

THE WESTERN CAROLINIAN.

THE POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED TO THE STATES, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE.—Amendments to the Constitution, Article X.

Number 2 of Volume 22.

SALISBURY, N. C., DECEMBER 17, 1841.

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NEW TERMS

WESTERN CAROLINIAN.

PUBLISHED WEEKLY BY CHAS. F. FISHER, Editor and Proprietor.

The WESTERN CAROLINIAN is published every Friday Morning, at \$2 per annum in advance—or \$2 50 if paid within three months—otherwise \$3 will invariably be charged. No paper will be discontinued, except at the Editor's discretion, until all arrearages are paid, and the subscriber is notified of a wish to discontinue, at least one month before the end of the year, unless it will be considered a new engagement.

Advertisements conspicuously and correctly inserted at \$1 per square (of 340 ems, of five lines of the small type)—for the first insertion, and 25 cents for each continuance. Court and Judicial advertisements 50 per cent. higher than the above rates. A deduction of 33 per cent. from the regular prices will be made to yearly advertisers. Advertisements sent to the publication, must be marked with the number of insertions desired, or they will be continued till stopped, and charged accordingly.

Letters addressed to the Editor on business must come **TABLE OF CONTENTS**, or they will not be attended to.

Journal of Banking.

BY WILLIAM A. GOUGE, OF PHILADELPHIA.

This Journal will contain—

1st. A new edition of "A Short History of Paper Money and Banking in the United States," by Wm. M. Gouge, with corrections and additions, bringing the narrative down to the present time.

2d. Essays on Banking, Currency, Exchanges, and related topics, in which efforts will be made to place these subjects in the clearest light possible.

3d. A semi-monthly review of the times, embracing the most important events, especially those which affect the general operations of business.

4th. A miscellaneous matter as will, while it will serve the interests of the work, subserve its object, which is that of showing the true character of our paper money and banking system, and the effect it has on the morals and happiness of the different classes of the community.

The Journal will be especially useful for Farmers and Merchants, but it is hoped it will prove useful to all who are engaged in any of the productive members of society.

It will be published once every two weeks. Each number will contain sixteen pages octavo, double column, with the leaves stretched out, thus putting the advantages of the open sheet with a form convenient for binding.

The paper will be fair and the type good. The price will be

For one copy, one dollar and fifty cents a year.

For four copies, five dollars, or one dollar and twenty-five cents each.

For ten copies, ten dollars, or one dollar each.

In all cases subscriptions must be paid in advance.

PROSPECTUS

North Carolina Temperance Union.

The State Temperance Society of N. C. at its annual meeting, directed its Executive Committee to take measures for the establishment, at this place, of a Journal devoted to the cause of Temperance.

In obedience to their wishes, and impressed with the importance of such a publication, the Committee have determined, if sufficient encouragement can be obtained, to issue the first number of such a publication to be called, the NORTH CAROLINA TEMPERANCE JOURNAL, on the first of January next.

The leading object of the Union will be the dissemination of Temperance principles. We shall endeavor to present in its pages, a full record of the progress of the Temperance cause in our own and in foreign lands; of its effect upon individuals and communities; and original articles in defence of its principles, and in reply to the various objections urged against it.

While, however, the promotion of Temperance will be the first and leading object of our Journal, it is our intention, that its pages shall be enlivened by a general summary of the most important events of the day, and by particular attention to the interests of Agriculture.

In carrying out this object, the Committee look with confidence to the friends of Temperance, particularly in North Carolina, for aid and support. A new impulse has been given to the cause in this State. Were this the proper occasion, we could tell a tale of what has been passing under our own eyes, which would send a thrill of joy through every benevolent heart.

The reformation of the inebriate has commenced, and is still going on with a power and success, which the most sanguine never dared to anticipate. Give us but the means of communication, and we trust that an influence will go forth from the Capitol of the old North State, to its remotest boundary, that will tell upon its happiness and prosperity through all future generations.

Verily, it is, then, most earnestly to appeal to every friend of Temperance, Morality, and good order, to aid us promptly. As the object is to commence with the new year, delay on the part of its friends may be fatal. Let every individual then, who feels an interest in our success, and every Temperance Society, become responsible, at once for the number of copies, which they suppose can be circulated in their vicinity, and forward their names immediately, for 10, 20, or 50 copies, as they may think the demand of their neighbors may justify. In this way only, can we hope for success in our effort.

