

# SOUTHERN CITIZEN.

What do we live for, but to improve ourselves and be useful to one another?

VOLUME III.

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**BENJAMIN SWAIN.**

### TERMS.

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Those who advertise by the year will be entitled to a deduction of 33 percent, provided they pay in advance.

### COMMON SCHOOLS.

AN ACT to divide the Counties into School districts, and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the sheriffs of the several counties of this State, when they advertise the next election for members of congress, to give notice, at the same time, by public advertisement in every election precinct, that an election will be held to ascertain the voice of the people upon the subject of common schools; and all who are in favor of raising by taxation one dollar for every two dollars proposed to be furnished out of the literary fund, for the establishment of common schools in each school district, will deposit their vote with the word "School" written on it; those opposed to it, will vote "No School" upon their ticket; and all who vote for members of the house of commons shall be entitled to vote. And it shall be the duty of the poll keepers to count the votes given at each precinct for school or no school, and to return the same to the sheriff, who shall count together all the votes; and if a majority shall be found in favor of schools, it shall be the duty of the sheriff to furnish a certificate of the same to the next county court of his county; & any sheriff failing to comply with the requisitions of this act, shall suffer all the penalties imposed by law for failing to discharge his duty in any election for members of Assembly.

2. Be it further enacted, That the several courts of pleas and quarter sessions in each county of the State of North Carolina shall, in such county as shall determine to accept these terms, at the first court that may happen after such election, a majority of the justices of such county being present, proceed to elect not less than five, nor more than ten persons, as superintendents of common schools, for such county; and in such election it shall be necessary for a choice, that each of the persons elected shall receive a majority of the votes of all the justices present.

3. Be it further enacted, That said superintendents, or a majority of them, shall meet within a reasonable time thereafter, and shall have power to choose one of their number as chairman, and shall proceed to divide their respective counties into school districts, for the purpose of establishing common schools, containing not more than six miles square, but having regard to the number of white children in each, so far as they can ascertain the same: Provided, nevertheless, that no greater number of school districts shall be laid off in any county than shall be equal to one for every six miles square of inhabited territory in said county.

4. Be it further enacted, That said superintendents shall number the dis-

tricts, and make returns thereof to the first county court in the several counties which shall be held after the first day of January, one thousand eight hundred and forty; and it shall be the duty of said superintendents, in making their return, to designate, as well as they may, the natural boundaries and prominent objects of the boundary of each of said districts; and it shall be the duty of said court to cause such return to be recorded in the register's office of said county.

5. Be it further enacted, That the aforesaid boards of superintendents, in each county, after completing the division as aforesaid, shall appoint not less than three, nor more than six; school committee men, in each district, whose duty it shall be to assist said superintendents in all matters pertaining to the establishment of schools for their respective districts.

6. Be it further enacted, That if any person who shall be thus appointed to serve as superintendent shall refuse or neglect to do so after having accepted said appointment, he shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt in any court of record in this State; and such penalty when recovered, to be paid over to the President and Directors of the Literary Fund, and to be appropriated to the Literary Fund; and it shall be the duty of the county attorney for the State to prosecute suit in all such cases for and on behalf of the President and Directors of the Literary Fund.

7. Be it further enacted, That in any county where a majority of the votes have been for common schools, and a certificate of the same has been furnished by the sheriff to the said superintendents of common schools, it shall be the duty of the superintendents to transmit the same with a certificate of the number of school districts in their respective counties, to the president of the literary fund.

8. Be it further enacted, That in every county in the State, where the vote shall be in favor of common schools, it shall be the duty of said county courts, at the first term that shall happen after the first Monday in January, one thousand eight hundred and forty, a majority of the justices being present, to levy a tax to the amount of twenty dollars for each district in said county, in the same manner that other county taxes are now levied for other county purposes, to be paid over to the school committee of the respective districts, upon the certificate of the chairman of the board of superintendents.

9. Be it further enacted, That forty dollars out of the net income of the literary fund for the year one thousand eight hundred and thirty-nine, is hereby appropriated to each district in said counties where the vote shall be in favor of the establishment of common schools, which shall be paid by the public Treasurer, upon the warrant of the Governor, upon the certificate of the chairman of the board of superintendents of said counties that taxes have been levied to the amount of twenty dollars for each school district in their respective counties, and that school houses have been erected in each district sufficient to accommodate at least fifty scholars.

10. Be it further enacted, That every county which shall refuse or neglect to levy a tax, and build the school houses herein specified, shall at any time hereafter be entitled to receive the forty dollars hereby appropriated to each district, upon complying with the terms herein before specified.

