

NORTH CAROLINA

AND

NEWBORN COMMERCIAL, AGRICULTURAL AND LITERARY INTELLIGENCE.

APRIL 29, 1831.

LIBERTY...THE CONSTITUTION...UNION.

VOL. XV. No. 2.

PUBLISHED EVERY FRIDAY

BY THOMAS WATSON.

At three dollars per annum—payable in advance.

BY AUTHORITY.

LAWS OF THE UNITED STATES.

PASSED AT THE SECOND SESSION OF THE TWENTY-FIRST CONGRESS.

AN ACT to change the time of holding the term of the circuit court for the district of West Tennessee.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be the duty of the District Judge of Tennessee to hold a term of the circuit court at Nashville, for the district of West Tennessee, on the first Monday in March, in each year, who shall have power to make all necessary rules and orders touching any suit, action, appeal, writ of error, process, pleadings, or proceedings, that may be pending in said circuit court, or that may be issued returnable to the circuit court to be holden on the first Monday in September next, preparatory to the hearing, trial or decision of such action, suit, appeal, writ of error, process, pleadings or proceedings; and all writs and process may hereafter be returnable to the said courts to be holden on the first Monday in March, in the same manner as to the sessions of the circuit courts directed by law to be held at Nashville on the first Monday in September of each year; and the writs and other process returnable to the said circuit court on the first Monday in September, may bear teste on the first Monday in March.

Sec. 2. And be it further enacted, That the said District Judge shall have the power to adjourn from day to day, or to any other period of time, more than three months before the final term of said court: Provided, That no final judgment be rendered at said term to be held by the District Judge, except by the consent of both parties.

ANDREW STEVENSON,
Speaker of the House of Representatives,
JOHN C. CALHOUN,
President of the Senate.

Approved, 13th January, 1831.

ANDREW JACKSON.

AN ACT to amend an act, entitled "An act to provide for paying to the State of Illinois three per centum of the net proceeds arising from the sale of the public lands within the same."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act, entitled "An Act to provide for paying to the State of Illinois three per centum of the net proceeds arising from the sale of the public lands within the same," approved the twelfth of December, eighteen hundred and twenty, as requires an annual account of the application, by the said State of the said three per centum to be transmitted to the Secretary of Treasury, be, and the same is hereby repealed.

Approved, 13th January, 1831.

AN ACT making appropriations for carrying into effect certain Indian treaties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby appropriated, for the service of the year one thousand eight hundred and thirty:

For the annual support of a school for the education of Indian youth, as stipulated for by the sixth article of the treaty of the fifth of August, one thousand eight hundred and twenty-six, with the Chipewya tribe of Indians, one thousand dollars:

For the payment of the annuity of two thousand dollars, and also the sum of two thousand dollars for education, as stipulated for by the third article of the treaty of the sixteenth of October, one thousand eight hundred and twenty-six, with the Potawatamies, the annual sum of four thousand dollars:

For the annual support of a blacksmith and miller, and for furnishing annually one hundred and sixty bushels of salt, under the same treaty, one thousand five hundred and twenty dollars:

For the payment of the permanent and limited annuities provided for by the second article of the treaty with the Potawatamies, of the twentieth of September, one thousand eight hundred and twenty-eight, annually the sum of three thousand dollars:

For tobacco, iron, steel, education, annuity to the principal chief, and employment of laborers, by same article, one thousand nine hundred and sixty dollars:

For payment of permanent annuity under the fourth article of the treaty with the Miamies, of the twenty-third of October, one thousand eight hundred and twenty-six, twenty-five thousand dollars:

For iron, steel, tobacco, and laborers by the same article, one thousand one hundred dollars:

For support of the poor and infirm, and for education, under the sixth article of said treaty, two thousand dollars.

Approved, January 13, 1831.

AN ACT for the benefit of schools in Lawrence county, Mississippi.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That one section of the public lands subject to private entry and sale in the state of Mississippi, be located for the use and benefit of schools in Lawrence county, in said State, in lieu of the sixth section sold and patented to Will Whitehead.

Section 2. And be it further enacted, That any person appointed by order of the Probate Court in and for the county of Lawrence, be, and he is hereby, authorized to locate the quantity of land named in this act for the purpose above named.

Approved, January 13, 1831.

A RESOLUTION in relation to the transmission of public documents printed by order of either House of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing contained in the act to reduce into one the several acts establishing and regulating the Post Office Department, approved March third, one thousand eight hundred and twenty-five, shall be construed to repeal or limit the operation of the act authorizing the transmission of certain documents of postage, approved December nineteenth, one thousand eight hundred and twenty-one.

