

The Columbus Democrat.

[Vol. 8 No. 11.]

H. H. Worthington, Editor.]

COLUMBUS, MISSISSIPPI, SATURDAY, SEPTEMBER 18, 1841.

THE DEMOCRAT
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Letters to the publishers, to insure attention, must be post paid.
Announcing candidates for office, \$10.
Work of any description done at this office, must be paid for when the work is performed.

CANDIDATES.

The fee for announcing the name of a candidate is \$10.

SECRETARY OF STATE.

We are authorized to announce **Dr. Daniel O. Williams**, of Hinds county, as a candidate for Secretary of State. [Paid.]

STATE SENATE.

We are authorized to announce **Gen. Jesse Speight**, as a candidate at the next November election to represent Lowndes county in the State Senate.

We are authorized to announce **Capt. P. B. Starke**, as a candidate for Senator of Lowndes County, at the ensuing November election.

REPRESENTATIVES.

We are authorized to announce **Joseph S. Leake**, as a candidate to represent this county in the House of Representatives at the ensuing November election.

We are authorized to announce **John T. Connell**, as a candidate to represent this county in the House of Representatives at the ensuing November election.

We are authorized to announce **Ovid P. Brown**, as a candidate to represent this county in the House of Representatives at the ensuing November election.

JUDICIAL.

We are authorized to announce **The Hon. Hendley S. Bennett**, as a candidate for re-election, at the next November election for the office of Circuit Judge for the 6th Judicial District of the State of Mississippi, composed of the counties of Lowndes, Noxubee, Kemper, Winston and Oktibbeha. [Paid \$5.]

We are authorized to announce **George R. Clayton**, as a candidate at the next November election for the office of Circuit Judge for the 6th Judicial District of the State of Mississippi, composed of the counties of Lowndes, Noxubee, Kemper, Winston and Oktibbeha.

SHERIFFALTY.

We are authorized to announce **ELI ABBOTT**, as a candidate for the office of Sheriff of Lowndes county at the ensuing November election.

We are authorized to announce **Gen. Pryor M. Grant**, as a candidate for re-election to the Sheriffalty of Lowndes County at the ensuing November election.

CLERK OF CIRCUIT COURT.

We are authorized to announce **Sterling H. Lester**, as a candidate for Clerk of the Circuit court of Lowndes County at the next November election. [Paid.]

We are authorized to announce **John D. Montgomery**, as a candidate for the office of Clerk of the Circuit court of Lowndes county at our next election. [Paid.]

We are authorized to announce **Everard Dowling Jun.**, as a candidate for the office of clerk of the Circuit court of Lowndes county at the ensuing November election.

PROBATE CLERK.

We are authorized to announce **William P. Puller** as a candidate for re-election to the office of Probate Clerk for Lowndes County at the ensuing November election.

We are authorized to announce **Robert Weir**, as a candidate for the office of Clerk of the Probate Court of Lowndes county at the ensuing November election.

We are authorized to announce **John M. Hughes**, as a candidate for the office of Clerk of the Probate Court of Lowndes county, at the next November election. [Paid.]

MAYORALTY.

We are authorized to announce **Greene Hill Esq.**, as a candidate for the office of Mayor of the City of Columbus, at the ensuing November election.

We are authorized to announce **Abr'm Murdock**, as a candidate for the office of Mayor of the city of Columbus, at the ensuing November election.

COUNTY TREASURER.

We are authorized to announce **Jno. N. Mullin**, as a candidate for re-election to the office of Treasurer of Lowndes County, at the ensuing November election.

We are authorized to announce **Elihu B. Gaston** as a candidate for the office of Treasurer of Lowndes county at the ensuing November election.

We are authorized to announce **Andrew H. Jordan**, as a candidate for the office of Treasurer of Lowndes county at the ensuing November election.

We are authorized to announce **Harrison Hale**, as a candidate for office of Treasurer of Lowndes county at the next November election.

TAX COLLECTOR.

We are authorized to announce **Lawson H. Willeford**, as a candidate for the office of Tax Collector of Lowndes County at the next ensuing November election. [Paid.]

We are authorized to announce **Geo. W. Waddell** as a candidate for Tax Collector for the County of Lowndes at the next November election. [Paid.]

