturages at great distances from the cities where it is used.

It is evident that these advantages from railroads accrue equally to the inhabitants of the country, and the inhabitants of the town. The milk, the cream, the vegetables, the fresh butter, the fruit, which are now of little or no value in St. Lanpry, St Mary and other Parishes, would, if the Algiers and Opelousas Railroad were established, become articles of considerable value; because, by being transported immediately to New Orleans, they would furnish a supply to the inhabitants of that city. The inhabitants of the city would not only have the pleasure of enjoying these things, which are now wasted, but inasmuch as they would obtain them at a less price than they pay for similar articles at present, they would have some surplus money, which they might expend for other purposes.

We may form some idea of the increase in the value of property along railroads, and at their termini, by looking, as I have suggested, to the progress of other cities and States in the Union. Massachusetts commenced making railroads in 1835. In 1839 Boston had 167 miles of railroad radiating thence in various directions. In 1850 she was connected with 3000 miles, one-third of which is within Massachusetts, 1350 within the other New England States, and 650 in the State of NewYork. And we will remember the celebration lately of the opening of the railroad between Boston and Canada. These great works, it is said, have enlarged the area of country, which contributes to their commerce, probably, ten fold, and the effect is unprecedented. In 1834, the value of all the property of Boston was $21,590,300; in 1849, it was $102,827,500, and on the 1st Jan., 1851, it was $238,000,039. The increase of the value of property was not confined to Boston. The State felt the benefit of the railroads. In 1840, the total value in the property of the State was $299,878,329. In 1850, it was $590,531,881, making an increase in ten years of $290,653,552.

The population and the valuation of property in the counties in NewYork traversed by the Erie Canal were:

	Population.	Real and P. Estate.
In 1830.....	460,562	$43,484,669
In 1850.....	564,683	94,000,359
Increase in ten years....	104,123	$40,515,770

Col. Gadsden, of South Carolina, states that land all along the road to Hamburg and Columbia, for five miles each side of the South Carolina Railroad, has appreciated in value since its construction 50,000 per cent., and 5000 per cent., and where there were not $20,000 of trade, there is now upwards of $250,000.

In Georgia, lands that in 1846 could readily be bought for 25 and 50 cents per acre, can now command $10, $12 and $15 per acre. I might refer to the increase in the value of real estate in the counties bordering on the Vicksburg and Jackson Rail road; and to the counties bordering on the Nashville and Chattanooga Road; to the increase in Charleston, in Baltimore, and in Savannah; but I shall content myself with saying generally, that while population, production and wealth have been produced by railroads, yet, that real estate has felt most directly and powerfully the influence of those improvements.

The railroad system seems, indeed, to have a creative power. In estimating the advantages of a road, we are not to confine ourselves to a consideration whether the production at the time of construction will be sufficient to reimburse the cost of a road. We must estimate the increased production caused by the improvement itself—the opening of new channels of trade—the development of the resources of the country; the expansion of commerce; the growth of population; and the increase of traveling.

Time is money; and we are all of us, fellow-citizens, laboring men, and cannot afford to waste our time. Hence increased speed in the transport of persons, is a matter of importance.

A person in Louisville who has commercial business to transact, can now go to New York, make his purchases, and return home in less time than it would take him to come from Louisville to New Orleans. If the speed at which persons can be transported from place to place is doubled by means of railroads, the distance is diminished one-half. The man, therefore, who can be carried to his place of business, five hundred miles in thirty hours, is practically nearer that place than another man would be who lived 250 miles from that place, and who had no other mode of conveyance than by a horse. If we would induce travelers to come among us; if we would attract to New Orleans men engaged in trade and commerce, and the general business of life; if we would retain the trade which we are now in danger of losing through the exertions of rival cities; if we would keep the tide of commerce within its accustomed channels; if we would bring back to us any portion of that produce now drawn aside from our market by the railroads and improvements of other cities; if we would take advantage of our proximity to Texas and to the Western States, and of our position as a great commercial depot, and an emporium of trade where those engaged in mercantile business in the interior can most conveniently purchase what is required for their customers; if we would invite to us the trade of the East Indies through California; if we would give new value to the real estate of New Orleans and of Louisiana; if we would expedite the transmission of news and general intelligence, and facilitate the diffusion of knowledge by cheap and speedy conveyance; if wisely looking forward to the happening of a war, you would provide for the quick transportation of a sufficient body of troops from various parts, with a view to the defence of this State and the country at large; if we would give encouragement to labor; raise the wages of industry; restore our credit and advance the general prosperity of our State, we must, fellow-citizens, at once adopt the wise and liberal system of railroads recommended by the Whig candidates before you. To effect this scheme of improvement, it is your duty to bestow your confidence upon men who have never deceived you, and who are capable of performing the work they undertake.

