THE STAR,

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COMMUNICATIONS.

FOR THE STAR. Present appearances indicate an ae Union, undoubted paper is selling tion, is unauthorized, and, consequently, of the enormous discount of one and no force, and not law. e-half per cent. a mouth. It is use ostility to the distinguished gentlesp who presides over the affairs of the

The enquiry for North Carolina is, ow are the evils consequent upon this ow are the evils consequent upon this they are situate. Now if this idea be true, tate of affairs to be obviated, and the shen the States have lost their sovereignty, roperty of its citizens to be preserv- and sovereignty and government must og medium? The pressure will fall regard to the Constitution, and those laws having received the signature of the Chief Magistrate, become the supreme law of the rille, it is understood, discount no paper, other than bills, and drafts payaper, other than units, and drafts pays ble abroad, upon which they exact under the head of "exchange," an advance of one-half per cent. in addition to interest, while they are calling in their sovereignty belongs to the people, and go existing debt at regular instalments of the parties to the rulers, that the States are the parties to the Constitution, or compact; the every 90 days. The State Bank has and that the newers of the General Government. declined business, and little aid can be expected from the Banks of Newbern, and the Bank of Cape Fear, prior to the 1st December, 1854 when they are restricted altogether from the creation of new debt. Even now the bills of a private company are obtaining ready circulation in the west, while our capitalist are seeking investments for their money abroad. The people in this state of things, look anxiously to the to sever the Union; and in the ranks of this wisdom of the Legislature for prompt party, as an humble individual, I ever have away time in useless debate upon details, and novel experiments in bank ing. The time to deliberate has passed -the period for action bas occured; time serving policy, and sectional jealously must be sacrificed upon the altar of pratriotism; if this Legislature pass away without action, its next session may find us upon the verge of ed on terms liberal enough to insure exorbitant taxes (and we unhesitating ly pronounce one per cent, to be exor. what His Excellency calls, a fair rate of investment (!) will bring about anof one per cent, be repealed, or reductration of capital-a prohibiting system unsuited to the spirit and genius of came the constituent members of the Gen our democratic institutions. Let this eral Government, or the parties to the

verrons. substance of a stump speech, delivered exibits the political views of that gen dation can exist, as thereby we would have tleman on the subject of State Rights, to understand an entire subordination of the party, from the origin of our government, through the trying times of '98 and '99, as laid down, and maintained by Jefferson and Madison in the Reso.

Inc. Boad entertain the opinion that the laws of God nor of man will just the former is the true construction. The very idea is abhorated as the follow. For instance, see the first Article follow. For instance, see the firs

gainst the Atlen and Sedition Laws, South Carolina Resolutions, Mr. Whitaker

goes on to say: Thus gendemen, having given you substantially the reasons which governed my vote on that occasion, I might be expected to

stop; but I feel disposed, by your permission, to give my views more at length on the one year, and persons resident without this principles, and structure of our government. an one year, and persons resident subscribers, I do so, because I think you are intitled to so, who may desire to become subscribers, I do so, because I think you are intitled to the strictly required to pay the whole a them, and because I believe that the true character and principles of our Republican satisfactors, not exceeding fifteen lines. System are not as well understood as they ted three times for one dellar, and twen- might be, and, therefore, not as highly prized as they should be.

And here let it be remembered, that there is now, and ever has been since the war of the Revolution, two powerful parties in the government, entertaining precisely different principles and different views of administering the affairs of the Union. The one party ming crisis in the money concerns in favor of a great National or Consolidated the country. The "withdrawal of Government, in which the States are merged deposites" and the prospect of the into one General Government, with unlimite deposites and the prospect of the ed power. The other party contending oding up of the Bank of the United that the individual States are so many soveates, have created a panic in the reignies, or, as Washington styles them, mmercial community, which may distinct communities; that the States are the over of material injury to mercantile constituent members of the General Goedit, and will certainly embarrass buness operations to a great extent—
tocks are declining rapidly, and in
stitution; and that any exercise of powers by all street, the great monied mart of Congress, not plainly given in the Constitu

Now, gentlemen, the question which I s, with reference to a remedy, to ment of these United States is conformable nent of these United States is conformation roment" have been prompted by pa- or, in other words, whether ours is a connotism, and prudence, or have result- solidated Government, acting with unlimited from vindictiveness on the part of and, as such, a government limited by the Executive, and personal pique, and plain sense and meaning of the Constitu tion?