We are authorized to announce **Gideon Woodruff**, as a candidate for the office of Tax Collector of Lowndes county at the ensuing November election.

We are authorized to announce **Michael McCarty** as a candidate for the office of Tax Collector of Lowndes county at the next November election.

We are authorized to announce **John Weardon**, as a candidate for the office of Tax Collector of Lowndes county at the next November election.

We are authorized to announce **Thos. J. Lewis**, as a candidate for the office of Tax Collector of Lowndes county at the ensuing November election.

CORONER.

We are authorized to announce **Alfred Thacher**, as a candidate for the office of Coroner of Lowndes County at the ensuing November election.

We are authorized to announce **George R. McDaniel**, as a candidate for the office of Coroner of Lowndes county at the ensuing November election.

We are authorized to announce **John R. Tankersly**, as a candidate for Coroner of Lowndes County at the ensuing November election.

CONSTABLE.

We are authorized to announce **Thos. E. Bell**, as a candidate for the office of Town Constable at the ensuing November election.

We are authorized to announce **Robert Blakeley**, as a candidate for Town Constable at the November election. [Paid.]

THE PRINTER'S SONG.

Print, comrades print; a noble task
Is one we gaily ply;
Thine ours to tell to all who ask,
The wonders of earth and sky;
We catch the thought all glowing warm,
As it leaves the student's brain;
And place the stamp of enduring form
On poets airy strain.
Then let us sing, as we nimbly fling
The slender letters round;
A glorious thing is our laboring,
Oh where may its like be found!
Print, comrades, print; the fairest thought
Ever limned in Printer's dream,
The rarest form e'er Sculptor wrought,
By the light of heaven's gleam,
Thou' lovely, may not match the power
Which our own proud art can claim;
That looks the past with the present hour,
And its breath—the voice of time.
Then let us sing, as we nimbly fling
The slender letters round;
A glorious thing is our laboring,
Oh where may its like be found!

Print, comrades print; God hath ordained
That man by his toil should live;
Then upon the charge, that we disclaim
The labor that God would give;
We envy not the sows of earth,
Nor the Lord in princely hall;
But have being the wise decrees
In kindred meant for us all.
Then let us sing, as we nimbly fling
The slender letters round;
A glorious thing is our laboring,
Oh where may its like be found!

HON. JACOB THOMPSON'S LETTER.

VIENNA, July 5th, 1841.

To the Hon. Jacob Thompson:

Dear Sir—While your position as a candidate for Congress does not necessarily require that you should discuss the "bond question" before the people, yet your opinion upon the subject is a matter of interest to many of your political friends in this part of the State—and knowing that, in the true spirit of democracy, you are always ready to avow your principles upon political questions, I take the liberty of asking, whether you believe the bonds sold by the Mississippi Union Bank to Mr. Nicholas Biddle, were issued in conformity with the provisions of the constitution of the State?—And if not so issued, whether in your opinion, it comports with the true dignity of the State, to recognize a claim, growing out of a violation of the fundamental law?

The intention of this letter is to solicit a reply to the above interrogatories, for the purpose of publication; that your political friends may be assured of your position; and that our "bond-paying" brethren may have their doubts removed.

With sentiments of respect &c.,

S. P. WEBSTER.

OXFORD, Miss., AUGUST, 1841.

Dear Sir—Your favor of the 6th ult. was not received till the 16th, at which time I was preparing to leave home to fill some appointments for public discussion previously made. On my return, I found the bond of disease had been heavily laid upon my family. They required my personal attention; and before their recovery I myself became the subject of a short but vigorous attack of fever; from which I am now convalescent. I am thus explicit in my apology, to show you that the delay of this response to your favor proceeds from no discrimination in answer.

Before proceeding to the main purpose of this letter, indulge me in a brief remark. I am the subject of the "Union Bank Bonds" is one of the deepest and thrilling interest to the people of Mississippi. It involves questions of the very first magnitude; and its discussion we should remove from our minds every impediment to a clear and just conclusion. Passion should be banished, obstructing prejudices should be merged in an ardent desire for the common weal, party trammels should be sundered, party associations forgotten, party dissidence dispensed; and every freeman of Mississippi, fully conscious of his dignity and responsibility as possessed of a portion of the sovereignty of the State, should march up to the decision of this great question, with the same nerve and independence of thought which characterized our ancestors, and with the same purpose and determination to be just to themselves and posterity, and just to all the world. It is for the people of Mississippi alone to enter up judgment in this matter, and when they speak out with a clear, unequivocal voice, none will dare gainsay it. It is a domestic question; and when we of the household shall decide it, from that judgment there lies no appeal but to the enlightened opinions of mankind.