Under the present legislation of the State, no scheme of Internal Improvement can be carried on. The Constitution, we have seen, declares that a felon—that law to be just and entitled to the respect and obedience of the people, must be fixed and certain—an invariable rule operating in the same way through every part of the State. It was insisted also, that if a party is entitled to an appeal whenever the matter in dispute exceeded three hundred dollars in a civil case, he ought certainly to be entitled to an appeal in a case involving his life, his liberty, or his reputation. The Legislature yielded to the force of this reasoning, and in 1843 established a Court of Errors and Appeals in criminal cases, and gave it "*only appellate jurisdiction, with power to review questions of law.*" Our present Constitution has given to the Supreme Court "*appellate jurisdiction only,*" *and in criminal cases on questions of law alone.*

The appellate jurisdiction, then, in criminal cases, under the act of 1843, and the appellate jurisdiction in criminal cases under the present Constitution, are alike confined to questions of law, and conveyed in terms tantamount and equivalent.

Under the act of 1843, it was contended that the court being confined in its jurisdiction to questions of law alone, had no power to revise the decisions of inferior tribunals in criminal cases on questions of continuance and new trial, which were said to be questions of discretion merely. But the Court declared that as much injury might be inflicted on an accused by an improper exercise of discretion, as by the erroneous decision of any point of law during the trial—that this discretion meant a sound legal discretion, which must be exercised in such a manner as not to deprive the party accused of any right guaranted to him by the law, and that when such discretion was improperly exercised, the acts of the inferior court must be reviewed. This is the doctrine of the courts of England, when properly understood; the doctrine of the courts of NewYork, of Virginia, New Jersey, Indiana, Massachusetts and Connecticut; and it was invariably maintained by the late Court of Errors and Appeals in this State. It was reasonable, therefore, to suppose that the framers of our Constitution, by inserting into it the provisions of the act of 1843, and copying substantially the words of the act, were aware of the construction they had uniformly received, and intended that in the Constution they should have the same meaning. But each citizen is not at liberty to construe the Constitution for himself. He must take it as it is judicially interpreted; and our present Supreme Court have decided that in criminal cases, questions of continuance and new trial are purely questions of discretion, which they have not the power to review.

In the case of a man who was prosecuted for murder, where it appeared on the affidavit of Mr. S. S. Lee, that the accused had been forced into trial without an opportunity of summoning his witnesses or preparing his defence, and where the Jury—after Judge McHenry, eager for a conviction, had compelled them by a species of duress to render a verdict—"*recommended him to the mercy of the Court on the ground of the prisoner not being prepared for trial;*" the Supreme Court refused to interfere, and adhered to its iron rule. That man, whether innocent or guilty, is now a convict in the State penitentiary, without having had an opportunity of defending himself. The Judiciary Department, therefore, fellow-citizens, has failed from a defect in its structure; it is incapable of settling principles and of establishing the law in cases within its acknowledged jurisdiction; and it has been denied by the construction of the Court, the exercise of the power absolutely necessary for the protection of the life, the liberty, the reputation and the property of the citizen. I speak with the freedom of history, and I hope without offence. But I speak regardless of the consequences of offence—determined as a free man to give free utterance to my candid opinions and judgment, when speaking to you on matters of high public importance. The Judiciary Department, then, of our government, like the Legislative Department of the government, has proved an entire failure. The only remedy is in the overthrow of the constitution. The constitution must be abolished.

