1 hole No. 675.

Tarborough, (Edgecombe County, N. C.) Saturday, February 2, 1839

Vol. XV -No. 5.

#### The Tarborough Press, BY GEORGE HOWARD,

Is published weekly at Two Dollars and Fifty per year, if paid in advance-or, Three allow at the expiration of the subscription year. Hollars at the explanation of the street of Cests per mouth. Subscribers are at liberty to gal paying arrears—those residing at a distance at invariably pay in advance, or give a responale reference in this vicinity.

Advertisements not exceeding a square will be good at One Dollar the first insertion, and 25 cents for acety continuance. Longer advertisements in like proportion. Court Orders and Juperture required, or they will be continued until therwise ordered and charged accordingly.

Letters addressed to the Editor must be post and or they may not be attended to.

### II. Johnston,

BEGS leave to inform his customers and the public, that he has

Received his Falt Supply of GOODS,

Of all the most Fashionable Articles, Suitable for Gentlemen's wear.

mediae Cloths, Cassimeres & Vestings, he ce clots and Lion skin, for overcoats, ablet for cloaks.

Socks Collars, Bosoms, and black silk

Suspenders, of superior quality, He also has a few

## Fine black beaver Hats,

Of the latest tashion. Gentlemen wish ng to purchase Goods in his line, will do well to call and examine before they pur there, as he is determined to sell low for Cash, or on a short credit to punctual

Tarbard', Nov 15th, 1838.

## COFFIELD MING.

MERCHANT TAILOR,

RESPECTFULLY informs his friends and the public generally, that he has received his

# Fall and Winter GOODS,

Consisting of superfine blue and black

levisible green and brown do. Striped and corded Cassimeres of various

relars, Plain black and figured Vestings, do black and figured Velvets,

Plan and figured Valencias, do do Marseilles, Philablack and fancy Stocks, Umbrellas,

Boso as, Callars, Gloves, Suspenders, &c. and his long experience therein, to give he satisfaction to those who may lavor

He also will keep constantly on hand massortment of

Ready made Clothing, Tarbaro', Nov. 5th, 1838.

im with their orders.

# At the cheap Cash Store.

JAMES WEDDELL.

18 how on hand a rarge and general assuriment of G overies, Hardware, cuttery.

China. Glass and Earthenware, Cot ton Bagging Rope, Twine, &c &c When he offer coest for Cash, country produce, or up a short credit to panetual; Nov. 24th, 1838.

State of North Carolina, MARTIN COURT OF EQUILY. Sophia Griffic ?

Petition for Divorce and James Griffin. ) Alimony.

R. JAMES GRIFFIN: Sir, you are herey notified personally to be and ap order and decree as may be had in the judgment pro confesso will be entered the votes of their Senators. aforesaid cause.

Witness, C. B. HASSELL, Clerk and November, 1838.

C. B. HASSELL, C. M. E. Price adv \$10 00. 45 3m

State of North Carolina, EDGECOMBE COUNTY.

Superior Court of Equity, SEPTEMBER TERM, 1888.

Origin Cests per month. Substitute on giving notice thereof Stephen Wooten & Richard T. at bill. Eagles, ex'rs &c. et al,

I appearing to the satisfaction of the Court, that John R. Scarborough, one of the defendants in this case, is not a resident of this State: It is therefore or ments in the property of the number of inverisements must be marked the number of inverisements must be marked the number of indered, that publication be made for six Press, notifying said defend int that onless March next, at the Court House in Tarbo rough, and answer, plead, or demor, judg ment pro contesso will be entered against

> Witness, ISAAC NORFLEET, Clerk of said Court, at office, the second Monday in September, 1838.

I NORFLEET, C M E Dec. 5th, 1838. 1 Price adv \$5 00

State of North Carolina,

EDGECOMBE COUNTY Court of Pleas and Quarter Sessions, NOVEMBER TERM, 1838.

Bastardy.

T appearing to the satisfaction of the Court, that James E Lewis, the defendant in this suit, is not a resident of this State: It is therefore ordered, that publication be made for six weeks succes sively in the Tarborough Press, notifying manded. said defendant that unless he appear at the Next term of this Court, to be held on the would readily be perceived that the opin- Legislature of that State, in regard to in- they will be considered and acted on by fourth Monday in February next, at the ions expressed in them directly conflict structions, shows very conclusively, that others as instructions? Court House in Tarborough, and answer, with the course which he had heretofore whenever they have intended to take all The resolutions profess to speak the will plead, or demor, judgment pro confesso pursued on the measures of public policy discretion from their Senators in regard to of the people. If they were instructions, will be entered against him.