Approved, January 13, 1831.

AN ACT to amend an act, entitled "An act to provide for paying the States of Missouri, Mississippi, and Alabama, three per centum of the net proceeds arising from the sale of the public lands within the same."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of an act, entitled "An Act to amend an act, entitled 'An act to provide for paying the States of Missouri, Mississippi, and Alabama, three per centum of the net proceeds arising from the sale of the public lands within the same,' approved the third of May,

eighteen hundred and twenty-two, as requires an annual account of the application of the said three per centum, to be transmitted to the Secretary of the Treasury, be, and the same is hereby repealed.

Approved, January 19, 1831.

AN ACT for closing certain accounts, and making appropriations for arrearages in the Indian Department.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of sixty-one thousand dollars be, and the same is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, for arrearages in the Indian Department, the same to be applied to the payment of balances on accounts presented and settled by the proper accounting officer, and now actually due, which accrued previous to the first day of January, one thousand eight hundred and twenty-nine, and to no other purpose.

Sec. 2. And be it further enacted, That, for the purpose of settling and closing the accounts in the office of the Second Auditor, relating to Indian affairs, prior to the date of January, one thousand eight hundred and twenty-nine, the President of the United States is hereby authorized to direct transfers to be made from such balances of moneys heretofore appropriated to carry into effect certain Indian treaties as are no longer required for their several objects, to the credit of certain other heads of Indian expenditure, under which balances accruing previously to the above date, remain due to certain individuals, and appear upon the books of the Second Auditor; also, to direct similar transfers to be made to and from the several specific heads of contingencies of the Indian Department, pay of agents, sub-agents, and present to Indians; and also, of the sum of five thousand and fourteen dollars and fifteen cents, from the head of subsistence of the army, to the head of Indian expenditure, under which that amount was actually applied and expended: Provided, always, That no such transfer shall be made unless it satisfactorily appear that the specific expenditure was actually made for the service of Indian affairs, in good faith, by an authorized agent of the Government, and before the date aforesaid, and that the balances from which such transfers are authorized to be made are not appropriated for the specific purpose of their original appropriation.

Sec. 3. And be it further enacted, That the Secretary of the Treasury be, and he is hereby, authorized to pay to Mark and R. H. Bean, of Arkansas, out of any money in the Treasury, not otherwise appropriated, eight thousand seven hundred and forty-eight dollars and twenty-five cents, for supplies furnished to the emigrant Creek Indians by direction of former Indian agents: Provided, That the said Beans shall first present sufficient evidence to the proper accounting officer, that credit was originally given by them to the government of the United States, and that no part of the amount has been received, by them or satisfied, directly or indirectly, from the agents through whom they sold or contracted.

Approved, January 27, 1831.

AN ACT making appropriations for the payment of revolutionary and invalid pensioners.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for paying revolutionary and invalid pensioners, viz: For the payment of revolutionary pensioners, for the year one thousand eight hundred and thirty-one, one million eleven thousand one hundred dollars.

For paying the invalid pensioners, in the year one thousand eight hundred and thirty-one, two hundred and seventy-six thousand seven hundred and twenty dollars, in addition to an unexpended balance of appropriation for invalid pensioners, of twenty-nine thousand two hundred and forty-six dollars ninety-five cents.

For pensions to widows and orphans, five thousand dollars.

Approved, January 27, 1831.

AN ACT to alter the time of holding the District Courts of the United States for the Districts of Maine and Illinois, and Northern District of Alabama.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the terms of the District Court of the United States for the Northern District of Alabama, which are now directed by law to be held on the first Mondays of March and October in each year, shall hereafter be held on the second Mondays of April and October in each year; and that the term of the District Court of the United States for the District of Maine, which is now directed by law to be held on the second Tuesday of September in each year, shall hereafter be held on the first Tuesday of September in each year: and all process which may be issued, or which shall hereafter issue, returnable to the next succeeding terms of the said District Courts, as heretofore established, shall be held returnable, and returned, to those terms to which they are severally changed by this act.

Sec. 2. And be it further enacted, That the terms of the District Court of the United States for the District of Illinois, which are now directed by law to be held on the third Mondays of June and November in each year, shall hereafter be held on the first Mondays of May and December in each year: and all process which may be issued, or which shall hereafter issue, returnable to the text succeeding terms of the said District Court as heretofore established, shall be held returnable, and be returned, to those terms to which they are severally changed by this act.

Approved, January 27, 1831.

