

The North Carolinian.



"CHARACTER IS AS IMPORTANT TO STATES AS IT IS TO INDIVIDUALS; AND THE GLORY OF THE STATE IS THE COMMON PROPERTY OF ITS CITIZENS."

HOLMES & BAYNE, Editors and Proprietors.

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TERMS

THE NORTH CAROLINIAN.

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BLANKS!

Kept constantly on hand

AND FOR SALE AT THE

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ORDERS to overseers of Roads
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Deeds, common,
Sheriff's Deeds,
Constables Ca. Sa. Bonds,
Do Delivery do
Appeal Bonds,
Equity Subpenas,
Superior Court Fi. Fa.
County Court Sci. Fa, to receive judgment.
County Court Subpenas,
Superior Court Warrants,
Bonds for Col'd. Apprentices.

New Tailoring Establishment.



B. D. KEELYN, & Co. respectfully inform the citizens of Fayetteville, and the surrounding country, that they have commenced the Tailoring Business, in the store lately occupied as a Jewelry Shop, by Mr. Beasley, near Liberty Point, where they are prepared to execute all work in their line, in the best and most fashionable manner, and upon reasonable terms.
Feb. 25, 1841. 105-3 mo

IMPORTED



Flatterer

Will make the ensuing season in Fayetteville, under the management of the subscriber. Terms, \$50 the season, to commence 1st of March, and end 10th of July 1841. Breeders who have patronized him two seasons will be allowed a deduction twenty per cent, and of ten per cent. for one season. A deduction of twenty per cent. will also be made to classes of six mares. Mares failing to flatter in the spring, will be permitted to attend him in the fall (if desired) gratis—or in the following spring for half price.

FLATTERER was got by MULEY, (sic of imp. Lentiham &c.) his dam Clare, by Marmon—g. d. Harpalice by Gohanna—g. d. Amazon by Driver—g. g. d. Fractious by Mercury—Woodpecker mare—Everlasting by Eclipse—Hyrona by Snap—Miss Belsa by Hercules—Ballet's Childs—Honeywood's Arabian—Mr. Dowe's Byerly Turk mare, the dam of the two true Blues, &c. &c.

Extended Pedigree and other particulars in hand-bills.
Mares from a distance will have good pasturage gratis, and be well fed for thirty cents per day. Every care will be taken to avoid, but no liability will be assumed for accidents.
JOHN BLACK, Fayetteville, Feb'y. 2, 1841. 102-1f.

Pay the Printer

TRUST SALE.

BY Virtue of a Deed of Trust, executed to mention, by John Colvin, for the purposes therein mentioned, I will on Saturday 20th March next at the residence of said Colvin, expose at public sale, for cash, the following property, viz. One Negro man, One Woman, and Three Children.

JOHN McNEILL, Trustee. 104-1f

Feb. 15, 1841.

FIGS!

FIFTY Boxes Malaga Figs. Bunch Raisins in Boxes, halves and quarter, all the growth 1840.

Also, 100 TIERCES THOMASTON LIME, for sale to-day by

WILLIAM McINTYRE. 103-1f

Feb. 13, 1841.

President Harrison's INAUGURAL ADDRESS.

Delivered 4th March, 1841.

Called from a retirement which I had supposed to continue for the residue of my life, to fill the Chief Executive Office of this great and free Nation, I appear before you, fellow-citizens, to take the oaths which the Constitution prescribes, as a necessary qualification for the performance of its duties.—And in obedience to a custom coeval with our Government, and what I believe to be your expectations, I proceed to present to you a summary of the principles which will govern me in the discharge of the duties which I shall be called upon to perform.

It was the remark of a Roman Consul, in an early period that celebrated Republic, that a most striking contrast was observable in the conduct of candidates for offices of power and trust, before and after obtaining them—they seldom carry out, in the latter case, the pledges and promises made in the former. However much the world may have improved, in many respects, in the lapse of upwards of two thousand years since the remark was made by the virtuous and indignant Roman, I fear that a strict examination of the annals of some of the modern elective governments, would develop similar instances of violated confidence.

Although the fiat of the People has gone forth, proclaiming me the Chief Magistrate of this glorious Union, nothing upon their part remaining to be done, it may be thought that a motive may exist to keep up the delusion under which they may be supposed to have acted in relation to my principles and opinions; and perhaps there may be some in this assembly who have come here either prepared to condemn those I shall now deliver, or approving them, to doubt the sincerity with which they are uttered. But the lapse of a few months will confirm or dispel their fears. The outline of principles to govern, and measures to be adopted, by an Administration not yet begun, will soon be exchanged for immutable history, and I shall stand, either execrated by my countrymen, or classed with the mass of those who promised that they might deceive, and flattered with the intention to betray. However strong may be my present purpose to realize the expectations of a magnanimous and confiding People, I too well understand the dangerous temptations to which I shall be exposed, from the magnitude of the power which it has been the pleasure of the People to commit to my hands, not to place my chief confidence upon the aid of that Almighty power which has hitherto protected me, and enabled me to bring to favorable issues other important but still greatly inferior trusts, heretofore confided to me by my country.