11. Be it further enacted, That if in taking the next census of the United States, Congress shall fail to provide for ascertaining the number of inhabitants, and especially of white children in the several school districts of North Carolina, it shall be the duty of the Governor, as president of the board of common schools, to make such arrangements with the marshal of the United States for the district of North Carolina or with his deputies in the several counties, or with such other person or persons as he may deem proper, to cause such census to be ascertained, together with any other information which he may deem important to the establishment of a just and equal system of common schools throughout the State; and to communicate the same, together with a full report of the returns of the super-

tendents in the several counties, and the proceedings of the board of common schools under this act.

12. And be it further enacted, That it shall be the duty of the county trustee or the agent of the public accounts, in each county, to transmit to the Governor, as President of the board of common schools, a full and accurate statement of the whole amount of taxes levied & collected in his county for the years one thousand eight hundred and thirty-nine and one thousand eight hundred and forty, (excepting the public revenues paid into the public treasury by the sheriffs,) specifying in such statement what were the subjects from which such taxes were levied, and how much from each source of taxation; also a full & true account of the disbursements of the monies so collected, showing especially what amount have been paid for the prosecution of insolvent criminals, and their maintenance in jail; and that such statements shall be returned to the Governor on or before the first day of December, one thousand eight hundred and forty; and if any county trustee or other agent of public accounts shall fail to make return as aforesaid, he shall forfeit and pay the sum of two hundred dollars, to be added to the fund of common schools, and it shall be the especial duty of the solicitor of each county to sue for the same, if any failure shall occur in his county.

Read three times and ratified in General Assembly this 8th day of January, A. D. 1839.

Wm. A. GRAHAM, S. H. C.  
A. JOYNER, S. S.

### SPEECH OF MR. WISE,

On the subject of the late defalcations

Friday, Dec. 21, 1838.

Mr. Wise rose to address the house on Mr. Cambreleng's motion for a select committee to investigate the defalcation of Samuel Swartwout, late collector at New York. Several gentlemen solicited him to defer his remarks until to-morrow. Mr. Wise declined, and said:

Mr. Speaker: After once losing the floor in the manner I did, by complying with such requests the other day, & by your decision yesterday that petitions had precedence for thirty days over this motion, I feel very timid of locofocoism in yielding it again. I see, sir, gentlemen desire that this discussion should not proceed, at least not yet.—They are afraid that public sentiment will be forestalled. They are heartily sick of this subject already, and would gladly get rid of it altogether. For their sakes, then, I shall go on; let them be patient under the operation; if they are hungry, let them go home and get their dinner; I shall not have concluded before their return, for, by refusing me leave to proceed yesterday, they have only given me more time to provide more materials; they have only laid up for themselves wrath against the day of wrath. I feel better prepared, much better, in body and mind, than I was before, and, with this bank of documents before me, I could rain forty days and forty nights upon their sins & iniquities!

Sir, in my rambling remarks the other day I said many things which I will prove now. I said the proposition of the gentleman (Mr. Cambreleng) did not go far enough. Instead of inquiring only into the manner and extent of Swartwout's defalcation, it should propose an investigation of the official conduct of the secretary of the treasury with a view to his impeachment, if sufficient be found on which to base the articles of specification.

Let gentlemen understand me. I measure my terms. I speak in no spirit of bravado. I declaim not when I say that if a majority of this house would do their duty without fear, favor, or affection, the Secretary of the Treasury would, before this house adjourns, be impeached. If ever a felon deserved the hangman's knot, the Secretary of the Treasury, Levi Woodbury deserves impeachment! That is the proposition which I will now proceed to demonstrate.

This is a bold declaration; I know the weight of its responsibility; it requires some exertion to prove it; and I must be permitted to go back a little, to take

a review of the past, from the beginning and to gather, and group, and array all my exhibits and proofs.

To go back to the beginning, then; you all know that this present Administration that now is, is only a continuation of the one which went before it; a different stage of the same disease. It came into power a reform administration and an investigating administration. Yes, sir, they were hot in the pursuit and detection of all the iniquities of the reign of the venerable gentleman before me, (Mr. Adams,) and they found victims on whom to glut and gorge their party vengeance, on whom to vent their holy hatred of corruption, and through whom they might gain public confidence by making an example of one offender, which would at once blast the character of the past administration, and emblazon their own immaculate purity and self-righteousness. They succeeded. Their first and last victim was Tobias Watkins—they seized upon him and his effects—incarcerated him nearly four years for a defalcation of less than four thousand dollars, prostrated the power and the party which trusted him with place, and ingratiated themselves in the favor of the nation as pure patriots and honest men who would reform and retrench all abuses, and who were, themselves, incapable of like transgressions.

