

GAZETTE.



VINCENNES.

SATURDAY FEB. 11, 1843.

Whig Principles.

rule of the decision of the Supreme Court and the United States, in *Craig vs. The State of Missouri*, (4 Peters, U. S. Reps., 410.) In that case, the makers of the promissory note given for the loan of treasury certificates issued in small sums, from 10 to 50 cents, and on interest, and receivable at the Treasury for all dues to the State, were held not to be liable, inasmuch as the promissory note was given in consideration of an act forbidden by law, and against law, and was void.—The certificates in the present case, were evidently intended by the statute to circulate in the community, for its ordinary purposes, as money.—The paper was redeemable at a future day, and the faith of the State pledged for its redemption.—The certificates were in small amounts, convenient, and fitted for ordinary circulation. They were made payable to bearer, and had the appearance and face of bank bills, used, in dealing, as cash. They were emitted by the State, and circulated thro' the State Bank and its Branches, and were made receivable for all debts whatsoever, due the State, with one special exception. The statute contemplated that the Treasury Notes were to be "loaned or put out" by the Branches, and thereby thrown into the circulating medium of the country. There can be no doubt of such an intent, and I am unable to withdraw this case from the operation of the decision of the Supreme Court, in the case of *Craig*, as above mentioned, and I consider that decision as in force and binding throughout the Union. That decision may, perhaps, be supposed to be impaired or materially affected by the subsequent decision of the same court in the case of *Briscoe vs. The Bank of Kentucky*, (11 Peters U. S. Reps., 257.) Its authority may be considered as somewhat shaded by the nice distinction taken in the latter case, but as far as the present case is concerned, there is no diminution of its authority. In the case of *Craig vs. The State of Missouri*, the paper issues were by the State, in the name of the State, and by officers specially authorized and commanded to issue the paper; whereas, in the other case of *Briscoe vs. The Bank of Kentucky*, the notes issued were the notes of a bank or corporation, and purposed on their face to be issued by the president and directors of the bank, and they contained no state obligation or promise inserted thereon.—The objection made at the time to the *Kentucky case*, was, that it allowed the prohibition in the Constitution to be evaded by mere form, that is, by the employment by the State, for the machinery of a bank to issue, for State purposes, paper in the shape of bank notes, and in the name of the bank. Be that as it may, none of the exceptions by which that case was withdrawn from the influence and authority of the prior case of *Craig vs. The State of Missouri*, apply to the present case, and, therefore, I consider, that the decision in *Craig* applies to it with unmitigated force.

It is worthy of notice, that the case of *Linn vs. State Bank of Illinois*, decided by the Supreme Court of that State in 1833, (1 Scammon, R. 87,) is very analogous to the present case, and it was then decided, that the notes of the State Bank, came within the decision in *Craig vs. The State of Missouri*, and were void under the authority of that decision. That decision in Illinois was, however, prior to that of *Briscoe vs. The Bank of Kentucky*, and it may be, that the principle of construction of the prohibition in the Constitution of the United States, which was adopted in the case of *Briscoe*, would have been followed, had it been previously declared.

State courts are not apt to give a more stringent limitation to the powers of the State Governments, than that given by the Supreme court of the United States, in its interpretation of the Constitution.

2. In answer to the second question, I am of opinion that the endorser can avail himself of the same defence.

It is true that if a note be forged, or fraudulently issued, the endorser may still be held to answer to a *bona fide* endorsee, but that doctrine has no application here; for the Branch that loaned or put out the certificate, and took the endorsed note, held the certificates under the provisions of the statute and a full knowledge of the origin, character and operation of the loaned paper. The promissory note, with the endorser's name upon it, was one single transaction between the bank and the borrower, and I consider that the bank cannot, in this case, claim the privilege of an endorsee, who should deal in the market, with the endorser standing alone by himself, and pay him value for paper which is in actual circulation as money, and yet promises in the end to be valueless, and to have been issued as currency contrary to the paramount law of the United States.

JAMES KENT.

New York, December 1, 1842.