The broad foundation upon which our Constitution rests being the People—a breath of theirs having made, as a breath can unmake, change, or modify it—it can be assigned to none of the great divisions of Government, but to that of Democracy. If such is its theory, those who are called upon to administer it must recognize, as its leading principle, the duty of shaping their measure so as to produce the greatest good to the greatest number. But, with these broad admissions, if we would compare the sovereignty acknowledged to exist in the mass of our People, with the power claimed by other sovereignties, even by those who have been considered most purely democratic, we shall find a most essential difference. All others lay claim to power limited only by their own will. The majority of our citizens, on the contrary, possess a sovereignty with an amount of power precisely equal to that which has been granted to them by the parties to the national compact, and nothing beyond. We admit of no Government by divine right. Believing that, so far as power is concerned, the Beneficent Creator has made no distinction among men, that all are upon an equality, and that the only legitimate right to govern is an express grant of power from the governed. The Constitution of the United States is the instrument containing the grant of power to the several departments composing the Government. On an examination of that instrument it will be found to contain declarations of power granted and of power withheld. The latter is also susceptible of division, into power which the majority had the right to grant, but which they did not think proper to intrust to their agents, and that which they could not have granted, not being possessed by themselves. In other words, there are certain rights possessed by each individual American citizen, which in his compact with the others, he has never surrendered. Some of them, indeed, he is unable to surrender; being in the language of our system unalienable. The boasted privilege of a Roman citizen was to him a shield against a petty provincial ruler, whilst the proud democrat of

Athens could console himself under a sentence of death, for a supposed violation of the national faith, which no one understood, and which at times was the subject of the mockery of all, or the banishment from his home, his family and his country, with or without an alleged cause; that it was the act, not of a single tyrant, or hated aristocracy, but of his assembled countrymen. Far different is the power of our sovereignty. It can interfere with no one's faith, prescribe forms of worship for no one's observance, inflict no punishment but after well ascertained guilt, the result of investigation under rules prescribed by the Constitution itself.—These precious privileges, and those scarcely less important, of giving expression to his thoughts and opinions, either by writing or speaking, unrestrained but by the liability for them to others, and that of a full participation in all the advantages which flow from the Government, the acknowledged property of all the American citizen derives from no charter granted by his fellow-man. He claims them because he is himself a man, fashioned by the same Almighty hand as the rest of his species, and entitled to a full share of the blessings with which he has endowed them. Notwithstanding the limited sovereignty possessed by the people of the United States, and the restricted grant of power to the Government which they have adopted, enough has been given to accomplish all the objects for which it was created. It has been found powerful in war, and, hitherto, justice has been administered, an intimate union effected, domestic tranquility preserved, and personal liberty secured to the citizen. As was to be expected, however, from the defect of language and the necessarily sententious manner in which the Constitution is written, disputes have arisen as to the amount of power which it has actually granted, or was intended to grant.

This is more particularly the case in relation to that part of the instrument which treats of the legislative branch. And not only as regards the exercise of powers claimed under a general clause, giving that body the authority to pass all laws necessary to carry into effect the specified powers, but in relation to the latter, also. It is, however, consolatory to reflect, that most of the instances of alleged departure from the letter or spirit of the constitution, have ultimately received the sanction of a majority of the people. And the fact that many of our statesmen, most distinguished for talent and patriotism, have been, at one time or other of their political career, on both sides of each of the most warmly disputed questions, forces upon us the inference that the errors, if errors there were, are attributable to the intrinsic difficulty, in many instances, of ascertaining the intentions of the framers of the Constitution, rather than the influence of any sinister or unpatriotic motive. But the great danger to our institutions does not appear to me to be in a usurpation by government of power not granted by the people, but by the accumulation in one of the departments, of that which was assigned to others. Limited as are the powers which have been granted still enough have been granted to constitute a despotism, if concentrated in one of the departments. This danger is greatly heightened as it has been always observable that men are less jealous of encroachments of one department upon another, than upon their own reserved rights.—When the Constitution of the United States first came from the hands of the Convention which formed it, many of the sternest Republicans of the day were alarmed at the extent of the power which had been granted to the Federal government, and more particularly to that portion which had been assigned to the executive branch. There were in it features which appeared not to be in harmony with their ideas of a simple representative Democracy or Republic. And knowing the tendency of power to increase itself, particularly when exercised by a single individual, predictions were made that, at no very remote period, the government would terminate in virtual monarchy. It would not become me to say that the fears of these patriots have been already realized. But, as I sincerely believe that the tendency of measures, and of men's opinions, for some years past, has been in that direction, it is, I conceive, strictly proper that I should take this occasion to repeat the assurances heretofore given, of my determination to arrest the progress of that tendency, if it really exists, and restore the government to its pristine health and vigor, as far as this can be effected by any legitimate exercise of the power placed in my hands.

