

MINERS' & FARMERS' JOURNAL.

PRINTED AND PUBLISHED EVERY SATURDAY, BY THOMAS J. HOLTON...CHARLOTTE, MECKLENBURG COUNTY, NORTH-CAROLINA.

I WILL TEACH YOU TO PIERCE THE BOWELS OF THE EARTH AND BRING OUT FROM THE CAVENS OF THE MOUNTAINS, METALS WHICH WILL GIVE STRENGTH TO OUR HANDS AND SUBJECT ALL NATURE TO OUR USE AND PLEASURE.—DR. JOHNSON.

VOL. V. SATURDAY, DECEMBER 27, 1834. NO. 221.

THE Miners' & Farmers' Journal

Is printed and published every Saturday morning at Two Dollars per annum, if paid in advance; Two Dollars and Fifty Cents if not paid in advance; Three Dollars at the end of the year.

ADVERTISEMENTS will be inserted at Fifty cents per square (not exceeding 20 lines) for the first insertion, and 25 cents for each succeeding week—or \$1 for three weeks, for one square.—A liberal discount will be made to those who advertise by the year. On all advertisements communicated for publication, the number of insertions must be noted on the margin of the manuscript, or they will be continued until forbid, and charged accordingly.

* All communications to the Editor must come free of postage, or they may not be attended to.

Just Received.

FRESH Supply of ROWAN'S TONIC MIXTURE. For sale by IRWIN & ELMS. Dec. 11.

NOTICE.

ON the 30th December inst. will be hired at the residence of Mrs. Lydia Gureton Several Valuable Negroes, for the term of twelve month. Also at the same time and place will be sold for Cash Three Likely Young Negroes. The terms of hire made known on the day. JOHN W. POTTS, Admr. Dec. 11, 1834.

STATE OF NORTH-CAROLINA, MECKLENBURG COUNTY.

Court of Pleas and Quarter Sessions, November Term, 1834.

Morrisons & McKee vs. David Keister. Attachment.

Levied on Defendant's interest in the house and lot in the town of Charlotte, where he lately resided; also, his interest in all other lots in said town, being known in the plan of said town as lots Nos. 38, 40, 46, 47, 48, 50, 51, 52, 53, 59, 60 and 62.

It appearing to the satisfaction of the Court, that the Defendant is not an inhabitant of this State, it is therefore Ordered, that publication be made six weeks in the Miners' & Farmers' Journal, that unless he be and appear at the next Court of Pleas and Quarter Sessions, to be held for the County of Mecklenburg, at the Court-House in Charlotte, on the 3d Monday in February next, and then and there plead or reply, judgment will be entered against him by default.

Witness, Haly Oates, Clerk of said Court, at Office, the 4th Monday of November, A. D. 1834.

B. OATES, c. c. c.

Price adv. 83

STATE OF NORTH-CAROLINA, MECKLENBURG COUNTY.

Court of Pleas and Quarter Sessions, November Term, 1834.

A. R. Wellington & Co. vs. Thomas A. Mera. Original Attachment.

Levied in the hands of Thomas Dwight and Thomas L. Hutchison and their summoned as garnishees; also, on a set of Blacksmith Tools and sundry tools for carriage making.

It appearing to the satisfaction of the Court, that the Defendant is not an inhabitant of this State, it is therefore Ordered, that publication be made six weeks in the Miners' & Farmers' Journal, that unless he be and appear at the next Court of Pleas and Quarter Sessions, to be held for the County of Mecklenburg, at the Court-House in Charlotte, on the 3d Monday in February next, and then and there plead or reply, judgment will be entered against him by default.

Witness, Haly Oates, Clerk of said Court, at Office, the 4th Monday of November, A. D. 1834.

B. OATES, c. c. c.

Price adv. 83

STATE OF NORTH-CAROLINA, MECKLENBURG COUNTY.

Court of Pleas and Quarter Sessions, November Term, 1834.

William H. Gardner vs. President and Directors of the Cabarrus Gold Mining Company. Attachment.