At a meeting of the Executive Committee of the N. C. Temperance Society, the following resolution was adopted: Whereas, arrangements have been made to commence the publication of a Temperance Journal in the City of Raleigh, on the first week of January next, provided one thousand subscribers can be obtained.

Resolved, that it be most earnestly recommended to each of the Officers of the State Temperance Society, and to the members of the late State Convention, and to any who are friendly to the cause, immediately after the receipt of this resolution, to become responsible for from 10 to 50 subscribers, so that the publication may commence at the time contemplated.

By order of the Executive Committee of the North Carolina State Temperance Society.

TERMS:

The North Carolina Temperance Union will be published weekly on a medium sheet, (say 26 by 18 inches) at One Dollar and Fifty Cents per annum, payable IN ADVANCE. Letters containing Subscribers names and remittances, must be directed, postpaid or free, to the Treasurer of the Society, JAMES BOWEN, Raleigh, North Carolina.

All the newspapers in the State are respectfully requested to give this Prospectus one or two insertions.

PRESIDENT'S MESSAGE.

To the Senate and House of Representatives of the United States:

In coming together, fellow-citizens, to enter again upon the discharge of the duties which the People have charged us, severally, we find great occasion to rejoice in the general prosperity of the country.—We are in the enjoyment of all the blessings of civil and religious liberty, with unexampled means of education, knowledge, and improvement. Through the year which is now drawing to a close, peace has been in our borders, and plenty in our habitations; and although disease has visited some few portions of the land with distress and mortality, yet to general the health of the People has been preserved, and we are all called upon, by the highest obligations of duty, to renew our thanks and our devotion to our Heavenly Parent, who has continued to vouchsafe to us the eminent blessings which surround us, and who has so signally crowned the year with his goodness.—If we find ourselves increasing, beyond example, in numbers, in strength, in wealth, in knowledge, in every thing which promotes human and social happiness, let us ever remember our dependence for all these, on the protection and merciful dispensations of Divine Providence.

Since your last adjournment, Alexander McLeod, a British subject, who was indicted for the murder of an American citizen, and whose case has been the subject of a correspondence heretofore communicated to you, has been acquitted by the verdict of an impartial and intelligent jury, and has, under the judgment of the Court, been regularly discharged.

Great Britain having made known to this Government that the expedition which was fitted out from Canada for the destruction of the steamboat *Caroline*, in the winter of 1837, and which resulted in the destruction of said boat, and in the death of an American citizen, was undertaken by orders emanating from the authorities of the British Government, in Canada, and demanding the discharge of McLeod upon the ground that, engaged in that expedition, he did but fulfill the orders of his Government, has thus been answered in the only way in which she could be answered by a Government, the powers of which are distributed among its several departments by the fundamental law. Happily for the people of Great Britain, as well as for those of the United States, the only mode by which an individual, arraigned for a criminal offence, before a Court of either, can obtain his discharge, is by the independent action of the judiciary, and by proceedings equally familiar to the Courts of both countries.

If in Great Britain a power exists in the Crown to raise to be entered a *habeas corpus*, which is not the case with the Executive power of the United States upon a prosecution pending in a State Court; yet there, no more than here, can the chief Executive power rescue a prisoner from custody without an order of the proper tribunal directing his discharge.—The precise stage of the proceedings at which such order may be made, is a matter of municipal regulation exclusively, and not to be complained of by any other Government. In cases of this kind, a Government becomes politically responsible only, when its tribunals of law are shown to have rendered unjust and injurious judgments in matters not doubtful. The true establishment and elucidation of this principle, no nation has lent its authority more efficiently than Great Britain. Alexander McLeod having his option either to prosecute a writ of error from the decision of the Supreme Court of the United States, or to submit to the decision of a jury, preferred the latter, deeming it the readiest mode of obtaining his liberation, and the result has fully sustained the wisdom of his choice. The manner in which the issue submitted was tried, will satisfy the English Government that the principles of justice will never fail to govern the enlightened decision of an American tribunal.—I cannot but, however, to suggest to Congress the propriety, and, in some degree, the necessity, of making such provisions by law, so far as they may constitutionally do so, for the removal at their commencement, and at the option of the party, of all such cases as may hereafter arise, and which may involve the faithful observance and execution of our international obligations, from the State to the Federal Judiciary. This Government, by our institutions, is charged with the maintenance of peace and the preservation of amicable relations with the nations of the earth, and ought to possess, without question, all the reasonable and proper means of maintaining the same and preserving the same. What just confidence is felt in the Judiciary of the States, yet this Government ought to be competent in itself for the fulfilment of the high duties which have been devolved upon it under this organic law, by the States themselves.