I proceed to state, in as summary a manner as I can, my opinion of the sources of the evils which have been so extensively complained of, and the corrective which may be applied. Some of the former are unquestionably to be found in the defects of the Constitution; others, in my judgment, are attributable to a misconstruction of some of its provisions. Of the former is the eligibility of the same individual to a second term of the Presidency. The sagacious mind of Mr. Jefferson early saw and lamented this error, and attempts have been made, hitherto without success, to apply the amendatory power of the States to its correction. As, however, one mode of correction is in the power of every President, and consequently in mine, it would be useless, and perhaps invidious, to enumerate the evils of which, in the opinion of many of our fellow citizens, this error of the sages who framed the Constitution may have been the source, and the bitter fruits which we are still to gather from it, if it continues to disfigure our system. It may be observed, however, as a general remark, that

Republics can commit no greater error than to adopt or continue any feature in their systems of Government which may be calculated to create or increase the love of power, in the bosoms of those to whom necessity obliges them to commit the management of their affairs. And, surely, nothing is more likely to produce such a state of mind than the long continuance of an office of high trust. Nothing can be more corrupting.—Nothing more destructive of all those noble feelings which belong to the character of a devoted republican patriot. When this corrupting passion once takes possession of the human mind, like the love of gold, it becomes insatiable. It is the never-dying worm in his bosom, grows with his growth, and strengthens with the declining years of its victim. If this is true, it is the part of wisdom for a Republic to limit the service of that officer, at least, to whom she has entrusted the management of her foreign relations, the execution of her laws, and the command of her armies and navies, to a period so short as to prevent his forgetting that he is the accountable agent, not the principal, the servant, not the master. Until an amendment of the Constitution can be effected, public opinion may secure the desired object. I give my aid to it, by renewing the pledge heretofore given, that, under no circumstances, will I consent to serve a second term.

But if there is danger to public liberty from the acknowledged defects of the Constitution, in the want of limit to the continuance of the Executive power in the same hands, there is, I apprehend, not much less from a misconstruction of that instrument, as it regards the powers actually given. I cannot conceive that, by a fair construction, any or either of its provisions would be found to constitute the President a part of the Legislative power. It cannot be claimed from the power to recommend, since, although enjoined as a duty upon him, it is a privilege which he holds in common with every other citizen. And although there may be something more of confidence in the propriety of the measures recommended in the one case than in the other, in the obligations of ultimate decision there can be no difference. In the language of the Constitution, "all the legislative powers" which it grants "are vested in the Congress of the United States." It would be a solecism in language to say that any portion of these is not included in the whole.

It may be said, indeed, that the Constitution has given to the Executive the power to annul the acts of the legislative body, by refusing to them his assent. So a similar power has necessarily resulted from that instrument to the Judiciary, and yet the Judiciary forms no part of the Legislature. There is, it is true, this difference between these grants of power; the Executive can put his negative upon the acts of the Legislature for other cause than that of want of conformity to the Constitution, whilst the Judiciary can only declare void those which violate that instrument. But the decision of the Judiciary is final in such a case, whereas in every instance where the veto of the Executive is applied, it may be overcome by a vote of two thirds of both Houses of Congress. The negative upon the acts of the Legislative, by the Executive authority, and that in the hands of one individual, would seem to be an incongruity in our system. Like some others of a similar character, however, it appears to be highly expedient, and if used only with the forbearance, and in the spirit which was intended by its authors, it may be productive of great good, and be found one of the best safeguards to the Union. At the period of the formation of the Constitution, the principle does not appear to have enjoyed much favor in the State Governments. It existed but in two, and in one of these there was a plural Executive.—If we would search for the motives which operated upon the purely patriotic and enlightened assembly which framed the Constitution, for the adoption of a provision so apparently repugnant to the leading democratic principle, that the majority should govern, we must reject the idea that they anticipated from it any benefit to the ordinary course of legislation. They knew too well the high degree of intelligence which existed among the people, and the enlightened character of the State Legislatures, not to have the fullest confidence that the two bodies elected by such constituents, and of course, that they would require no aid in conceiving and maturing the measures which the circumstances of the country might require; and it is preposterous to suppose that a thought could for a moment have been entertained that the President, placed at the capital, in the centre of the country, could better understand the wants and wishes of the people than their own immediate representatives, who spend a part of every year among them, living with them, often laboring with them, and bound to them by the triple tie of interest, duty, and affection. To assist or control Congress, then, in its ordinary legislation, could not, I conceive, have been the motive for conferring the veto power on the President. This argument acquires additional force from the fact of its never having been thus used by the first six Presidents; and two of them were members of the convention, one presiding over its deliberations, and the other having a larger share in consummating the laborers of that august body than any other person. But if bills were never returned to Congress by either of the Presidents above referred to, upon the ground of their being inexpedient, or not as well adapted as they might be to the wants of the people, the veto was applied upon that of want of conformity to the Constitution, or be-