Viewing this question in this way, it is manifestly improper to give to it a party taint. The whole people should unite in one course or the other; the dignity and respectability of their decision will greatly depend upon it. Neither side exclusively belongs to Democrats or Whigs. It is the people's cause, and all division is to be deprecated. Therefore, I thought it becoming in me whose name had been associated with par-

ty in the State, publicly to give out my opinions on this question, and endeavor to lead off with them. Justly might I have been charged with an effort to raise a new issue, and in withdraw my conduct as the people's representative from public scrutiny. But no sooner had I appeared on the forum to endeavor to give an account of my stewardship, and to explain the principles which should guide me in the federal legislature, than the Whig candidate for Congress, true to the mandates of the Whig convention of last winter, (which feeling that the concession obtained by them in this State was merely temporary, sought to make this bond question the "shibboleth of party," as a means of staying their falling fortunes,) called upon me for my opinions: not in the name of the people, but for his own use and purpose. My reply was, when the people called for my opinion on any subject, they should be forthcoming; but when intended for him, for his use, they could never be had. Since then, I have been called out in a manner which required me to meet this local question—I have done so. It is surely an unfair test by which to try candidates for Congress. My views have not been formed with an eye to advancement, or even with the expectation that they would be publicly called for. They have been made up, if I know my own heart, in part, for my own satisfaction and guidance; with no intention to make them the standard of my fitness or unfitness for station; and if, in making them public, ought is contributed to give this bond question a party cast, my skirts are clear of the sin. I wish it to be distinctly understood, that my opinion on this question should be taken up, discussed and decided upon its own merits.

Interrogatory 1st. Do you believe the bonds sold by the Mississippi Union Bank to Mr. Nicholas Biddle were issued in conformity with the provisions of the constitution of the State?

In answering this question, no argument is required; but a simple succinct statement of the facts in the case will, in my estimation, be satisfactory.

The constitution provides that "no law shall ever be passed to raise a loan of money upon the credit of the State, or to pledge the faith of the State for the payment or redemption of any loan or debt, unless such law be proposed in the Senate or House of Representatives, and be agreed to by a majority of the members of each House and entered on their journals with the yeas and nays taken thereon; and be referred to the next succeeding Legislature and published for three months previous to the next regular election in three newspapers of this State; and unless a majority of each branch of the Legislature so elected after such publication shall agree to and pass such law; and in such case the yeas and nays shall be taken and entered on the journals of each House.

This wise provision of our constitution is peculiar to our State; and amidst the general pecuniary embarrassment which now presses heavily upon the energies of several of our sister States, arising from imprudent and hasty legislation, and from an unadvised pawing of that brightest jewel of the State—her faith—for the purpose of raising money to be used by the few for the prejudice of the many, every Mississippian should feel grateful to the framers of our constitution for their prudence and foresight in this guarding our honor and property by restraining from tampering with our faith or credit as a State, a legislature whose whole course of conduct has evidently proceeded from impulse rather than wise and deliberate counsel. But it would be a mockery of constitutional governments to say to their agents, "thou shalt thou go, and no farther;" and yet quietly sanction every infraction of reserved rights.

