The North Carolina Standard.

THOMAS LORING,
Editor and Proprietor.

THE CONSTITUTION AND THE UNION OF THE STATES.....THEY "MUST BE PRESERVED."

RALEIGH, N. C. WEDNESDAY, MARCH 1st, 1837.

VOL. III.....NO. 122.
Three Dollars per Annum.

TERMS.

Three dollars per annum, payable half-yearly in advance; but it will be necessary for those living at a distance, or out of the State, to pay an entire year in advance. A subscriber failing to give notice of his desire to discontinue at the expiration of the period for which he may have paid, will be considered as having subscribed anew, and the paper continued, at the option of the Editor, until ordered to be stopped; but no paper will be discontinued until all arrearages are paid.

Letters to the Editor must come free of postage, or they may not be attended to.

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Practice of Medicine
AND
MEDICINES FOR SALE.

THE Subscriber has purchased *Dr. Minnis'* Medical Establishment, and largely added to it, and has commenced the

PRACTICE OF PHYSIC

in this City—and hopes to deserve and receive a portion of the public patronage. His Office is opposite the well known HOTEL near the Court-House, where fresh and genuine MEDICINES, of the most approved kinds and in considerable variety—such as Thompson's, and Howard's. and Jewett's, and Dyott's, and many of those usually found in the Shops, will be kept FOR SALE—together with Thompson's and Howard's BOTANICAL RIGHTS, and Books of Instruction in Medicine and Midwifery.

As there no longer remains a doubt that the most formidable, as well as the ordinary diseases of our country, are arrested and cured by the simple and safe remedial agents of the

Improved Botanical System,

and with a certainty and readiness, hitherto unknown in this or any other country; and in many instances, when every other plan of treatment had utterly failed and the sufferer given over to die, as beyond the reach of human aid—the Subscriber intends in his own practice, never to depart from that System, except in cases of manifest necessity. His charges will be moderate, and all calls promptly attended to, with unremitting attention.

JOS. B. HINTON.

Raleigh, Feb. 22. 121-tf.

SOMETHING SPLENDID.
CAPITAL
$58,823 making $50,000 nett
FOR THE FORTUNATE HOLDER.

ALEXANDRIA LOTTERY.
Class C *for* 1837.

To be drawn at Alexandria, D, C. on Saturday, March 18th, 1837.
MAGNIFICENT CAPITALS.

$ 58,823--$ 15,000--$ 10,000
$5,000—$3,000—$2,500—$ 1,816—

50	Prizes of	1,000 dollars
50	do	500 dollars
50	do	300 dollars

&c.

Ticket $10—Half $5—Quarter $2 50
Certificates of packages of 25 Whole Tickets
$140; do do 25 Half do
70; do do 25 Quarter do
35.

SPLENDID!
CAPITAL
$35,294 making $30,000 nett
FOR THE FORTUNATE HOLDER.

VIRGINIA STATE LOTTERY.

For the benefit of the Mechanical Benevolent Society of Norfolk.
Class No. 3, *for* 1837.

To be drawn at Alexandria, Va., on Saturday, the 25th of March, 1337.

CAPITAL PRIZES.

$35,294---$11,764—$6,000
$5,000—$3,000—$2,500—$2,361
50 Prizes of $1,000
50 of $250—50 of $200

Tickets only $10—Halves $5—Quarters $2 50.
Certificates of packages of 25 Whole tickets
$130; do do of 25 Half do
65; do do of 25 Quarter do
32 50.

☞ For Tickets and Shares or certificates of Packages in the above Schemes, address
D. S GREGORY & CO. Managers,
(Successors of *Yates & M'Intyre.*)
Washington City, D. C.

☞ Orders from a distance by mail promptly attended to, and the drawings sent as soon as over.

Feb. 22. 121-3t.

State of North Carolina,
Ashe County.

Superior Court of Law,
Fall Term, 1836.

Emanuel Glimpse, *vs.* Catharine Glimpse. } Petition for Divorce.

IN THIS case, it appearing to the satisfaction of the Court, that the defendant (Catharine Glimpse,) is not a resident of this State; it is therefore ordered, that publication be made for six weeks in the North Carolina Standard, notifying the defendant to appear at the next Superior Court, to be held for the county of Ashe, at the Court-House in Jefferson, on the sixth Monday after the third Monday in February next, to answer said petition; otherwise, it will be heard *ex parte,* and judgment rendered accordingly.

