

[From the Carolina Patriot.]
**TRIAL AND ACQUITTAL OF
 VIRGIL A. STEWART.**

Capture of John A. Murrel.
 Messrs. Clancy and Evans. It is with great pleasure that I, as one of your patrons, communicate to you the trial and acquittal of Virgil A. Stewart. He was charged with the crime of larceny (as you no doubt heard) by the notorious Matthew Clanton who exerted every nerve to affect the everlasting destruction of our Southern Benefactor. — Yes, he even proved that he (Stewart) was guilty of the charge, but by no other person than by those who were his faithful adherents, and consequently, equally base with himself. But thanks to Heaven! this testimony was destroyed and set aside by men who were notorious for good character, and declared that they would not believe the persons who had given in the testimony on oath, in a Court of Justice, where they were interested. More feeling remarks I never heard from any Attorney than those made by the attorneys of the defendant: they were in truth extraordinary on the occasion. After the arguments had closed, the jury were ordered to retire, and in a very few moments brought in a verdict which declared that the defendant was not guilty of the charge alleged against him.

Mr. Stewart was almost universally congratulated. The case was so extraordinary that it merits a place in the history of our beloved country. The arbitration of this case was assigned to a jury of this county, (Choctaw) which has done honor to the county which it resides in. Thus terminated the trial of Virgil A. Stewart. We now behold Matthew Clanton placed beneath the notice of a man of honor, by his false charge—while Virgil A. Stewart is distinguished and applauded in a manner almost without a parallel.

The trial occurred on Thursday and Friday last, which days were entirely consumed by the trial, of which I was an eye witness.

Messrs. Editors: It would no doubt be gratifying to the people of Carolina to be favored with the above intelligence I would, therefore, be glad you would insert it

Yours, &c.

F. S. PEEPLES.

From the Louisville Public Advertiser.

Specie Payments.—We are pleased to find here and there a whig print, advocating a speedy resumption. It is alike creditable to their honesty and independence. The St. Louis Bulletin of the 22d instant contained the following article:

"Specie Payments.—It must be a source of great pleasure to the public to find a general resumption is about to take place. Confidence will necessarily be restored, and a better state of things must follow. The high premium which gold and silver has commanded, has induced foreign merchants to import them to the United States, until we have nearly our usual quantity of circulating medium. As soon as the banks can make the proper arrangements, we can see no good reason why they should not resume specie payments, and quiet the agitated waves of public sentiment. It is time that doubt and uncertainty should cease, and that confidence be restored. At present things assume a brighter look, and we begin to think that all will soon be right. The New York banks are redeeming their pledges in good earnest, and we understand that the State bank of Louisiana has followed in her wake. Nicholas Biddle has received an addition to his stock on hand, of two millions, and there can be no doubt of the ability of the United States Bank to redeem its notes. The Kentucky banks are making preparations, for a resumption, and those of Ohio will not lag behind. The Cincinnati News of the 15th says, 'an intelligent gentleman, one of whose opportunities of knowing are better than those of most people, expressed his belief to us a day or two since, that the banks of this State would resume specie payments within three months.' A general resumption is greatly desired by the whole country, and such a move will have a most beneficial effect upon the trade, commerce, and prosperity of the country."

A message from the President to Congress proposing some alterations in the Treaty with the Cherokee Indians excited a quite warm debate in the Senate, and what was passing strange, indeed, those very sabers and backs of party, Messrs. King, and Clay of Ala. Strange Grandy, Lumpkin and Culbert, to rail with much vehemence against Mr. Van Buren and his Secretary of War.— Messrs. King and Clay were very in-

signed that a message containing such a proposition should be sent to the Senate without consultation with the Southern Delegation. Mr. Clay denounced the policy proposed, as temporizing and vacillating, and calculated to bring on another Indian War. Messrs. Lumpkin and Culbert were furious. The former declared, it was quite immaterial, what Congress and the President did, Georgia was determined to remove the Indians from her borders.

Rich. Whig.

From the National Intelligencer.

