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FOR

ALEXANDER J. MAURICE,

EDITOR & PROPRIETOR.

(BY AUTHORITY.)



LAWS OF THE UNITED STATES.

Passed at the first session of the twenty-first Congress.

AN ACT for further extending the powers of the Judges of the Superior Court of the Territory of Arkansas, under the act of the twenty-sixth day of May, one thousand eight hundred and twenty-four, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, approved on the twenty-sixth day of May, one thousand eight hundred and twenty-four, entitled "An act to enable claimants to lands within the limits of the State of Missouri and Territory of Arkansas, to institute proceedings to try the validity of their claims," shall be, and hereby is, continued in force, so far as the said act relates to the claims within the Territory of Arkansas, until the first day of July, one thousand eight hundred and thirty-one, for the purpose of enabling the Court in Arkansas, having cognizance of claims under the said act, to proceed by bills of review filed, or to be filed, in the said Court, on the part of the United States, for the purpose of reviving all or any of the decrees of the said Court, in cases wherein it shall appear to the said Court, or be alleged in such bills of review, that the jurisdiction of the same was assumed, in any case, on any forged warrant, concession, grant, order of survey, or other evidence of title, is a forgery, it shall be lawful, and the said Court is hereby authorized to proceed, by further order and decree, to reverse and annul any prior decree or adjudication upon such claim; and thereupon, such prior decree or adjudication shall be deemed, and held in all places whatever, to be null and void to all intents and purposes. And the said Court shall proceed on such bills of review, by such rules of practice and regulation as they may adopt, for the execution of the powers vested or confirmed in them by this act.

Sec. 2. And be it further enacted, That no entries of land in any of the land offices in Arkansas, under any of the provisions of the said act, shall be made, until the further direction of Congress.

Sec. 3. And be it further enacted, That no patent shall be issued for lands under any decree of the said Court, in any case in which the original warrant, concession, grant, or order of survey, has been withdrawn from the files of the said Court, unless the person or persons claiming such patent shall first produce and deposit, in the office of the Commissioner of the General Land Office, the original warrant, concession, grant, or order of survey, on which such decree was founded, and on which the said Court took jurisdiction under the said act; and no patent shall be issued until the further order of Congress, in any case, under the said act, until it shall satisfactorily appear to the Commissioner of the General Land Office that the warrant, concession, grant, or order of survey, on which any lands are claimed, under any decree of the said Court was in fact, made or issued by or under the authority of the person or persons, purporting to have made or issued the same, or unless the said warrant, concession, grant, or order of survey, shall have been determined by the said Court, on the hearing of a bill of review, to be genuine.

Sec. 4. And be it further enacted, That no entry, survey, or patent, shall, at any time, hereafter, be made or issued under the said act, except in the name of the original party to any such decree, and on proof to the satisfaction of the officers, respectively, that the party applying is such original party, or is duly authorized by such original party, or his heirs, to make, receive, or require such entry, patent, or survey.

Sec. 5. And be it further enacted, That in all cases in which the said Court shall, by decree or adjudication, under this act, review and annul any prior decree or adjudication therein, any lands which may have been heretofore entered, under any such prior decree or adjudication, shall, thereafter, be subject to sale or entry as other public lands of the United States may be.

Sec. 6. And be it further enacted, That the President of the United States is hereby authorized to employ, on behalf of the U. States, such counsel, on their part, in the Territory of Arkansas, or elsewhere, to be associated for that purpose with the District Attorney of the same Territory, as he may deem the interests of the United States may require, in the prosecution of such bills of review before the said Court.

Sec. 7. And be it further enacted, That in all cases, the party against whom the judgment or decree of the said Court may be finally given, shall be entitled to an appeal within one year, from the time of its rendition, to the Supreme Court of the United States, which Court shall have power to review the decision of the Court below, both on the law and the facts; and the Court in Arkansas be, and the same is hereby, required to spread upon the record the whole testimony, together with the reasons for their decision in each case, and to transmit to the Supreme Court of the United States the same, together with the original warrant, concession, grant, order of survey, or other evidence of title.