Witness, Wm. Baker Clerk of our said Court, at Jefferson, the third Monday in September, 1836. WM. BAKER, C. S. C.

Feb. 22. 121-6t.

JOHN BRAGG, *Attorney at Law, Mobile Alabama.* As J. B. will practice in the UNITED STATES DISTRICT COURT at Mobile, he will attend to the speedy collection of all claims that may be due to persons *in other States,* in any part *of South Alabama.*

Mobile, Nov. 10, 1836. 106-tf.

JOB PRINTING
DONE AT THIS OFFICE.
with neatness and despatch.

AN ACT to incorporate the General Mining and Manufacturing Association.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That there shall be established in this State, a Mining and Manufacturing Company by the name and style of the "General Mining and Manufacturing Association;" the capital whereof shall not exceed one Million and a half of dollars, divided into shares of one hundred dollars each.

2. *Be it further enacted,* That when the sum of two hundred and fifty thousand dollars, ($250,000) shall have been subscribed, the Subscribers, their successors or assigns, are hereby declared to be incorporated by the name and style of the "General Mining and Manufacturing Association;" and shall continue to exist as such for Fifty years, and as such may sue and be sued, plead and be impleaded, and have power to make all bye-laws and regulations not inconsistent with the laws of the State, which may be necessary for the well ordering and conducting of the affairs of said Company, they may have and use a common Seal and the same break, alter, and renew at pleasure, and possess and enjoy all the privileges and rights of a corporation or body politic, *Provided,* that said corporation shall be confined to Mining and such Manufactures as are connected with the Metalic Arts and shall not exercise any banking privileges.

3. *Be it further enacted,* That Wm. J. Alexander and J. H. Bessel (of Charlotte,) Wm. A. Graham and K. P. Willis of Burke, Wm. S. Miller (of New York,) and such persons as they may associate with them, are hereby appointed Commissioners and are authorized at such times and place as they may deem expedient, after sixty days public advertisement in some newspaper printed in the State, to open books for the purpose of receiving subscriptions for shares of Stock in said company.

4. *Be it further enacted,* That said Commissioners are hereby authorized to receive in payment of Stock, real estate directly connected with the objects of said Company, and said Commissioners are authorized to adopt some uniform and equitable rule determining the conditions upon which real estate is to be received in subscriptions, for shares of Stock in the Company, and it is hereby further declared that the Stock of said corporation shall be held and deemed personal property, *Provided,* always that the real estate which shall be received in payment of Stock as aforesaid shall be subject to the same taxation as other lands in this State.

5. *Be it further enacted,* That all legal process against the corporation shall be served upon the President, unless he be absent from the State in which case it may be served upon a director, if no director can be found then upon any Stockholder in said corporation.

6. *Be it further enacted,* That it shall be the duty of said corporation to keep a full and fair record of all its proceedings in a book or books procured for that purpose, and shall produce the same in any of the Courts of record of this State whenever required so to do by any of said Courts.

7. *Be it further enacted,* That this act shall be in force from and after the ratification thereof.

February 22, 1837. 121-3t.

NOTICE.

THE Subscriber having heretofore qualified as Executor to the Estate of Paris Pearson, deceased, late of Orange county North Carolina. I William Pearson, as Executor, do hereby give notice to the following persons, who are entitled as legatees to a part of the same, according to Will, viz: Thomas G. Pearson, John M. Pearson and Joel A. Pearson, who are not residents of this State, to their heirs, Administrator's and executors, that I am now prepared & ready to pay over to each of them, the several sums to which they are entitled, and I do hereby give notice, that I will not hold myself liable to pay interest thereon, as I am now ready for settlement with said legatees. WILLIAM PEARSON. Ex'r.

Jan. 25. 121-3tp.

SPEECH
OF
Mr. Strange, of North Carolina,
On Mr. Ewing's resolution to rescind the Treasury order.

DELIVERED IN SENATE, JANUARY 9, 1837.