The Secretary of the Navy has appointed Wm. H. Norris, Esq., of Baltimore, judge advocate of the court martial, which has been ordered in the case of Commander Mackenzie. It is said that the court will consist of ten captains and three commanders.—*Loc. Jour.*

A son shot by his father.—The Baltimore Republican, of the 23d, publishes a private letter from Anapolis, which states that Captain Joseph Owens, whose residence is a few miles from Anapolis, shot his son on Wednesday morning, the 25th—the wound causing death almost immediately. This shocking deed was occasioned by an ill-feeling growing out of a law suit. The father was promptly arrested, and is now confined in the jail at Anapolis to await his trial for the unnatural and bloody deed.—*Loc. Jour.*

man, pure in public as in private life, disliked such an association, and very naturally objected to it; and then, John Ewing must show his nicety of feeling too; and he must imitate an honorable man; and he must object, and wish to be excused! Now it is true that Daniel Kelso is disgraced and dishonored, and deserves to be cast off by the whigs and to be left to grovel in that loco foco filth with which he has besmeared himself. But John Ewing, elected to the Senate in opposition to a regular whig nomination, and by a combination with the Locofocos, and with their candidate for representation, Myers, has no right to talk of "pretended whigs," and has no right to snort at Daniel Kelso or any other political apostate. In 1840 the whig majority in Knox county was then 100 votes. At the election in 1842, the Locofocos elected John Ewing, and John Myers, and John Ewing was defeated, and John Myers was elected.

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country, and think of what material their population, in many parts already dense, and every where rapidly growing, is, for the most part, made up, my mind is lost, in the contemplation of the busy throng.—They are not lifeless enginery, animated machines, nor yet brute beasts, trained to their different avocations: but rational, intellectual beings. There is not a mind of the thousands who make up the vast number, that is not capable of making large progress in useful knowledge, and who can presume to tell or limit the number of those who are gifted with the talents to immortalize their names, by useful inventions, important discoveries, or that endowment which rules the crowd, or that rides upon the whirlwind and directs the storm." I do not say *they all* may be Franklins, Newtons, Fultons, but they possess the elements, and it takes but little to awaken their minds to the conscious possession, and active exercise of its wonderful powers. That man was made for these important ends, to be of use to his fellow man—is beyond controversy; but that full fill it, even when time & opportunity occur, is, every day, manifested to the contrary. Many men appear not to know what they were born for. They may have enjoyed, in their youth every advantage for the full development of their every faculty of mind, yet when manhood comes, and much was looked for them, how has, both individual and community been disappointed. Instead of employing those talents which, if exerted, would bring honor to themselves, and benefit to man, they have prostrated them at some worthless shrine, or turned them to selfish purposes. Time wasted, talents disregarded, hopes disappointed. I see every day around me, and all my life long, has the same unwellcome sight, frequently presented itself before me. But how true is it, that where virtue was carefully instilled, with the efforts to develop the mind, the result has been of that nature, which answers the end for which it was created.

When reviewing these things how often has the interrogation at the head of this imperfect sketch, forced itself upon my mind; and in how many different forms. Let us for a few moments enquire of ourselves, for what were we born? Each one knows his own heart, and his conscience will bear him witness, if he has spent his life in doing all that lay within his power, for the good of his fellow creatures; whether or not he has fulfilled the duties incumbent upon him as a member of community; or whether in all the relations of life, he has done as he would be done by. I have not! Are you as honest? Come then, let us inquire, For what were we born? Was it that we might accumulate this world's goods, and possess gold and silver in abundance?—has the cultivation of our intellect tended this purpose? if so, too little end, is our being's aim. To such a mind, existence is a curse, and disappointment an hourly companion, for millions of our fellows seek them in vain. Men there are who toil night and day—risk life, health, and reputation for selfish aggrandizement—who heed not the tears of the widow, or the wail of the orphan—who know not one iota of enjoyment—whose minds are taken up by planning, and devising ways and means of increasing their gains.—They have no time for thought, least of all, that of intellectual thought.

For what were we born? Was it not, that we should, while honestly laboring for the things of the world, relieve the widow and orphan, in their need—cultivate our own minds, and assist in every object, that aimed at the same end for others; and while we live, lay up enduring riches for time to come.

For what were we born? Was it that we might engage in the pursuits of pleasure by gratifying our animal and brute desires and appetites? If so, our fellow creatures would constitute but so many parades of one mass of corruption, and the fair face of creation would be deformed by him, for whose happiness it was originally designed. Let man engage in this pursuit, with, apparently, every faculty exerted for its attainment. A noble mind may be thus wrecked, and faculties, of which he himself may be unaware of, passing, are lost to himself and the world. When will man be wise?

For what were we born? Was it that we should be selfish and unsociable—that we should think of "ourselves more highly than we ought to think," and so despise every one who is beneath us in any particular quality or attainment—who might differ from us in any particular point, whether in politics, religion, or any of the many themes of controversy? Was it that if we could not lead, we would not go at all? I have met with men in my day, who thought that their *ipse dixit*, should govern upon almost all occasions; and if not consulted upon every subject, or what important, would condemn the whole. These are generally partisans, or whippers-in. In such the mind has never been well regulated.

