

# Western Carolinian.

It is even wiser to abstain from laws, which however wise and good in themselves, have the弊害 of inequality which find no response in the heart of the citizen, and which will be evaded with little remorse.  
Dr. Channing.

[BY BURTON CRAIG.]

SALISBURY, ROWAN COUNTY, N. C., MONDAY DECEMBER 31, 1862.

[VOL. III NO. 626]

## TERMS

The WESTERN CAROLINIAN is published once a week at two dollars per annum, if paid within three months; or two dollars and fifty cents, if paid at any other time within the year. No Paper Bill is discontinued until all arrearages are paid, unless at the Editor's discretion. No subscription will be received for a less time than one year.  
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## PROCLAMATION

By the President of the United States,  
[EXCLUDED FROM OUR FAIR.]

It would seem superfluous to add any thing to show the nature of that Union which connects us; but as erroneous opinions on this subject are the foundation of designs the most destructive to our peace, and that give cause further development to our views on this subject. No one, fellow citizens, has a higher reverence for the sacred rights of the States, than the Magistrate who now addresses you. No one would make greater personal sacrifices, or exert greater exertions, to defend them from violation; but equal care must be taken to prevent on their part an improper interference with, or assumption of, the rights they have vested in the nation. The line has not been so distinctly drawn as to give doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It is, as we have seen, on the alleged undivided sovereignty of the States, and on their having formed in the sovereign capacity a compact which is called the Constitution, from which, because they made it, they have the right to secede. Both these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The States severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation, we have shared of a sovereignty, which is one of their essential parts of sovereignty. The right to make treaties—declare war—levy taxes—exercise exclusive judicial and legislative powers—were all of them functions of sovereign power. The States, then, for all these important purposes, were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the Government of the United States—they became American citizens, and owed obedience to the Constitution of the United States, and to laws made in conformity with the powers vested in Congress. This last position has not been, and cannot be denied. How then can that State be said to be sovereign and independent, whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws, when they are in conflict with those passed by an ally? What shows conclusively that the States cannot be said to have reserved an undivided sovereignty, is that they expressly do not reserve the right to punish treason, or to treat against their separate powers, or to manage the United States. There is an alliance against sovereignty, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred, because they have for their common interest made the General Government the depository of those powers.

The unity of our political character (as has been shown for another purpose) is a necessary condition of our very existence. Under the royal Government we had no separate character—our opposition to its oppressions began as UNITED COLONIES. We were the UNITED STATES under the Confederation, and the Union rendered more perfect by the Federal Constitution. In none of these did we consider ourselves in any other manner as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defence. How, then, with all these proofs, and under all changes of our positions we did, for designated purposes and with designated powers, created National Government—how is it, that the most perfect of the several modes of union, should now be considered as a mere league that may be dissolved at pleasure? It is from an error of terms. Compact is used as synonymous with league, although the true form is not employed, because, it would at once show the fallacy of the reasoning. It did not do to say that our Constitution was a league, but it is labored to prove that it is a compact, (which in one sense it is) and that it is a compact between nations must be a league, and that from such an en-

agement every sovereign power has a right to recede. But it has been shown, that in this sense the States are not sovereign, and that even if they were, and the National Constitution had been formed by compact, there would be no right in any one State to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can these sacrifices be recalled? Can the States who magnanimously surrendered their title to the Territories of the West, recall the grant? Will the inhabitants of the inland States agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf, for their own benefit? Shall there be a free port in one State, and onerous duties in another? No one believes that any right exists in a single State to involve all the others in these and countless other evils contrary to the engagements solemnly made. Everyone must see that the other States, in self defence, must oppose it at all hazards.

