

Western Carolinian.

It is even wise to abstain from laws, which, however wise and good in themselves, have the semblance of inequality, which find no response in the heart of the citizen, and which will be evaded with little remorse. The wisdom of legislation is especially seen in grafting laws on conscience.

Dr. Manning.

SALISBURY, ROWAN COUNTY, N. C. TUESDAY, JANUARY 25, 1831.

[VOL. XI...NO. 356]

Printed and published, for a work, by JONES & CRAIG,
Publishers of the Laws of Congress.

The terms of the Western Carolinian will be hereafter as follows:—
Two dollars and a half per annum; or two dollars only, if paid in advance. No paper will be discontinued, except at the discretion of the Editors, until all dues are paid up. Advertisements will be inserted at the rate of one square for the first week, and so on each week they are continued thereafter. Postage must be paid in all letters addressed to the Editors, or they may not be attended to.

State Legislature.

SENATE.

Tuesday, Jan. 4.

The bill to enable the Public Treasurer and Comptroller to perform the duties required of them, was rejected on its third reading; the bill directing the Governor to convey certain lands to the county of Macon; the bill to exempt from execution the articles therein mentioned; and the bill to exempt from taxation property held by the wardens of the poor, were rejected on their second reading.

The bill to prohibit the meeting of slaves in the night, and to restrain their meeting in the day to the presence of three white persons, was postponed indefinitely on its second reading.

Wednesday, Jan. 5.

Mr. Hinton of Beaufort, presented a series of Resolutions concurring in those from the Legislature of Alabama which recommend the re-election of General Jackson to the Presidency and calling on the Legislature of North-Carolina to imitate the example of Alabama. Mr. Martin moved that they lie on the table until the 31st Monday of November next. Negatived 38 to 19. On motion of Mr. McKay, the said Resolutions were committed to a select committee, with instructions to report thereon as soon as convenient. This Committee consisted of Messrs. Hinton of Beaufort, McKay, Spaight, Meares and Martin.

Thursday, Jan. 6.

Mr. Hinton of Beaufort, from the select Committee to whom the subject was referred, reported a Resolution declaring that the confidence reposed by the people of the States of North-Carolina in the wisdom and patriotism of Andrew Jackson and which induced them to yield him their almost undivided support at the last Presidential election, remains unimpaired, from the course which he has pursued. Mr. Spaight moved to amend it by adding a clause recommending Gen. Jackson for re-election, which was negatived 32 to 23.

Mr. Wilson moved that the Resolutions lie on the table, which was not agreed to. The original Resolution, as reported from the Committee, was then unanimously adopted and sent to the House for concurrence.

Resolutions were received from the House of Commons, approving the course of policy pursued by President Jackson and recommending him for re-election. On motion of Mr. Martin they were laid upon the table, — Ayes 32, — Nays, 25.

Mr. Wilson moved that the Senate do now proceed to consider the Resolutions, heretofore laid upon the table, protesting against the usurped powers of the General Government. The Senate refused to take them up, by a vote of 36 to 16.

Friday, Jan. 7.

A message was received from the House of Commons, proposing to ballot immediately for a Board of Internal Improvement, for the ensuing year, and stating that Louis D. Henry, Cadwallader Jones and Thomas Dozier are in nomination. The Senate refused to elect any Board for the ensuing year.

Mr. Askew, from the select committee to whom was referred the memorial of sundry citizens in the county of Burke, praying for the establishment of a Medical Board, made a report asking to be discharged from the further consideration of the subject, on the ground that too little time remained for the due consideration of so important a subject.

The Resolutions passed by the Senate, approving the acts of the administration, were returned from the House of Commons, with an amendment, setting forth the great necessity which exists for the re-election of General Jackson. The Senate refused to concur in the amendment 24 to 20, and the House of Commons were

so informed. The House returned a message insisting on their amendment. On motion of Mr. McKay, the Resolutions were ordered to lie upon the table, Ayes 20, Nays 16.

A protest was presented by Mr. Spaight Sigard, by Messrs. Spaight, Askew, Montgomery Ward, Skinner, Kerr, and Hawkins against the vote of the Senate refusing to recommend Gen. Jackson for the next Presidency, in which they stated, at length their reasons for the same: It was read and entered upon the Journal of the Senate. Mr. Hinton of Beaufort, also presented his protest together with his reasons for the same against the same vote.

Saturday, Jan. 8.

