THE MEMPHIS DAILY APPEAL.

BY M'CLANAHAN, TROUSDALE & DILL. MEMPHIS, TUESDAY, JULY 19, 1859. VOLUME X.—NUMBER 167.

Daily Appeal.

LETTER FROM DANIEL S. DICKINSON, OF New York.

From the Nashville Union.]

Mr. A. G. Merritt, the able and gallant standard bearer of the Democratic party in this floating district, being desirous of obtaining information from the most reliable sources with regard to the practical operation of the policy of subjecting banking corporations to legislative supervision and control, as advocated by the Democratic party of this State, has written to several gentlemen of distinction in New York, inquiring concerning the Banking System of that State.

The letter from ex-President Fillmore, in reply to Mr. Merritt's communication, has already been laid before our readers. We are permitted this morning to publish a letter on the same subject from Hon. Daniel S. Dickinson, whose long experience and eminent ability as a statesman, entitles his views to very great weight and consideration.

The facts stated in this communication have already been given to our readers in the articles we have published on Repealable Charters. We have here, however, condensed in a brief space the whole history of the origin and operation of a principle which has been adopted with the most beneficial results, in Virginia, Pennsylvania, Ohio, and the other commercial States.

The greater portion of the banking capital in the United States is now invested in corporations, which are subject to amendment and repeal, at the pleasure of the people's representatives.

In New York, the system of repealable corporations was first adopted in 1837, and has been continued ever since, the principle being incorporated in the general banking law.

This general law was adopted, as Mr. Dickinson informs us, on account of the numerous applications for bank charters, which were eagerly sought, notwithstanding the Legislature retained, and had actually exercised, in several cases, its right of repealing such charters. So beneficial, however, had this policy proved in protecting the people from wrong, that a clause was introduced in the constitution of New York, in 1846, declaring that all acts of incorporation should be subject to modifications or repeal, and the same provision was embodied in the general banking law.

Mr. Dickinson's testimony accords with the universal experience of those States which have tested the policy of repealable corporations. In every State where the system has been adopted, the result has been greater "stability of banking institutions," increased security to the creditors of these institutions, and greater "integrity in their management," and so marked have been the benefits of the system, that "a proposition from any quarter to place the banking interest beyond the reach of legislative supervision, for any time whatsoever, would be received with universal disfavor and remonstrance."

BINGHAMPTON, N. Y., July 5, 1859.

MY DEAR SIR: On my return from a few days' attendance upon the Court of Appeals, at Albany, I found your favor of the 12th of June, inquiring generally of the banking system of this State, and especially for the origin of the provision authorizing the modification or repeal of charters, "at the pleasure of the Legislature," and what has been the success of the New York system under it.

It has at all times been the legislative policy of this State, from my earliest recollection, to grant no charters beyond the reach of legislation. With many special charters, there is, I believe, but a single one which contains an exemption from this provision, and that is the Manhattan Company, chartered in 1799, ostensibly for the purpose of supplying the city of New York with pure water, but in reality for what, when it came to the practical exercise of its corporate functions, proved to have concealed in its stealthy verbiage a perpetual bank charter.

The history of this charter, doubtless, served to arouse legislative watchfulness and suspicion, and charters have since contained declaratory provisions that "The Legislature may, at any time, alter, modify or repeal this act." Under this clause, two charters, at least, were promptly repealed, years since—one being engaged in securing elections, and another for having its notes or checks contrary to the provisions of its charter. Yet, notwithstanding this summary treatment, so little are special charters were granted the Legislature was annually besieged to increase the number, and the stock was so eagerly sought for that millions were subscribed where but thousands were to be distributed.

In short, so clamorous and importunate became the applications for bank charters, that it assumed dangerous shapes. About 1828 a general banking law was enacted, throwing the business open to all who would comply with its provisions, and since that period no special charters have been granted, but those in existence were left to expire by limitation. This general law, with many amendments and improvements suggested by experience, constitutes our present system, and all new institutions are formed by its authority.

The general law, under which our banking institutions are formed and transact their business, is, like all other laws, subject to amendment, modification or repeal. And yet, there is no State in the Union which can claim precedence over this in the stability of banking investments, the safety of such institutions, or the integrity of their management; and, I am quite sure that a proposition from any quarter to place this interest beyond the reach of legislative supervision, for any time whatsoever, would be received with universal disfavor and remonstrance.

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THE NATURALIZATION QUESTION.