Court, at office, the fourth Monday in question of constitutional power, entirely Mr. B. said, he held, when resolutions were not, and did not profess to be, and November, 1838

JOS BELL, C. C. Price adv \$5 00.

> State of North Carolina, EDGECOMBE COUNTY.

Court of Pleas and Quarter Sessions, NOVEMBER TERM, 1838.

Bastardy. Edwin Ellis, John Ritter and John Carter, Sr.

T appearing to the satisfaction of the Court, that EDWIN ELLIS and JOHN RITTER, defendants in this suit, are not residents of this State: It is therefore ordered, that publication be made for six weeks successively in the Tar orough Press, notifying said defendants that un All of which he will sell law for Cash, less they appear at the next term of this aron a short credit to punetual customers. Court, to be held on the fourth Monday judgment pro confesso will be sutered against them.

Witness, Joseph Bell, Clerk of said Court, at office, the fourth Monday in November, 1838

JOS BELL, C C. Price adv \$5 00.

State of North Carolina, EDGEC MRE COUNTY

Court of Pleas and Quarter Sessions, NOVEMBER TERM, 1838. James Norvell, Enes Taylor,

Petition

for sale

Samuel Taylor, Niney O dom, Elizabeth Norvill, David Norvill, Hezekiah Langly and wite Cherry

ephen Wooten & Ephraim Sof staves and dis Wooten, adm'rs of Enos Norvill, dec'd, James Tay lor, Enos Norvill, Eli John ston and wife Charity, Exum Revel and wife Patey. James E. Lewis and wife

Penny, and Doreas wife of Josiah Kail, T appearing to the satisfaction of the Court, that Stephen Wooten and Pear before the Judge of our said Court at Ephraim Wooten, administrators of Enos e Court House in Williamston, on the Norvill, dec'd., James Taylor, Enos Nor ast Monday in February next, then and vill, Eli Johnston and wife Charity,

against them. Master of our said Court, at office, the 1st Court, at office, the fourth Monday in November, 1838.

JOS. BELL, C. C. 1 6 Price adv \$7 50.

# POLITICAL.

TWe copy from the Globe the folby Mr. Brown, on introducing the

#### RESOLUTIONS

Of the Legislature of North Carolina. pect due to this body were embraced in use of the latter term to the Representa- his constituents to decide. the resolutions, yet he could not hesitate, in tives in Congress, over whose votes the When, therefore, he took into view the obedience to a proper sense of respect to the Legislature never professed to have any circumstances which formed a part of the L. gislature of his State, to offer them, in control, that a mere expression of opinion, history of the resolutions, the guarded compliance with the request contained in unaccompanied by instructions, never was caution with which the party passing them one of the resolutions.

stituents, and to the importance of the occa- right had been repeatedly since asserted, and avowed hosility of some of those vosion itself, to state very explicitly the view and exercised in the same language of com- ting for the resolutions to the doctrine of he took of the resolutions, and the course mand, to their Senators, by successive Le- instruction, the direct attack on that great which high considerations, of public duty required that he should pursue in regard nod just referred to down to its session of introns, and the refusal of the Legislature, to them. He felt the deep responsibility 1834, when they re-asserted and exercised, on a candid appeal made to them, to assert under which he acted, and had given to in positive and unequivocal language, the the right-the most irresistible proof is afthe subject that auxious deliberation which right of instruction, on the question of ex- forded, by positive acts, that they (the Leits public importance and the great ques- punging from the journals of the Senate gislature) did not intend to recognise the tions of public interest involved in it de of the United States the resolutions con- right of instruction; and if not, on what

In regard to most of the resolutions it Witness, Joseph Bell, Clerk of said asserted in one of them, in regard to a ly, and in plain language, instructed.