Levied on a tract of land lawfully owned by William Sample, a tract formerly owned by James Wilson, a tract formerly owned by James Black, a tract known as the Patterson Mine, a tract formerly owned by Elizabeth Debbins, a tract formerly owned by Matthew Davis, a tract formerly owned by Samuel T. Hutchison, a tract formerly owned by Charles Hutchison; also, on a Steam Engine and all the machinery and tools appertaining thereto, a set of Blacksmith Tools and sundry Mining Tools, &c.

It appearing to the satisfaction of the Court, that the Defendants are not inhabitants of this State, it is therefore Ordered, that publication be made six weeks in the Miners' & Farmers' Journal, that unless they be and appear at the next Court of Pleas and Quarter Sessions, to be held for the County of Mecklenburg, at the Court-House in Charlotte, on the 3d Monday in February next, and then and there plead or reply, judgment will be entered against them by default.

Witness, Haly Oates, Clerk of said Court, at Office, the 4th Monday of November, A. D. 1834.

B. OATES, c. c. c.

Price adv. 83

STATE OF NORTH-CAROLINA, MECKLENBURG COUNTY.

Court of Pleas and Quarter Sessions, November Term, 1834.

Isaac Campbell vs. David Keister. Attachment.

Levied on Defendant's interest in the house and lot in the town of Charlotte where he lately resided; also, his interest in all other lots in said town, being known in the plan of said town as lots Nos. 28, 40, 46, 47, 48, 50, 51, 52, 53, 59, 60 and 62.

It appearing to the satisfaction of the Court, that the Defendant is not an inhabitant of this State, it is therefore Ordered, that publication be made six weeks in the Miners' & Farmers' Journal, that unless he be and appear at the next Court of Pleas and Quarter Sessions, to be held for the County of Mecklenburg, at the Court-House in Charlotte, on the 3d Monday in February next, and then and there plead or reply, judgment will be entered against him by default.

Witness, Haly Oates, Clerk of said Court, at Office, the 4th Monday of November, A. D. 1834.

B. OATES, c. c. c.

Price adv. 83

Blanks of all kinds for sale at this Office.

North-Carolina Legislature.

HOUSE OF COMMONS.

The Resolutions introduced by Dr. Poits, instructing Judge Mangum, were taken up for consideration. They are as follows:

Resolved, That the Legislature of a State, acting as the Representatives of the People of said State, have a right to instruct their Senators in Congress; and a just vindication of the character of our political institutions, requires that such instructions should be given whenever a Senator misrepresents the will of the State upon questions of National policy, or in times of public emergency.

Resolved, That the honorable Willie P. Mangum, one of the Senators from this State, in the Congress of the United States, be and he is hereby instructed to vote for expunging from the records of the Senate of the United States, the Resolutions declaring "that the President, in his late Executive proceedings in relation to the Public Revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

The question being on the adoption of the Resolutions, Mr. FLEMING, of Burke, rose and spoke as follows:

MR. SPEAKER: It is truly with feelings of embarrassment, that it has become my duty to intrude upon the patience of this House; and for the first time in my life, I hazard the expression of my sentiments in public, in regard to the political concerns of my country. In so doing, I have sincerely to regret, that neither nature or industry have rendered me more competent to advocate the rights of an honest, independent and an unsuspecting people, who by the management of party, are about to be rushed precipitately into the admission of principles, which the mind, untroubled by passion and unclouded by prejudice, would condemn as the effervescence of a zeal for self-promotion, rather than the dictates of sober judgment. From the array of party and the excitement of feeling now manifest on this floor, I have no hope of altering the opinion of one individual; but though satisfied of this, and conscious of my inability, were I to remain silent, while a fiend with a flag of truce in his front, having concealed behind all the elements of war, is endeavoring to apply his torch to the citadel of American liberty, I should feel that I was guilty of that cowardly dereliction of duty which, for the sake of popularity, shall never stigmatize my name.