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The Constitution of the United States recognizes the natural right of expatriation, by conferring upon Congress the power "to establish a uniform rule of naturalization." Indeed, it was one of the grievances alleged against the King in the Declaration of Independence, that he had "endeavored to prevent the population of these States—for that purpose obstructing the laws of naturalization of foreigners, refusing to pass other laws to encourage their migration hither," etc., etc. The constitution thus clearly recognizes the principle of expatriation in the strongest manner. It would have been inconsistent and absurd, and unworthy of the character of the authors of that instrument, to hold out inducements to foreigners to abandon their native land, to renounce their allegiance to their sovereign, and to become citizens of the United States, if they had not been convinced of the absolute and unconditional right of expatriation. Congress have uniformly acted upon this principle ever since the commencement of the Federal Government. They established "a uniform rule of naturalization" nearly seventy years ago. There has since been no period in our history when laws for this purpose did not exist, though their provisions have undergone successive changes. The oath, in order to be made a citizen, must declare an oath or affirmation that he will support the Constitution of the United States; and, at the same time he is required to declare that he will entirely renounce and adjure all allegiance and fidelity to every foreign prince, potentate, State, or sovereignty whatever, and particularly, by name, the prince, potentate, State or sovereignty whereof he was before a citizen."

The exercise of the right of naturalization, and the consequent recognition of the principle of expatriation, are not prohibited by the government of the United States. There is not a country in Europe, I believe, at the present moment, where the law does not authorize the naturalization of foreigners and the loss of other. Indeed, in some of these countries this law is more liberal than our own towards foreigners.

The question then arises, what rights do our laws confer upon a foreigner by granting him naturalization? I answer, all the rights, privileges, and immunities which belong to a native-born citizen, to their full extent, with the single qualification that, under the Constitution, "no person except a natural-born citizen is eligible to the office of President." With this exception, the naturalized citizen from and after the date of his naturalization, both at home and abroad, is placed upon the very same footing with the native citizen. He is neither in a better nor a worse condition. If a native citizen chooses to take up his residence in a foreign country for the purpose of advancing his fortune or promoting his happiness, he is, while there, bound to obey its municipal laws equally with those who have lived in it all their lives. He goes abroad with his eyes open; and if these laws be arbitrary and unjust, he has chosen to abide by the consequences. If they are administered in an equal spirit towards himself and other foreign subjects, this government has no right to interfere authoritatively in his behalf. To do this would be to violate the right of an independent nation to legislate within its own territories.

If this government were to undertake such a task, we might soon be involved in trouble with nearly the whole world. To protect our citizens against the application of this principle of universal law, in its full extent, we have treaties with several nations which recognize to American citizens when residing abroad from some of the onerous duties required from their own subjects. Where no such treaty exists, and an American citizen has committed a crime or incurred a penalty for violating any municipal law whatever of the country of his temporary residence, he is just as liable to be tried and punished for his offense, as though he had resided in it from the day of his birth. If this has not been done before his departure and he should voluntarily return and under the same jurisdiction, he may be tried and punished for the offense under principles of universal law. Under such circumstances, no person would think of contending that an intermediate residence in his own country for years would deprive the government whose laws he had violated of the power to enforce their execution. The very same principle, and no other, is applicable to the case of a naturalized citizen, should he choose to return to his native country. In that case, if he had committed an offense against the law before his departure, he is responsible for it in the same manner as the native American citizen to whom I have referred.

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While these principles cannot be contested, great care should be taken in their application, especially to our naturalized citizens. The moment a foreigner becomes naturalized his allegiance to his native country is severed forever. He experiences a new political birth. A broad and impassable line separates him from his native country. He is no more responsible for anything he may say or do, or omit to say or do, after assuming his new character, no more than if he had been born in the United States. Should he return to his native country, he returns as an American citizen, and in no other character. In order to retain his original government in such a case, it would have been necessary for him to have committed while he was a subject, and owed allegiance to that government. The offense must have been complete before his emigration. It would have been of such a character that he might have been tried and punished for it at the moment of his departure. A future liability to serve in the army will not be sufficient. I believe, I have thus given you the principles which I hold to be the law on the subject, and which I have acted upon in my official intercourse. A case little larger than a cipher may frequently be of the most serious importance.

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JNO. R. M'CLANAHAN, ... LEONIDAS TROUSDALE

BENJAMIN F. DILL

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M'CLANAHAN, TROUSDALE & DILL,

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3	5 00	8 00	10 00	12 00	16 00	20 00	25 00	30 00	50 00
4	7 00	10 00	12 50	15 00	20 00	25 00	31 25	37 50	62 50
5	8 00	12 00	15 00	18 00	24 00	30 00	37 50	45 00	75 00
6	10 00	14 00	17 50	20 00	28 00	35 00	43 75	52 50	87 50
7	12 00	16 00	20 00	24 00	32 00	40 00	50 00	60 00	100 00
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