In the month of September, a party of armed men from Upper Canada invaded the territory of the United States, and forcibly seized upon the person of one Grogan, and, under circumstances of great harshness, hurriedly carried him beyond the limits of the United States, and delivered him to the authorities of Upper Canada. His consular discharge was ordered by those authorities, upon the facts of the case being brought to their knowledge—a course of procedure which was not to be expected from a nation with whom we are at peace, and which was not in due to the rights of the United States, than to its own regard for justice. The correspondence which passed between the Department of State, and the British Envoy, Mr. Fox, and with the Governor of Vermont, as soon as the facts had been made known to this Department, are herewith communicated.

I regret that it is not in my power to make known to you an equally satisfactory conclusion in the case of the *Caroline* steamer, with the circumstances connected with the destruction of which, in December, 1837, by an armed force fitted out in the Province of Upper Canada, you are already made acquainted. No such atonement as was due for the public wrong done to the United States by this invasion of her territory, so wholly irreconcilable with her rights as an independent power, has yet been made. In the view taken by this Government, the enquiry whether the vessel was in the employment of those who were prosecuting an unauthorized war against that Province, or was engaged by the owner in the business of transporting passengers to and from Navy Island in hopes of private gain, which was most probably the case,

in no degree alters the real question at issue between the two Governments. This Government can never concede to any foreign Government the power, except in a case of the most urgent and extreme necessity, of invading its territory, either to arrest the persons or destroy the property of those who may have violated the municipal laws of such foreign Government, or have disregarded their obligations arising under the law of nations. The territory of the United States must be regarded as sacredly secure against all such invasions, until they shall voluntarily acknowledge their inability to acquit themselves of their duties to others.—And in announcing this sentiment, I do but affirm a principle which no nation on earth would be more ready to vindicate, at all hazards, than the people and Government of Great Britain.

If, upon a full investigation of all the facts, it shall appear that the owner of the *Caroline* was governed by a hostile intent, or had made common cause with those who were in the occupancy of Navy Island, then, so far as he is concerned there can be no claim to indemnity for the destruction of his boat, which this Government would feel itself bound to prosecute—since he would have acted not only in derogation of the rights of Great Britain, but in clear violation of the laws of the United States; but that is a question which, however settled, in no manner involves the higher consideration of the violation of territorial sovereignty and jurisdiction. To recognize it as an admissible practice that each Government, in its turn, upon any sudden and unauthorized outbreak, which, on a frontier, the extent of which renders it impossible for either to have an efficient force on every mile of it, and which outbreak, therefore, neither may be able to suppress in a day, may take vengeance into its own hands, and without even a remonstrance, and in the absence of any pressing or overruling necessity, may invade the territory of the other, would inevitably lead to results equally to be deplored by both. When border collisions come to receive in sanction, or to be made on the authority of either Government, general war must be the inevitable result. While it is the ardent desire of the United States to cultivate the relations of peace with a nation, and to fulfil all the duties of good neighborhood towards those who possess territories adjoining their own, that very desire would lead them to deny the right of any foreign power to invade their boundary with an armed force. The correspondence between the two Governments on this subject, will, at a future day of your session, be submitted to your consideration; and in the mean time, I cannot but indulge the hope that the British Government will see the propriety of renouncing, as a rule of future action, the precedent which has been set in the affair at Schlosser.