After an interchange of Messages between the two Houses, stating that all the business before them had been brought to a close, on motion of Mr. Matthews, a Resolution was unanimously adopted, returning the thanks of the Senate to David F. Caldwell, their Speaker, for the able, impartial and dignified manner in which he has discharged the duties of the Chair. The Speaker returned his acknowledgments in a neat and appropriate address, and then adjourned the Senate sine die.

HOUSE OF COMMONS.

Tuesday, Jan. 4.

Samuel F. Patterson was elected Col. Commandant, Anderson Mitchell, Lieutenant Colonel, and Wm. P. Witherspoon, Major of Cavalry attached to the 9th Brigade of the militia of this State.

Mr. Polk, from the select committee to whom the subject had been referred, made the following Report, which was concurred in, and he accompanying resolutions ordered to be engrossed and sent to the Senate for concurrence.

The committee to whom it was referred to examine, collate and arrange in proper order, such parts of the Journals of the Provincial Assemblies of North-Carolina, as relate to the Declaration of Independence made by the patriotic men of Mecklenburg in May 1775, and also such measures as relate to the same cause, adopted by the free men of Cumberland county, previous to the fourth of July, 1776, in order to the publication and distribution of such documents, having performed the duty assigned them, respectfully Report:

That upon an attentive examination of the Journals of the Provincial Assembly of North-Carolina, which met at Halifax in the month of November 1776, the Committee are of opinion, that no selection could be made from the said Journal to answer the purpose of the House. But as every thing relating to that period, must be interesting to those who value the blessing of National Independence, the committee recommend that the whole of the Journal be printed, and receive the same extended distribution which the resolution of the House contemplates for the proceedings in Mecklenburg and Cumberland. This course is deemed by the committee the more proper, because the Journal is now out of print, and it is highly probable that the copy in the possession of the committee is the only one now extant.

Your committee have also examined, collated and arranged, all the documents, which have been accessible to them, touching the Declaration of Independence by the citizens of Mecklenburg, and the proceedings of the free men of Cumberland.

By the publication of these papers, it will be fully verified, that as early as the month of May, 1775, a portion of the people of North-Carolina, sensible that their wrongs could no longer be borne, without sacrificing both safety and honor, and that redress so often sought, so patiently waited for, and so cruelly delayed, was no longer to be expected, did, by a public and solemn act, declare the resolution of the ties which bound them to the Crown and people of Great-Britain, and did establish an independent, though temporary government for their own control and direction.

This first claim of Independence evinces such high sentiments of valour and patriotism, that we cannot, and

ought not lightly to esteem the honor of having made it. The fact of the Declaration should be published and perpetuated, and the names of the gallant representatives of Mecklenburg, with whom it originated, should be preserved from an oblivion, which, should it involve them, would as much dishonor us, as injure them. If the thought of Independence, did not, first occur to them, to them at least belongs the proud distinction of having given language to the thought; and it should be known, and, fortunately, it can still be conclusively established, that the revolution received its first impulse towards Independence, how feeble that impulse might have been, in North Carolina. The committee are aware that this assertion has elsewhere been received with doubt, and at times met with denial; and it is, therefore, believed to be more strongly incumbent upon the House to usher to the world the Mecklenburg Declaration, accompanied with such testimonials of its genuineness as shall silence incredulity, and with such care for its general diffusion as shall forever secure it from being forgotten: And in recounting the causes, the origin and the progress of our revolutionary struggle, till its final issue in acknowledged independence, whatever the brilliant achievements of other States may have been, let it never be forgotten, that at a period of darkness and oppression, without concert with others, without assurance of support from any quarter, a few gallant North Carolinians, all fear or consequences lost in a sense of their country's wrongs, relying, under Heaven, solely upon themselves, nobly dared to assert, and resolved to maintain that independence, of which whoever might have thought, none had then spoken; and thus earned for themselves, and for their fellow citizens of North Carolina, the honor of giving birth to the first Declaration of Independence. The committee respectfully recommend the adoption of the following resolutions.

All of which is submitted,
THOMAS G. POLK, Ch'n.
JOHN BRAGG,
EVAN ALEXANDER,
LOUIS D. HENRY,
ALEX. McNEILL.

Resolved, That his Excellency the Governor be directed to cause to be published in pamphlet form the above Report and the accompanying documents, in the manner and order following, viz. After the report, 1st, The Mecklenburg Declaration, with the names of the Delegates composing the meeting 2d, The certificates testifying to the circumstances attending the Declaration. 3d, The proceedings of the Cumberland Association. And that he be further instructed to have reprinted in like manner, separate and distinct from the above, the accompanying Journal of the Provincial Assembly, held at Halifax in 1776.