From the New York correspondent, and other sources, we regret to learn that further troubles are apprehended on the Northern frontier growing out of the jealous and irritable feeling, of individuals on both sides of the dividing line between the United States and Canada. This feeling has been manifested, in part, by burning sundry persons in effigy, among whom we are sorry to learn that the President of the United States has suffered martyrdom; whether because of his having exerted too much energy in counteracting the late designs of evil disposed persons upon Canada, or of his not having been energetic enough, we are not informed; nor does it much matter. If he is conscious of having done his duty in the premises, the blaze of a few faggots at so great a distance will hardly disturb his proper repose.

MOBIN PHILADELPHIA.

Gov. Ritner has offered a reward of \$500 for the apprehension and conviction of the incendiaries who set fire to the Pennsylvania Hall and attempted to burn the Asylum for indigent colored children, at the time of the late mob. And the Mayor of the city has offered a reward of \$2000 for the same object. We make the following extract from the proclamation of the Governor:

"Whereas, I have learned with the deepest regret, that the soil of Pennsylvania has been disgraced the rights of her peaceful citizens outraged, and their property destroyed by lawless riot— For the first time the orderly citizens of Philadelphia has become the theatre of scenes heretofore only contemplated at a distance, as dangerous excesses on the part of others. They have now been enacted in our midst, and assumed a form the most destructive of property and domestic quiet, the most inimical to individual rights, and the most ruinous to social harmony and public order that can be conceived.

The torch of the incendiary has been applied by unmasked violators of law in the darkness of night, in the heart of a crowded city, and for the avowed purpose of preventing the exercises of the constitutional and invaluable right of "the free communication of thoughts and opinions." And whereas, if it be true that "even error of opinion may be tolerated while reason is left free to combat it," the practice of combating supposed error with the firebrand or of punishing even crime without the established process of law, must be the very essence of tyranny. And whereas, it is the duty of the magistrate to protect all in the exercise of their constitutional rights without respect to the question whether their respective objects be or be not agreeable to himself or others, so long as their department is peaceful and the object lawful.

And whereas, it is the duty of the Governor of the commonwealth, "to take care that the laws be faithfully executed," especially in cases where enormity transcends the magnitude of common guilt."

A warning to Lynchers.—A suit has lately been decided in the Yazoo Circuit Court, Mississippi, which had its origin during the lynching fever in 1835, and in which the plaintiff, a sufferer from the mob, has obtained a verdict for damages to the amount of fifteen thousand dollars.

According to the account of the case, as published in the Manchester Whig, the plaintiff, Justice Shanks, was a magistrate at the time of the outbreak. He was a large slaveholder, had lived in the country more than thirty years, and possessed an unblemished reputation; and yet because this justice was not satisfied as to the guilt of an individual brought before him on the charge of being an accomplice in the anticipated insurrection, the mob took it into their heads he was also implicated, and that the proper mode of proceeding would be to lynch him also. This however, says the Whig, "proved a difficult undertaking. The resolute justice, who had acted in accordance

with his oath of office, refused to surrender himself to the assailants, and threw himself against them, placing himself in a defensive attitude. The mob attacked his house by shooting through doors and windows, and Mr. S., with his wife and children, was exposed to an incessant fire of rifles, the balls passing through the house in various directions. He, however, had his rifle at hand, and made good his defence, killing one of the party, although badly wounded by a rifle ball in his left arm. It is stated that his bed, in which lay a young child, was literally shot to pieces, and, by a miracle the child escaped unhurt.

Under such circumstances, it is highly gratifying to see that justice, though rather tardy, has at length been meted out. The attacking party have brought themselves under the necessity of paying such damages as will doubtless make them a little cautious hereafter in executing the mandates of Judge Lynch.—N. O. Picayune.

Auction of Ladies.—An auction of unmarried ladies used to take place annually in Babylon. In every district they assembled a certain day of every year, all the virgins of a marriageable age. The most beautiful were first put up, and the man who bid the largest sum of money gained possession of her. The second in personal appearance followed, and the bidders gratified themselves with handsome wives according to the depth of their purses. But alas! it seems there were some ladies for whom no money was likely to be offered; yet those were all disposed of—so provided were the Babylonians.—When all the beautiful virgins, says the historian, were sold, the crier ordered the most deformed to stand up, and after he had openly demanded who would marry her with a small sum, she was at length adjudged to the man who would be satisfied with the least, and in this manner the money arising from the sale of the handsome women served as a portion to those who were either of disagreeable looks, or that had any other imperfections. This custom prevailed about five hundred years before Christ.