These are the alternatives that are presented by the Convention. A repeal of all the acts for raising revenue, leaving the Government without the means of support; or an acquiescence in the dissolution of our Union by the secession of one of its members.—When the first was proposed, it was known that it could not be listened to for a moment. It was known if force was applied to oppose the execution of the laws, that it must be repelled by force—that Congress could not, without involving itself in disgrace and the country in ruin, accede to the proposition; and yet, if this is not done in a given day, or if any attempt is made to execute the laws, the State is, by the Ordinance, declared to be out of the Union. The majority of a Convention assembled for the purpose, have debated these terms, or rather the rejection of all terms, in the name of the people of South Carolina. It is true that the Governor of the State speaks of the submission of their grievances to a convention of all the States, which he says they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the assent of the other States on the construction of the federal compact, and amending it, if necessary, has never been attempted by those who have urged the State on to this destructive measure. The State might have proposed the call for a general convention to the other States; and Congress, if a sufficient number of them concurred, must have called it. But the first Magistrate of South Carolina, when he expressed a hope that "an act of review by Congress and the functionaries of the General Government of the merits of the controversy," such a Convention will be accorded to them, must have known that neither Congress nor any functionary of the General Government has authority to call such a Convention, unless it be demanded by two thirds of the States. The suggestion then, is another instance of the reckless matter with which this crisis has been audaciously hurried on; or of the attempt to persuade the people that a constitutional remedy has been sought and refused. If the legislature of South Carolina "anxiously desire" a General Convention to consider their complaints, why have they not made application for it in the way the Constitution points out? The assertion that they "earnestly seek it," is completely negated by the omission.

This, then, is the position in which we stand. A small majority of the citizens of one State in the Union have elected delegates to a State Convention; that Convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The Governor of that State has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearance to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended, and it is the intent of this instrument to proclaim, not only that the duty imposed on me by the Constitution "to take care that the laws be faithfully executed," shall be performed to the extent of the powers already vested in me by law, or of such others as the wisdom of Congress shall devise and entrust to me for that purpose; but to warn the citizens of South Carolina, who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal disorganizing Ordinance of the Convention,—to exhort those who have refused to support it to persevere in their determination to uphold the Constitution and laws of their country, and to point out to all, the perilous situation into which the good people of that State have been led, and that the course they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support.

Fellow citizens of my native State—let me not only admonish you, as the first Magistrate of our common country, not to incur the penalty of its laws, but use the influence that a Father would over his children whom he saw rushing to certain ruin.—In that paternal language, with that

paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves or wish to deceive you. Mark under what pretences you have been led on to the brink of insurrection, and treason, on which you stand! First a diminution of the value of your staple commodity, lowered by over production in other quarters, and the consequent diminution of the value of your lands, were the sole effect of the Tariff laws.

The effect of those laws are confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe, that its burthens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage, and that resistance to them was equal, in patriotic merit, to the opposition our Fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably—might be constitutionally made—that you might enjoy all the advantages of the Union and bear none of its burthens. Eloquent appeals to your passions, to your State pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask which concealed the hideous features of disunion, should be taken off. It fell, and you were made to look with complacency on objects which not long since, you would have regarded with horror. Look back to the arts which have brought you to this state—look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course—the great political truth was repeated to you, that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive.—It was added that the right to nullify a law rested on the same principle, but that it was a peaceful remedy. This character which was given to it, made you receive with too much confidence, the assertions that were made of the unconstitutionality of the law, and its oppressive effects. Mark, my fellow citizens, that by the admission of your leaders unconstitutional may be palpable, or it will not justify either resistance or nullification.—What is the meaning of the word palpable, in the sense in which it is here used?—that which is apparent to every one; that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of those laws that description? Let those among your leaders who once approved and advocated the principle of protective duties, answer the question: and let them choose whether they will be considered as incapable, feign, or perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence, and endeavoring to mislead you now. In either case, they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you.—They are not champions of liberty, emulating the fame of our Revolutionary Fathers; nor are you an oppressed people contending, as they repeat to you, against worse than colonial vassalage.

