

SOUTHERN CITIZEN.

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

VOLUME III.

ASHEBORO', (N. C.) FRIDAY, AUGUST 6, 1839.

NUMBER 2

PUBLISHED WEEKLY:

BY
BENJAMIN SWAIM.

TERMS.

Two Dollars per annum, in advance, or Three Dollars, if not paid within three months from the date of the first number received.

No subscription to be discontinued till all arrearages be paid; unless at the discretion of the Editor.

A failure to order a discontinuance before the expiration of the subscription year, is equivalent to a new engagement.

All Letters, Communications, &c. to come post paid.

Prices for Advertising.

Advertisements will be conspicuously and handsomely inserted at \$1 00 per square of 16 lines; and 25 cents for every subsequent insertion.—No advertisement, however short, will be charged less than for a square.

Court Orders and judicial advertisements will be charged 25 percent higher; (we sometimes have to wait so long for the pay.)

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

COMMON SCHOOLS.

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 taxing by taxation, one dollar for every ten 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 its envelope; and all who are opposed to it, will vote "No School" upon their ticket; and all who are 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 up 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; and any Sheriff failing to comply with the requirements of this Act, shall suffer all the penalties imposed by law for failing to charge his duty in any election for members of Assembly.

Be it further enacted, That the County Courts of Pleas and Quarter Sessions in each County of the State of North Carolina, shall, in such County, determine to accept these terms, at the first election, a majority of the Justices of such County being present, and elect not less than five, nor more than ten persons, as Superintendants 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.

Be it further enacted, That the Superintendants, 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, the purpose of establishing Common Schools, containing not more than six square miles, but having regard to the number of the white children in each, so far as they can ascertain the same: provided, nevertheless, that no greater number of School Districts shall be laid out in any County than shall be equal to one for every six miles square of inhabited territory in said County.

Be it further enacted, That the Superintendants shall number the

districts, and make return thereof to the first County Court in their 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 Superintendants, 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.

Be it further enacted, That the aforesaid Boards of Superintendants, 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 Superintendants in all matters pertaining to the establishment of Schools for their respective districts.

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 Board.

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 Superintendants of Common Schools, it shall be the duty of the Superintendants to transmit the same, with a certificate of the number of School Districts in their respective counties, to the President of the Literary Board.

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 the said County Courts, at the first term that happens 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 Superintendants.

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 Superintendants 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.

Be it further enacted, That every County which shall refuse or neglect to levy the 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.

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, or President of the Board of Common Schools, to make such arrangement with the Marshall 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 Com-

Schools throughout the State; and to communicate the same, together with a full report of the returns of the Superintendants in the several counties and the proceedings of the Board of Common Schools under this Act.

And be it further enacted, That it shall be the duty of the County Trustee, or the agent of 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 and 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 Sheriff) 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 and true account of the disbursements of the monies so collected, showing specially what amounts 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 for 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.

[Ratified 8th January, 1839.]

FOR THE CITIZEN.

Mr. Swaim: When our prejudices are fixed, and our feelings and sensibilities are aroused by party friction, on the eve of an election—and especially where the opposing Candidates are men of acknowledged mental powers, and deeply skilled in electioneering tactics; it is difficult to divest ourselves of preconceived partialities so far, as to weigh with proper candor, the evidence that may be elicited in these contests;—but every honest voter will admit that we are morally bound to do so; both in justice to the Candidates, and as a measure of safety to ourselves, as members of the same community, who can have but one common interest, namely, the public weal, or good of the country.

I will take the liberty, through your paper, to make a few hasty remarks on the attitude in which Charles Fisher, Esq., stands before us as a Candidate for Congress. It shall be my aim to avoid those bursts of party rancor and wanton personal invective which are too often made the weapons of political warfare—and I shall equally reject that false delicacy and sickly circumlocution which permits us not to call things by their right names.

Mr. Fisher is gravely charged, in league and connection with others, with an attempt to practice a fraud on a part of the Choctaw tribe of Indians, which also involves a fraud on the Government.—This, if true, presents an attempt at fraud on a larger scale, and marked with deeper turpitude, than any, perhaps, ever attempted in the Southern country by one or a few individuals.—Requiring in its prosecution the most dexterous management of complicated moral machinery and the most consummate depravity of the human heart. The confidence of these simple, and abused children of the forest is first to be won by a course of deep deception. Their interest in these reserved homes is then to be yielded up with that holy confidence which one Christian reposes in another. All this is to be sanctioned by such legal formalities, as those that will give effect to bargain, sale and conveyance, by the existing laws of the State of Mississippi; and all difficulties which it is feared may stand in the way from pre-existing treaties, or the prerogatives of the General Government are to be swept out of the way by an act of Congress. Petitions and memorials are forthwith drawn by Charles Fisher—who becomes their solicitor and advocate. This Envoy Extraordinary and minister plenipotentiary to the Court of Washington City. And that the interest of the Choctaw nation may not suffer for want of legislation or Executive at-

tion he immediately repairs under and takes up his residence for a time near the said Court.

But a most unpropitious event occurs, which threatens to prostrate the whole enterprise; certain resolutions pass the Legislature of the State of Mississippi, declaring this business to be "a most iniquitous transaction." And directing the Governor to transmit the said resolutions together with the sworn evidence on which they are founded to their senators and representatives in Congress, with a request that they bring "as early as possible," this subject before both branches of the National Legislature. These documents, together with the petitions, memorials, &c. were referred to a committee of the Senate of whom Judge Black was chairman—and on the part of the House of Representatives, to a committee of whom Mr. Bell was chairman—and their reports sustain the ground taken by the Legislature of Mississippi, to wit: that "this iniquitous transaction" is a contemptible "fraud" that would defeat the benevolent intentions of the Government towards the Choctaw heads of families, to whom reservations of land on certain conditions had been allowed by treaty.