According to the first of these opinion the States stand in relation to the General Government precisely in the same situation that the counties do to the States, in which from immense depreciation, the cer- in Congress, and a majority of that body ain result of a scarcity of the circulat- may pass whatever laws they please, without pon North Carolins, with a heavier Magistrate, become the supreme law of the sand than upon any other State in the land. But, gentlemen, this opinion would make the will of a majority in Congress, the measure of their power, and not the Constitution, and would deprive the sove reign people of any relief from a usurpation ment are fimited by the plain sense and intention of the instrument constituting that compact; and that in case of a deliberate, palpable and dangerous exercise of other powers, not granted by the Constitution, the States, who are parties thereto, have the right, and are in duty bound, to interpose

or what you please. Now, gentlemen, that the States still re tain their sovereignty, and that, therefore, ours is not a consolidated Government, I shall endeavour to show. The old articles of confederation, which were intended as a bond of perpetual union between the thir teen United States, will show very clearly that no consolidation was then intended. The States were struggling for freedom, and had in seventy-six declared their indepen bankruptey. A charter must be grant dence. The confederation was formed in seventy-eight, and was styled the confedera subscriptions restrictions as to the cy of the United States of America, amount ing to nothing more than a union or league; mode, and manner of doing business, and in the second article, it is expressly exorbitant taxes (and we unhesitating said, that each State should retain its sovereignty, freedom and independence. The bitant) and the restriction of profits to, third article calls it a firm league of friend ship for the common defence, the security of their liberties, and mutual welfare, binding hemselves to assist each other against any other stupendous failure, and a char foe, on account of religion, or sovereignty. ter, so granted, will sleep with its brother, the "Bank of North Carolina," a watched over and preserved to each State with more pertinacious exactness than under must me done; a Bank of large capital the old confederation. This is fully suffi cient to show that no consolidation existed cannot go into operation safety under goder the confederation. The treaty of 12 months; during that time the people peace with Great Britain, made in 1783, will will have suffered to an alarming ex- also show the relation in which the States tent. It rests with the Legislature to stood to each other at that time. His Bri obviate this difficulty. It is understead tanic Majesty, after naming over the thirteen States separately, pronounces them to be sent to a re-charter, provided the tax that he treats with them as such. Here is no consolidation, but sovereignty acknow ledged in each State. Then in the preamble

tel its capital be extended to a million to the prople, and adopted by them in their tional law, I pray you to remember that no power of dollars, and present relief will be at individual capacity, then indeed we should be a capacity of the State. Now, had the Constitution been submitted hand for a large portion of the State - have had a consolidated Government; be Will the Legislature do this? Nous cause a majority of individuals would have ratified the instrument. But, it having been submitted to the States in their sovereign capacity, and each State, as a sovereign individual, independent of all others, acted To the Editors of the Raleigh Star. individual, independent of all others, acted Gentlemen,—The following is the for itself in adopting or rejecting the instru ment, thereby making the Constitution obligatory only on those States which adop in Franklin, Macon county, on the ted it. According to the seventh article, it Thursday of last June Court, by James follows, as a matter of course, that each WHITAKER, Esq. and which you are State still retained to itself all the attrirequested by his friends to publish in butes of Sovereignty, and at the same time butes of Sovereignty, and at the same time became individual members of the General Sovernment. And, therefore, no consoli-

tions of Virginia and Kentucky a-tenth article in the amendments, and we have let me air, and amongs of a set of the proof complete, viz. The powers have the proof complete, viz. The powers have the proof complete, viz. The powers have that if this rule would work, and South have the proof complete, viz. The powers have the proof complete, viz. The powers have that the flaton not delegated to the United States by the Carolina should be about down, that the flaton would be broken. And yet you say, you are friends to the Union. Let me give you the opening of one, who stood second to no man of his over the proof complete, viz. The powers have that if this rule would work, and South have the proof complete, viz. The powers have the proof complete have the powers have the proof complete have the powers have the po ly, or to the people. And why was it that party, on the subject. Mr. Hamiton, when speaking of the Constitution, says that so power was to be found in the Constitution for reducing Because too much power was given to the single State to submission; but the sword, more General. adopted; among which is the one just quo the present agitated state of the public submission on the one side, and of unlimited mind, permit me to give you Mr. Madison's grance to it.