At the January session of 1837, the Legislature of our State passed an act entitled "An Act to incorporate the subscribers to the Mississippi Union Bank," in which you must mark the fact that no provision is made that the State of Mississippi shall be a subscriber for stock; but, on the contrary, section 4th of the law says that the owners of real estate situated in the State of Mississippi, and who are citizens thereof, shall be the only persons entitled to subscribe." This law provides that the capital of the bank shall be \$15,000,000—that the books of subscription shall be kept open for six months, under the inspection of ten managers to be chosen by the Legislature—that so soon as five thousand shares shall have been subscribed, the Governor of the State shall appoint thirteen directors to serve for twelve months, who shall take charge of the Bank and the books of subscription—that after the books are closed, the bank may go into immediate operation whenever it shall appear that at least \$500,000 shall have been subscribed and paid in—that those declared stockholders by the directors shall pay into the bank the sum of ten dollars upon each and every share subscribed—that the stockholders shall give their bonds to the bank for the amount of stock allowed to each, and shall also execute mortgages upon real estate, with the privilege of including one fourth of the amount on slaves, to secure the payment of their stock bonds—that not only property mortgaged but the whole estate of the stockholder would have been bound for the redemption of the stock; and that both the principal and interest of the bank bonds were to be paid by the bank as they severally fell due. Then it is further provided, that the State shall pledge its faith for the redemption of the capital stock, or, in other words, shall become the security of the subscribers for stock upon being allowed ten per cent. of the profits of the bank, the appointment of five of the thirteen directors and a standing accommodation loan of \$2,000,000 and the 30th section requires the Governor to execute to the said bank, from time to time, bonds in amount proportioned to the sum subscribed and secured to the satisfaction of the directors, until the whole amount of bonds shall be furnished. In this charter you will at once perceive no risk, no hazard of taxation whatsoever.

This act was published—not the length of time required by the constitution, it is true, but still it was published, and it is unworthy of this great question to dwell on quibbles. At a succeeding Legislature, which met in January, 1838, the same law came up for re-enactment—While it was still pending, and before another vote was taken upon it, a joint committee of the Senate and House of Representatives, a committee of the greatest weight and highest responsibility that can at any time be raised, was appointed and instructed to "examine whether the said bill can be amended, and if so, whether it be practicable to change it into a State Bank exclusively." From the unanimous report of that committee, permit me to draw your attention to the following extract:

"But as that portion of the said charter which relates to subscribers or stockholders to the said institution, being the primary condition on which the faith of the State is to be pledged, and as such constitutes a vital part of it, we have no power to change the same, unless it should be again submitted to the people for their sanction, which would have the tendency to postpone at least for two years its consummation. This course your committee believe would be directly at war with the wishes of our constituents." &c.

This report was received and unanimously adopted by the Legislature. At that time, while the charter is still pending and open of course to all amendments admissible under the constitution it is the unanimous opinion that the vital parts of the bill cannot be changed without re-submission of the charter to the people. Consequently the original charter becomes a law on the 5th day of February, 1838; without change or alteration. Without calling in question the constitutionality of this charter, I might stop and triumphantly ask: How a single bond of the State had been issued and sold under this charter? If so, Who were the directors appointed by the Governor to manage the bank? Who were the subscribers for stock? Had the books of subscription been kept open six months? How many subscribers had paid ten dollars upon each and every share subscribed?—How many bonds for stock had been given and secured by satisfactory mortgages? Not one of these things had been done at the time the bonds in question were issued and sold, and the purchaser must have known it.

But here follows the explanation. Ten days after the passage of the foregoing charter, the same Legislature that determined by unanimous vote that the charter could not be amended while pending before them, passed "An act supplementary to an act to incorporate the subscribers to the Mississippi Union Bank"—wherein, under the magic title of supplement, they endeavored to do indirectly what the conscience of every member checked him in doing directly. They made changes in the charter, by way of supplement, which, but a few days before, they had declared under oath would vitiate the whole instrument. This procedure was in violation of all parliamentary rule, known in this or any other enlightened country; and it can be considered no other light than a legislative fraud; because it violated not only the constitution, according to their own showing, but also one of their express rules of order, which prohibited the repeal of any law the same session at which it was passed. On the 15th February 1838, this act took the form and shape of law. The very first section changed altogether the attitude of the State to the Bank. In the original act, the State being simply uncommitted, agreed to stand as the security of the stockholders; in this supplemental act she becomes primarily liable for \$5,000,000. In the original act, no individual but a citizen of the State can subscribe and take stock; in this act the State becomes a subscriber for stock, and by express repeal gives up her ten per cent. of the profit, her five directors, and her accommodation loan of \$2,000,000, and becomes a partner in the banking adventure. All this is done under the ostensible word supplement without submitting it in any way to the people! Now it must be apparent to the commonest understanding, that it was not in the power of the Legislature to make the State a subscriber for stock in this bank—to render her liable for the sum of \$5,000,000, or any other amount—to change her attitude in any respect towards the stockholders in the bank—to enlarge or diminish her interest in the bank, as it stood at the passage of the original charter, without submitting to the action of the people. This right had been expressly reserved to the people in her fundamental law; and until they had been consulted in the manner prescribed, all action by their supposed agents was null and void, and the whole would have been bound to take notice of it.—These propositions are so self-evident, no man of candor and discrimination will dispute them.