BANK ROBBERY.

The Bank of the Metropolis, Washington City, was entered on the night of the 28th ult. by some unknown villains, through the skylight on the top, and after forcing their way through bolts, bars and doors, succeeded in opening the book safe, and getting a case containing a large quantity of very valuable plate and jewelry, which had been deposited there for safe-keeping. But the main safe could not be entered. A reward of 500 dollars is offered by the Bank for their apprehension.

Raleigh Star.

The Cabinet.—Changes in the Cabinet are soon to take place. Mr. Woodbury has been appointed Chief Justice of New Hampshire; Attorney General Pillsbury Law Professor in the University of New York; and Mr. Dickerson is expected to resign. The question, who will fill their places? is the ungracious topic at Washington. Some say Mr. Kendall will go into the Treasury Department, &c. &c. But no reliance can be placed in any of these mere conjectures.—Id.

Ten Millions Treasury Notes.—The vote of the North Carolina delegation, on its passage, was as follows: Yeas Messrs. Bynum, Conner, Hawkins, M. Kay, Montgomery, Nays, Messrs. Deberry, Graham, Rencher, Chas. Shepard, Stanly, Williams. On the motion to reconsider—Yeas, Messrs. Graham, Rencher, A. H. Sheppard, Chas. Shepard, Stanly, Williams, Nays, Messrs. Bynum, Conner, Hawkins, M. Kay, Montgomery. The bill passed the Senate, on the 18th, by a vote of 27 to 17.—Wilmington Advertiser.

FOR THE SOUTHERN CITIZEN

Friend B. Swain:

I find three puzzles in the Citizen, and have answered them to the best of my knowledge.

1. The number of cows is 19, sheep 1 geese 80.
2. The blacks were 6 weeks, 4 days and 18 hours in crossing the ocean.
3. The wheel must be 252 inches in circumference; and it will turn in rolling from Piusboro to Asheboro—40 miles—10056 times.

V. E. H.

Our young friend must not be discouraged. The first answer is correct; but she has missed a figure in the other two.

Ed. Cil.

Reading.—Go into the house of some of our farmers, and you will find no newspapers, no periodicals of any kind, and hardly a book. Ask such men to subscribe for a paper, and they will tell you they have no time to read one!—But who is so constantly employed as to find no leisure for the improvement of his mind? Not the farmer, certainly, for the long winter evenings afford him several hours every day which he might devote to reading—not the mechanic, for instances are frequent where the industrious artizans, have attained to eminence in the sciences, merely by giving their leisure to study.

One of the best oriental scholars of the age, is Prof. Lee, of one of the English Universities; and yet all his education was acquired during the moments of leisure which he found while employed as a journeyman carpenter.

The fact is, every man has leisure to read at least a newspaper, and those who plead the want of time as an excuse for not taking one, are almost always the least industrious.

Nothing ought to induce the father of a family to do without a newspaper and rear his children in ignorance.—They will be less intelligent and respectable, and far less likely to succeed in life than those who enjoy the advantages of a good periodical.

N. Y. Evan.

Southern Citizen.



ASHEBORO, N.C.

Friday, June 15, 1838.

RANDOLPH CANDIDATES.

- Senate.**
 Jonathan Reding Esq. (W.)
 Tidance Lane Esq. (V. B.)
- Commons.**
 Dr. Wm. B. Lane, (W.)
 Mr. Jesse Walker, (W.)
 Mr. Benjamin Hawkins, (V. B.)
 Col. Zebedee Rush (W.)
- Sheriff.**
 Isaac White Esq. (W.)
 Col. Robert G. Murdoch (W.)

THE RIGHT OF INSTRUCTION.

Nothing more conclusively proves the fallacy, the unsoundness of this pretence, than the short lived triumph to which its high handed exercise has been so signally doomed. So little do we anticipate its revival that we should now pass it unnoticed, but for the inclination that seems to be starting in some parts of the country, to revive it, not as a matter of right, not as a measure of sound and wholesome policy, but as an act of retaliation. We must be permitted to differ from those who believe that the end justifies the means.