Mr. President:

It was not my purpose to have addressed the Senate to-day, but as some gentlemen, who desire to be heard on this question, have deferred their preparation from an expectation that I would occupy the floor, I am unwilling that inconvenience should result to a member of this body from any misconception arising from intimations I may have given. Therefore, although not prepared to my own satisfaction, I will ask the indulgence of the Senate for a few moments. I could have voted upon the original resolutions of the Senator from Ohio *sub silentio,* because, in so doing, my vote would have explained itself; but in adopting the substitute of the Senator from Virginia, I shall be placed in an equivocal position before my constituents, and therefore think it necessary that certain explanatory comments should accompany my vote. I will not deny, that as thoughts flowed in upon my mind during the discussion of the original question, I occasionally felt disposed to give them utterance; but prudence, that cowardly and sometimes assassin virtue, destroyed each embryo purpose as soon as it was formed. But now she changes sides, and whispers me that it is due to myself, and those whom I have the honor in part to represent, to crave the indulgence of the Senate for a few moments.

I am opposed to the original resolutions, because they proposed to rescind an Executive order. I do not mean by this a mere verbal criticism, for I suppose the honorable Senator really meant what his resolution contained, and proposes to rescind or repeal an Executive order by a vote of the National Legislature; and this, with due deference, I conceived to be a manifest solecism. The Legislative, Executive, and Judicial departments of this Government are wisely separated by the Constitution, and one cannot interfere with the province of another. The Legislative prescribes rules for the Executive and Judiciary, but cannot itself perform any legislative or judicial function, except in the special cases set forth in the Constitution. Congress may, if it be necessary and proper, command the Executive to repeal the Treasury order, but cannot itself repeal it. Congress passes laws for the government of every citizen, from the highest to the lowest, and at his own peril he yields or withholds obedience.—As well, and even with more propriety, might the Supreme Court say it repeals an act of Congress when it pronounces it unconstitutional, and refuses to enforce it. And as well might Congress say it repeals a decision of the Supreme Court, when that decision, having opened its eyes to some defect in the existing law, induces it to prescribe a new rule for future action. Even when the decisions of the court are palpably repugnant to the existing law, Congress cannot repeal them. Congress may direct what decisions shall be made in future, but cannot repeal those already published. Neither can it repeal the decisions of the Executive. The legislature prescribes rules for the government of both these departments, and to each of them it must be left to apply them; and each must, in the first instance, judge how far its own actions square with the rules prescribed, upon its own official responsibility. A direct declaration of repeal, therefore, must be altogether inoperative, and of course an absurdity.—The truth is, this Treasury order is altogether an Executive act, and can only be undone by Executive authority. Congress may command its repeal, and doubtless the Executive would yield such command respectful obedience. But it strikes me there is something in the mode of this undertaking to effect the repeal of the Treasury order, not consistent with strict parliamentary propriety: at least not altogether consistent with the professed purpose of those who desire its repeal. It is laid down in Jefferson's Manual, the highest authority acknowledged by us in such matters, that "when the House commands any thing it is by order. But facts, principles, their own opinions and purposes, are expressed in the form of resolutions." Now the resolutions before us, while they assume the name of resolutions, effect the office of orders, and to perform more, as I think I have before shown, than even an order would be competent to accomplish.