The only question remaining, is, Does the present supposed liability arise under and by virtue of the supplement? It is apparent that it does so arise; 1st, from the very terms of the mortgages for stock which were drawn up by the officers of the bank, and which have been recorded in almost every county of the State, in which it is set forth that the intent of the mortgage is to secure the payment of only \$10,000,000, leaving \$5,000,000, a sum already sold, to be paid by the State by virtue of the supplemental act. 2d, It is apparent from these facts that, at the time of the issuance of the five millions of bonds now held abroad, there were no subscribers for stock save the State alone; that the books of subscription had not been kept open as required by the original charter six months, that no bonds for stock, and no mortgages to secure them had been taken; that no directors had been appointed by the executive to examine and pass upon the validity of the mortgages; and that not a dollar had been paid in on a single share of stock. Therefore, they must have been issued in pursuance of the supplemental act, or else there is more base-ness in this whole transaction than ever characterized any other act of public functionaries. 3d, It is apparent, from the very terms of the power of attorney from the managers of the bank to the commissioners who went abroad to sell these bonds, This power of attorney, after reciting that the act to incorporate the subscribers to the Mississippi Union Bank had been passed by one Legislature, and in conformity to the constitution been published and referred to the next succeeding Legislature, which had passed and confirmed the said original act, and that the same was approved by the Governor on the 5th day of February, 1838, continues: "And whereas the said Legislature last above mentioned, passed an act entitled an act supplementary to an act to incorporate the subscribers of the Mississippi Union Bank, which was approved by the Governor, February 15th, 1838; and whereas the Governor of the State of Mississippi has, pursuant to the provisions of the said supplementary act, subscribed in behalf of the said State five thousand shares of the capital stock of said bank, and has executed twenty five hundred bonds of the said State of Mississippi for the sum of two thousand dollars each," &c. If truth can produce conviction, surely this question is now placed beyond cavil. 4th, It is self-evident that the purchaser of the bonds had not only constructive, but actual notice, that the faith of the State could not be pledged under the constitution by an act of the Legislature without a confirmation by the people; that the supplemental act had not been confirmed by the people; and that the bonds he purchased were issued "pursuant to the provisions of the said supplementary act!"—Because the power of attorney to the commissioners is made part and parcel of his contract with them, and it contains a clear statement of these facts.

"My answer then, is clear and decisive. I do not believe the bonds sold by the Mississippi Union Bank to Mr. Nicholas Biddle, were issued in conformity with the provisions of the constitution of the State; but on the contrary, that they were issued in violation of the sacred and expressly reserved rights of the people."

Interrogatory 2d; And if not issued, whether in your opinion it comports with the true dignity of the State, to recognize a claim growing out of a violation of the fundamental law?