litical character of the resolutions, the next friends of the resolutions, in both instant they expressed public opinion, as no quesation is, whether they are to be viewed by sive of the question, and proved that those and immediately before the people of North my honorable colleague and myself as in- who passed them did not intend to commit Carolina than was that, at the elections in opinions of the Legislature, leaving to us a instruction. judgments on the subjects to which they instruct, but they contained, on their face, sentence pronounced against him from the the trusts by the attention to business, in February next, at the Court House in Tarborough, and answer, plead, or demor. as instructions, the proofs, to his mind, tack on that great fundamental principle of The Legislature, at its session of 1834, not by accident, but by design. What calculated to degrade the Senate." tribution to give a particular vote, places the vote who have only acted in obedience to it, and soldier and patriot statesman. He could therefore, does not take on itself the res. the right to instruct. there to answer the several allegations of Exum R vel and wife Patey. James E to express their opinions when they refuse to the Legislature of their State, asking to under instructions that left him no other althe petition of the said Sorma. And it Lewis and wife Penny, and Doreas wife to take on themselves the consequences of be informed if the resolutions were to be ternative. is ordered, that you be restrained and en- of Josian Kail, defendants in this suit, his vote to the people of the State. The declared that we would also be declared in his speech on the Jined from transferring, assigning, or in are not residents of this State: It is there Legislature of North Carolina has long declared that we would obey or resign, if Constitutional Treasury, and other occaany way withdrawing from the hands of fore ordered, that publication be made for since established the principle that they instructed. We considered, that to have sions, that if instructed by his Legislature, Asa Robason, adm'r of John Robason six weeks successively in the Tarborough had the right to instruct, and so essential done either under resolutions not containing he would obey or resign. He had used dec'd, any estate or effects to which you Press, notifying said detendants that un has the employment of that word been con-

> Witness, Joseph Bell, Clerk of said of the Senate, he perceived that the late which it was not recognized. The Legisla- structions, therefore, his decision as to the their session of 1816, instructing their Se- to the question of instruction.

were clear and irresistible. They do not, the Republican creed. They declare that in obedience to that public will, commandon their face, profess to instruct, but, on act of the Senate of the United States, ex- ed their Senators, by express instructions, the contrary, that word, or any other of punging from its journals the condemna- to vote for it. The people elected two mandatory import, is omitted with the tory resolution against President Jackson, successive Legislatures, which ratified and most guarded caution; omitted no doubt to have been "an act of party servility, re-affirmed, in effect, that decision, as the

may be entitled by virtue of your marri- less they appear at the next term of this sidered to the efficacy of resolutions of inage with the said Sophia, unless you enter Court, to be held on the fourth Monday struction, that the Republicans of that State dereliction of public duty under all the cirthe bond and security in the sum of one in February next, at the Court House in have invariably employed it on all great cumulances. We desired, then, proper try, and had likewise asserted it in his thousand dollars to answer and abide such Tarborough, and answer, plead, or demur, occasions when they intended to command ground to stand on. If we resigned, we speeches, to be a duty, in the absence of wished to do so under the great principle instructions, to pursue the dictates of his Mr. B. said in referring to the journals of instruction, and not under resolutions in own judgment. In the absence of invenerable Mr. Macon, then a member of ture thus candidly and respectfully appeal- present resolutions, which did not recogthis body, had presented resolutions, pass- ed to, have refused, in terms not very cour- nise, in any part of them, that right, was

nators to endeavor to procure certain amend- . When the issue was thus fairly presentments to the Constitution in relation to the ed, we had a right to expect, on every prinmode of electing President and Vice Pre-ciple of candor, an emphatic expression of sident of the United States. The Legis- opinion one way or the other, in regard to lature which adopted them resolved, in one the intentions of the Legislature on the lowing remarks, made to the U. S. Senate of the resolutions, "that our Senators in question of instruction. If they had asthe Congress of the United States be in- serted their intention to instruct, I was prestructed, and our Representatives be re- pared, as is known to many of my friends, quested, to endeavor to obtain the said instantly to have surrendered to them the amendment to the Constitution of the Uni- public trust which I hold. They, how-Mr. BROWN said he rose to present to ted States." At the succeeding session of ever, again decline to assert the principle the Senate certain resolutions which had the Legislature of North Carolina the same of instruction, in the resolution passed by been adopted by the General Assembly of resolutions were again adopted, and again them, and thus afford clear and unquestionthe State of North Carolina, at their late asserted, in the same language, the right able proof that they do not intend to comsession, expressive of their views and opin- of instruction. That the General Assem- mit themselves to the doctrine. Which ions in regard to some of the important bly then considered mandatory language as of the parties had acted in good faithhe appear at the next term of this Court, measures and questions of public policy, essential to instructions is most strikingly those addressing the communication, and which have been, and now are, pending be- obvious, from the marked distinction be- soliciting an expression of opinion on a plain fore the country. However uncourteous tween the terms employed by them in the question, to which an answer was easy, some of the language was in reference to a resolutions to the Senators and the Repre- and which they deemed important to the late act of this body, which it had perform-ed in the exercise of its high constitutional expressly "instructed," the latter are of their own conduct—or those who had powers, and profoundly as he regretted merely "requested," to perform their will. declined to answer it? He would appeal that expressions derogating from the res- it is, therefore, perfectly clear, from the to the honest and intelligent judgment of