But again I am opposed to the resolutions, because they propose to prescribe a rule, unnecessarily as I conceive, in a matter where from its nature, a large discretion is desirable, being highly convenient, and in no degree liable to dangerous use. I know it is the fashion of the day to suppose that the Executive authority is the only one liable to abuse, or in any way likely to threaten the liberties of the country. Among the blessings, Mr. President, for which we of the present day are debtors to Heaven, there are none, politically speaking, for which we have more just reason to be grateful, than that the formation of our Constitution has not been left to our own hands; that we have received it ready formed in all its beautiful proportions, by men who seem to have been commissioned by Heaven for this very thing. Surrounded by an atmosphere, just purified by the storms and convulsions of the revolution, every one feeling more strongly than any other want that of an equal, wise, and impartial Government, they addressed themselves to the task with no faculty biassed by local or personal passions. They sought for truth with their visual organs, purged from the mists of prejudice, and they found her.—They listened to her inspired instructions, and penned the happy Constitution under which we now live, the envy of other nations, and the pride of our own. They divided Government into three departments, and prescribed the sphere in which each should move. Harmony and safety will ever attend its action, while each strictly observes the law of its creation. But it is difficult to say from which the most direful results are to be apprehended, should it with eccentric movement forsake its natural orbit, and invade those of its sister planets. Viewing this matter in the light of experience, we should be led to suppose that from the legislative department there was the greatest reason for jealousy of usurpation, or invasion of the province of others. The most remarkable and desolating revolutions of which modern history furnishes an account, are those of England and France, and the complete prostration of the Executive and Judicial authorities beneath the feet of the Legislative, marked those sanguinary events. But to press this portion of the subject no farther, suffice it to say, that true wisdom dictates to each department great forbearance towards the others, and a no less scrupulous abstinence from infringing upon their rights, than a jealous care of its own. The collection of the revenue is strictly an Executive act. The Legislature to be sure can alone prescribe the subjects of revenue, and the mode of its collection; but the funds, to use the language of the resolution, in which receivable, is, in the general, a fair subject to be left to the Executive, under the Constitution, and the broad range of circumstances which may from time to time arise.—The general principle certainly (from which neither common reason nor convenience will allow of any wide departure) is, that the public revenue should be collected in what is obviously equivalent to so much gold and silver, the acknowledged standards of value both by the constitution and the usage of trade. What is so equivalent must depend greatly upon circumstances continually fluctuating, the currents of trade, and the peculiar application for which any given portion of the revenue is designed. Sometimes the ease of the citizen may be consulted to a great extent, in perfect consistency with the security of the Treasury; and, at others, nothing short of the precious metals themselves will serve the purposes of the public demands. I do not mean to say that Congress has not the power of dictating even the funds in which the revenue may be paid, or that there is any thing improper in her doing so; but, that, in general, the officer whose business it is to supervise the Treasury in his turn, under the supervision of the Executive, will be well capable of judging, and much more competent to act, to the advantage of the public under sudden emergencies, (which no human sagacity is sufficient to foresee,) when untrammelled by rigid, inflexible rules; and, therefore, unless strong considerations call for the enactment of such rules, it is far better to leave him with the responsibility upon his own shoulders, which without such enactments, would rest there. Thus the executive class of public officers would be stimulated to more activity; feeling, in addition to their responsibility to us, the representatives of the people, a direct responsibility to them, our common masters, for the wisdom and fidelity of their action.

I am further opposed to the resolutions, because they proceed upon a principle altogether unknown to custom, and directly at war with sound policy. In general, either a public or private agent is bound to collect the debts of his principal in specie, or something clearly its equivalent; his undivided attention should be directed to the interests of him whom he represents. Truly that disposition to oblige, which, with rare exceptions, characterizes all intelligent men; and, still more in public matters, that love of popularity by which alone, in our country, men are either elevated to office or suffered long to retain it—are ample guarantees that the debtor will not be subjected to inconveniences not demanded by the agent's own responsibility to his principal; and these are all that have been heretofore thought safe to allow the debtor, or at all reasonable for him to ask. In fact, it generally happens that, consultation of his own ease in making his collections with the least labor and trouble, the law of kindness and the love of popularity, induce the agent to relax from an observance sufficiently rigid of the interests of his principal, and to receive payment in funds not the most valuable, if not, in many cases, somewhat doubtful. Such seems to have been at one time, to a very alarming extent, the fiscal experience of this Government. But these resolutions propose to spur the flying steed, to impose that as an obligation towards which there is already a natural and dangerous proclivity. They propose essentially to change the office of the head of the Treasury Department, and, requiring him to overlook the security of the national property, compel him to receive the national dues in a class of funds, from which the debtor, having the right of selection, will of course choose what will be most easily obtained, and consequently, in all probability, the least safe and valuable.