Sec. 8. And be it further enacted, That each of the Judges of the Superior Court of the Territory of Arkansas, shall, while in the discharge of their duties imposed by this act, be allowed at the rate of eight hundred dollars per annum, in addition to their salary as Judges of the Superior Court for the Territory of Arkansas, which shall be in full for their services, to be paid out of any money in the treasury not otherwise appropriated.

ANDREW STEVENSON,
Speaker of the House of Representatives.

JOHN C. CALHOUN,
Vice President of the United States and
President of the Senate.

Approved, May 8, 1830.

ANDREW JACKSON.

AN ACT supplementary to the act, entitled "An act to authorize the citizens of the Territory of Arkansas and Florida to elect their officers, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any vacancy has occurred, or shall occur in any office to which any person has been, or shall be elected by the citizens of Arkansas, under the provisions of the act to which this is a supplement, either by a refusal to accept the same, or by death, resignation, or otherwise, the Governor of the said Territory is hereby authorized and required to supply such vacancy, until the next general election. And in case any vacancy shall occur, in the offices of Justice of the Peace, Auditor, or Treasurer for the said Territory, either by a refusal to accept the same, or by death, resignation or otherwise, the Governor thereof is hereby authorized and required to supply such vacancy, until the next meeting of the Legislature.

Approved, May 8, 1830.

CONGRESSIONAL.

HOUSE OF REPRESENTATIVES.

MARCH 23.

Extract from Philip P. Barbour's Speech on the bill to construct a road from Buffalo, N. York, through Washington city, to New Orleans, Louisiana.

"I come, now, to another serious objection; I mean the inequality in the distribution of our favors. The theory of our constitution, undeniably is, that the contributions of the People of the United States should, as nearly as possible, be equal. Thus it is provided that direct taxes shall be apportioned among the several States, according to their population; that duties, imposts, and excises, shall be uniform throughout the United States; and that no preference shall be given by any regulation of commerce, to the ports of one State over those of another; but of what avail is it, to secure equality in contribution, or to attempt to secure it, if the moment the contribution is made, the whole effect may be instantly destroyed by gross inequality in making appropriations? This idea may be forcibly illustrated by a familiar example, drawn from common life. Suppose, sir, you and myself being about to embark in a common enterprise, each with great accuracy contribute precisely upon sums, and the very moment the fund was thus formed, you were at liberty to apply the whole amount to your own use—would it not be mockery in such a case, to talk of any substantial equality? In the execution of this system it will be in the power of this Government, at its pleasure or caprice, to increase the wealth of one portion of the Union, and to diminish that of another, without any restraint whatever. Let me suppose a case or two. Suppose the Cumberland Road had been extended to Baltimore, no one will deny that the commerce of that city would have been benefited; of this, Maryland seems to have been aware, because she has constructed a turnpike from Cumberland to Baltimore, but if, on the contrary, that road had been conducted from some point on the Ohio to Philadelphia, then that city would have received the advantage; and thus the one or the other city might be increased in prosperity at the expense of the other, just as the one or the other direction might be given to the road. I will put a still stronger case. Suppose New York had not been able, with her own means, to execute her great Erie Canal, and that State and Louisiana had both applied to this Government for aid at the same time; the one to have made the Erie Canal, so as to connect that Lake with the city of New York, the other to improve