Instruction, when it means the peaceable assemblage of the people to instruct their representatives, is a great and glorious privilege guaranteed by the very constitution. It cannot be too highly prized nor too vigilantly exercised by a people who would perpetuate such an admirable frame of government as ours. The good representative always will obey the known will of a majority of his constituents, understandingly formed, if he can conscientiously do so,—if not he will frankly resign his trust and leave it to a successor of more compliant views.

But when the legislature of a state, assembled for purposes of internal legislation, takes it upon itself to instruct our senators what to do, or to resign, as the alternative, its members assume unwarranted powers; dangerous in their nature and mischievous in their consequences.

If you inquire what the legislature of a state—North Carolina for instance—can or cannot do, you have but to look to her constitution. Why does not this instrument provide that the General Assembly may recall our senators from Congress whenever a majority shall be so disposed? For the very reason that it made no provision for legislative instruction. Right and obligation must be mutual; or else neither exists. Hence

if the legislature have a right to instruct, the senator is bound to obey. What then becomes of that steady, consistent unwavering, independent course of policy which our ancestors intended to secure to us in extending the term of a senator to six years? The object was, and ought to be, to remove this branch of the national councils as far as possible from the influence of capricious and momentary excitement, as well as all party responsibilities. So long as this can be done, so long as the senate and the senator are permitted to hold an exercise that salutary and necessary check upon the irregularities of popular caprice, and momentary faction,—that the constitution intended—so long we are measurably safe from the ravages of the corruptest and most reckless administration. But let it once be given up that the senate of the United States is subject to, and dependant on the factions control of the legislatures of the states, and the very existence of the government is at once endangered.

True, we can have no confidence in those Senators who have been brought in by the unconstitutional, unjust and factious means we are here complaining of; and if any thing would justify a resort to retaliation, in the conduct of one party towards another, at the expense of principle, the present state of parties and of public opinion affords a case directly in point. Nothing but a high sense of propriety, a patriotic adherence to first principles, & a fixed determination to maintain the spirit of constitutional Government, by exercising a prudent discretion, instead of an ambitious & lawless power, can now protect the seats of those Senators above alluded to. Many of them are doubtless at the mercy of whig legislatures.

Harra for our Congress boys!
 Another fight.—Don't be frightened reader; they didn't shoot; only took it fist and scull fashion.

It is no joke; the two Honorables Bell and Turney of the House of Representatives from Tennessee, the other Jay showed their spunk manfully for a little while. The substance of the account is, that Turney, in discussing the bill for Indian appropriations, adverted to the inconsistency of Bell's course at different times; the latter recriminated by calling his antagonist "the willing instrument of others—the tool of tools,"—and was replied to, "it's false, it's false!" when the parties instantly closed for a fight, and actually did fight.

"As fast as fist could tag,
 Till both lay sprawling on the floor,
 And scarce a fist could wag."

RESUMPTION.

It is with no common ecstasy that we this week congratulate our readers, on the prospect of a speedy resumption of specie payments by all the solvent banks. The ruinous measures of the Administration are beginning to give way, one by one, yielding to the irresistible force of the popular will. The specie circular, that closed the banks more than a year ago, is fortunately repealed by Congress. And there seems to be no other obstacle to the resumption of payment by the banks. We shall doubtless soon have better times.

The following brief letter from Mr. Biddle will be read with interest.

Philadelphia May 31, 1838.
 "My Dear Sir: In my letter of the 7th ult. I stated my belief that there could be no safe nor permanent resumption of specie payments by the banks, until the policy of the government towards them was changed.

The repeal of the Specie Circular by Congress makes the change. I see now what until now I have not seen, the means of restoring the currency.

I rejoice very sincerely at the termination of the unhappy controversy, and shall cordially operate with the Government, by promoting what the banks are, I am sure, anxious to effect, an early resumption of specie payments throughout the Union.

With respect, yours,
 N. BIDDLE
 Hon. John Q. Adams D. C.