There was a time, Sir, and that not far past, when I thought I was doing justice to myself and my country, in voting with those who professed to have adopted for their motto the principle of "demanding nothing but what was right, and of conceding nothing that was wrong." While they adhered to this, I was with them, and was proud to find that my sentiments corresponded with a majority of this honorable body. But little did I then think, our Session was to be spent to no purpose but party gratification; and that the result of the Senatorial election was to pervert the sole object for which we have been sent here and convert the assembled wisdom of the State into a political arena torn by dissensions, and thereby rendered totally inefficient to accomplish the grand objects for which we are convened. Little did I think that, as apostates who had fallen from the true faith, we were so soon to be called on, to immolate our liberties on the altar of ambition, kneel to the god of party and embrace this modern Moloch as the divinity of our adoration. What may be the sentiments of others, I know not—but for me, I am unprepared for the sacrifice. However much I may honor and advocate the course of the present Administration, I hope I shall always feel at liberty to judge freely of its acts, speak freely of its advocates, and caution my constituents at least against the unhalloved efforts of party to bind them with a collar upon which is inscribed—"Support or disavow!—Loyalty is qualification"—at once not only depriving us of the checks and balances, upon which we can depend in a pure Administration, but in derogation of the strongest principles of reason, denying that mutual obligation between the rulers and the ruled, admitted, even where tyranny has swayed her despotic sceptre.

I must concur with the gentleman from Cabarrus (Mr. Barringer) and the gentleman from Beaufort (Mr. Clark), who addressed the House on the introduction of the Resolutions, that we have been sent here for other and nobler purposes, than to reproach the conduct or stigmatize the character of any man, in the legitimate discharge of his duty, who has not transcended the powers and authorities guaranteed him by the Constitution.

There is a more important question for our consideration, and one upon which our constituents expect we should act. It is not merely who shall represent us or how we shall be represented, but shall we have a population at all to represent?—That the present posture of affairs is evidently tending to those consequences, cannot be denied by any individual who has observed the tide of emigration daily flowing from our borders, and transporting beyond our limits talents, wealth and population, whose enterprize finds no employment amid a community distracted by political dissensions; and having despaired of obtaining those e-

qual rights and privileges, which are the peculiar attributes of Freemen, have gone to seek that protection among strangers which has been denied in the land that gave them birth. I now call upon the members of this House to say, if they are prepared in a spirit of proscription to enter the Halls of National Legislation, and there grapple as their prey, the brightest Star in our political coronet.

Sir, I am not the sponsor of Mr. Mangum, as it has been termed; with him I have no personal acquaintance, and in politics, we differ. Of his course, the sovereign people have a right to judge, but as the Representative of Freemen here, I am opposed to establishing a precedent that will curtail the rights of a Senator by giving him instructions equivalent to a recall, thus making the caprice of a party in the Legislature, and not the Constitution, the tenure of their office, to the utter perversion of that sacred instrument which ought to be enshrined in the heart of every American. Why does the Constitution prescribe a term of office to the Senator, if the whim of legislators is to drive him from his post? Why is the appointment for even a longer term than that of the President himself? It is for the plain reason, that as Executive advisers, they may not depend on him for promotion or continuance in office; but remain like rock, whose base is immovable, a sure barrier of defence against the mounds of usurpation and the waves of passion that surge against the pillars of the Constitution during every Presidential canvass. Let us adopt the principle of instructing men out of office, and see what would be its effect. Suppose for instance, that the next Legislature should have a majority opposed to the Administration—can we not at all improbable as the difference is now comparatively small—would they not take it for granted that we had done unto them as we would they should do unto us; and what would be your indignation, to see instructions given to Mr. Brown, which, consistent with a course of honor, he could not comply with? Resignation is the alternative you yourselves suggest. Though feeling that injustice was done you, could you condemn the course of your opponents, having established the precedent for them? Justice requires that we should extend to others all the rights which we claim for ourselves, and that we should "pluck the beam first, and then cast the mote." The gentleman from Edgecombe, (Dr. Poits,) with more zeal than discretion, repudiates the doctrine that a Senator who, as he correctly observes, is a mere agent of the people, should substitute his will for the will of the people whom he represents; but he is unmindful that he, together with the rest of those with whom he acts, in this case are mere agents of the people, and are substituting their will for that of their constituents. Let us beware, lest in censuring Mr. Mangum for that which liberality would suggest he did honestly, (however unwisely) we do not subject ourselves to the same censure at the bar of public opinion, and from our constituents, a base agent we are.

The Senate of the United States censured the President, because they believed he was wrong. He is a public officer, and his, his Constitutional advisers. We cannot Mr. Mangum to do what no high minded, honorable man can do, viz. undo his own act and givings his own declaration. We are not his Constitutional advisers, nor at the time of the transaction referred to, in being as a legislative body.