Onstitution was glocaled to the the that the Constitution was glocaled to the the constitution was glocaled to the the constitution was glocaled to the co Constitution was adopted. The powers delegated by the Constitution to the Gene ral Government, are few and defined, while gentlemen, having established my position asked him on the subject, provided it was done sufficiently, as I conceive, it must follow of in a friendly way. necessity that ours is a government limited n its operation by the express letter of the Constitution; and that the States are now, and ever have been sovereign and indepen dent; and that any acts of the General Gov erament, contrary to the true intent and meaning of the Constitution, is unauthorised, and, consequently, of no force, and not law; and the States, in their sovereign capacity, have the right to declare them so.

Now, gendlemen, in showing that the Gen eral Government is not a Government with unlimited powers, I have fully established my second position; but, lest any should say I have failed, permit me to introduce the opinions of some of the greatest men that ever adorned the pages of our National histo The great Washington, in his Inaugu ral address to Congress in the year 1789, styles the individual States, distinct com munities; and again he says. An assemblage of communities. All of which means distinct Commonwealths or bodies politic, or, in other words, independent sovereignties. Madison tells us, that the States are regard ed by the Constitution as independent sove reignties. See page 196 Fed. And again, each State, in ratifying the Constitution, is considered as a sovereign body independent of all others, &c. page 191 Fed. Mr. Jef

ferson was of the same opinion, as exhibited in the Kentucky resolutions against the Ali en and Sedition laws. You shall also have the opinion of Alexander Hamilton, not, however, because he is wanted on this occasion; but to show the difference in the opinions of the friends of the Constitution at the

tormation of the government, from those of the present day. Hamilton was a federalist, and a strong friend for consolidation; yet, when speaking of the Constitution, he tells us, that so far from the States losing their sovereignty by adopting the Constitution, it would be the more strongly established, as thereby the States he-some constituent parts of the General Government. See page 44 Ped. And he very flatty declares that all unconstitutional laws are no Laws; but are void in and of themselves, and may be so treated by the people. Hear his own words, viz. If the Federal Government should ever pass the just bounds of its authority, and make a tyrannical use of its powers; the people, whose creature it is, must appeal to the standard they have formed, and take such measures to refor arresting the progress of the evil. Of this latter opinion, we find Jefferson and 156-7 page Fed. There is no position, says Hamilton, which depends on clearer principles, than trying times of '98 and of '99, when the trying times of '99 and of '99, when the trying times of '99 and of '99, when the trying times of '99 and o dress the injury done to the Constitution as the exigency may suggest and prudence justily. See is too late to fritter and hope ever to be found—call me nultifier, advanced at the present day? It is now said that al government we had no separate character; but were known only as united colonies; and that our allegiance as citizens was transferred to the United States by the adoption of the Constitution and thereby we were made subject to the laws of Congress, whether passed within the meaning of the Constitution or not; and that notwithstanding our bill of rights declare that all political power is vested in, and derived from the people only, yet there is no relief from a quarpation of power on the part of Congress; but unlimited submission to every unconstitutional law. Here is despotism of the severest kind. A few words then on State Rights, and I have done. Now for a man to say he is a friend to state rights, and then deny the power to support those rights, is perfect nonsense; or for a man to say he beneves in the sovereignty of the states or the people, and yet do all he can against every measure to restrain the government within its constitue tional limits, is madness in the extreme. And you, who are so trightened at that odious-that readful word NULLIFICATION-please to hear what Mr. Jefferson, (the very name which won have been taught to reverence) says about it. The several States who formed the Constitution, being sovereign and independent, have the un-questionable right to judge of the infraction; and that a NULLIFICATION by those sore eighlier of all unauthorised acts done under solor of that instrument, is the rightful remedy. See the Kentucky resolutions against the Alien and Se dition laws. In perfect accordance with this, is the Virginia resolutions drawn by Mr. Madison of the same date. And here I am also reminded of the memorable saying of Mr. Madison. The suthority of Constitutions over Governments, and of the sovereignty of the people over Constitutions, are truths which are at all times necessary to be kept in mind; but surely never a Bank cannot afford to pay a tax of this amount: did our limits allow us, much might be said against the injus tice of this onerous "tariff" against mercantile facilities and the concentration of capital—a prohibiting state of the concentration of capital—a prohibiting state against the concentration of capital—a prohibiting state ag more so than at the present. Gentlemen, this is a sentance that ought to be written in characwhich the Constitution and the people would be a mere name in this great consolidated government. And should any be here who talk of taking up