AN ACT to extend the time for entering certain donation claims to land in the Territory of Arkansas.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the provisions of the eighth and ninth sections of the act of Congress, approved twenty-fourth day of May, one thousand eight hundred and twenty-eight, entitled "An act to aid the State of Ohio in extending the Miami Canal from Dayton to Lake Erie, and to grant a quantity of land to said State to aid in the construction of the canals authorized by law, and for making donations of land to certain persons in Arkansas Territory," and the provisions of the act, entitled "An act restricting the location of certain land claims in the Territory of Arkansas, and for other purposes," approved sixth January, one thousand eight hundred and twenty-nine, and also, the provisions of the act, entitled "An act to extend the time for entering certain donation claims in Arkansas," approved thirteenth January, one thousand eight hundred and thirty, be, and the same are hereby, continued in force for the period of two years from the twenty-fourth of May, one thousand eight hundred and thirty-one: Provided, That nothing in this act, or the foregoing acts, shall be so construed as to prevent the President of the United States from bringing the said lands in Arkansas into market under the existing laws; and all claims to donations under the before recited act, which shall not have been presented and allowed, shall be fixed on by the President for the sale of said lands, and he is hereby declared forfeited to the United States.

Approved, January 27, 1831.

From the Banner of the Constitution.

We publish to-day the Speech of Mr. Webster, delivered on the 24th March, at the Dinner given to him in the commercial City of New York, by the friends of Free Trade.—We say by the friends of Free Trade, upon the authority of a gentleman who was one of the party, and who stated to us that he did not recognize amongst the company a single advocate of the Restrictive System.

The task which Mr. Webster had to perform on the occasion referred to, was not of very easy accomplishment, and we cannot but do him the justice to say that he managed the subject with much skill and dexterity. He was invited to partake of the hospitality of a city, the prosperity of which is dependent upon foreign commerce. According to usage, he would be expected to deliver a speech, and that speech, according to the rules of fitness, should have been no other than one in harmony with the interests and feelings of the company by which the orator was surrounded, and adapted to the peculiar circumstances of the place. But this could not be. Mr. Webster had, within seven short years, abandoned the principles of Free Trade, for his advocacy of which he was once so distinguished, and descended, from the high rank of a political philosopher, to the humble station of a disciple of the Tariff school. What then, could he do, to extricate himself from the embarrassment of addressing an audience, scarcely one of whom but lamented his fall and deplored his delinquency? As a practised politician, he drew off the attention of his hearers from the subject that was uppermost in their minds, and amused them with a variety of subjects flattering to their local pride, and calculated to excite their forgetfulness of his dereliction of their cause.

In his mode, however, of managing his oration, he did not act with an over degree of fairness. The design of his eulogium upon the Constitution, and the great men who contributed to its formation, was manifestly not to elevate either in the estimation of the public, for they already occupy there an eminence which not even the powers of Mr. Webster could make them pass beyond; but it was, as it appears to us, for the purpose of creating the impression that all those who deny the right of Congress to enact laws for the protection of manufactures and for the appropriation of money for certain works of internal improvement, are enemies of the Constitution. Was this just—was it candid? Where is the individual, in the United States, who denies that the Constitution is the greatest blessing which Heaven has conferred upon the American people? Where is the man who desires to see any of its provisions abrogated, or to see this happy Union dissolved? If such men do exist, they are to be found alone amongst those, who, not content with the exercise of the powers delegated to the Federal Government, and aware that they cannot secure, by amendment, such provisions as may favour their sordid, local and selfish interests, are resolved to violate the sacred compact, and to usurp the authority which they can no otherwise obtain. These are the real advocates of disunion, and not those who demand a strict observance of the fundamental law.

A cursory examination of Mr. Webster's argument will show its want of candor upon this point. He ascribes the unexampled prosperity of the country, since the formation of the Federal Government, to the operation of the Constitution. In this sentiment all will concur. But what Constitution is here alluded to?—Most clearly the Constitution under which we lived for the first thirty-five years of our national existence, as well as that under which we have lived for the last seven years. Mr. Webster himself will not deny, nor will a single man who heard his speech deny, that our prosperity was as great, during the first named period, as it has been since. What, then, was the Constitution which existed before the year 1824? It was a Constitution under which the Federal Government acted within the sphere of its legitimacy, and with a full acknowledgment of the provision which declares that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People." An exorbitant, oppressive, and unequal Tariff, was not then known. The duties granted by the act of 1816, as a conciliatory means of saving from ruin manufacturing establishments which had their origin in the course of events growing out of a state of war, and temporarily imposed, without any pledge for their continuance after the extinguishment of the public debt, were still in force. The Cumberland Road, the great avenue to the public lands in the West, and constructed in pursuance of a special covenant with the State of Ohio, for a valuable consideration, was at that period the only great work of internal improvement to which the action of the Federal Government had been applied. Under the Constitution, as it stood on the first day of January, 1824, the nation would have gone on prosperously and harmoniously for ages; for although, in the view of the strict constructionists, there were some few points of aberration from the true landmarks of the Constitution, yet these were not of sufficient number or importance to place in jeopardy the existence of the Union formed under its blessed provisions.