I herewith submit to the correspondence which has recently taken place between the American Minister at the Court of St. James, Mr. Stevenson, and the Minister of Foreign Affairs of that Government, on the right claimed by that Government to visit and to capture vessels sailing under the American flag and engaged in prosecuting lawful commerce in the African seas. Our commercial interests in that region have experienced considerable increase, and have become an object of much importance, and it is the duty of this Government to protect them against all improper and vexatious interruptions. However desirable the United States may be for the suppression of the slave trade, they cannot consent to interpolations into the maritime code, at the will and pleasure of other Governments. We deny the right of any such interpolation to any one, or all the nations of the earth, without our consent. We claim to have a voice in all amendments or alterations of that code—and when we are given to understand, as in this instance, by a foreign Government, that its treaties with other nations cannot be executed without the establishment and enforcement of new principles of maritime policy, to be applied without our consent, we must employ a language neither of equivocal import, or susceptible of misconstruction. American citizens prosecuting a lawful commerce in the African seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others; nor can they rightfully on account of any such alleged abuses be interrupted, molested or detained while on the ocean; and if thus used and detained, while pursuing honest voyages, in the usual way, and violating no law themselves, they are unquestionably entitled to indemnity. This Government has no interest in the suppression of the slave trade, in a manner which cannot be understood. By the fundamental law, it prescribed limits to point to its continuance; and against its own citizens, who might so far forget the rights of humanity as to engage in that wicked traffic, it has long since, by its municipal laws, denounced the most cordial punishment. Many of the States composing this Union have made appeals to the civilized world for its suppression, long before territorial sense of other nations had become shackled by the inequalities of the traffic. Whether this Government should now alter its treaties containing mutual stipulations upon this subject, is a question for its mature deliberation. Certain it is, that the right to detain American ships on the high seas can be justified on the plea of necessity for such detention, arising out of the existence of treaties between other nations, or some plea may be extended in a charge by the new stipulations of new treaties, to which the United States may not be a party. This Government will not cease to urge upon that of Great Britain, full and ample reparation for all losses, whether arising from detention or otherwise, to which American citizens have justly been, or may hereafter be subjected, by the exercise of rights which this Government cannot recognize as legitimate and proper. Nor will I fail to add, but that the sense of justice of Great Britain, will constrain her to make retribution for any wrong, or loss, which any American citizen may have experienced at the hands of her officers, or other public authorities. This Government, at the same time, will relax no effort to prevent its citizens, if there be any so disposed, from prosecuting a traffic so revolting to the feelings of humanity. It seeks to do no more than to protect the fair and honest trader from oppression and injury; but while the enterprising trader, engaged in the pursuit of an honorable trade, is engaged in its protection, it will visit, with condign punishment, others of an opposite character.

I invite your attention to existing laws for the suppression of the African slave trade, and recommend all such alterations, as may give to them

greater force and efficacy. That the American flag is grossly abused by the abandoned and profligate of other nations, is but too probable. Congress has, not long since, had this subject under its consideration, and its importance well justifies renewed and anxious attention.

I also communicate herewith the copy of a correspondence between Mr. Stevenson and Lord Palmerston, upon the subject so interesting to several of the Southern States, of the rice duties, which resulted honorably to the justice of Great Britain, and advantageously to the United States.

At the opening of the last annual session, the President informed Congress of the progress which had then been made in negotiating a convention between this Government and that of England, with a view to the final settlement of the question of the boundary between the territorial limits of the two countries. I regret to say, that little further advancement of the object has been accomplished since last year; but this is owing to circumstances, no way indicative of any abatement of the desire of both parties to hasten the negotiation to its conclusion, and to settle the question in dispute, as early as possible. In the course of the session, it is my hope to be able to announce some further degree of progress, towards the accomplishment of this highly desirable end.

The commission appointed by this Government for the exploration and survey of the line of boundary separating the States of Maine and New Hampshire from the continuous British Province, is, it is believed, about to close its field labors, and is expected soon to report the results of its examinations to the Department of State. The report, when received, will be laid before Congress.

The failure on the part of Spain to pay, with punctuality, the interest due under the Convention of 1834, for the settlement of claims between the two countries, has made it the duty of the Executive to call the particular attention of that Government to the subject. A disposition has been manifested by it, which is believed to be entirely sincere, to fulfil its obligations, in this respect, so soon as its internal condition and the state of its finances will permit. An arrangement is in progress, from the result of which, it is trusted, that those of our citizens who have claims under the Convention, will, at no distant day, receive the stipulated payments.