You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed; but that inequality must necessarily be removed. At the very moment when you were made urged on to the unfortunate course you have begun, a change in public opinion had commenced. The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already produced a considerable reduction, and that too on some articles of general consumption, in your State. The importance of this change was understood, and you were authoritatively told, that no further alleviation of your burthens was to be expected at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to hurry you on to the position you have now assumed, and forward to the consequences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part!—consider its government, uniting in one bond of common interest, and general protection so many different States—giving to all their inhabitants the proud title of American citizens, protecting their commerce—securing their literature and their arts—facilitating their intercommunication, defending their frontiers—and making their names respected in the remotest parts of the earth! Consider the extent of its territory, its increasing and happy population, its advance in arts, which render life agreeable, and the sciences which elevate the mind! See education spreading the lights of religion, humanity, and general information into every cottage in this wide extent of our Territories and States! Hold it as the very

last wish of the wretched and the oppressed to find a refuge and support! Look on this prostrate Republic and weep, and say—WE, TOO, ARE CITIZENS OF AMERICA—Carolina is one of these proud States,—her arms have defended—her best blood has consecrated this happy Union! And then add, if you can, without horror and remorse, that happy Union we will dissolve—this picture of peace and prosperity we will destroy—this free intercourse we will interrupt—these fertile fields we will deluge with blood—the protection of that glorious flag we re-annex—the very name of Americans we discard. And for what, mistaken men—what do you throw away these inestimable blessings—for what would you exchange your share in the advantage and honor of the Union? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbors, and a vile dependence on a foreign power. If your leaders could succeed in establishing a separate state, what would be your station? Are you united at home—are you free from the apprehensions of civil discord, with all its fearful consequences? Do our neighboring republics, every day suffering some new revolution, or contending with some new insurrection—do they excite your envy? But the duties of high duty obliges me solemnly to assure you that you cannot succeed. The laws of the United States must be executed. I have no discretionary power on the subject—my duty is emphatically pronounced in the Constitution. Those who told you that they might peacefully prevent their execution, deceived you—they could not have been deceived themselves. They know that forcible opposition alone, could prevent the execution of the laws, and they know that such opposition must be repelled. Their support is a delusion; but be not deceived by names, dissimulation, or armed force, INTERFERE. Are you really ready to meet its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences on their heads be the dishonor, but on yours not fall the punishment; on your unhappy State will inevitably fall all the evils of the conflict you force upon the Government of your country. It cannot be made to the end project of disunion of which you would be the first victims—its first magnitude cannot, if it would, avoid the perils of its duty—the consequences must be fearful for you, distressing to your fellow citizens here, and to the friends of good government throughout the world. Its success has behind our prosperity with a vengeance they could not conceal—it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of seeing many joy. It is yet in your power to disapprove them. There is yet time to show that the descendants of the Packneys, the Sumpters, the Rutledges, & of the thousands and other names which adorn the pages of your revolutionary history, will not abandon that Union, to support which so many of them fought, bled and died.

I advise you as you honor their memory—as you love the cause of freedom, to which they dedicated their lives—as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retract your steps. Search from the archives of your State the disorganizing edict of its Convention—let its members to re-ascend, and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity and honor; let them, that compared to disunion, all other evils are right, because that brings with it an accumulation of all—declare that you will never take the field, unless the star spangled banner of your country shall first over you; that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the Constitution of your country!—Its destroyers you cannot be. You may desert its peace—you may interrupt the course of its prosperity—you may cloud its reputation for stability; but its tranquility will be restored, its prosperity will return, and the stain upon its constitutional character will be transferred and remain an eternal blot on the memory of those who caused the disaster.

Fellow Citizens of the United States! The threat of unhallored disunion—the names of those, once respected, by whom it is uttered—the array of military force to support it—denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments, may depend. The conjuncture demands a free, full and explicit declaration, not only of my intentions, but of my principles of action, and as the claim was asserted of a right by a State to amend the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our government, and the construction I give to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the fitness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws—to preserve the Union, by all constitutional means—to arrest, if possible, by moderate, but firm measures, the necessity of a recourse to force, and

if it be the will of Heaven that the recurrence of its removal from man for the shedding of a nation's blood should bill upon our land, that it be not called down by any offensive act on the part of the U. States.

Fellow citizens! The momentous case is before you. On your undivided support of your Government depends the decision of the great question it involves, whether your sacred Union will be preserved, and the blessing it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed, will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom and the courage which will bring to their defence, will transmit them unimpaired and invigorated to our children.