I consider that in answering the preceding interrogatory, the answer to this follows as a necessary corollary. Every citizen of the State owes a faithful allegiance to Mississippi. Our constitution is the standing, expressed will of our large sovereign; She requires of every public functionary a solemn oath to maintain the integrity and sacredness of her injunctions; and declares every act of every officer which violates this constitution, null and void—of no validity whatever. Every infringement, therefore, of this expressed will, is dishonour and bad faith to our sovereign; and to maintain and successfully carry out such an infringement, would not only bring contempt and disrepute upon her character, but destroying all true dignity and elevation, would indicate impudently and prematurely decay. What constitutes the true dignity of a constitutional government? Surely not wealth nor splendid cities, nor costly works of improvement, nor officers of high salaries and gaudy equipage, nor heavy taxes collected from the many to pamper the pride of the few, nor great monopolizing corporations, guaranteeing unequal privileges to citizens declared to be equal—but an independent people, high minded men, who know their rights, and "knowing, dare maintain them." And, unless the people of Mississippi have the intelligence to discern and assert their rights, and the courage and spirit to assert and vindicate them, it will be marked down as an instance of the degeneracy of the times. Our highest obligation, our most sacred faith is pledged to uphold and maintain our constitution, and in every practicable manner to rebuke and repudiate every infraction of it. Enlightened public opinion, every where will sustain and justify Mississippi in adhering to her constitution; in rejecting with disdain every and all obligation which a few men, dressed in a little brief and accidental authority, may have sought to fasten upon her, in despite of its express prohibitory provisions. A wound has been inflicted upon our sacred constitution. This large majority admit. And while that wound is still bleeding, even before any proper effort is made to staunch it, an insulting demand is made of the people to suffer yet another, by the payment of an unconstitutional debt. How will an honorable member of the Legislature, who believes these bonds to be unconstitutional, dare, in the face of the world, to take an oath of fidelity to the constitution, and then vote an appropriation of the people's money to their payment? By what means can the property of the people be wrenched from their hands to be applied to an unconstitutional purpose? Who will submit to a tax which, if fairly and honestly imposed the courts are sworn not to enforce? Why is it that the advocates of liberty have cherished, for more than two centuries, the memory of the immortal Hampden? Simply because he had the boldness to resist the unconstitutional exaction of the royal prerogative in the levy of a small loan from the people. In the contemplation of the character of our revolutionary ancestors, what American heart does not pulsate with high emotions of pride and exultation, that their blood courses through his veins? Whence their greatness? The Parliament of Great Britain had imposed a light tax upon tea. Tea was a luxury, the use of which the large mass could have easily abandoned; and the rich could as easily have paid the duty; and the whole people could have folded their arms in quiet contentment. Not so, with that noble race of men. A principle had been violated by the Legislative authority; a tax had been imposed without their consent, which involved a violation of right. Tenacious of their rights, for setting personal ease and the endorsement of life, the sentimentual notions for defence; not a cent for tribute!" spontaneously burst from each patriot's heart. They banded together, and pledged their lives, their fortunes and their sacred honor, to resist the collection of the onerous tax. They were successful! Ours! the rich inheritance, in the free institutions we enjoy.

Whatever we may think of the policy of the course of South Carolina in her proposed resistance to the collection of an unconstitutional tax by the General Government in the years 1832—3, yet all must admit that the dignity and moral grandeur of her gallant stand and lofty bearing, on that occasion, was upon the admission of her sister States. Are the people capable of self government? Is yet a problem; and if it is to be decided that constitutions, which are the embodied will of freemen, are but blotted scrolls, which fighten the hand, but restrain not the bold and daring; then a long farewell to the cause of constitutional liberty—It soon will be numbered among the things that were, and the people will be viewed only as herds of burthen, to be driven about with the whip of a master.

It is said, however that though the bonds were unconstitutionally issued yet our supposed agents received the money upon them, and therefore a moral obligation rests upon the people to recognize the claim and restore the money received. Those who take this ground, involve themselves in inextricable difficulty. In the first place, the bonds being unconstitutionally issued, any act of the supposed agent who held them must be void; any disposition of them, any receipt for money obtained by virtue of them, must be equally nugatory, and so far as the State and the people are concerned, invalid. In the second place, it is a principle of law founded in common sense, that in suing for a debt, you must base your action on the highest evidence of indebtedness which is in existence, and as a bond under seal is a higher evidence of debt than an account for money had and received, you could not prefer your claim upon an account for money had and received before you set aside the bonds, which would necessarily involve their repudiation by the State. For, to be bound for the payment of the bonds is one thing and to be bound for the payment of the money had and received is quite another thing. These formalist questions, and they ought to be decided upon distinct and different considerations. In the first place; such a course leads necessarily to a double violation of the constitution, because

it would be a violation of the constitution to receive money from the people for an unconstitutional purpose; and it would be equally a violation to appropriate the money when raised to the payment of an unconstitutional debt. In the fourth place, if the Legislature did authorize the receipt of the money and did appropriate it, they had no power either to receive or appropriate, and could confer none; and it assuredly would be unheard of oppression to make the innocent many suffer for the sins of the guilty few who were acting clearly without the pale of their authority. In the fifth place, if the bonds were constitutionally issued, and if the agents were duly authorized to act; the fraud which characterized the sale, the palpable violation of the charter in selling the bonds below their par value, and in making the principal and interest payable in pounds sterling at the rate of four shilling and sixpence to the dollar instead of current money of the United States, by which a loss of more than one million of dollars is sustained by the State, all of which is more clearly and specifically set forth in the in a able correspondence of our Executive with the Trustees of the United States Bank, would be amply sufficient to justify the State in refusing the payment of these bonds.