Fellow-citizens—I have already detained you so long that I will trouble you with only a few remarks on the Executive Department of our government. The structure of that department is less defective than that of either of the other departments. The principal objection to it as it at present exists, is the immense patronage attached to it, through the power of appointing to office; and this defect, it has been and still is in the power of the Legislature, in some measure, to correct by exercising their constitutional right to prescribe the mode of appointment to offices established by law. But the Legislature has failed in this part as in other parts of their duty.

I need not speak to you, fellow-citizens, of the manner in which the appointing power has been exercised under the present constitution. [Several persons here called out—*Go on; go on. Let us hear. Let us hear how it has been exercised.* The speaker resumed.] Look, fellow-citizens, at our Judiciary. See the persons that have been appointed Judges in the city of NewOrleans—the four Judges of your Supreme Court—the Judges of your District Courts. Extend your view further, and see the other District Judges throughout the entire State! Have they not been appointed in the main on party grounds and by way of rewarding party services? Is this right? The office of a judge is of a pure and sacred nature. It ought to be the reward of learning, virtue and ability, and not the prize of partisan labors. Look next to the appointment of Notaries in this city. Is it not well known that men were appointed who were utterly incompetent to discharge their duties—men, some of whom could not draw the most common act, had never read a book of law, and were actually incapable of even undertaking the business of the offices to which they were appointed? This was surely a gross abuse of the executive power, and all candid men who reflect upon the subject, must admit that the Executive Department of our government has been badly administered.

I have detained, fellow-citizens, to point out clearly and distinctly some of the leading defects in the Constitution of the State, and in the legislation under it. And I declare that, in my best judgment, that constitution and that legislation have been injurious to the best interests of the State and of the city, and that those interests will be still further injured, and the prosperity of New Orleans altogether sacrificed, unless "the people shall come to the rescue;" and I can see no means of effecting a change from our present condition, except by a change of men and a change of the constitution. You must select for your representatives in the State Legislature and in the National Legislature, men of enlarged and enlightened views, who are not behind the times, who are attached to the Union, and will promote Internal Improvement. In selecting your representatives in Congress, you should should be particularly careful to choose those who will endeavor to obtain from Congress appropriations to aid Internal improvement for the benefit of this State and of the other States. The United States are large owners of public lands—of nearly twenty-eight millions of acres in Louisana alone. As these public lands are benefited by the construction of roads, Congress has pursued a wise and liberal system of donating alternate sections to their aid. And there is no reason why Louisiana should not, in common with other States, participate in the benefit of the system.

And now, fellow-citizens, while the whigs are advocating the system of reform and progress—of reform in the Constitution and laws; remedying injustice; removing unwise and illiberal restrictions and prohibitions upon the Legislature, remodeling and rendering efficient the Judiciary department—diminishing the power of the Executive by depriving it of a patronage corrupting and debasing in its tendencies—protecting and advancing the interests of commerce—promoting and extending internal improvements—calling forth and putting into useful action the now dormant energies and resources of the State—reviving credit and inviting capital among us—stimulating, cheering and rewarding labor—protecting the homestead of the poor man from the hand of oppression, and providing a more perfect system of public education—Mr. Taylor, a leading member of the democratic party, sneers at them as being conservative; because they are attached to the fundamental principles of American liberty, and can recognize no action as truly progressive which is opposed to those principles. And he vauntingly proclaims that he and his party are the only progressive party of this State. Impudent assertion! Progressive? In what? In removing the restrictions and injustice of the present Constitution? No. Stand fast. The Constitution is good enough for him. In introducing the benefits of a Free Banking system? No. Stand fast. We already enjoy a Free Banking system. In advancing the cause of internal improvements? Alas! the whigs recommend it. Progressive in what then? In that only which leads to ruin. I cannot believe that the great body of the democratic party favors such progress as Mr. Taylor seems to contemplate. Ambitious men, anxious to display a zeal which may recommend them to the favor of party, and burning with the desire to become prominent leaders, frequently lose sight of the safe ground on which they should entrench themselves, and running ahead, or more properly speaking, running away from the people, assume positions untenable and ruinous.

Mr. Soulé, in his speech delivered last month in Opelousas, declared that "there cannot be two opinions among sensible men as to the absolute right of a State to secede from the Union, if she chooses," and he quotes Gen. Jackson as sustaining, in what he (Mr. S.) calls "his *Counter Proclamation*," the right of secession. But you all know, fellow-citizens, that Gen. Jackson in his proclamation expressly denied the right of a State to secede, and declared that "to call it a Constitutional right, can only be done through gross error, or to deceive those who are willing to assent a right, but would pause before they make a revolution, or incur the penalties consequent on a failure."

