PITTSBURGH GAZETTE.

PUBLISHED BY WHITE & CO.

PITTSBURGH:

SATURDAY MORNING, OCTOBER 21, 1854.

☞ *To Advertisers*—Neither the Editorial Rooms nor Printing Establishment of the *Daily Gazette*, are opened on Sunday. Advertisements to derive their notices to appear in the paper on Monday morning, will please hand them in before 3 o'clock, on Saturday.

☞ *Pittsburgh Weekly Gazette.*—The extensive circulation of our *Weekly Gazette* offers to our businessmen a most desirable medium of making their business known. Our circulation is between 5 and 6 thousand, reaching almost every merchant, manufacturer and shop-keeper in Western Pennsylvania, and Eastern Ohio.

Advance Payments.—Hereafter no subscription will be taken for the Daily or Weekly Gazette, unless payment is made in advance. Whenever the time is up to which the subscription is paid, the paper will be invariably stopped, unless the subscription is renewed by advance payment. All transient advertising, of every description, will be required to be paid in advance. The only exceptions will be where special monthly or yearly contracts are made. ☞ sept16dw

Reading Matter on each page of this Paper

Indiana and Illinois State Stock Banks.

We take this mode of notifying those who receive us by mail that we can no longer receive the notes of the Indiana and Illinois State Stock Banks. They are not current in this city, and we cannot sell them except at a ruinous shave.

HOW IS THE CONSTITUTION TO BE UNDERSTOOD?—The *National Intelligencer* dissents from Senator Sumner's view of his constitutional obligations. That gentleman declares that he has sworn to support the Constitution as *he* understands it, and not as *others* understand it: and the *Intelligencer* devotes a page to the attempted demonstration that no Senator has such a privilege. According to our venerable cotemporary a Senator is bound to take the interpretation which others may place upon the Constitution, as the guide of his deliberations and actions, and abide by them, even when they come in conflict with his judgment and intelligence.

The dogma on which the *Intelligencer* comments was first enunciated by President Jackson, in the great Bank contest. An effort was then made to control the action of the President by the opinion of the Supreme Court, which body had decided that a United States Bank was constitutional. But Gen. Jackson refused to be guided in his views by the dictum of that tribunal. *He* thought otherwise, and he accordingly refused to give his sanction to an Act of Congress which he deemed unconstitutional, notwithstanding the Supreme Court had decided it to be otherwise. He declared that he had sworn to support the Constitutions he understood it, and refused to be guided by any other interpretation.

Mr. Sumner adopts the same rule of action: and the *Intelligencer* condemns him, as it condemned Jackson in 1832. It cites extracts from the speeches of Clay, and Webster, and Leigh and others, to show what they thought of that doctrine, as laid down by Jackson; and it also quotes from a decision of the Supreme Court to show that that court will not allow the executive officers of the government to set aside its decisions, in the discharge of their executive duties.

We do not see the pertinency or conclusiveness of the *Intelligencer's* citations. It is very true that Clay and Webster and their colleagues pla ced great stress on the opinion of the Supreme Court in the Bank case; but may not that have been caused, to some extent, by the fact that the decision of the court was on their side? Would they have been so clear on the point had the opinion of the court been the other way? Men are all more or less in favor of the supremacy of those laws and legal interpretations which coincide with their own convictions; but we have never yet seen or heard of the public man who thought much of them when they were against him. If Congress pass a law, and the Supreme Court declare it to be constitutional, it is doubtless the duty of the President, as the chief executive officer of the government, to see it properly enforced; but it by no means follows that the President or any subsequent Congress should therefore yield their doubts as to its constitutionality, if they happen to have any; or that the President should be compelled to give his assent, against his own convictions, to a bill embodying the same principles, when presented to him.

When a law is enacted, and the Supreme Court has passed upon and endorsed its constitutionality, the executive officers of the government, whose duty it is to see the laws enforced, have no alternative. Their business is not to interpret but to execute the laws. Their course is one of routine, involving no discretion excepting where provided for by the laws themselves.