A Treaty of Commerce and Navigation with Belgium was concluded and signed at Washington on the 29th March, 1840, and was duly sanctioned by the Senate of the United States. The Treaty was ratified by His Belgian Majesty, but did not receive the approbation of the Belgian Chambers within the time limited by its terms, and has, therefore, become void.

This occurrence assumes the graver aspect from the consideration that, in 1833, a Treaty negotiated between the two Governments, and ratified on the part of the United States, failed to be ratified on the part of Belgium. The Representative of Government, at Washington, informs the Department of State that he has been instructed to give explanations of the causes which occasioned delay in the approval of the late Treaty by the Legislature, and to express the regret of the King at the occurrence.

The joint commission under the Convention with Texas, to ascertain the true boundary between the two countries, has concluded its labors; but the final report of the commissioner of the United States has not been received. It is understood, however, that the meridian line, as traced by the commissioner of the United States has not been received. It is understood, however, that the meridian line, as traced by the commissioner, lies somewhat further East than the position hitherto generally assigned to it, and, consequently, includes in Texas some part of the territory which had been considered as belonging to the States of Louisiana and Arkansas.

The United States cannot, but take a deep interest in whatever relates to this young, but growing Republic. Settled principally by emigrants from the United States, we have the happiness to know, that the great principles of civil liberty are there destined to flourish, under wise institutions and wholesome laws; and that, through its example, another evidence is to be afforded of the capacity of popular institutions to advance the property, happiness, and permanent glory of the human race. The great truth, that government was made for the people, and not the people for government, has already been established in the practice and by the example of these United States; and we can do no other than contemplate its further application by a sister Republic, with the deepest interest.

Our relations with the independent States of this hemisphere, formerly under the dominion of Spain, have not undergone any material change within the past year. The necessary sanguinary conflicts, or between those countries, are to be greatly deplored, as necessary tending to disable them from performing their duties as members of the community of nations, and rising to the distress which the position and natural resources of many of them might lead them justly to anticipate, as constantly giving occasion, also, directly or indirectly, for complaints on the part of our citizens who resort either for purposes of commercial intercourse, and as regarding reparation for wrongs already committed, some of which are by no means of recent date.

The failure of the Congress of Ecuador to hold a session, at the time appointed for that purpose, in January last, will probably render abortive a treaty of commerce with that Republic, which was signed at Quito on the 13th of June, 1839, and had been duly ratified on our part, but which required the approbation of that body, prior to the ratification by the Ecuadorian Executive.

A Convention which has been concluded with the Republic of Peru providing for the settlement of certain claims of citizens of the United States, upon the Government of that Republic, will be duly submitted to the Senate.

The claims of our citizens against the Brazilian Government, originating from captures, and other causes, are still unsatisfied. The United States have, however, so uniformly shown a disposition to cultivate relations of amity with that Empire, that it is hoped, the unequivocal tokens of the same spirit, it towards us, which an adjustment of the affairs referred to would afford, will be given without further available delay.

The war with the Indian tribes on the peninsula of Florida has, during the last summer and fall, been prosecuted with untiring activity and zeal. A summer campaign was resolved upon, as the best mode of bringing it to a close. Our brave officers and men who have been engaged in that service,

have suffered toils and privations, and exhibited an energy, which, in any other war, would have won for them undying laurels. In despite of the sickness incident to the climate, they have penetrated the fastnesses of the Indians, broken up their encampments, and harassed them unceasingly.—Numbers have been captured, and still greater numbers have surrendered, and have been transported to join their brethren on the lands elsewhere allotted to them by the Government,—and a strong hope is entertained that, under the conduct of the gallant officer at the head of the troops in Florida, that troublesome and expensive war is destined to a speedy termination. With all the other Indian tribes, we are enjoying the blessings of peace. Our duty, as well as our best interests, prompt us to observe, in all our intercourse with them, fidelity in fulfilling our engagements, the practice of strict justice, as well as the constant exercise of acts of benevolence and kindness. These are the great instruments of civilization, and through the use of them alone, can the untutored child of the forest be induced to listen to its teachings.