A Legislature of Georgia once disposed of the largest and best portion of our State to a few adventurous speculators; yet a succeeding Legislature, solely on the ground of fraud, not only set aside the contract, but actually drew fire from heaven and burnt up the journals and every evidence of the contract within their reach. And the unbiased judgment of an impartial world has ever justified the act. But I do not grant the assumption that the State has received the money for which the bonds were sold. Not a single dollar has ever been received into the Treasury of the State. Not a dollar has been appropriated by the Legislature, since the sale of the bonds, for the use of the people, or for a governmental purpose. Not has that body in any way or manner whatever, controlled or used this money.

But it is further said, it is too late, to raise this question. The Legislature of 1838 authorized the issuance of these bonds, and the Legislature of 1839 justified and confirmed the sale of them; and the cry is now too far spent for us to raise up and call in question their payment. This is a deception, based upon an erroneous statement. The Legislature of 1838 did pass the supplement, and hereby made the State a subscriber for stock in the Union Bank, and attempted to render her primarily liable for the five millions of dollars for which the faith of the State is supposed to be pledged; which the Legislature clearly had no power to do without the sanction of the people; but the same men who had the hard hood to trample on the constitution in 1838, had also the presumption, at an adjourned session in 1839, being the same identical legislature, to sanction the sale of the bonds by the commissioners, which violated the charter of the Bank, the workmanship of their own hands.

If the reasoning above be correct, it amounts to this; if a man commit a wrong once it is a crime; if he commit a wrong twice, is it a virtue. If a Legislature assume power once, it is oppression of the same body afterwards recognize that assumption it is patriotism. More the legislature of 1838, when they attempted to raise the five millions of dollars to take stock in the Union Bank, made such a disposition of it as to place it beyond the reach of all the subsequent representatives of the people; so that a succeeding Legislature had not the power, if they had had the will, to return the money which had been unconstitutionally obtained. And the people could never effectively act or vote on the question, till they were called upon to pay either the principal or interest of these bonds.

Driven from this position that it is too late, it is then said it is too soon to raise the question. But if we owe the principal, we owe the interest; and as there are very few so dead to State, as to acknowledge our insolvency, our inability to pay it is our duty to save the State from dishonor. The last Legislature knew our situation; and while they promised very boastfully, they moved not a single finger to wipe out the stain of dishonor. Our State is now under protest, and therefore commercially dishonored. If I am rightly informed, the State during this year will be protested for more than 270,000 dollars on account of the Union Bank. The interest of the next year will be 2500 dollars. And it is not reasonable to suppose the bank will realize sound funds in sufficient amount to pay any, the smallest portion of that deficit. Her collections are as we all know, will be almost exclusively in her own notes, during this and the next year, which will not answer to pay even her own officers. If the bond payers succeed, surely they will not let the State remain under protest, dishonored; but, like independent men, they will have the manliness to inform the people how much the cause, and how much must be paid forthwith. Under such a policy, our present taxation being required for domestic an unquestionable claim of the sum of five hundred thousand dollars ought to be raised from the people during the next year. So we cannot longer avoid this question, if we would; we ought not, if we could.

Hence I am forced to the conclusion, that it is due to the constitution, it is due to our ancestors, it is due to ourselves, it is due to posterity, it is due to the cause of constitutional liberty every where, and it will constitute our true dignity and highest honor as a people, to refuse to recognize the unwholen claim. Considering these points to be so clear, it might seem strange, that a man of the acknowledged talents of Mr. Biddle, acting as he no doubt was, for the United States Bank, and in violation of her charter, should be willing to purchase the bonds, with the palpable defects. But, in my estimation, there is no difficulty in this matter. The late development of that bank, and Mr. Biddle's late series of letters in his own defence, conclusively show him to be a corrupt money-changer. If considered in his power, at that time, to make an advantageous arrangement with the bond; and possessed with a large amount of South-western funds which were fluctuating and unstable in value, he was enabled to make the payments to the Union Bank with ease and advantage. Believing then in the influence of money over public men, he conceived that a bank with a capital of fifteen and a half millions of dollars, with its numerous branches running into the remotest corners of the State, would at all times, be strong enough to control the legislative action of a small and enterprising State. Such, in my opinion, is a true explanation of his conduct. Because it could not have proceeded from ignorance of the insufficiency of the bonds to bind the State.

of the said supplementary act!"—Because the power of attorney to the commissioners is made part and parcel of his contract with them, and it contains a clear statement of these facts.