The case, however, is different with the President, so far as he is a part of the law-making power, and with those who have direct agency in the enacting of laws. The duty imposed upon them is one of deliberation, and requires the exercise of judgment and wisdom. In the very nature of things they *must* interpret the Constitution for themselves. They may and ought to give the utmost weight to the opinions of that co-ordinate branch of Government whose duty it is to interpret the constitution so far as it applies to the parties litigant before it, but they would sink their character as men and degrade their office if, after giving to those opinions their full weight, and being unconvinced by them, they should sacrifice their own convictions and act contrary to their own judgments. The Constitution is an instrument which is susceptible of many interpretations; and every man who enters Congress carries with him certain convictions as to the powers it confers, as the guide of his action. There always has been (as there always will be) men in that body who, put diverse interpretations upon its provisions, and who not only maintain their individual (or it may be party) views in debate, but vote in accordance therewith. This very fact proves that each supports the Constitution as he understands it, without regard to the Supreme Court or any other tribunal; for if that court were the authorized expounder of that instrument, and Congress were bound to follow its judgment there would be unanimity on all points adjudicated by it, and that neither is nor has been, the case, nor is it ever likely to be.

We are aware that the constructions placed upon the Constitution by the Supreme Court are regarded by some as, in the nature of things, becoming a part of the Constitution itself; but the error of this view is made apparent when we reflect that that tribunal may change, and reverse its own decisions. This may be a power rarely exercised; but it is one that is not doubted. The Supreme Court, is a body which, although it has a continuous existence, is subject to change. As its members die they are replaced by newer and other material. Lawyers differ in opinion as much as doctors do; and it may happen that the lawyer chosen to supply the place of a retiring or deceased judge will hold views diametrically opposite to those of his predecessor. The Supreme Court of to-day does not hold the same views as those of the Court which graced the administrations of Washington and Jefferson. Its members beldog to a different school; and in the progress of time a bench of Judges may come to succeed the present ones belonging to a school differing from all preceding ones.—Chief Justice Taney does not hold to all the opinions of Chief Justice Marshall; and if the Senator from Massachusetts should live to be Chief Justice Sumner his interpretations will surely differ from both. The bench of 1832 held that a U. S. Bank was constitutional; they also held that Congress had constitutional power to prohibit Slavery in the territories; while the bench of 1854, if called upon would doubtless decide both to be unconstitutional.—To say, therefore, that the constructions of the Supreme Court become a part of the Constitution itself, is to say that that body has the power to change the Constitution—a power reserved to the people alone. Grave Senators, many of them equal, either as respects their legal or mental acquirements, to any Judge upon the Supreme Bench, and as well qualified to construe the fundamental law of the land, are not, therefore, required to hold their opinions in subjection to a changeable tribunal, and don or doff convictions as may suit the humor of judges as fallible as themselves. They are not compelled to do a thing which the Supreme Court thinks constitutional in 1854, and refuse to do the same thing because the same Court, composed of new men, thinks differently in 1854. They are chosen to deliberate and decide for themselves, and that is a duty from which they cannot escape.

At this very moment Congress is divided into two or more schools of constitutional interpretation. There is a class of strict constructionists and another of latitudinarians, and these are again subdivided into other classes. Mr. Butler differs with Mr. Cass as to the powers of Congress under the Constitution; and Mr. Mason of Virginia joins issue with Mr. Dodge of Wisconsin. Take, for instance, the case of the Fugitive Slave Law. The Supreme Court has decided that Congress has power, under the Constitution, to provide for the rendition of fugitive slaves; yet Mr. Butler and Mr. Rhett, and that class of southern politicians, do not scruple to say that Congress has no such power and that it is one belonging solely to the States. They understand the Constitution otherwise than the Supreme Court, and they support it as they understand it. Again: take the instance of the power of Congress over the territories. The Supreme Court has decided that Congress has power to prohibit Slavery in the territories, or has, at least, settled the general principle involving that power; yet Gen. Cass and many northern democrats, with the whole body of southern men, dissent from this view and refuse to be guided by the opinion of the Court. They do not so understand the Constitution, and they support it as they understand it. This is their privilege and this is all that Mr. Sumner claims. We might multiply instances, butwe need not.