The Secretary of State, on whom the acts of Congress have devolved the duty of directing the proceedings for the taking of the Sixth Census, or enumeration of the inhabitants of the United States, will report to the two Houses the progress of that work. The enumeration of persons has been completed, and exhibits a grand total of 17,069,453; making an increase over the Census of 1830, of 4,202,646 inhabitants, and showing a gain in a ratio exceeding 32 per cent. for the last ten years.

From the report of the Secretary of the Treasury, you will be informed of the condition of the finances. The balance in the Treasury on the 1st of January last, as stated in the report of the Secretary of the Treasury, submitted to Congress at the Extra Session, was \$987,845 03. The receipts into the Treasury, during the first three quarters of this year, from all sources, amount to \$23,467,052 52. The estimated receipts for the fourth quarter, amount to \$6,948,095 25, amounting to \$30,415,147 77; and making, with the balance in the Treasury, on the first of January last, \$31,397,512 80. The expenditures for the first three quarters of this year, amount to \$24,734,346 07. The expenditures for the fourth quarter, as estimated, will amount to \$7,290,723 75; thus making a total of \$32,025,070 70; and leaving a deficit to be provided for, on the first of January next, of about \$627,557 90.

Of the loan of \$12,000,000, which, as authorized by Congress at its late session, only \$5,439,726 88 have been negotiated. The shortness of time which had to run, has presented no inconsiderable impediment in the way of its being taken by capitalists at home, while the same case would have operated with much greater force in the foreign market. For that reason the foreign market has not been resorted to; and it is now submitted, whether it would not be advisable to amend the law by making what remains undisposed, payable at a more distant day.

Should it be necessary, in any view that Congress may take of the subject, to revise the existing tariff of duties, I beg leave to say, that, in the performance of that most delicate operation, moderate counsels would seem to be the wisest. The Government under which it is our happiness to live, owes its existence to the spirit of compromise which prevailed among its framers—jarring and discordant opinions could only have been reconciled by that noble spirit of patriotism, which prompted a concession, and resulted in harmony. In the same spirit the compromise bill, as it is commonly called, was adopted at the session of 1833. While the people of no portion of the Union will ever hesitate to pay all necessary taxes for the support of Government, yet an innate repugnance exists, to the imposition of burdens not really necessary for that object. In imposing duties, however, for the purposes of revenue, a right to discriminate as to the articles on which the duty shall be laid, as well as the amount, necessarily and most properly exists. Otherwise the Government would be placed in the condition of having to levy the same duties upon all articles, the productive, as well as the unproductive. The slightest duty upon some might have the effect of causing her importation to cease, whereas others entering extensively into the consumption of the country, might bear the heaviest, without any sensible diminution in the amount imported. So also the Government may be justified in so discriminating, by reference to other considerations of domestic policy connected with our manufactures. So long as the duties shall be laid with distinct reference to the wants of the Treasury, no well founded objection can exist against them. It might be esteemed desirable that no such augmentation of the taxes should take place as would have the effect of annulling the land proceeds distribution act of the last session, which act is declared to be inoperative the moment the duties are increased beyond 20 per cent. the maximum rate established by the Compromise act. Some of the provisions of the Compromise act, which will go into effect on the 30th day of June next, may, however, be found exceedingly inconvenient in practice, under any regulations that Congress may adopt. I refer more particularly to that relating to the home valuation. A difference in value of the same articles to some extent, will, necessarily, exist at different ports—but that is altogether insignificant, when compared with the conflicts in valuation, which are likely to arise, from the differences of opinion among the numerous appraisers of merchandise. In many instances, the estimates of value must be conjectured; and thus as many different rates of value may be established as there are appraisers. These differences in valuation may also be increased by the inclusion, which, without the slightest imputation on their honesty, may arise on the part of the appraisers in favor of their respective ports of entry. I recommend this whole subject to the consideration of Congress, with a single additional remark. Certainty and permanency in any system of government policy are, in all respects, eminently desirable; but more particularly is this true in all that affects trade and commerce, the operations of which depend much more on the certainty of their returns, and calculations which embrace distant periods of time, than on high bounties, or duties, which are liable to constant fluctuations.

At your late session I invited your attention to the condition of the currency and exchanges, and urged the necessity of adopting such measures as were consistent with the constitutional competency of the Government, in order to correct the unsoundness of the one, and as far as practicable the other.