Let us now see what the Constitution has been since the year 1824. By the tariff act of that year, the duties which, by the law of 1816, were imposed temporarily, were increased and rendered permanent, and the principle of restriction was applied to numerous articles which had previously escaped its blighting influence. This measure effected a breach in the walls of the citadel, which has every year since been made wider and wider. The Constitution of seven years past. The Constitution which Mr. Webster advocates to-day is not all his own. The Constitution which Mr. Webster advocated

in the year 1824. And has it indeed been changed? Most assuredly it has. Not, however, by the legitimate process pointed out in the instrument itself, but by the votes of a majority of Congress, who have usurped a power which belongs exclusively to three-fourths of the States. It is against this usurpation, and not against the Constitution as it was framed, that the indignation of the Southern people has been roused. Their discontent is precisely the same as that which was displayed by the people of Paris against the forced constructions of Messrs. Polignac, Chateaufort, & Co.; and, had the latter succeeded in their fraudulent scheme of altering the charter of French liberty, eulogists would no doubt have appeared, to extol the wisdom of the Ministry, and to cry down the patriotic voice of the people as rank treason and rebellion. Such schemes, however, of suppressing the investigation of political truth, can have but a momentary triumph. The people will sooner or later discriminate between the true lovers of their country, and those who, from ambitious or avaricious motives, endeavor to confound, in one common denunciation, the many, who have merely complained of a violation of the Constitution, with the few, who have undertaken to point out means of redress. Upon this subject it behooves us to say a few words.

It is well known that a diversity of sentiment exists throughout the United States as to the theory of our Government. One party holds that the Federal Government was formed by the States, whilst another party maintains that it was formed by the People as an aggregate mass. The former party advocates the sovereignty of the States, as the only safeguard of the liberties of the people. The latter maintains that consolidation is the only mode of securing "the general welfare." Divested of all extrinsic and collateral circumstances, this is the naked question now presented to the consideration of the people, and upon its decision, in the elections of 1832, will depend the future destinies of this Republic. On the side of STATE RIGHTS are to be found nearly the whole of the population of the South. On the same side, are to be found, in every section of the country, a large proportion of those who have hitherto constituted the great Republican party, and not a few of those who have heretofore been, and are, even yet, styled Federalists. On the opposite side are to be found the great body of the old Federal party, a portion of those, who, in former days, were distinguished for their advocacy of State Sovereignty, and most of the manufacturers and monopolists who are to profit by a violation of the Constitution, and a large corps of politicians, who expect to ride into power by trampling upon the rights of their fellow-citizens.

Now, let it not be forgotten, that, whilst the advocates of the rights of the States are unanimous in the declaration that the Constitution has been violated by every law designed to protect manufactures at the expense of other interests, and by every law which appropriates the public money for objects not authorized by the Constitution—yet, that a very small portion of them, and these chiefly in a single State, have undertaken to point out the mode of redress, which has furnished Mr. Webster with the occasion to fulminate his anathemas. Is it just, then, is it honest, to attempt to bury under one vast heap of prejudice those who have merely dared to remonstrate against what they conceive to be unauthorized oppression? To this question we may be answered, "Yes, any thing is just and honest in political warfare." And so it would seem, for precisely such another ruse de guerre as we have been exposing was played off by the orator.

The people of the Northern States are known to have a strong veneration for the Judicial branch of the Government, as being independent of the popular will. A tribute of respect towards the Supreme Court of the United States would at all times be well received by a large majority of the people, but was especially gratifying at a moment when the decision pronounced in the case of the Cherokee Nation had removed out of the way one of the most difficult questions upon which the Federal Executive was required to act. This compliment was well-timed, but was it with the view of elevating the Supreme Court in the estimation of his hearers, that Mr. Webster introduced it in so enthusiastic a strain? We think not. We believe it was with the view of disseminating the idea that all who believe in the unconstitutionality of the laws which have brought the country to the eve of a crisis, admitted by Mr. Webster to have lately existed, are hostile to the Supreme Court. This is manifest from the tenor of the speech. But is this so? So far from it, there are, in the Northern States, a number of the most intelligent men, and some of them were even present at Mr. Webster's dinner, who have as firm an attachment to that body, acting within its legitimate sphere, as Mr. Webster himself, who believe in the illegality of the protective system, and who also believe that that Court would, if the question could be brought before it, decide it to be an infraction of the Constitution. And this brings us to the true point which ought to have been discussed by the orator.