For what were we born? Was it to degrade ourselves below brute beasts—to shipwreck our health, squander fortune, beggar our families, and render ourselves loathed by the moral part of community, feared by our families, and welcome at no place under Heaven, but in the soul-polluting dram shop? All these things I see acting around me; and to what end, or for what is this abominable degradation of the faculties of mind? Was this the end for which man was created, and endowed with those powers of intellect which rise him so high in the scale of creation? O vile and wicked waste of time and intellect!

I could continue my inquiries for an indefinite length, but I am warned to has

ten the conclusion of this article. In contemplation of what man ought to be, and what he may be, by a proper direction of those abilities with which he has been endowed by an all-wise Creator, and what he really is, the mind is led to trace cause and effect, to each their proper origin and conclusion. That all men perform their duties properly, even those of superior minds, their acts testify; but such is the history of human life. Man, with all his superiority will still be man; yet while mortal, and partaking of "the ills which flesh is heir to," he can be a man and not an *insect*; he can adorn his nature and not disgrace it—he can add to, and not detract from, its high aspirations—and it is in his power to leave a name behind to be remembered, and not purposely forgotten.

James Whitcomb and the Locofoco Certificate again.

Upon further reflection, by way of furnishing to our readers the names of those worthy pseudo democrats who have handed over the Howard Democracy of Indiana, upon their own responsibility, to Mr. Hannegan, we have resolved to replenish, with their names, the shallow and over-proven *defence* which they offer to the country. Here it is, (and we shall send it to every county in the State, for the good of the public,) certified to by at least one man at a distance of eighty miles from a knowledge of the alleged facts:

"TO THE PUBLIC.

The undersigned democratic members of the general Assembly of Indiana, now in session, understanding an editorial article in the Daily Indiana Journal of this day, has stated substantially that James Whitcomb, Esq., had been instrumental in defeating, or contributing to defeat the election of General Howard for the United States Senate, at the present session, *de statu, each for himself*; that we never heard, or read or saw, any expression, writing, act or conduct, from or on the part of Mr. Whitcomb, either directly or indirectly, in any degree calculated to influence the election referred to unfavourably to the success of General Howard. We further state, that to our respective knowledge, *know or advise* that meeting. We also state, ON our respective knowledge, that previous to the nomination of Mr. Whitcomb as a candidate for the office of Governor, he declined being a candidate for, and expressed his wishes that another should receive the nomination, *nor did he show, by word or conduct, any desire to receive the same.*

James Ritchie, David Hover, Z. Tannehill, Solomon Hethfield, Geo. W. Carr, Abner Davis, W. B. Mitchell, J. Y. Kennedy, D. M. Dobson, Jesse D. Bright, J. H. Rose, H. T. Snook, S. A. Campbell, Henry Lingle, John F. O'Neal, George G. Shoup, A. L. Robinson, E. G. English, W. A. Gorman, Joseph Lowe, Wm. Brown, Franklin Hardin, Ira Brown, John Stewart, Ezekiel D. Logan, R. W. Butler, John Dunn, J. H. Henley, B. R. Edmonson, Jos. McCormick, Madison Marsh, John B. Nees, Wm. Prilliam, G. W. Brown, Cager Peek, Thos. Johnson, Aquilla Jones, Wm. J. Brown, Franklin Hardin, Isham Fuller, Ira Brown, John Stewart, Perret Dufour, C. Carter, F. A. Matheny, Abraham Cuppy, James Osborn, Gabriel Swartz, J. H. Milliken, John Lewis, J. S. Simonson, A. Major, Geo. W. Moore, N. Moore, Valentine Baker, W. L. Leyman, A. T. Wright, John T. Cooley, John W. Davis, Permiunter M. Parks, Nestl. West.

This is by way of evidence that seventy-five Howard "democrats" were unable, opposed by but seventy-five Whigs, to refer the Senatorial question to the locofocos of Indiana, whom they assert to be largely in the majority, and unanimously desirous, too, of the elevation of Tighman A. Howard! The apology is too absurd!

But what shall be done with the stubborn fact that DANIEL KELSO was instructed as he asserts, to vote also for Tighman A. Howard! By his vote, so given, the election of Mr. Howard would have been secured! By what influence was the *instructed and obedient* Kelso offered up upon the shrine of Mr. Hannegan! And by what influences were the Howard-certifying-eighty-mile-distant "democracy" so readily brought over to Messrs. Hannegan and Kelso! Ah! ah! thereby hangs a tale!</