> viewed by them as obligatory on those to avoided committing themselves on the rec-It was alike due to himself, to his con whom they were addressed. This great ord to the right of instruction, and the open gistatures of North Carolina, from the pe- principle itself, on the face of the resoludemnatory of President Jackson. The principle of honor, or by what right, either long continued practice, therefore, of the moral or political, can it be expected that

> to which they refer, and that a principle is any particular vote, that they have express- he admitted that they would be obligatory in the fullest sense of the term; but they at variance with his vote on the resolution directly instructing had passed a legisla- therefore the question as respects public ordering the expunction of the condemnato- lative body, that it was not competent to opinion, as well as every other in relation ry resolution passed against President Jack- go beyond the instructions themselves to to them, is open to the freest inquiry. He son, for removing the public deposites from ascertain the meaning of the Legislature; did not, himself, believe that they expressthe late Bank of the United States. In re- but when instructions were not given, on ed public opinion, as to many of the imlation to extravagant expenditure and Exe- the face of the resolutions, that it was com- portant topics on which they undertake to cutive patronage, referred to by two others petent to look beyond them to arrive at the declare it. He believed the people of the of the resolutions, his votes would most a- intentions of those passing them. He ad- State had heard with utter surprise, that bundantly prove that his whole course had verted to an amendment offered in both the subject of the expunging resolutions been, since honored with a seat in that bo- branches of the Legislature, when the re- had been introduced. It was a topic that dy, to diminish both as far as it was practi-cable for him to do so. solutions were before them, proposing to had not been brought before them at the insert the word "instruct," and which elections, and therefore could not have been Having very briefly adverted to the pol- was rejected by the unanimous vote of the anticipated. Again, he did not believe inquiry which presented itself for consider- ces. This act, in his opinion, was deci- tion had ever been brought more directly structions, or as the mere expressions of the themselves, by their acts, to the doctrine of 1834, involving the course of President Jackson in regard to the Bank of the Unidiscretionary power in excreising our The resolutions did not merely omit to ted States, and the justice of expunging the

> resolutions remained unrevoked by them. could have been the intention for omitting it? The motive clearly was, not to commit the party passing these resolutions to just sentence, vindicator; of the Constitu- ple of North Carolina, to suppose that a the doctrine of instructions. Whenever, tion and the liberties of the people, both of decision so well considered, and so delibsaid Mr. B. the General Assembly of which had been wantonly assailed in the erately made, had been reversed by them. North Carolina has thought proper, on for- unauthorized and unjust sentence against No President had ever been more strongly mer occasions, to resort to the great Re- the Chief Magistrate of the nation, that he sustained than was President Jackson, at publican principle of instruction, it has spo- had acted under resolutions passed by the three successive elections, by the people of ken out in bold, frank, and unequivocal Legislature of his State commanding it to that State, whose well-earned fame the relanguage. It has, by directly instructing be done. He believed a majority of the solutions which the Legislature had passed the Senators representing the State, taken State Legislatures of the Union had also aimed so strong a blow at. He could not, the responsibility on itself of the vote passed similar instructions to their Sena- therefore, admit that his constituents had which it commanded them to give. A tors. If, therefore, the doctrine of instruc- abandoned their long cherished political atpositive command, by instructions, from tion be correct, what power is there that tachments, and were prepared to aid in sacthe Legislature of a State to its Senators can rightfully arraign the motives of those rificing the public character of the honest under the control of the Legislature, and carried out the will of those under whose not consent, therefore, to record, by his is, in effect, the vote of the power com- commands they have performed the act re- vote, a sentence so derogatory to the peomanding it; thereby taking from the Sen-quired to be done? To impeach, therefore, ple, and to the Legislature of 1834, to ator all discretion, and, consequently, re the motives of those, thus acting under in- whose favor he was indebted for his re-eleclieving him from all responsibility to the structions, is a direct attack on the princi- tion. To resign, would, in his opinion, be people of the State. The Legislature, ple of instruction, and, in effect a denial of a tacit admission, on his part, that the people had changed their opinion on this quesponsibility of the Senator's vote unless it But in order to have all doubt removed tion, and an acquiescence in the charge of instructs him. On the contrary, if it de- as to the intention of those who passed inconsistency against them, which it inclines taking the responsibility of his vote, them, his honorable colleague and himself volved, which he should consider it a deand, therefore, has no right to expect him had addressed a respectful communication parture from his duty to do, unless acting

> ed by the Legislature of North Carolina at teous, to give any further information as entirely consistent with his often repeated declarations on that subject.