The speech of the Senator at Opelousas, and his speech on the admission of California into the Union, are indeed extraordinary productions, and contain opinions and doctrines directly at war with the great principles of the Democratic party. In his speech upon the admission of California into the Union, he declared that if the people of the South quietly submitted to the measure, "then truly would those masters of slaves deserve to be slaves themselves; that they could be reconciled to a condition, where to submit to disgrace were prudence, and to be contemptible a necessity." In his speech in Opelousas, after denouncing in strong terms all the measures of the Compromise, he exclaimed, "What! *submit* to evident undeniable wrong! Upon my heart and soul, NEVER, NEVER!" Oh, no, fellow-citizens, he will *not submit*. But he will "*endure*" it. Still, while he lives, he shall, with all the energies of his lungs, *protest* against it.

Mr. Soulé declares that the right to secede was fully and most emphatically implied in the Articles of Confederation, and is not surrendered by the Constitution. The articles of Confederation, upon their very face, declare that they are "*Articles of Confederation and* PERPETUAL *Union.*" And in the Preamble to the Constitution of the United States, it is declared that the people of the United States, in order to form a *more perfect* Union, do ordain and establish the Constitution.

Mr. Soulé declares that a State in seceding would only "exert her undoubted privilege as one of the sovereign confederates." This declaration is based upon the notion that the Constitution of the United States is a mere league between sovereign States who have preserved their whole sovereignty. But the Constitution of the United States forms a government, and not a league. It operates directly upon the people, individually, and not upon the States. Each State has surrendered many essential portions of its sovereignty for the purpose of constituting, with the other States, a nation. To secede, then, is not to break a league, but, in the language of Gen. Jackson, to destroy the unity of a nation.

Mr. Soulé declares, substantially, that his allegiance is due to the State alone, and not to the United States. "Does not each of us," says he, in his speech, "possess, do we not exert, whenever we please, the right of changing our allegiance by passing from one State to the other, or to a foreign State? Who denies it? Who doubts it?"

Does Mr Soulé suppose that his allegiance to the United States would be changed by his passing from Louisiana to South Carolina, or to Massachusetts? Has he not taken an oath of allegiance to the United States? Has he not sworn to support the Constitution of the United States? Does not that Constitution provide that the Constitution and the laws of the United States shall be the supreme law of the land; and does it not also provide that the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by OATH to support the Constitution? Does it not contain a clause expressly conveying a right to punish treason against the United States? And is not treason the highest breach of allegiance?"

How can a citizen of the United States say, then, that he owes no allegiance to the United States? and how can he imagine that that allegiance is changed by "passing from one State to the other, or to a foreign State?

I can scarcely imagine how even a native of a State, who has not reflected seriously upon the true character and complicated structure of our government, and who has been educated with false feelings of State pride, and been taught the extreme doctrines of State Rights in the schools of abstractionists and metaphysicians, can so far lose sight of the operations of the National Government as for a moment to believe that he owes allegiance to his native State alone, and that he owes no allegiance to the United States. But I confess myself entirely at a loss to understand how an adopted citizen, whose right of citizenship has been conferred upon him by the United States, and not by the State in which he may chance to live, and who, at the time of his application to be admitted, must have renounced and abjured all allegiance to the Prince, State or sovereignty whereof he was before a citizen or subject, and swore to support the Constitution of the United States; I confess myself entirely at a loss to understand how such a person can believe that his allegiance is not due to the United States.

These notions and these doctrines of Mr. Soule, if carried out into practice, would destroy our national character as Americans, and put an end to the Union.

Mr. Soulé says, "he is not for breaking this confederacy; he is not for advising this State to join in any secession movement which may be made by other States." Oh! no. He only argues the right in the abstract. He would have the people still endure. But this is a dangerous philosophy. Practically speaking, there is but one step from the conviction as to a right and its enforcement; from the suffering of a wrong to its manly redress. Ours is a government of sentiment and affection, and if the feelings of the people are once al