rms to whip a sovereign State into the Un or to compel them to submit to an uncoustituustify such a procedure. And here permit me o expose an idea that is common in this county -an idea that has often been advanced, and very generally received in and about the little town of Franklin. That is, that the General Government is comparable to a father, and the States to chil-Iren; and, as a father has an undisputed right to whip an unculy son into obedience, even so the General Government has a right to reduce an individual State to obedience. Now nothing can be more abourd than this. The rule is wrong, and therefore its application must be wrong also for let it be remembered that the thirteen United States are twelve years older than the General Government. What, a child twelve years older than his father! And yet you say, he is a father, and may whip. Did I say whip! Yes, and RILL a sovereigo State, if she refuses the obligation of an unconstitutional law. But, let me ask, by what authority it is that a father may be justified, should his son be disobedient, in taking his gun and shooting him down? Ah! gentlemen, neither the laws of God nor of man will justify such a procedure. The very idea is abhore. for let it be remembered that the thirteen Uni-

General Government; and, therefore, a drawn, would seven the Union for ever. See string of amendments were proposed, and page 78 Fed. Here indeed might be a lesson adopted; among which is the one just quo for the favorites of power, from which they might Now it does seem to me that further profit. But to those of the present day, it me ted. Now it does seem to me that further proof of my position must be unnecessary to say unprejudiced mind. Mr. Whitaker went on, however, to say, lest any should not to see that such a union would be a usurpa-

assuring us at the same time that a great part of his sobject remained untouched; but hoped his views were understood from what he had those that remain to the States are many and said, and assured the people that he was ready at indefinite. Page 233 of the Fed. Then, any time to answer any questions that might be

REPORT

Of the President and Directors of the Literary Fund.

To the General Assembly of the State of North GENTLEMEN, -I transmit herewith

he Annual Report, required by Law to be submitted to the Legislature, of venient schools for the instruction of be effected without much difficulty, a the proceedings of the President and youth in the several counties of this direct communication will be opened Directors, of the Literary Fund.

I have the honor to be, Gentlemen, dient servant,

DAVID L. SWAIN.

Executive Department, N. C }

Literary Fund, in obedience to the Act of Assembly requiring them to cause to be kept by the Treasurer such sums of money as may belong to at present no opportunity afforded for near the point of connexion between the said fund; of the manner in which an investment in the Stock of any Pasquotank, river, and the Dismal the same has been applied and vested; Bank in this State or of the United Swamp Canal) and Newbern. It is and to make an annual report thereof States, though it is probable this state in contemplation to extend this line to the Legislature, with such recom- of things will not long continue. In from Newbern, through the Club Foot mendations for the improvement of the mean time, they entertain the and Harlows Creek Canal to Beaufort, the same as to them shall seem expe-opinion that their attention may with and thence along the coast by Wildient," respectfully Report,

Amount of tavern tax for 1833, \$2,757 23 do cash received tries of vacant land Ditto dividends received State Bank and Bank of Newbern, to date Cape Feat Navigation Company

Add to this sum the amount reported by the Public Trensurer to the last General Assembly, to have been due to the Literary Fund, on the first of November

for any purpose; and for obvious rea- Swamp lands, which if rightly managsons, the Board have declined to ex- ed may be made a source of great and defence, would be of incalculable ercise the authority given by the third lasting revenue. Instead of being the value, not only to North Carolina, but section of the act creating this corpora- abodes of reptiles and howling beasts, to the Union. tion, "to vest any part or the whole of the receptacles of stagnant waters, the fund in the stock of any of the which spread disease & death through Banks of this State, or in the stock of the country for one third of the year, the Bank of the United States." The entire fund has therefore been idle and unproductive during this period. The President and Directors have