Resolved further, That after publication, the Governor be instructed to distribute said documents as follows, to wit: 20 copies of each to the Library of the State; to each of the Libraries of the University 10 copies; to the Library of the Congress of the United States 10 copies; and one copy to each of the Executives of the several States of the Union.

Wednesday Jan. 5.

The Governor transmitted a communication, enclosing Resolutions from the Legislature of Alabama, approving the conduct of the President and recommending him for re-election. — They were read and laid on the table.

Thursday, Jan. 6.

The bill authorizing Judges to grant writs of *ne exeat* in certain cases—the bill for revising and digesting the Public Statute Laws of this State—the bill to amend an act passed in 1821, providing further punishment for the harboring or maintaining runaway Slaves, and the bill to amend an act passed in 1828, to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of Executions by Justices of the Peace, were respectively read the second time and postponed indefinitely.

Mr. Wheeler submitted sundry Resolutions, approving the whole course of policy pursued by the present Administration, concluding with a recommendation of General Jackson for re-election, to the other States which, having been superseded by similar resolutions were, on motion of Mr. Bragg, ordered to lie on the table.

The resolutions heretofore submitted by Mr. Sawyer, were, on motion of Mr. Bynum, taken up and considered; and after undergoing sundry amendments and modifications, as proposed by Messrs. Henry, Bragg and Sawyer, they were submitted to the House in the following words, viz.

Whereas the President of the United States, at the last session of Congress, rejected, as unconstitutional, an appropriation to the Maysville Turnpike Road, thereby incurring the denunciations of those who advocate an unlimited discretion in Congress to appropriate the public money to internal improvements—a discretion, in the opinion of this General Assembly, alike impolitic and dangerous to the sovereignty of the States; and whereas the freemen of North Carolina united with others in the election of Andrew Jackson to the Presidency of the United States, under the full expectation of his reforming abuses and restoring the Constitution to its original purity:

Be it therefore resolved, &c. That Andrew Jackson is entitled to the approbation of this General Assembly, for the firm and sound exercise of his constitutional privilege in the rejection of the Maysville Turnpike Road Bill and others of a similar character.

Resolved, That the general policy and prominent measures of the present Administration meet the approbation and support of this General Assembly.

Resolved, That the re-election of Andrew Jackson to the elevated station he now occupies so honorably to himself and so usefully to the country, is an object, under existing circumstances, peculiarly to be desired and highly necessary to preserve the harmony and promote the interest of this Union.

Resolved further, That the foregoing preamble and resolutions be signed by the Speaker of the Senate and the Speaker of the House of Commons, and be transmitted by the Governor of the State to the President of the United States.

These resolutions were adopted and sent to the Senate for concurrence—yeas 97, nays 9.

Yeas.—Messrs. E. Alexander, Arrington, Bateman, Bell, Blair, Bogle, Bragg, Branch, Brooks, Brown, Brower, Bryan, Burgin, Bynum, Calhoun, Carter, Chesson, Clark, Clemons, Cooper, Cox, Dodson, Dozier, Edmonston, Ellison, Fleming, Flowers, Fay, Frederick, Gary, Gaston, Glenn, Grandy, Gwynn, Haley, Harper, Henry, Thos. Hill, Hilliard, Houder, W. Horton, J. Horton, Jackson, Jarvis, Kendall, Larkins, Lawson, Little, Lloyd, Lorens, Mebane, Monk, Morris, Mullen, Murphy, M'Affer, M'Ghee, W'Neill, Nicholson, O'Brien, Orr, Peoples, Phillips, Purcell, Rand, Rhodes, Rowe, Sasser, Sawyer, Sikes, Simmons, Singleton, Sloan, Smith, Spaight, Spurgin, Stedman, Stephens, Stockard, Swanner, Tatham, Uzzle, Wattle, Weaver, Webb, Wheeler, S. Whitaker, J. Whitaker, Whitley, Williams, Willey, Wilson, Wiseman, C. Wooten, A. W. Wooten, Wyche, Ziglar.

Nays.—Messrs. Barnard, Barnhardt, Barringer, Baile, Gauze, J. A. Hill, Mendenhall, White, Worth.

Friday, Jan. 7.

The engrossed resolution from the Senate, requesting the Governor to procure certain information in relation to Banking, was laid on the table.