Again, the censure of the Senate is only declaratory in its nature, whereas the instructions here given are to operate as imperative and compulsory. There is another point which I wish to bring to the consideration of the House. The opposition to the Administration are a large and respectable minority. Among them are men who have reflected honor upon North-Carolina—men who have shown brilliantly in every station assigned them, and who have filled the highest appointments within the gift of the Legislature.—Their opinions were once entitled to respect—if they are honest, and who dare impugn their loyalty, are they not still entitled to respect? Apart from all other considerations, that liberality of feeling that ought to pervade every enlightened body, ought to be a guarantee against injustice. Rouse not resentment by oppression, for when forbearance becomes a crime, resistance is a virtue. There are points beyond which forbearance knows no control—even extermination is preferable to a series of multiplied wrongs. CIVIL LIBERTY, the noblest achievement of man, is the pride of this age and of the American people. In the language of Judge Blackstone, "it is rooted in our very soil." Touch but its harp, and the noblest chord is the soul of man will vibrate to the sound. Better is it then to meet upon those great principles of reason and justice, ordained by Heaven as the law of nature, and instinctively implanted in every human breast, than to subject the people of the State to the evils resulting from intestine contentions. The eyes of fifty thousands and freemen are upon us looking to their Representatives as the anchor of their hope; and shall we by a blind infatuation, adopt as a precedent, a Resolution that ages yet unborn may regret. I repeat, we are assembled here under no ordinary degree of responsibility. We are the only legitimate tribunal to whom our constituents, the sovereign people, can look for justice and rely for a true expression of their principles. Could we meet them after the passage of these infamous Resolutions, (as every honorable man must term a dishonorable instruction) and allege we had discharged our duty faithfully, in not consenting one half the citizens of the State; or should we have the hardihood to assert it? Will the people subscribe to the doctrine? I have a better opinion of their judgment; and although it is possible in these times of Party management, that the Resolutions may be sustained by the Legislature, I have no hesitation in saying that a majority of the freemen of the State would repel them with indignation. I hope, however, as Representatives of a high-minded people, you will consider the right of suffrage as the inalienable prerogative of freemen; and your votes, in this, and all other cases, jewels, committed to your care, under an implied contract, that you will dispose of them, neither through partiality, nor prejudice—neither for the promotion of friends, or the persecution of enemies—but that guided by the dictates of honesty and justice, you will dispose of them with a sole eye to the public good. What then, does the public good require? I will go farther, and ask what does the interest of the Jackson Party require? Does it require an unrelenting persecution of all who dare presume to differ from them in opinion? If so, you are faithful advocates. I, however, had thought it was the privilege of freemen to differ and also to express that difference. Are the Sedition Laws to be revived? Is this to be the reign of terror, and are we to be placed in the mouth of every honest man who dares to speak freely of Executive acts? If so, God forbid that I should be a suppliant tool engaged in erecting a throne of despotism upon the ruins of

a Republic. And as a matter of Party policy, (could I believe such selfishness polluted this Hall) should these Resolutions pass, they will do more to injure the cause of the Administration in North-Carolina, and bring contempt upon ourselves, than all the artillery which the battlement of the enemy could hurl against us. There is a redeeming spirit in the people. There is a hand to shield the just.

From whence come these Resolutions? and in what language are they couched? If I am correctly informed, they come as a kind memento from a departing brother,* in testimony of his regard for our welfare, after his interest may have ceased to be one with ours. Woe to such regard! Woe to such prosperity. Were we to adopt it, "it would be more tolerable for many cities than for this." What is the language of the Resolutions? Read them! A request simple on their face, but containing all the element of deep laid artifice—an enemy in the camp, with a dagger in his bosom. Shall we be insultingly told, that these Resolutions are expected to effect their declared object? Is there a man here, who believes that the reversion of Mr. Mangum's vote would alter the Journal of the Senate? Will the combined talent of the nation rescind their own deliberate act?

