

SOUTHERN CITIZEN.

BY BENJAMIN SWAIN.

WHAT DO WE LIVE FOR, BUT TO IMPROVE OURSELVES AND BE USEFUL TO ONE ANOTHER?

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By B. Swain

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THE EDITOR

LEGAL DEPARTMENT.

INSURANCE OF THE LAW SECURED BY THE

ASHBOROUGH, N. C.

Saturday, Nov. 25, 1837.

(Question by a Subscriber)

"Is it lawful for a Constable to sell the run of a citizen for debt, who has never been enrolled on the Military list?"

ANSWER.

It is lawful—provided the debtor, from any cause, is exempt from Military duty. The mere fact of his not being actually enrolled, if he is liable to be so enrolled, and compelled to muster, is not of itself sufficient to authorize the seizure of his Fire Arms.

Mr. Editor:

I wish to know if I can attach in the hand of an Administrator, the monies belong to one of the heirs, when the heir is removed to the West, so that the process of law cannot be served on him?

A Subscriber.

ANSWER.

You cannot. Property in the hands of an administrator, which will belong to the debtor as a distributee, after settlement of the administrator's accounts, cannot be attached. *Elliott v. Newby*, 2 Hawks, 21, [1822.]

FOR THE SOUTHERN CITIZEN.

The Fall Term of the Superior Court was held for the County of Ashe, commencing on Monday Oct. 2nd, 1837—His Honor John D. Toomer presiding. The Civil, State, and Equity dockets were regularly taken up and disposed of. The most interesting case determined during the Term was the case of *State vs. Jackson Garvey and others—nuisance.*

The indictment in the first count, charged Jackson Garvey (and fourteen others) with having committed a riot, by assembling themselves and horse racing in the town of Jefferson on a certain day. In the second count, the same defendants were charged with running and racing horses in the streets of Jefferson on the said day to the common nuisance of the citizens of North Carolina. Both counts implicated riders, bot-

ters, and judges, and those who offered to bet but were not taken up. After arguments to the jury by James R. Dodge, Solicitor for the State, and A. Mitchell and R. Merchison for defendants. His Honor delivered a lengthy and lucid charge—explaining the nature of a riot, also of a nuisance.

The Jury, after retiring for some hours, returned a verdict of guilty against nine of the defendants—to wit: all riders and actual betters; and of acquittal as to the judges and those who offered to bet but did not. Fine on those convicted \$50 25 cts. and costs.

Judge Toomer may justly be styled one of North Carolina's great men. The Judge's health is delicate, though better than we had anticipated.

May the benedictions of the Judge of all the earth be showered on him by an unsparring hand!

MR. RENCHER'S SPEECH.

House of Representatives, Tuesday, September 28, 1837.

Debate on the bill to postpone the payment to the States of the fourth instalment of the Surplus Revenue.

Mr. RENCHER, of North Carolina, said he did not feel as the gentleman from Virginia, (Mr. Mercer,) who had just taken his seat, animated with the hope of being able to throw additional light upon the subject now under consideration, but he could not forbear expressing briefly the reasons which induced him to vote against the bill. In doing so, (said Mr. R.) I will not follow the example so repeatedly set me, of wandering into the discussion of other matters, but shall confine myself strictly to the bill now before the committee. I am called upon to surrender up a large amount of money set apart by a former act of Congress for the use of the People I represent. Before I can do so, I must be thoroughly satisfied that it is necessary for the wants of this Government; and, satisfied of that, I should not hesitate to do it, notwithstanding the deposite law. That law was passed for the benefit of the States, and I do not concur with many of my friends that it created such a contract between the States and this Government as to make it legally binding on us to pay over this money, or incur the charge of violated public faith. But we will concur in this that the deposite law of 1836, authorizing a large amount of public money, created a reasonable expectation on the part of the States that it would be done, unless we were prevented by the necessary wants of the Government. That necessity does not exist; and this bill is not to relieve this Government, but to re-attach to it a large amount of surplus revenue, and to swell again that patronage and power of which it was deprived by the deposite law. It is not the Government, but the party now in power that cannot get along without the political influence of this public money; and I have been struck with the remarkable fact that those gentlemen who have shown most zeal in favor of recalling the fourth instalment were originally opposed to the deposite law. They were then unwilling that the Federal Government should be deprived of this large amount of public patronage, and are now most anxious, under various pretences to recall it. The deposite law, which has been so much abused, was a most salutary measure: like the quality of mercy, it has blessed both the giver and receiver. While it has cut off from this Government much of its corrupt and dangerous patronage, it has and will enable the States to scatter blessings among their People. Where, let me ask, but for this deposite law, would now be the whole amount of the surplus revenue distributed under that law? Locked up in your broken pot banks, and put down in the Treasury report as unavailable funds.