cause errors had been committed from a too hasty enactment.

There is another ground for the adoption of the veto principle, which had probably more influence in recommending it to the Convention than any other. I refer to the security which it gives to the just and equitable action of the Legislature upon all parts of the Union. It could not but have occurred to the Convention that, in a country so extensive, embracing so great a variety of soil and climate, and, consequently, of products, and which, from the same causes, must ever exhibit a great difference in the amount of the population of its various sections, calling for a great diversity in the employments of the people, that the legislation of the majority might not always justly regard the rights and interests of the minority—and that acts of this character might be passed, under an express grant by the words of the Constitution, and, therefore, not within the competency of the judiciary to declare void; that however enlightened and patriotic they might suppose, from past experience, the members of Congress might be, and however largely partaking in general of the liberal feelings of the people, it was impossible to expect that bodies so constituted should not sometimes be controlled by local interests and sectional feelings. It was proper, therefore, to provide some umpire, from whose situation and mode of appointment more independence and freedom from such influences might be expected. Such a one as afforded by the Executive Department, constituted by the Constitution. A person elected to that high office, having his constituents in every section, State, and subdivision of the Union, must consider himself bound by the most solemn sanctions to guard, protect, and defend the rights of all, and of every portion, great or small, from the injustice of the rest. I consider the veto power, therefore, given by the Constitution of the Executive of the United States, solely as a conservative power, to be used only, 1st, to protect the Constitution from violation; 2dly, the people from the effects of hasty legislation, where their will has probably been disregarded or not well understood; and, 3dly, to prevent the effects of combinations violative of the right of minorities. In reference to the second of these objects, I may observe, that I consider it the right and privilege of the people to decide disputed points of the Constitution, arising from the general grant of power to Congress to carry into effect the powers expressly given. And I believe, with Mr. Madison, "that repeated recognitions, under varied circumstances, in acts of the Legislative, Executive, and Judicial branches of the Government, accompanied by indications in different modes of the concurrence of the general will of the nation, as affording to the President sufficient authority for his considering such disputed points as settled."

Upwards of half a century has elapsed since the adoption of our present form of Government. It would be an object more highly desirable than the gratification of the curiosity of the speculative statesmen, if its precise situation could be ascertained, a fair exhibit made to the operations of each of its Departments, of the powers which they respectively claim and exercise, of the collisions which occurred between them, or between the whole Government and those of the States, or either of them. We could then compare our actual condition after fifty years' of our system, with what it was in the commencement of its operations, and ascertain whether the productions of the patriots who opposed its adoption, or the confident hopes of its advocates, have been best realized. The great dread of the former seems to have been, that the reserved powers of the States would be absorbed by those of the Federal Government, and a consolidated power established, leaving to the States the "shadow, only, of that independent action for which they had so zealously contended, and on the preservation of which they relied as the last hope of liberty. Without denying that the result to which they looked with so much apprehension is in the way of being realized, it is obvious that they did not clearly see the mode of its accomplishment. The General Government has seized upon none of the reserved rights of the States. As far as any open warfare may have gone the State authorities have amply maintained their rights. To a casual observer, our system presents no appearance of discord between the different members which compose it. Even the addition of many new ones has produced no jarring. They move in their respective orbits in perfect harmony with the central head, and with each other. But there is still an under current at work, by which, if not seasonably checked, the worst apprehensions of our anti-federal patriots will be realized. And not only will the State authorities be overshadowed by the great increase of power in the Executive Department of the General Government, but the character of the Government, if not its designation, be essentially and radically changed. This state of things has been in part effected by causes inherent in the Constitution, and in part by the never-failing tendency of political power to increase itself. By making the President the sole distributor of all the patronage of the Government, the framers of the Constitution do not appear to have anticipated at how short a period it would become a formidable instrument to control the free operations of the State Governments. Of trifling importance at first, it had, early in Mr. Jefferson's Administration, become so powerful as to create great alarm in the mind of that patriot, from the potent influence it might exert in controlling the freedom of the elective fran-