They were vigilant and faithful, energetic and efficient, untiring and relentless—they swept like new brooms, they swept clean as long as any of the dirt of the Adams administration was left in any of the departments. They in this time exposed all the enormities of their predecessors, and began to form a character for themselves. It was thought that they—who had been such scourgers to all offenders against the purity of the Government, would hardly be suspected of like offences themselves. But, mark you, sir, as soon as the immaculate Administration of General Jackson had been long enough in power to conceive iniquity and bring forth corruption and crime, worse—tenfold blacker than had ever before been perpetrated, all at once we witness an entire change, and hear from "the party" a different tone. The cry of corruption was now heard from another quarter—the trumpet blast came loud and long from a different point of the field. The post office department was first charged with every crime in the calendar of malversation and malfeasance in office. The charges were denied, those who made them vilified, & investigation was scorned and scoffed at, until the complaint became too popular to be unheeded longer; a committee was at last granted by both houses of Congress, their investigations could not be stifled, and their reports from both sides, in both branches of congress, exposed more bribery and corruption, more flagrant violations of official duty and crying abuses of official power and trusts, than had ever been charged or dreamed to exist. The Administration made a narrow escape; they run the gauntlet through this exposure, and they were taught a lesson by it which they have ever since remembered—not foolishly again to grant or yield to another investigation. To appease the public indignation Mr. Barry, the only honest man among that den of thieves, was given over to the tender mercies of—what a foreign mission! O. B. Brown was permitted to resign with eclat and the gains he had laid up against a day of trouble from the profits of favored mail contractors, and the rest and worst of the robbers were retained in their places.

But, sir, I was not for permitting the Administration to be "whipped and cleared" after conviction upon indictment against one department, the post office, alone. I believed there were other departments as foul, and that investigation was more necessary in the Treasury department, especially than any other. I so charged during the long session of 1835-6. I was laughed at as a madman. The Globe denounced me as the tool of a faction, and daily were I and my friend (Mr. Peyton) placarded for calumny and falsehood, "by authority," in the official Organ. During that session, whilst there was time to investigate, we were not heeded, except by bitter denunciation for false cla-

imae. But our clamors brought forth fruit at the next session—an official notice, though indirect, in the message of the President—the "last annual message" of the greatest and best.

In December, 1836, Gen. Jackson sent to us his "last annual message," in which he gave a certificate of honesty, probity and good demeanor to all the officers of all the executive departments. It was given, no doubt, expressly to falsify the charges which had been intimated by myself and others at the previous session, respecting the then connexion between the Treasury and Reuben M. Whitney. He held to congress this language:

"Before concluding this paper, I think it due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint from any quarter, at the manner in which they have fulfilled the objects of their creation."

And, sir, as if to give this certificate all possible solemnity of asseveration, it was made immediately to precede that closing paragraph, in which, as with a sigh of regret heaved from the bosom of the old Caesar at the thought of leaving power, he pours out his gratitude to his fellow citizens for their encouragement and support—expressing his consciousness of having come short of all he desired to accomplish, his confidence in a favorable construction of his motives, his consolation that his errors would find a corrective in the intelligence and patriotism of those who would succeed him, his inspiration of increased confidence in our institutions, and his pledge, if spared by age and infirm health in retirement, so much desired by him, to invoke that beneficent Being to whose providence we were already so signally indebted, for the continuance of his blessings on his beloved country.

We will soon see whether there were errors to be corrected, and time has developed whether "intelligence and patriotism sufficient in those who succeeded him have been found to apply the corrective."

Sir, I forthwith joined issue with the propositions of this certificate. I reviewed this "last annual message" in a speech, to which I now refer, as part of the *res gesta* of this subject. I denied the proposition—

- 1st. That the various executive departments were in a prosperous condition.
- 2nd. That they had been conducted with ability and integrity.
- 3d. That it had been the aim of the executive to enforce in all of them a vigilant and faithful discharge of the public business.
- 4th. That there was no just cause of complaint from any quarter, at the manner in which they had fulfilled the objects of their creation.

I charged the very reverse of these propositions upon the pure virgin administration of him who could do no wrong, and declared it was more corrupt than that which had, on the plea of corruption, been thrust out of power. I pledged the proof, and demanded a committee. It was not until within one month and twelve days till the 4th of March, 1837, of the expiration of the 24th congress, that I was able to wring from a reluctant executive majority the appointment of a committee of investigation.—It would never have been granted had not an issue been tendered by the president himself.

And here, sir, before I proceed in the regular chronology of my history of investigation, I must pause to draw your attention to the message of president Van Buren of Dec. 10th, 1838, transmitting Mr. Secretary Woodbury's report of Dec. 6th, 1838, "in relation to the recently discovered default of Samuel Swartwout" &c. Such is the new title of this old work! The fact disclosed in this report, to which I wish to call your attention, is, that the deficiency of Mr. Swartwout at the end of each successive year, was as follows:

On the 31st Dec. 1830,	\$622 34
On the 31st Dec. 1831,	1,168 87
On the 31st Dec. 1832,	30,801 33