"My answer then, is clear and decisive. I do not believe the bonds sold by the Mississippi Union Bank to Mr. Nicholas Biddle, were issued in conformity with the provisions of the constitution of the State; but on the contrary, that they were issued in violation of the sacred and expressly reserved rights of the people."

Interrogatory 2d; And if not issued, whether in your opinion it comports with the true dignity of the State, to recognize a claim growing out of a violation of the fundamental law?

I consider that in answering the preceding interrogatory, the answer to this follows as a necessary corollary. Every citizen of the State owes a faithful allegiance to Mississippi. Our constitution is the standing, expressed will of our large sovereign; She requires of every public functionary a solemn oath to maintain the integrity and sacredness of her injunctions; and declares every act of every officer which violates this constitution, null and void—of no validity whatever. Every infringement, therefore, of this expressed will, is dishonour and bad faith to our sovereign; and to maintain and successfully carry out such an infringement, would not only bring contempt and disrepute upon her character, but destroying all true dignity and elevation, would indicate impudently and prematurely decay. What constitutes the true dignity of a constitutional government? Surely not wealth nor splendid cities, nor costly works of improvement, nor officers of high salaries and gaudy equipage, nor heavy taxes collected from the many to pamper the pride of the few, nor great monopolizing corporations, guaranteeing unequal privileges to citizens declared to be equal—but an independent people, high minded men, who know their rights, and "knowing, dare maintain them." And, unless the people of Mississippi have the intelligence to discern and assert their rights, and the courage and spirit to assert and vindicate them, it will be marked down as an instance of the degeneracy of the times. Our highest obligation, our most sacred faith is pledged to uphold and maintain our constitution, and in every practicable manner to rebuke and repudiate every infraction of it. Enlightened public opinion, every where will sustain and justify Mississippi in adhering to her constitution; in rejecting with disdain every and all obligation which a few men, dressed in a little brief and accidental authority, may have sought to fasten upon her, in despite of its express prohibitory provisions. A wound has been inflicted upon our sacred constitution. This large majority admit. And while that wound is still bleeding, even before any proper effort is made to staunch it, an insulting demand is made of the people to suffer yet another, by the payment of an unconstitutional debt. How will an honorable member of the Legislature, who believes these bonds to be unconstitutional, dare, in the face of the world, to take an oath of fidelity to the constitution, and then vote an appropriation of the people's money to their payment? By what means can the property of the people be wrenched from their hands to be applied to an unconstitutional purpose? Who will submit to a tax which, if fairly and honestly imposed the courts are sworn not to enforce? Why is it that the advocates of liberty have cherished, for more than two centuries, the memory of the immortal Hampden? Simply because he had the boldness to resist the unconstitutional exaction of the royal prerogative in the levy of a small loan from the people. In the contemplation of the character of our revolutionary ancestors, what American heart does not pulsate with high emotions of pride and exultation, that their blood courses through his veins? Whence their greatness? The Parliament of Great Britain had imposed a light tax upon tea. Tea was a luxury, the use of which the large mass could have easily abandoned; and the rich could as easily have paid the duty; and the whole people could have folded their arms in quiet contentment. Not so, with that noble race of men. A principle had been violated by the Legislative authority; a tax had been imposed without their consent, which involved a violation of right. Tenacious of their rights, for setting personal ease and the endorsement of life, the sentimentual notions for defence; not a cent for tribute!" spontaneously burst from each patriot's heart. They banded together, and pledged their lives, their fortunes and their sacred honor, to resist the collection of the onerous tax. They were successful! Ours! the rich inheritance, in the free institutions we enjoy.

Whatever we may think of the policy of the course of South Carolina in her proposed resistance to the collection of an unconstitutional tax by the General Government in the years 1832—3, yet all must admit that the dignity and moral grandeur of her gallant stand and lofty bearing, on that occasion, was upon the admission of her sister States. Are the people capable of self government? Is yet a problem; and if it is to be decided that constitutions, which are the embodied will of freemen, are but blotted scrolls, which fighten the hand, but restrain