I am again opposed to the resolutions, because, as I conceive, they are intended to censure the President of the United States. If any doubt rested upon the mind, upon the mere perusal of the resolutions themselves, that doubt must cease as soon as we listen to the comments of their advocates, and the reasons which urge them to their support. Some of the reasons upon which they are avowedly supported are the evil motives ascribed to the President, in causing the issue of the Treasury order they are designed to repeal. He is, in effect, charged with falsehood; for the Treasury order bears upon its face, doubtlessly under his own authority and direction, the motives which induced him to give it existence; and we are here publicly told that his true motives were of an altogether different kind; thus directly charging him with an attempt to deceive the public, in placing before it false motives for his official action. But this is not all. He is not only charged with falsehood, but at least one of the motives imputed to him is in itself altogether base and dishonorable. We are told that some of the land speculators alluded to in the order, were his own particular friends, whose interest he was solicitous to promote; that they have already made large investments in the public lands, & are threatened with loss, or at least a necessity of holding for an inconvenient length of time, should the United States continue to be a competitor with them in unrestricted sales; and that while the United States is demanding specie, they, by selling for paper, would acquire a preference in the market, and be enabled to command better prices, thus making the President of the United States, in forgetfulness of his high station, and his well-earned honors, to sell the latter for trash to enrich his friends, and prostitute the former to gratify their avarice. Another motive assigned, is that being in heart opposed to the deposite law of the last session, he was desirous of throwing every difficulty in the way of its execution, to verify the evil omens uttered by himself and friends in relation to it, and to render it odious in the eyes of the people. To accomplish all this, the Treasury order was framed, in the hope that the pressure and embarrassments it should produce might be imputed to the deposite act. It may be that the President of the United States was not well inclined to the deposite act, and that in truth it is a mischievous measure, some of the evils of which are now demonstrating themselves; that those are now feeling them, who could not, in any other way, be brought to dream of their existence, that in fact the connection between present difficulties and the deposite act is so intimate as to make it appear that one was got up by previous design to accompany the other. But however all this may be, it is well known that the present Chief Magistrate is not a man to accomplish his views by any indirection; that a bold and manly, and, as his enemies think, a rash and reckless policy, is one of his characteristics. Yet gentlemen who advocate these resolutions, ascribe to him conduct highly disingenuous, and motives exceedingly dishonorable. It is not my wish, in malice, to impugn the motives of any one; and if I should refer unfavorably to the motives of a party, I hope no gentleman within or without these walls will consider it personal to himself, or springing, in the slightest degree, from individual feeling. We are all men, and are all liable to have our judgment warped, however clear and intuitive originally, by the allurements of persuasion, the fascination of affection, the delusions of prejudice, or the madness of passion; and when I find myself differing with another, I am always willing to suppose, and have it supposed, that either he or myself have fallen under subjection to one of these malign influences.

There are gentlemen still living, and on the theatre of public action, whose fame once fired my infant soul with admiration; and whose fame I still cherish as the boast of my country. But God has given to every rational and responsible being faculties by which he is bound to try the actions and opinions of others as well as his own; he must be obedient to their decisions, and not suffer himself to be lead captive at the chariot wheels of authority.—Tried by this standard, I have found those whom I once viewed as little less than demigods, men of like passions with myself, and in like manner subject to idols, as the learned Lord Bacon has been pleased to term the various delusions to which the human mind is exposed. While, therefore, I am still disposed to accord to them the fame they so justly merit, and allow to them at the same time patriotism equal to that of Curtius, who sealed his with his life, I yet see in them motives to assail the present administration well calculated to mislead them; and find in them a practice of indiscriminate condemnation of all his measures. Like the Jews of old, their cry continually is, "Can any good come out of Nazareth?" They must be indulged in the cry, but it is the duty of every one who loves his country to answer that cry in all its various modifications, whenever he shall believe it groundless, with instant denunciation, lest the people become deluded by it, and stimulated, as of old, to the sacrifice of their best friend, their truest benefactor. Let me not be misunderstood. Much as I esteem and admire General Jackson as a patriot and wise statesman, let it not be said I have ever uttered the blasphemous thought that he bears the most remote comparison with the sacred personage who fell a victim to Jewish persecution, But I do insist that to these original resolutions it is a just cause of resistance, that they are designed to swell the cry of disapprobation against an administration pronounced, as I understand, by Nathaniel Macon, the political patriarch of North Carolina, the best this country has ever witnessed.

But this objection is intimately connected with another, and that is the tendency of the adoption of these resolutions to the re-establishment of the U. States Bank.—The whole of the party with whom I have the honor to act, concur in the opinion that this institution cannot exist consistently with the Constitution; and many who differ from us in other matters unite with us in believing it one highly dangerous to the public weal. But these are questions not now for discussion; they may be considered as settled by the verdict of the people. But, sir, a new trial is moved for, and all sorts of devices are set on foot to prepare the mind of the only tribunal which can decide, whether or not it shall be granted to lend a favorable ear to the application. None is more likely to be successful than the conviction that the fiscal concerns of the country are prone to gross mismanagement without it. If, therefore, Congress shall, by the adoption of these resolutions, give color to such a belief, gentlemen have already warned us in their speeches of the bearing it is likely to have upon the question of the re-charter of the United States Bank. This re-charter is, in my humble opinion, the main object for the accomplishment whereof the present administration is abused and villified, and all the other party machinery set to work. Among other things, with the cunning characteristic of a certain little animal common in our country, the bank pretends to be dead. But it is a delusion: the monster is not dead; it does not even sleep—I owe it to the respectable gentlemen connected with that institution, some of them my highly esteemed personal friends, to say that my hostility to the bank is entirely political. To more able, and, for aught I know, more honest hands, hearts and heads than some who have heretofore held some control of its affairs, they could not have been committed. But even with them flagrant abuses have attended its administration, and the freedom of elections, that lifespring of our political system, been seriously threatened. If these things happen in the green tree, what will be done in the dry? If honest men are borne away upon the tide of human passion, what may we expect when, as in the common course of things may well happen, mere stock-jobbers and knaves shall rule over its destinies? Every tendency then to its re-charter ought to be resisted, even if the problem were demonstrated that we could not manage our fiscal concerns so well without it.