Permit me now, Mr. Chairman, to call your attention to a brief statement of the financial condition of the Treasury. I will not trouble the committee with a detailed statement in figures. I am willing to take the report of the Secretary of the Treasury himself, the statement made by the gentleman from New York at the head of the Committee of Ways and Means, (Mr. Cambreleng,) or the more elaborate calculations made by the gentleman from Virginia, (Mr. Jones.) These results differ a little, but none of them make the deficiency in the Treasury at the end of the present year to exceed seven millions of dollars.

The report of the Secretary states that, on the 1st of January, 1837, there was set apart, of surplus money in the Treasury, to be distributed under the deposite law, \$37,408,359, including the \$9,367,214, which is now proposed to recall, and leaving still in the Treasury, on the 1st of January, 1837, \$28,041,145. This balance, with the revenue already received and estimated for the present year, makes an aggregate of \$27,457,319. The appropriation for the same period amount to \$32,733,884. Now, suppose the Administration could expend the whole of the appropriations, which I believe perfectly impossible—prodigal and extravagant as I know them to be, I do not believe it can be done—still, however, there would be a deficiency in the revenue, at the end of the year, of only \$5,276,565. To this add two millions more for the Florida war and the extra session of Congress, and it would make the deficit \$7,276,567. This is the extent of the deficiency; and how, let me ask, are we called on to supply it? What means are we required to place at the disposition of the Administration to meet it? In the first place, we are to give up this fourth instalment, set apart for the benefit of the States, and, in the next place, to authorize the Secretary of the Treasury to issue Treasury notes for twelve millions of dollars, amounting, in all, to \$31,367,214! This immense sum is to be placed at the disposal of the Administration, to meet a deficiency of little more than seven millions! Will the People sustain us in such prodigality? Ought they to do it? We have been called together at a period of unusual disaster; our constituents are ground to the dust by the pressure and embarrassment of the times, and yet we are about to appropriate of their money, and create a debt for them to pay, three times as much as is called for by the real wants of the Government. The sum is double as much as is asked for by the Secretary of the Treasury. Liberal as he is in his demands upon the Treasury, he has not ventured to ask us for more than ten millions. We have been but recently rebuked from high places for granting larger supplies than asked for by the Administration; and shall we in the very teeth of that rebuke, repeat the offence?

I have spoken, Mr. Chairman, of the bill upon your table, authorizing the Secretary of the Treasury to issue twelve millions of Treasury notes, thereby creating a national debt to that amount.—That bill will become a law. Whether you postpone the fourth instalment or not, we must create a national debt to that amount; and gentlemen who have advocated the bill before you on the ground that, unless it pass, you must issue Treasury notes, well know that we shall be forced into the adoption of that measure at all events. And, much as I depreciate a national debt, and opposed as I am to the mal-administration of those in power, I shall feel it due to my country to provide ways and means to enable the Government to discharge its just obligations to the People.

You are urged to recall upwards of nine millions of dollars from the States to meet a deficiency in the revenue of something more than seven; and, as soon as you do so, you will be immediately told that this money due the States is locked up in broken banks, and cannot be made available to the Government, and you must therefore pass the Treasury note bill to meet the wants of the Government. Such has been the action in the other branch of the Legislature, and such will be the action here.

And now, sir, let us inquire what amount of public money is asked for during the first year of President Van Buren's administration. The receipts into the Treasury have been stated at \$27,457,319. The bill before you proposes to recall from the States upwards of nine millions of dollars, and the other bill upon your table, authorizing the Secretary to create a public debt, by the issue of Treasury notes, for twelve millions more, making an aggregate of \$48-

834,533! These are stubborn facts, which cannot be denied. In the very first year of this Administration, professing exclusive attachment for the People, we are asked for upwards of forty-eight millions of dollars for its support. The gentleman from Massachusetts, (Mr. Adams,) when at the head of the Government, was charged with prodigality and extravagance in the expenditure of public money, and upon that charge was driven from office by those now in power; but, be it remembered that that Administration, during its whole term of four years, expended but little more than the sum asked for during the first year of this Administration. Is this the retrenchment and reform promised to the People?

I know it will be said in reply to this statement, and said with truth, that much of the money due the States under the fourth instalment is deposited in State banks having suspended specie payment, and cannot, therefore, be made available to this Government. But this, to my mind, constitutes a strong argument against this bill. The whole amount may be made available to the States. No State in the Union could refuse to take the notes of its own banks in payment of its distributive share of the fourth instalment. For myself, I would scorn to ask any other paymaster than the banks of my own State. When the banks of a State held more upon deposite than the distributive share of that State, those banks could pay that excess to other States, whose banks did not hold upon deposite an amount equal to the distributive shares of those States. In this way, the operation might be made favorable to the banks, the States, and the People. It may be said that the banks having an excess would not be able to pay this excess to a sister State. How, then, let me ask, would they be able to pay the whole amount to this Government, demanded, as it would be, in specie, if you pass this bill? If unable to pay a part, they would be less able to pay the whole; and if the whole were demanded of the banks, what would be its effects upon the People? A sudden contraction by the banks would be the inevitable consequence. They would be compelled to call in their debts; and, instead of relieving the People, for which we have been convoked, we should but augment their sufferings, and aid in their bankruptcy and ruin.