That the Supreme Court may declare an act of Congress unconstitutional, and that thence-forward it is null, no one pretends to question. That it may also declare an act of the same body to be constitutional, and that it is the duty, in that case, of executive officers to see such a law enforced, is equally unquestionable. But these prerogatives confer no control over the opinions or acts of Congress or of the President, so far as he is a part of the law-making power. That which the Court may regard as constitutionally valid may still be looked on by the President or Congress as just the reverse; and if an act of a previous Congress, endorsed by the Court, be esteemed obnoxious by the people's representatives, there is nothing that we know of to prevent them from repealing it.

We do not wish to see the Federal Judiciary thought lightly of. Let it be held in the highest veneration. But we would have the law-making power occupy its proper place in our form of government. The Constitution was made by and for *the people*, and it is for the chosen legislators of the people to act upon their own understanding in giving force and scope to its provisions.

OUR COUNTY FAIR.—We hope our citizens, and especially our manufacturers and mechanics, are fully alive to the fact that the Agricultural and Mechanical Fair, for Western Pennsylvania, Ohio and Virginia, opens next week; and that they are both determined and prepared, each to put his best foot foremost in that display, which, if it is thought, will exceed and beat the State Fair of last year.

The Board of Managers have well done their part in the complete list of articles prepared for prizes, (more varied and better selected than at the State Fair,) and in the liberal premiums offered. It should be remembered that in addition to about $2,000 cash premiums, they offer some $200 worth of silver wares, (including a $50 pitcher,) 130 handsome silver medals and 50 bronze medals, besides numerous diplomas; in all over $3000.

Here is an opportunity for our citizens to meet in honorable competition with each other and the rest of mankind. We hope none will be found after the Fair, to say as heretofore, "we could easily have taken the premiums if we had competed." By your fruits will ye be known and judged.

Prizes are offered to all classes of manufacturers, mechanics, and artists; to workers in Gold, Silver, Copper, Brass, Lead, Tin, Iron, Steel, Marble, Stone, Wood, Glass, Leather, Wool, &c., in Sculpture, Oil, Crayon, and Water colors. From the advices received, it is confidently believed that an immense crowd will be in attendance, from Ohio, Virginia, and our own State, in addition to every man, woman and child in the county. We believe Premium Lists can be had of the Managers, or at Wardrop's.

On Thursday and Friday the great attraction will come off, viz. the Ladies' Equestrian performance, (both riding and driving.) Ladies from several States, as is ascertained, will enter the lists for the handsome prizes offered, the first being a $200 horse. We shall be surprised if the spacious grounds will be able to contain the crowd on those days.

PENNSYLVANIA UNITED STATES SENATOR.—The Philadelphia *North American*, mentions the names of the following persons as spoken of for United States Senator, in place of Mr. Cooper—to wit: Wm. F. Johnston, and Wm. Larimer Esq. of Pittsburgh; Thaddeus Stevens of Lancaster; A. E. Brown of Easton, and Robert T. Conrad of Philadelphia. The *North American* says, that "from such a list it is not difficult to select a candidate such as Pennsylvania will be proud of." One thing we hope the Legislature will regard in the selection of a Senator, to wit: "*backbone*." If the candidate is thoroughly reliable on the slave question, and has "backbone," he possesses the first two important qualifications. No man who has been tried and found wanting in these important requisites will do for the present occasion. We want a man of Anti-Slavery and American principles, and sufficiently stiff in the back to enforce them.

NATURALIZATION.—This subject is now acquiring immense importance, and should be definitely and clearly understood. There is, however, much ignorance on the subject. The following article on the subject from the *New York Tribune*, shows that the question is one of *State* rather than *national policy*:

"A great deal more importance is attached to the mere circumstance of naturalization under the laws of Congress and to the qualifications required, than legitimately belongs to them, and this from an erroneous impression that, by alterations of that law, Congress may affect the terms on which the elective franchise and the right to hold real estate are to be obtained in future. In point of fact, Congress has no power over either subject, outside of the Territories, and according to the doctrines of Pierce, Douglass & Co., ought not to exercise it even there, or at the most only provisionally until superseded by the most only provisionally until superseded by the most only provisionally until superseded by