Can a discerning people, Sir, discover no other object in these Resolutions? The capacity of this House has been egregiously mis-conceived, if it was supposed we were thus easily to be duped. Let us unmask the monster, and his hideous deformity will appear—disperse the misty atmosphere that surrounds them and dismantle them of the drapery in which they are enveloped, and they are nothing less than instructions to Mr. Mangum, to resign. This is the naked truth, and these the fangs they have studiously endeavored to conceal. Better, had the instructions been divested of deception, and then might the excuse of honesty at least have been plead in their behalf. But, had the word resign, appeared in the Resolutions, the toxin of alarm would have been sounded and the friends of freedom would have rallied to the rescue. It would have been rather too strong a dose to suit the palate of honest and independent Patriots, who are unprepared to sacrifice their country's dearest interests on the altar of Party. I hope Sir, that the result of the vote on the passage of these Resolutions will prove to our constituents that they have yet some free Representatives. I consider, Mr. Speaker, that in this question is involved an important principle, viz. the right of instructing men from office, who have acted honestly, before their term has expired—a right, as I conceive, derogatory to the spirit of the constitution. If none of the considerations I have mentioned will suffice to arouse you from slumber, I have only to say, sleep on—sleep on, until you are awakened by the clinking of the hammer, that would rivet manacles to your wrists, and drive to despondence the last hope of a better prospect.

Sir, I have been insultingly told by some that he who was not a Party man, was not their man. I wish to be no man's man, when I desert principle; neither is any man, my man, further than he adheres to the same rule. He that goes with party as well when it is right, as when it is wrong, is every other man's man but his own. I will support the Administration when I believe it right; I will oppose it when I believe it wrong. Who, in the days of the framers of the Constitution, ever heard of men's men? Those were the inspired minds that gave being to our free institutions.—Then was our Government in its purity, and then was principle the tie that bound kindred souls together. Now, it has become otherwise. Men have become the subjects of a blind Idoltry, and scarcely can a door-keeper a road-cutler or a shoe-black receive an appointment, unless he belongs to the "REGENCY." The term "Republican," no longer means an advocate for the Republic or the People, but has become a cloak for arbitrary power. The pure principles which animated our forefathers in the contest for liberty, appears to have been entombed with their bodies. If there is a remnant left, by which to mark their descendants, duty calls aloud for its interposition in behalf of the infant, the mother and the aged. Shall we bring confusion upon our wives and children, before this generation has passed away? Shall we suffer those Revolutionary Patriots who still linger amongst us, as if unwilling to take their exit, until their descendants have realized the benefits of their achievements, shall they bear to their departed friends the sad tidings of man's degeneracy? Will you give longer uneasiness to their declining age? or will you not send them to another and a better world, convinced that they have entailed upon their offspring the blessing of Civil Liberty? Civil liberty means equal liberty, and is especially adapted for the protection of the few. This is the Liberty of which that nation from which we sprung, (England I mean) was proud to boast. This is the liberty for which her bold Lion reared his lofty crest, with fangs and talons pointed for a death-like vengeance. This is the Liberty of which our own blessed stripes are emblematic—this is the Liberty for which the American Eagle, the most majestic bird that soars, displays an unfurled banner to the breeze, spangled with stars, to light a banished world to freedom. This is the Liberty which gives the American name a passport to honor in every clime. This is the Liberty for which those Heaven born Patriots, that have gone before us, risked their lives and their fortunes and sealed it with their blood, which it will be the anxious desire of yet as their offspring, to perpetuate. Never let it be said that we are the unworthy descendants of that illustrious race, or that mankind have degenerated in a land of Freedom; but prove to the world in spite of skeptic reasoning, that man is capable of self-government, and that North-Carolina would be the last to erect a throne upon the ruins of her free Institutions; that it is beneath the virtue of her free born sons to crouch to kiss the hand of loyalty, or bow the knee before the despotic frowns of power; but that she would wrench from tyranny its sceptre and its crown. And before these Resolutions pass, not only as your fellow citizen, but as the Representative of Freemen upon this floor and in their name, permit me to conjure you, as you respect yourselves, as you respect your character as a State, as you hold liberty dear, and by every tie that should bind man to his country, to strike a fatal and a deadly blow at the root of all party combinations which, under the mask of protection, would usurp your rights; and restore to their original purity, and hand down to posterity, not only unimpaired, but strengthened, that Republican form of Government, and those free institutions, we have inherited from our ancestors, as the greatest benediction the God of Nature has permitted one man to transfer to another.