The engrossed resolutions, received from the Senate, approbatory of the administration of Andrew Jackson, were read and amended, on Mr. Bragg's motion, by adding "That the re-election of Andrew Jackson is an object greatly to be desired and highly necessary to preserve the harmony and promote the interests of this Union;" and, as amended, the resolutions were adopted and sent to the Senate, asking their concurrence in the amendment. A message was subsequently received from the Senate disagreeing to the amendment. Mr. Sawyer moved that a message be sent to the Senate, informing them that this House insist on their said amendment; which motion was agreed to, five or six only voting against it.

Mr. Blair presented the following protest, which was read and ordered to be inserted at large in the Journal: Whereas, by the 45th section of the Constitution of this State, it is provided

"that any member of either House of the General Assembly shall have liberty to dissent from, and protest against any act or resolve which he may think injurious to the public or any individual, and have the reasons of his dissent entered on the Journals;" and whereas this House of Commons did, on Friday the 31st day of December last past, adopt certain political resolutions; and whereas the latter clause of the first of said resolutions is in the following words:—"yet this Legislature does not recognize, as constitutional, the right of an individual State of this Union to nullify a law of the United States: Therefore, the undersigned availing himself of his constitutional privileges, begs leave most respectfully to present his solemn protest against the doctrines therein avowed, as insidious in their character, designed to reflect upon the conduct and impugn the motives of a gallant and patriotic sister State, tending to prostrate the sovereignty of every State of this Union, and to raise upon their ruins one grand consolidated government of unlimited powers, subversive of the liberties of the people, and ultimately leading to despotism and anarchy.

The undersigned avows, most distinctly, an ardent attachment to the Constitution of this Union, believing it the noblest structure of human wisdom, and so long as its letter is adhered to, so long as the powers not expressly delegated, are reserved to the States, so long will it retain its beauty and regularity; but whenever Congress shall presume to "feel power and forget right," and, by construction, assume jurisdiction over every thing or any thing, so soon will this beautiful edifice be found without order or proportion, obnoxious to the people, and by their fiat razed to the earth, a pile of splendid ruins. Then will we be called to mourn at the tomb of our departed glory; to weep over the relics of the last, best hope of the world, and to hear again promulgated the soul harrowing, degrading dogms that man is incapable of self government.

To avert such a calamity; to preserve the legacy bequeathed to us by our forefathers, and consecrated by a lavish expenditure of their blood and treasure, let us confine the Constitution to its legitimate bounds; let nothing be done by construction or implication; and then, indeed, the "Union will be preserved."

The undersigned does believe that the nullification of a law of the United States, by any State of the Union, would be but little short of a dissolution of our Federal Compact; and a dissolution of this compact is only to be preferred to submission to a government without limitation of powers; but he does believe that exigencies may arise when it would be the part of wisdom to recede to this extreme remedy.

Let him for a moment, by way of illustration, suppose a case. The Constitution of the United States recognizes our right to our slaves as property. Suppose the Congress of the United States, acting in a spirit of blind fanaticism, or false philanthropy, to enact a law, declaring all the slaves in the Southern States free men. Would not every citizen of North Carolina boldly oppose such a law? Would it not be our right and bounden duty to declare it null and inoperative in this State, and to resist its executive by force, if necessary? This may be called an extreme case. But such a case may occur; and extreme cases are only to be met by extreme remedies.

The undersigned repeats his strong attachment to the Union, and fervently prays that its band may not be severed until time shall be no more.

(Signed) GEO. BLAIR, of Chowan.
House of Commons,
Jan. 7th, 1831.

Saturday, Jan. 8.

Mr. Spaight presented the following protest, which was read and ordered to be spread at large on the Journal:

The undersigned dissents from and protests against the resolutions declaring "that, although the Tariff laws, as they now exist, are, in the opinion of this Legislature, unwise, unequal in their operations, and oppressive to the Southern States; yet this Legislature does not recognize as constitutional the right of an individual State of this Union to nullify a law of the United States," passed by the House of Commons on the 31st of December, A. D. 1830. For that the resolution denies in unqualified terms the constitutional right of a State, in any event, to nullify a law of Congress, however palpably unconstitutional and dangerous to the liberties of the citizens.

The dissenter is fully aware of the importance of the Union and the miseries that would result from its dissolution, and is too warmly attached to it to hazard its preservation by a resort to the "extreme remedy," spoken of "for light and transient causes." But when a