May the great Ruler of nations grant that the signal blessings with which he has favored ours, may not be the madness of party or personal ambition be disregarded and lost, and may his wise Providence bring those who have produced this crisis, to see the folly, before they feel the misery, of civil strife; and inspire a returning veneration for that Union which, if we may dare to penetrate his designs, he has chosen as the only means of attaining the high destinies to which we may reasonably aspire. In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.  
Done at the City of Washington this 10th day of December, in the year of our Lord one thousand eight hundred and thirty two, and of the Independence of the United States the fifty seventh.

ANDREW JACKSON,  
By the President:  
EWD. LIVINGSTON,  
Secretary of State.

## GENERAL ASSEMBLY.

### SENATE.

Thursday, Dec. 13

Mr. Hogan presented a bill to amend an act for the division of Rowan County, passed in the year 1822, which was read the first time and passed.

The bill to establish the Bank of North Carolina, after undergoing various amendments in committee of the whole, Mr. Wilson in the chair, was read the second time and passed—aye 39, noes 22.

Friday, Dec. 14.  
Mr. Skinner presented a bill supplemental to an act, directing how persons injured by erection of public mills, shall in future proceed to recover damages, passed in the year 1800; which was read the third time, passed and referred.

The bill to establish the Bank of North Carolina, was read the third time, and, after undergoing sundry amendments, was, on motion of Mr. Williams, referred to a select committee consisting of Messrs. Williams, Martin, Montgomery of Orange, Wilson and Hinton.

The engrossed bill providing compensation for jurors in the County of Cabarrus was read the first, second and third times, passed and ordered to be engrossed.

Saturday, Dec. 15

The bill to amend the Judiciary system of the State of North Carolina, after undergoing several amendments in the committee of the whole, Mr. Williams in the Chair, was read the second time, and, on motion of Mr. Hinton, laid on the table—aye 31, noes 27.

Monday, Dec. 17.

Mr. Allen presented a bill to give longer time for paying in entry money; which was read the first time and passed.

The bill more effectually to prevent litigation and to avoid suits in law, was read the second time, and amended on Mr. Tomers motion, and passed. A motion for its indefinite postponement having been made by Mr. Dishough, it was decided in the negative—aye 18, noes 40.

Tuesday, Dec. 18.

Mr. Wilson, from the committee on Finance, reported a bill to amend an act passed in 1831; to increase the liability of sheriffs, and to provide more effectually for the collection of taxes. Read the first time.

Mr. Leak, from the joint select committee on the subject of a convention, reported a bill providing for the call of a convention for fixing on a seat of Government for this State; which was read the first time. Mr. Wilson moved that the further consideration of the said bill be postponed until Thursday next, which was not agreed to. Mr. Collins moved that its further consideration be postponed indefinitely; which was agreed to—yeas 34, noes 29.

Mr. Montgomery, of Hartford, presented a bill to repeal the third section of an act passed in the year 1806, entitled an act to revise the militia laws of this State relative to the cavalry; which was read the first time and passed.

The bill more effectually to prevent litigation and to avoid suits at law was read the third time, and being amended on motion of Mr. Wellborn, was passed and ordered to be engrossed.

The engrossed bill vesting in the County Courts the right of establishing additional places of public sale in their respective counties, was read the third time, passed and ordered to be engrossed.

Wednesday, Dec. 19.

Mr. Williams, from the select committee on the subject, reported the Bank Bill with sundry amendments, which was read and agreed to, and made the order of the day for Friday next.

The bill to alter and amend the Judiciary system of the State, was taken up and discussed. Messrs. Carson and Hinton advocated the bill and Mr. Wellborn opposed it. It was finally postponed indefinitely 51 to 28. We must defer the publication of the Yeas and Nays.

## HOUSE OF COMMONS.

Thursday, Dec. 13.

Bills presented. By Mr. O'Brien, to repeal in part an act passed in 1787, chap. 278, for making process in equity effectual against persons who abscond and who reside without the limits of the State, and for the better regulating the proceedings in Courts of Equity, and for other purposes.