had some difficulty in determining the construction, which ought to be given scription given by this gentleman of the to the act of incorporation; and as the question involved is one of much importance, they beg leave to refer it of his estimates. Various publications to the consideration of the Legislature. Literary Fund, shall consist "of the div- Department attentively examined, and idends arising from certain bank stock owned by the State, the dividends a- an extensive correspondence with genrising from stock owned by the State tlemen residing in the eastern section in certain navigation companies; the of the State. These enquiries have tax imposed by law on licenses to the produced the conviction that the sub- public loss should it fal. retailers of spirituous liquors and auc- ject is one of great importance, and tioneers; the unexpended balance of the well worthy the interest it has excited mend to your honorable body to aupaid to the State for entries of vacant by the State to certain Cherokee Inlians for reservations to land secured to them by treaty, when the said sum shall be received from the United States by this State; and of all the vacant and unappropriated swamp lands in this State, together with such sums of money as the Legislature may hereafter find it convenient to appropriate from time to time." The third section declares that the President and Directors shall have authority "at all to the said fund, in such manner and upon such terms as may in their opin-

futions of Virginia and Kentucky a- tenth article in the amendments, and we Now let me ask, who amongst us is so blind as lands," and not to "all monies paid to acres. It is elevated from 7 to 10 feet

prohibit the entry of these lands ac- than any settlement of equal extent in cords well with this construction. this or perhaps in the Southern States. The Legislature seems at that period | There is another object which may for the first time, to have been duly be attained by draining this lake or sensible of the great importance of reducing its waters, which recommends this portion of the public domain, it still more forcibly to puplic patronand it must have been upon this " real age. The distance from the lake to estate" alone, that any reliance could Alligator river is but four miles. If a have been placed, or even hope enter- canal be cut from the north side of tained for the accumulation with, in any the former, to the Pamptico sound, reasonable period, of a sufficent " fund and from its southern margin to Allifor the support of common and con gator river, which it is believed may State."

with high considerations, your obe- becomes the duty of the Board in con- in successful operation, and the imnexion with the subject, "to make provement now proposed will afford a such recommendation to the Legisla- channel of communication between ture for the improvement of the Fund Norfolk and Newbern, of great imas seem to them expedient."

It is apparent that no general good fund amounting to little more than a gentlemen have established a line of

mals may all be converted into fruitful fields, and made the delightful habitations of man."

The Board have taken much pains, to ascertain the correctness of the de lake. The Board entertain the oseveral tracts of country surveyed by pinion, however, that if the Generhim, and to test the general accuracy on the subject have been consulted, The second section provides that the the maps belonging to the Executive much information has been obtained by not be otherwise than salutary.

propriety of entering upon a general tation of produce upon them, ion be best calculated to improve the system of improvement. They pro- By this plan, the Literary Fund, value thereof." An Act passed at the pose to select a single tract of suffi- for the use of the capital employed, same session, prohibits the entry of cient extent, and offer the requisite in and the land surface of the lake, which Swamp lands. Has the act of As- ducement to reclaim it, to individual in its present condition is destitute of sembly in question transferred the effort and enterprise. With this view, value, would receive one half the aauthority to dispose of them? or mere- attention, the work which has been the and the individuals under whose dily a right "to all monies paid to the subject of such frequent discussion in rection the work shall be performed, State" on account of them, as in the the Legislature, the improvement of the remaining half, as a compensation case of other vacant and unappropriated the Swamp land in Hyde county, by for their attention and the hazard in-The Boad entertain the opinion that lake is represented by Mr. Nash to be the former is the true construction. 20 miles in length from East to West, The Hon. Dexter J. Pearce has been the grant is express "of all the va- and 8 or 9 miles wide from North to e'ected to Congress from Rhode Island,