the Mississippi and all its tributary streams; is it not obvious, that, according as we had executed the one or the other project, we should have built up the city of Orleans on the one hand, or that of New York on the other hand? Sir, from these examples, it is impossible not to see, that the relative wealth and importance of the different portions of the Union might be made to depend upon the favor which they might respectively find here. Mr. Chairman, our revenue being raised almost exclusively by imposts, the attention of the people at large is not drawn so closely to it. To test the justice and policy of this system, I appeal to gentlemen to say, whether they would venture to impose a direct tax to the amount of millions, and then apply the proceeds to the improvement of particular parts of the country? I undertake to answer no; and let me tell them, that if they were to try the experiment, the people would soon arraign them in their course. We sometimes hear it said, that as the United States are one great whole, whatever benefits one of its parts is a benefit to the whole. This, sir, I acknowledge, is too lofty a magnanimity, too expansive a patriotism, for me to pretend to. Say what you will, reason as you will, as long as man is man, the States and the people of the States will never forget their individuality; they will never consent that the fruits of their labor shall go to enrich others. Let me test the principle by a case. I suppose that some five or six millions would probably improve all the important rivers in Virginia. I call upon the members from Massachusetts to say, whether they would impose a direct tax upon their constituents to effect this object? If they would not, and I am sure they have too much candor to say that they would, then this high minded disinterestedness will do well "to point a moral or adorn a tale," but will not do for practical life.

Nor, Mr. Chairman, is the objection on account of inequality at all obviated, by the common remark, that our resources are to be applied to national objects. National objects! Where is the criterion by which we are to decide? What comes up to this standard, and what does not? We have none but the opinions of members here; and whenever the question comes to be decided, rest assured that each individual member will think that the project which he presents has the stamp of nationality. And what, sir, will be the necessary result in practice? I make none, no invidious distinctions between North and South, East and West; we are all men, and have all the feelings and passions of men. Many projects will be presented at a given session; the disposable funds will not be adequate to the completion of them all. Then will come "the tug of war," and the struggle who shall succeed, and who must be disappointed. No one or two of the objects can be carried by themselves, but must get their passport by the company which they are in. Sir, the inevitable result will be, combinations and arrangements, so as to unite a sufficient force to carry through a number of different objects, neither by its own intrinsic weight, but by all the united weight of all. This will generate feuds and heart-burnings in those who are defeated. It will—it must be so, for it is not in human nature, for either States or individuals, without murmuring or discontent, to stand by and see a fund divided, in which they have a common interest, and of which they are not allowed to participate. They will never be satisfied by telling them, that their objects were not national, whilst the others were. They will think otherwise; and they will tell the participants in the spoil, that they had decided the question of nationality in their own case, and then enjoyed the fruits of that decision.

Mr. Chairman, I am no apostle of disunion. I look to the confederacy of these States as to the ark of our political salvation. May God grant that it may be perpetual! Sir, I go further, and say, that I come not here with any language of menace; but as the representative of a portion of the people of this country, I have a right to use the language of expostulation. In that language, then, sir, let me warn this Committee, that there are, already, points of difference amongst the States of the Union, enough to inspire us all with a spirit of moderation and forbearance. A minority, it is true, but a large minority of the people, have calmly protested against some of the leading principles of policy of this Government: Virginia, S. Carolina, Georgia, Alabama, and Mississippi, all tell you that they feel themselves to be oppressed. Will you turn a deaf ear to their complaints? Will you pay no respect to the opinion of a large and respectable portion of the community? Will you, because you are a majority, feel power and forget right? What more could the veriest despot do? Sir, the machine of Government may, for a time, be propelled by a given momentum, though many of its parts work not at all in concert; but sooner or later it must be worn too much by excessive friction, or possibly it may become so disordered as to be unable to perform its functions.

What makes this system still more notorious is, that some of the States of this Union believe that this power does not reside in

Congress, and therefore, cannot participate of the bounty of this Government, even if it were offered to them. Sir, I do not mean to violate my promise, that I would not discuss the question; but I may, consistently with that promise, urge upon this House the propriety of a principle recommended by two distinguished American Statesmen, to abstain from the exercise of a doubtful power. Suppose that you may, as has been said, "by hanging inference on inference, until, like Jacob's ladder, they reach to Heaven," come to the conclusion, that the power is with you. I ask, emphatically, is it not reason enough to forbear exercise, when so many of the States believe it to be a violation of the compact of their Union with you? Will you, can you, consistently with justice, proceed in the distribution of a common fund, when so many of the joint owners must, according to their sense of duty, either be forever excluded from their equal share, or procure it only by sacrificing their solemn convictions of what is right to their interests? Though you constitute a majority, yet let me remind you of this eternal truth, that the acts of a majority to be *rightful*, must be *just*.