These, sir, are some of the reasons that would have indisposed me *a priori* to support the original resolution. But gentlemen say they ought to be adopted, and the order rescinded, because it was issued in contemptuous disregarded of the opinion of the Senate expressed at its last session. If this be so, it is a grievous fault; and that the alleged perpetrator hath not been called upon more grievously to answer it is, to my mind, proof positive that the accusation is groundless. The circumstance which, as I suppose, gives color to this charge, is that at the last session of Congress it was proposed in the Senate to adopt a resolution substantially conformable to the present Treasury order, which a majority of the Senate refused to do. To test this matter, let us suppose the Administration the private agent of a private individual whom we will imagine to be Congress. In some of those moments when the mouth unconciously pours forth the fullness of the heart, the agent overhears his principal, while casting over in his mind the large estates of which he is the proprietor, and the vast sums of money which by way of rent, are pouring into his coffers, "I believe," says he, "I will instruct my agent to receive nothing but gold and silver from my tenants." He debates the matter over with himself, and finally concludes to give his agent no instructions upon the subject. But gold and silver are the legal currency of the country, and the agent of his own head and imagination, compels the tenants to pay in gold and silver. They complain that it would have been far easier for them to have paid in the notes of specie paying banks. With what justice could the principal complain that he had been contemptuously treated by his agent, because he had not construed his not commanding him to demand gold and silver, as an instruction not to demand gold and silver? I confess, had I the honor to have been at the head of the Treasury Department, I should have reasoned in this way. Notwithstanding a proposal to give me special instructions upon this matter, Congress has thought it expedient to leave me to my own discretion, upon my official responsibility, and expects me to adopt such measures as this novel crisis of affairs may, from time to time, require. My situation is difficult and delicate, and it behooves me, with statesman-like eye, to survey the scene; and, with manly and judicious firmness, to adopt such measures, as are demanded by the exigency. Puerile fears, or irresolution, on my part, may endanger the whole national treasure. But we are told that the Executive has no right to consider the state of affairs; no right to take any measures with reference to the currency of the country, or the disposal of the public lands. That these are matters exclusively with Congress. Indeed, sir! and pray, why have we any Executive at all? Why does not Congress just pass laws, and place their execution in the hands of agents of their own selection and appointment? Simply because our forefathers were too wise to adopt any such form of Government. They knew that a perpetual legislative body was the most tyranical of all institutions, and that intervals in its sessions, as well as its existence, were essential to liberty. But they did not intend that, during those intervals, the vessel of state should float down the stream of events without a pilot. No, sir, they constituted a responsible Executive; responsible to the great sovereign power from whom, and by whom, he is called to the exercise of high, useful, and honorable functions. Where the Legislature prescribes for him particular rules, provided they be such as the Constitution allows them to prescribe, he is bound to follow them with implicit obedience; but, where they have omitted to do so, the broad chart of the Constitution is the only limit to a discretion, which he is not only at liberty but is bound to exercise. He is criminally negligent if, within those limits, he fails to adopt such measures as the public exigencies may demand. He has not only a right, but is bound to judge when such exigencies exist, and so to frame his measures as to pass them in safety. Whether he acts, or forbears to act, he has not only to encounter the strict ordeal of public opinion, but may even be called upon to answer on impeachment, for excess on the one hand, or laggard indifference on the other. And is the right of judging to be denied him when such responsibility for events rests upon his shoulders? When not only the fame, which has been his passport to high distinction, is to be snatched from him by the decision of his cotemporaries, and himself tried and degraded upon a formal proceeding; but the page which hands his name down to posterity marked with the opprobrious