the State" as in the former instance. above the level of Pamptico sound, If a right to the latter merely is inten- from which it is distant four miles, and ded, there was no necessity of any re- has at its greatest depth 9 feet of water. ference to the Swamp lands, all the He estimates that a canal forty feet in unappropriated lands except the Cher- width, and eight feet in depth, may be okee lands being included by the excavated along the line of a canal alother form of expression. The corporation neither owns, nor has authority and depth of four feet, by the expendito acquire any "real estate" other than ture of \$8,000, and that it would have these lands, so that the power "to the effect to lay bare and sufficiently alter, change and dispose of the real dry for the purposes of cultivation, and personal estate,", given by the 60,000 acres of land, of great fertility. third section, is by any other construc- In addition to this, the lands of the tion enticely augatory, so far as it riparian preprietors would be secured relates to the former species of proper- from inundation, and thus greatly enhanced in value, and the healthfulness The act above referred to, passed at of a neighborhood increased, which is the same session of the Legislature, to believed to be more densely populated,

between Aibemarle & Pamptico sounds. Having arrived at this conclusion it The Dismal Swamp Canal is already portance, not only to the immediate section of country through which it The President and Directors of the could be effected, by an attempt to es- will pass, but to a large portion of the tablish common and convenient schools Atlantic coast. Within the last two in every county in the State, with a months, a company of enterprizing humbled thousand dollars. There is steam boats between Elizabeth City great propriety be directed to the im- mington to Charleston, S. Carolina. That the receipts of this corporation provement of that part of the fund Through the canals connecting Matfor the year ending on the first day of which consists of real estate, and that tamuskeet lake with Pamptico and Al-November 1835, have been as follows, a portion of the money in the Treasa portion of the money in the Treas- bemarle Sounds, a hundred miles ury may well be set apart for this pur- would be saved in distance between pose, leaving the remainder to be in- Elizabeth City and Newbern, and the vested in such stocks, as the Legisla- dangerous navigation of the lower part of Albemarie Sound avaided The Governor in his recent message improvement would constitute a link to the General Assembly, has stated of the great chain of internal communithe extent, and made some general re- cation which has for many years atmarks with respect to the value of the tracted the attention of some of our Swamp and Marsh lands in the State - most distinguished statesmen. The A minute and interesting description facilities of inter-communication, of the entire region, over which they which it would afford in time of peace-extend, was given to the Board for In would greatly promote the conveniternal Improvements in 1527, by Mr ence, and advance the prosperity of Nash, then Civil Engineer for the that section of the State; but if at any \$117,024 814 State. He concludes his roport on this time the fleet of an enemy should cut During the present year no expen- subject by observing that " North Car off all intercourse with our sea ports, from this fund olina possesses a mine of wealth in her a safe and direct inland navigation, of the character

> It seems to be matter of surprize. that the Legislature had not been induced, long since, by the obvious advantages which must result from the successful prosecution of such an enterprize, to offer the entire body of land, which might be reclaimed, to the first individual who would drain the al Assembly concur with them in the construction they have given to the Act creating this fund, and sanction the course which they propose to adopt, liberal and enterprizing individuals will be willing to incur the hazard of such an undertaking, upon terms much more favorable to the State, if successfully prosecuted, and attended by no

They therefore respectfully recomagricultural funds which by the act of in the public mind. The general fer thorize the President and Directors he Legislature is directed to be paid tility of the soil is universally admitted, of the Literary Fund to loan upon good into the Public Treasury; all monies the extent of the surface has been ascer | security, to any number of individuals tained by actual survey, and the effect not exceeding thirty, who will associate land, excepting the Cherokee lands, of the anticipated improvement upon thereselves, and shall be incorporated the sum of \$21,090, which was paid the health of the adjacent country can- for the purpose of engaging in the work, a sum of money, not exceeding The important inquiry however re- 30,000 dollars, to be applied by the mains to be answered, in what way said individuals to the accomplishment and by what means can this work be of the projected enterprize. The most advantageously performed? This money to be repaid at the expiration has been the subject of much reflection of five years from the period at which with the Board, and they have been the loan shall have been obtained, withunable to devise any general system of out interest. The lands, when reimprovement, with which they are en- claimed, to be sold, and the proceeds. tirely satisfied. They believe, how- after the repayment of the 30,000 ever, that an experiment may be made dollars loaned, to be equally divided without either hazard or expense to the between the corporation and the intimes to change, alter, and dispose of fund, which they have in charge, dividuals concerned. The canals to the real and personal estate, belonging which will afford the most satisfactory be joint property, and reasonable rates information by which to determine the of toll to be allowed for the transpor-