chise. If such could have then been the effects of its influence, how much greater must be the danger at this time, quadrupled in amount, as it certainly is, and more completely under the control of the Executive will, than their construction of their powers allowed, or the forbearing characters of all the early Presidents permitted them to make. But it is not by the extent of its patronage alone that the Executive Department has become dangerous, but by the use which it appears may be made of the appointing power, to bring under its control the whole revenue of the country.

The Constitution has declared it to be the duty of the President to see that the laws are executed, and it makes him the Commander-in-Chief of the Armies and Navies of the U. States. If the opinion of the most approved writers upon that species of mixed Government, which, in modern Europe, is termed Monarchy, in contradistinction to Despotism, is correct, there was wanting no other addition to the powers of our Chief Magistrate to stamp a monarchical character on our Government, but the control of the public finances. And to me it appears strange, indeed, that any one should doubt that the entire control which the President possesses over the officers who have the custody of the public money, by the power of removal with or without cause, does, for all mischievous purposes at least, virtually subject the treasure also to his disposal. The first Roman Emperor, in his attempt to seize the sacred treasure, silenced the opposition of the officer to whose charge it had been committed, by a significant allusion to his sword. By a selection of political instruments for the care of the public money, a reference to their commissions by a President, would be quite as effectual an argument as that of Caesar to the Roman Knight. I am not insensible of the great difficulty that exists in devising a proper plan for the safe-keeping and disbursement of the public revenues and I know the importance which has been attached by men of great abilities and patriotism to the divorce, as it is called, of the Treasury from the banking institutions. It is not the divorce which is complained of, but the unhalloved union of the Treasury with the Executive Department which has created such extensive alarm.

To this danger to our republican institutions, and that created by the influence given to the Executive through the instrumentality of the federal officers, I propose to apply all the remedies which may be at my command. It was certainly a great error in the framers of the Constitution, not to have made the officer at the head of the Treasury Department entirely independent of the Executive. He should at least have been removable only upon the demand of the popular branch of the Legislature. I have determined never to remove a Secretary of the Treasury without communicating all the circumstances attending such removal to both Houses of Congress. The influence of the Executive in controlling the freedom of the elective franchise through the medium of the public officers can be effectually checked by renewing the prohibition published by Mr. Jefferson, forbidding their interference in elections further than giving their own votes; and their own independence secured by an assurance of perfect immunity, in exercising this sacred privilege of freemen under the dictates of their own unbiased judgments. Never, with my consent, shall an officer of the People, compensated for his services out of their pockets, become the pliant instrument of Executive will.

There is no part of the means placed in the hands of the Executive which might be used with greater effect, for unhalloved purposes, than the control of the public press. The maxim which our ancestors derived from the mother country, that "the freedom of the press is the great bulwark of civil and religious liberty," is one of the most precious legacies which they have left us. We have learned, too, from our own as well as the experience of other countries, that golden shackles, by whomsoever or by whatever pretence imposed, are as fatal to it as the iron bonds of despotism. The presses in the necessary employment of the Government should never be used "to clear the guilty, or to punish crimes." A decent and manly examination of the acts of Government should be not only tolerated but encouraged.

Upon another occasion I have given my opinion at some length, upon the impropriety of Executive interference in the legislation of Congress. That the article in the Constitution making it the duty of the President to communicate information, and authorizing him to recommend measures, was not intended to make him the source of legislation, and in particular, that he should never be looked to for schemes of finance. It would be very strange, indeed, that the Constitution should have strictly forbidden one branch of the Legislature from interfering in the origination of such bills, and that it should be considered proper that an altogether different department of the Government should be permitted to do so. Some of our best political maxims and opinions have been drawn from our parent Isle. There are others, however, which cannot be introduced in our system without singular incongruity, and the production of much mischief. And this I conceive to be one. No matter in which of the Houses of Parliament a bill may originate, nor by whom introduced, a minister, or a member of the opposition, by the fiction of law, or rather of Constitutional principle; the Sovereign is supposed to have prepared it agreeably to his will, and then submitted it to Parliament for their advice and consent. Now, the very re-