In conclusion, when the question is taken, I

* It is understood, that the gentleman who introduced the Resolutions, is about to leave North-Carolina.

cal for the *Yes* and *Nays*, that an enlightened people, contending for nature's noblest boon, LIBERTY AND JUSTICE, may put their finger upon the man who acknowledges no law but caprice, no right but power, and is led by the flattery of Party to forget the people. Be cautious in your decision, lest when reason may return, you should be found upon the stool of repentance, deserted by the Sovereign, or bowing at the shrine of injured innocence, seeking to make reparation for the wrongs you have inflicted upon your country. Act worthy of yourselves—act worthy of your calling—be guided, be governed, and dictated to alone by that inward monitor, which rules in every man's heart, and teaches him his duty to himself, his duty to his fellow-man, and his duty to his God.

GOVERNOR SWAIN'S INAUGURAL ADDRESS.

Gentlemen of the Senate and of the House of Commons:

In obedience to the expression of your will, under circumstances peculiarly grateful to my feelings, I appear before you to renew the solemn pledges of fidelity required by the State of its Chief Magistrate. At an important period in the affairs of the State and General Government, the Legislature was pleased to call me from widely different pursuits, to this station. The reluctance and diffidence with which I entered upon its duties, increased the anxiety I felt for such a termination of them as would justify, if not the flattering anticipations of my friends, the reasonable expectations of the public. I thank God however, that I was not permitted at any moment either to believe or desire that my administration would give universal satisfaction. One of the earliest maxims which was imprinted on my memory, taught me, that he who pleased them most, was not always the ablest or most faithful servant of the people. With this principle before me, I have endeavored, by a rigid adherence to duty, to secure the approbation of my own conscience and to deserve the favorable estimation of honest men. The first point has been attained, and I have so far succeeded in the second, as to be sustained, not by the high tide of party excitement, but against its current. Under such circumstances, the day which terminates my public career, will break upon a lighter heart than that which withdrew me from the quiet of private life. I shall retire, I trust, without animosity towards those by whom my motives have been misconceived and misrepresented, and with feelings of grateful regard for my friends, which those can best appreciate who have experienced similar fidelity in trying vicissitudes.

I have deemed it not inappropriate to speak thus much of my friends and myself. For my Country and my native State, the crisis demands a wider range of observation.

In my communication to you at the commencement of the Session, I presented for your consideration, the particular relations which subsist between this State and the Federal Government. The more I reflect upon this subject, the more deeply am I impressed with the conviction, that the price of liberty is eternal vigilance; and that power is always stealing from the many to the few. Let any one examine impartially the history of the confederacy and of this State, and form the conclusion if he can, that the power and patronage of the General Government, are not dangerous to public liberty. Nay, more, let him scan attentively the characters and conduct of public men, and solace himself with the conviction if he can, that the same general integrity and patriotic devotion are now exhibited which characterized the early days of the Republic. The intelligent individual who can assure himself that either position is true, is endowed with a philosophy, the possession of which, if it did not inspire me with wisdom, would add greatly to my sum of happiness. I cannot conscientiously refrain, Gentlemen from urging upon you, at this time, the deliberate consideration of this unwelcome topic. Our fathers proclaimed with prophetic forecast, that a frequent recurrence to fundamental principles, would be essential to the preservation of liberty.

There was no one of the Colonies which in the early period of American history, suffered so severely from Executive misrule as North-Carolina. The jealousy of absolute power produced by this circumstance, constitutes the most striking trait in the character of our citizens, and is visibly impressed upon our institutions. It gave birth to the war of the Regulation, animated the patriots of Mecklenburg at the first dawning of civil liberty, clothed the Executive Department with no other power than the attribute of mercy in the formation of the State constitution, and was the foundation of the wise distrust, the exemplary caution, with which the Federal Constitution was considered and adopted. It was exhibited in no equivocal character in the proceedings of every department of the Government, in 1790. The assumption by the General Government of the debts of the States, to the amount of twenty millions and a half of dollars, and the imposition of a duty of seven and a half per cent, on foreign merchandise, were subjects of severe animadversion in the annual Executive Message. That commutation resulted in a solemn protest on the part of both branches of the General