This bill passed its first reading.

Mr. Burns introduced a series of Resolutions, which were adopted, instructing the Committee on Military Affairs to inquire into the expediency of mounting a portion of the Field Pieces brought out of the State, of the dismounting of two, four and six pounders, and of procuring ammunition for the same, to be distributed at such places as said Committee may recommend. 2d. To inquire into the causes which have produced such a diminution in the number of Artillery Companies. 3d. To inquire into the expediency of encouraging an augmentation of Cavalry Corps. 4th. To inquire into the expediency of encouraging uniform volunteer companies of infantry, of placing public arms in their possession, and of infusing more energy into the Militia than they now possess, by placing them on a more efficient establishment. 5th. To enquire into the expediency of immediately procuring from the General Government our quota of Cartridge boxes with belts for the same, with bayonet cases, pistol holsters &c, that they may be ready for use when occasion requires them.

The bill to repeal the act exempting Teachers of Schools, &c. from military and working on Roads, was indefinitely postponed.

The House then proceeded to the order of the day, and resolved itself into a committee of the whole. Mr. Bragg in the Chair, on the bill making an appropriation of \$50,000 and appointing Commissioners to rebuild the Capitol on Union square in the City of Raleigh. Mr. Long took the floor in support of the bill, and after speaking some time, the committee rose and recommended the passage of the bill to the House. Before the question was put, Mr. McQueen rose and addressed the House at length against the bill.—When he concluded, the question was loudly called for, and being put—Shall this bill pass its second reading? it was decided in the affirmative, yeas 78 to 60. Those who voted in the affirmative, were—

Messrs Adams, Arrington, Baker, Bowe, Bodde, Bonner, Burlew, Bragg, Beaman, Burns, Carter, Clark, Cloman, Craige, Cromwell, Daniel, Foscoe, Gary, Gee, Gillespie, Grady, Graves, Hammond, Harrison, Harper, Harrison, Hanes, Hinton, Hurst, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Lanchester, Lee, Little, Long, Maulsby, Mullen, Murray, McClesse, McLeod, McMillan, Nelson, Norman, Outlaw, O'Brien, Piers, F. A. Sawyer, Shepard, Simmons, Skinner, Spruill, Stallings, Stephens, Sumner, G. A. Thompson, Tillot, Townsend, Tunstall, Ward, Welch, Wiley, A. W. Wooten, G. Wooten,—78.

Those who voted in the negative were, Messrs. Abernathy, Allison, Barringer, Brower, Burgin, Canaler, Clayton, Courts, Cunningham, Cuthbertson, Davidson, Dew, Dockery, Doherty, Eccles, Edmonston, Emmitt, Enloe, Feltus, Glavin, Guthrie, Gwynn, Hart, Hill, Herton, Irion, Irvine, Ledford, Leslie, Loudermilk, Lyon, Mangum, Marshall, Mask, Monk, Montgomery, McLaurin, McNeill, McQueen, Park, Peeples, Pearson, Pointexter, Polk, Saintclair, Settle, Sherwood, Sloan, Smith, Thomas, Ury, Waddell, Wadsworth, Watson, Weaver, Whitaker, Wiscomb, White, Word, Zigar,—60.

Friday, Dec. 14.

Bills presented.—By Mr. Wiseman, to exempt from executions certain portion of the Farming utensils and household and kitchen furniture of the citizens of this State.

This bill passed its first reading.

The engrossed bill to abolish the office of County trustees in Buncombe, Nash, Hyde, Guilford, Rowan, Quailow, Columbus and Deaufort, was read the second time, and on motion of Mr. S. T. Sawyer, postponed indefinitely.

The "Appropriation bill" was read the third time, passed, and ordered to be engrossed.

The bill to repeal in part an act passed in 1809, to revise the Militia laws relative to the Infantry, was read the second time, and on motion of Mr. L. Thompson, postponed indefinitely, 43 to 34.

The bill to repeal the act to compel Quakers, &c. to bear arms, or pay a tax,