Now, if these things are so, every honest voter of every party, will at once say, that Charles Fisher is morally disqualified to fill the station of a representative of a virtuous people, at any time, or under any circumstances: But let it be born in mind that he seeks to take a seat in Congress at the very time when the final action of that body will be likely to take place, on this, more than suspicious looking matter,—in which he admits he holds a deep interest.

What, then, my fellow-citizens, is the documentary evidence from which we have to draw our conclusions, not only as to the character of the transaction, but also with regard to the extent of Mr. Fisher's participancy in it and the purity of the motive impelling him to seek a seat in Congress at this time.—We have a preamble and string of resolutions passed by the Legislature of Mississippi, based on the evidence of witnesses, sworn before a committee of that body—several of whom were themselves representatives of the people of that State, charging home the fact of this monstrous attempt, pregnant with injustice to the Indians and fraud upon the Government, on Charles Fisher, by name, and a few others, who are also named in the said documents. The Legislature is sustained in these charges by the report of the committee of the Senate of the United States, to whom these documents, also the memorials of Mr. Fisher's own drawing, were referred, and of whom Judge Black was chairman—and by the report of the committee of the House of Representatives of whom Mr. Bell was chairman. These documents are spread before us and Mr. Fisher does not pretend that they are what they purport to be, or that the originals were not in the several offices from which they originated. Yet under his very nose his low minions are swearing, without a rebuke from him, that they are all "Whig fabrications to impose upon the people."

I now solemnly call on every honest man in the district—and I solemnly call on Mr. Fisher himself, to refer us to the evidence that is to refute or even extenuate this charge. We know the gentleman has written a pamphlet of many words, we know that it is industriously handed about by his agents who patiently read them over to such voters as cannot read, but we defy him, or any other to put their finger on the first word in its ample pages that contains one title of proof in his favor. It is true, he asserts generally, roundly and repeatedly, in his harangues, that the "transaction," so far as he is concerned, is "perfectly fair and honest," but he does not take issue on any point connected with it. Is he told that the Indians were shamefully duped and overreached in the price agreed to be paid for their reservations? his reply is, "the transaction is perfectly fair." Is he told that the Government and people of Mississippi are greatly defrauded—for that of five hundred reservations under the treaty, are manufactured as many thousand—his reply still is "a fair bargain transaction perfectly fair, sir!" I ask Mr. Fisher and those who support him, in

the teeth of these stubborn facts, the name of all that is honest and honorable in the human breast, why he does not produce the deeds from the Indians for such he admits he has; that, at least, would speak as to price, number, &c. When the Mississippi Resolutions, and the report of Senator Black and Mr. Bell are spoken of as hanging some suspicion about this "transaction," you have seen and heard as well as myself, what a ferment he can work himself up to, and with what ruthless facility he can denounce the official documents of his country "as false," vulgarly abuse its Constitutional organs, and charge members of a Legislature, and others, with "foul perjury." You have heard him for several successive days growling like an angry Lion at Judge Black and the Mississippi Legislature, lest this Choctaw prey should be wrested from under his fangs.

Permit me now to ask you, fellow-voters, have we ever seen every thing like modesty so completely outraged and vanquished by a Republican Candidate? one, too, who tells us he was "born a Republican!" Has it not been reserved for these degenerate days of party, and for Charles Fisher as the hero, to achieve this victory? To stand before the people, without a blush and ask them to believe his unsupported assertion, against the legislative voice of a sister State, and the reports of both branches of the National Legislature? And further, that we will be so blind, by our votes, to constitute him a member of that body, who is virtually to pass upon his own claims to the amount of several hundred thousand dollars.

The gentleman doubtless makes to himself a deceptive estimate of our people. Did he not calculate on the most gross want of public intelligence and virtue? I see not, how he could stand in the attitude in which he has chosen to place himself before the

10TH CONGRESSIONAL DISTRICT.

From the Greensboro' Patriot.
COMMON SCHOOLS.

NO. VI.—And last.

Messrs. Editors: It was deemed essential to a thorough understanding of the whole subject, that facts should be collected relative to the present condition of schools in our county. In answer to inquiries eliciting this information, very satisfactory statements have been received. The kind prompt response of the individuals addressed, show clearly the interest taken by our citizens in the cause of education. Such zeal, disinterested and spontaneous, deserves the fullest fruition. May their generous and patriotic operations in its behalf be gratified, and their exertions consummated in a glorious success. Every part of the county has been heard from—from the extreme corners to the centre, and the result is as follows: including 4 in Greensborough—2 male, and 2 female, and the one at New Garden, uniting in itself a male and female department, there is now in operation in Guilford 40 schools, and 30 school houses not in use. In towns the schools are usually larger, and the compensation of the teacher greater, so we will not take the above 5 into our calculations. For the rest, the number of scholars attending each, runs generally from 20 to 30 and the common charge is \$2 per quarter, or \$8 the year for every scholar, the teacher boarding himself. I have heard of two instances where the pay of the teacher was greater—one of \$2-50, and the other \$3 per quarter, securing the services of instructors amply qualified, and equal to such as those wholesome fountains, normal schools could furnish. I have heard, also, of cases where \$1.50 and \$1.75 was the pay, the master boarding himself. But it is beyond question, that the teachers now engaged in the instruction of our youth, will generally take up a school with 20 scholars at \$2 per quarter, and board themselves. When the employers provide boarding \$1.50 per quarter can with safety be set down as the pay. We find further that schools are undertaken for various periods—some for only 3 others 6, 9 and 12 months. So it appears that the anticipated difficulty that teachers could not be employed for