Mr. Chairman, we seem to have reached an interesting crisis in our political history. During the war of the Revolution, the whole energies of our people were concentrated in support of that great struggle, and they went together with one heart and one hand. During the interval between that and the late war, our strenuous efforts were exerted to repair the mischiefs of the first war; to build up a new government; put it into operation; restore our public credit, and by every means in our power, to acquire a stand among the nations of the earth. The late war again put into requisition all our civil and military energies in vindication of our national honor. Since its termination, a new era has opened upon us. With nothing seriously to disturb us from abroad, we are left to look at home. The action of the Government has now turned inward, with an overflowing revenue, and a near approach to the extinguishment of our public debt. New schemes of policy are devised; new principles of government avowed. I fear, sir, that we may find, as other nations have found, that a period of peace, however

our government is put to its severest trial. Amidst the din of arms, or in the great effort to build up political establishments, the selfish passions are in a great degree absorbed in the more important objects to be effected. These causes being removed, there is now full scope for their action, and it calls for all our firmness and all our patriotism to prevent the injurious effects. Sir, if this government would confine its action to those great objects, which, in my estimation, its founders intended, such as war, peace, negotiation, foreign commerce, &c., and leave every thing municipal in its nature to the States, we should go on in harmonious concert, and peace, content, and happiness, would prevail throughout our borders. In relation to these great questions, there is a community of interest throughout the Union, as on the one hand, these must be acted upon by the federal government, so on the other, its action upon them is not, in its nature, necessarily calculated to create strife and conflict amongst the different parts of this great whole. Sir, it is, when we pass beyond this line, and intrude upon the field of municipal legislation, when we act on subjects in which the different States have different and opposing interests, in which the benefit we extend to one is at the expense of another; and in which each State can best act for itself; it is by this course that we are converting content into discontent, harmony into discord, and bringing into direct conflict those different interests which, if acted on internally by the States, and externally by this Government, would afford the strongest cement to the Union. The natural pursuits of the North, for example, are those of commerce and navigation; that of the South is agriculture. Let each be managed at home,—I mean in their internal operation,—and they are the allies of each other; the Northern merchants and ship owners are the buyers and transporters of Southern produce; and the South purchase the imported goods of the North; but the moment this Government attempts to control and regulate the whole, then the conflict begins; for then the regulation which advances the interest of one, by the same operation injures that of the other."

From the Courier and Enquirer.

Mister Editor: I and father, in the good sloop Hannah and Enoch, left Pemidumpquon creek, Lower Landing, (so called,) in the Eastern country, near the "jumping off place," three weeks ago, come next Thursday, with an assorted cargo, viz:—shingles, inguns, pairs-grass seed, woodenware, axe-helves, mackerel, Kennebec turkeys, (what they call alewives here-a-ways) and other kinds of country produce. We brought up all standen agin Hell's gate, that mortal ugly place, and had a considerable of a scratch to stiver through 'em, and I'll be totally transmogrified, if in getting clear of the rocks of Silly, we didn't en-jest run into the whirlpools of Carrybogus!

as our school-master used to say. How, somedever, the sloop stuck her toe-nails in, and I put out every mite of sail. We cleared dirt like time in the primer, and finally and at last got to York. "Stick her in, father," says I to the old gentleman, who was standing at the tiller, here's Peck Slip."