Mr. R. argued at length in favor of allowing the fourth instalment to be paid to the States by the deposite banks, and of authorizing the temporary issue of Treasury notes for the immediate relief of the Government. Why, (said Mr. R.) are we called on to adopt any measure of relief at this time? It is because you are compelled to postpone the collection of custom-house bonds till another year, and because the channels of revenue from the public domain have been blocked up by your specie circular. If no more mad experiment be performed upon our currency, we may expect better times; worse, they cannot be. Commerce will again revive, and the specie circular repealed, the revenue from the public lands will again swell your Treasury. To this may be added a large amount of custom-house bonds postponed for collection till the next year. The revenue, therefore, for the next year, must be large, and will enable the Administration, in a year or two, at furthest, to pay off these Treasury notes without recalling any part of the money distributed among the States. All that is wanting is the practice of more economy in our expenditures, and I trust we are prepared to do it. Let us not preach economy to the People, while we practise prodigality towards the Government.

And now, Mr. Chairman, I have a word or two to address to my Southern friends on this subject. You and I come from a quarter of the Union who have always received a step-son's portion of the favors of this Government. In the scramble, heretofore carried on for the public money, the South has always stood aloof, because she believed many of the expenditures unauthorized by the Constitution. Under the deposite law, however, we are entitled to our proportionable share of the surplus revenue, and, for one, I am determined to hold on to it. The bill, it is true, purports to be a postponement of the fourth instalment; but the Gentleman from Maine, (Mr. Smith,) with his accustomed frankness, tell you its friends in-

tend it to be a repeal. Pass that bill, and the fourth instalment is gone from you, and you will never recover it. The public Treasury may again become full to overflowing, but no part of it will ever be applied to return to the States this equitable apportionment. It will be squandered as it has heretofore been squandered, in unequal, extravagant, and unauthorized expenditures, upon splendid edifices, new fortifications un-called for by the public service, light-houses, creeks, harbors, and exploring expeditions. What, sir, has been the history of this Government for the last four or five years, but one of the most wanton prodigality? The friends of the Administration are responsible to the country for these extravagant and unauthorized uses of the public money.— They have a decided majority in both branches of Congress, and were, therefore, able at all times to check this extravagance. Look at the expedition which they are now fitting out at great expense for the purposes of exploration and scientific research. At a time when the Government is said to be bankrupt, and we are called upon to create a national debt to meet its wants, and while every breeze which has blown for the last four months from the North and the South has brought complaints of unexampled distress among the People, this Administration has been spending millions for the purposes of research and discovery! The gentleman from Massachusetts, (Mr. Adams,) when at the head of the Government, in his great zeal for science and internal improvement, in his annual message to Congress, says:

"In inviting the attention of Congress to the subject of internal improvement upon a view thus enlarged, it is not my design to recommend the equipment of an expedition for circumnavigating the globe for purposes of scientific research and inquiry. We have objects of more useful inquiry nearer home, and to which our cares may be more beneficially applied."

What the gentleman from Massachusetts considered too extravagant for his purposes, this Administration is carrying out to the very letter. Let us reform these abuses, reduce our expenditures, and bring back the Government to its ancient republican simplicity. This is the relief which the people have a right to expect at our hands.

I have but one word more, and I am done. Frequent allusion has been made in the course of this debate to the financial system recommended for our adoption in the Message of the President.— He admits that the experiment performed by his illustrious predecessor, of making the State banks the fiscal agents of the Government, has signally failed.— That failure has brought disaster upon the country, and we are now invited to another experiment upon the liberties of the People, by establishing a Government bank; for this sub-Treasury system is nothing more nor less than a Government bank, for the exclusive benefit of the Government and its officers. It may furnish them with a sound metallic currency, but it will inevitably leave for the People nothing but the baser currency, commonly called "rag money." It will add to the Executive Department still more dangerous and alarming powers, and place at the will and disposal of the President and thousand more Executive officers armed with the whole revenue of the country! Sir, I trust we are to have no such experiments. The People of this country are sick even unto death, both of experiments and experimenters. Lacerated and bleeding at every pore, they tremble at the thought of being again placed under an exhausted receiver, to be operated upon by political quacks. Afflicted as they are, and afflicted as they have been by those in power, they yet prefer to

"Bear those ills they have Than fly to others that they know not of."

IMPORTANCE OF RELIGION TO SOCIETY

Few men suspect, perhaps no man comprehends the extent of the support given by religion to the virtues of ordinary life. No man perhaps is aware, how much our moral and social sentiments are fed from this fountain; how powerless conscience would become without the belief of a God; how palid