After we had got things put to rights, and the craft belayed, I put on a bran go-to-meetin' suit of long clothes, and laid my course for to see a leetle of the lay of the land and the look of the people, in these parts; I struck a bee line for Lemuel V. Doe, Jr. who I'd hearn kept a hotel and tavern for seafarin' men. You see I know'd Lem, ever since he's knee high to a chaw of terbarker. I cornered him at last;—'twas how d'ye do, and how are ye, between us; he was despur't tickled to see me, and I wan't sorry to heave toagin him. When we'd stowed away few belly-timber, and had moistened our inner man, Lem and I started on a cruise, and if I didn't see curiosities enough to make all the Lower Landing open their front windows like raw ings, peeled, then its no matter. But I an't goin' to spin you a long yarn 'bout what every body has seen that lives here, what I'm writing this 'ere letter about is another concern. Well Lem, says he to me, says he, Jethro let's go to the Circuits, done, says I. Now I'd hearn tell that them are fellers at the Circuits performed didoes that are raily uncredible, and that some on 'em can turn themselves fother side out as easy as I can shift an old meal bag! Just as we had hove to the circuits I seed a big kind of newspaper stuck on to about eight feet of marchantable one inch pine boards, and the words "Down East" staring us right in the face and eyes. Hang my trowsers, says I to Lem, what's all this 'ere works. It's for the theatre says Lem to me, says he, were goin to have a small touch at the Lower Landin says he; the devil they be, says I, (you see I know'd there wan't no l w agin swearin here in York, so I spoke up pretty spunky,) dead ahead for it, Lem says I. We 'bout ship and luff'd for the place, dropped down a pair of stairs into a sallar, and Lem stuck his fist into a hole and hauled out two brass dollars which he told'd me were to git in by. I was everlastin'ly skeart when he put his paw in, lest

or some other wildfowl there. Hollo, Lem, says I, how much to pay, father's able and mother don't care a—straw;—I clunked him my shear, though if he'd only have let me know'd what the caper was, I'd have got in nine pence or at least fopence—happy a piece cheaper, seeing as how there was two on us. But betwix and between you and I and the whippin' post Lem han't no more genius for trade than a horse for fiddling, he'd oughter live on grindstones and darning needles a year to get the sharpe. After some mawic, which wan't to be sneezed at, they hoisted a green mainsail and let strip. I was stovin' a kind of account of what was goin to be did, on a long strip of paper, they gin us, so as I didn't see much till Lem hunched me in the ribs and says he to me, says he, now for down east. Hollo, says I. Now mister Editor, I begins to grow as mad as old Tilly, when I thinks how a chap that Lem said, Hatchett, tuck off what they called a yankee feller. I think its raily time "to kerkulate the value of the yomoun" as some Congress character says, when fun is to be looked at one end of it in this 'ere manner. Says I to Lem, I'll grind Hatchett's broad axe for him if ever I sees him down about Peck Slip, darn my eyes, if I wouldn't have showed him a leetle of what down east was, if there had'n't been so many people by. One of the militia said as how he'd ketch a hicken arter trainen and I hope to Aunt Molly be lettin him have it. If he did, and will only call on board the good sloop Hannah and Enoch it shall be my treat, I tell him. Now, mister, I've did duty our years next muster and flatter myself I've got some promotion, but I scorn to brag, yet I never seed a pitchfork in the rank tho' mayhap all our company be'n dressed quite so well especially in warm weather when clothin and shoes is a kind of a burden as a body may say, we alway looks well to akkewtiments;—no man passes muster that han't got two spare flints, prime-in-wire-and-brush, all complete. I got so all-fired huffy, at such capers bein cut that says I to Lem, lets cut and run;—we tuck a horn and I heeld it for the good Hannah & Enoch, woke up dad and struck a light and sot down to let Yorkers know what I thinks of their picking fun at down east."

Yours to serve,
JETHRO TARBOX THE 3d.

Resignation.—Mr. —, a very courteous man, lost his only son, James—an event which overwhelmed him with sorrow. The minister came to comfort him, and in the course of conversation, remarked, that such chastisements of Providence were *mercies in disguise*; that although in the death of his son he had suffered a severe and irreparable misfortune, yet undoubtedly his own reflections had already suggested some resources of consolation. "Yea," exclaimed the weeping but still *prudent* father, "Jim was a monstrous eater."