If Mr. Webster considers the Supreme Court as the only tribunal competent to decide upon the constitutionality of the protective laws, why did he not take advantage of the occasion thus presented to point out to his free-trade hearers the mode in which they might proceed in order to have a judicial decision upon the laws which retard the prosperity of their city? This would indeed have been to render a service to New York, of more importance than any statistical retrospect of her rapid growth under the System now

instrument may be violated, most flagrantly violated, and yet that the outrage can be perpetrated in such a way as to escape without the cognizance of the Supreme Court. Many who read this will be astonished at this declaration. It is nevertheless true. It is in the power of a majority of Congress by a fraud, to prevent it. And what is the fraud? Simply a misnomer in the title, by calling that "an act to raise a revenue," which is in reality "an act for the encouragement of particular branches of industry." By the Constitution the power to raise a revenue is vested exclusively in Congress. That body is also the sole judge of the extent to which duties may be laid; and it would therefore not be competent for the Judicial power to interfere with the Legislative, as to prescribe limits to the revenue. Such a power was granted, and very properly too—for, did the Supreme Court possess such authority, it would be possible for a majority of seven individuals to control the purse-strings of the nation, in time of war as well as of peace. It is long, therefore, as Congress conceals its designs under false colors, so long must it remain from the Supreme Court be denied.

But, let us ask, of what avail is it that complaints should be showered down upon the Constitution, upon the illustrious men who framed it, and upon the Supreme Court, if no mode exists by which those who conceive themselves wronged can secure redress? Of what avail is it that Mr. Webster should extol to the skies a tribunal, from the jurisdiction of which his fellow-laborers in the cause of the monopolists are resolved never to exclude the decision of the question which has occasioned all the mischief with which the country is menaced? Yes, the Tariff policy is at the bottom of all the disquietude and revolutionary feeling which now agitate the land—and those who advocate it will be held responsible for the consequences, however exalted an opinion they may entertain of the Constitution as they wish it to be construed, and of the Supreme Court as they wish it to be, destitute of power to interfere with that policy.

CAUSE AND EFFECT.

The following article is copied from the "Boston Courier," of March 24th, 1831:

"The accursed Tariff.—This was the way in which the pretended exclusive friends of free accustomed themselves, for two years, to speak of the Tariff of 1828. The same gentlemen indulged their feelings towards the manufacturers in such epithets as 'Lords of the spinning-jenny,' 'avaricious and unprincipled monopolists,' and many other reproachful modes of speech. We are glad to perceive that the party which used these watch-words has gradually dwindled away, and the tone of its surviving members has become softened. The American System is no longer a theme of reproach in any respectable newspaper in New England, (hardly so in any part of the country,) and its once bitter opponents are either passively silent or actively enjoying its benefits. We have heard recently of some remarkable instances of conversions. One or two merchants of extensive business, who had long and obstinately opposed the Tariff, have been compelled, by experience, to acknowledge that the Protective System is the only one under which the trade of the country can flourish. We have before alluded to the fact that two or three of the noisiest brawlers for free trade, and most abusive opponents of the American System, had withdrawn their shipping from foreign trade, and employed it in transporting cotton from New Orleans to New England. But something more wonderful still is reported to have taken place within a few days, viz: that several gentlemen connected with the Globe Insurance Office have become subscribers to a factory just incorporated at Lowell! This, of all the wonders of this wonderful period, is the most wonderful."

The above is an extract from the editorial remarks of one of the numerous journals in New England devoted to that small but powerful class of men, who, by the influence of wealth, and acting in unison with some of the leading politicians of the country, have enacted laws which favour their personal and pecuniary interests, at the expense of the nation at large. We allude more particularly to the incorporated manufacturers of New England, the iron-masters of the Middle States, and the sugar-planters of the South. The combination of some few thousand intelligent and wealthy individuals, whose aggregate wealth amounts to some hundreds of millions of dollars, possess the same power over the legislative assemblies in this country, that the nobility and wealthy land-holders do over the Parliament of Great Britain—and they exercise it in the same way, namely: by enacting laws and establishing such restrictions upon the poor, as to throw the burden of taxation upon the price and middling classes. For example, the price of bread is raised, and the price of food is increased, and the price of clothing is raised, and the price of fuel is raised, and the price of the principal article of subsistence, the country and nobility may have three times as much as they are honestly entitled to, by bringing up the price of the first necessary of life to a double what it would be under a system of free trade and equal rights. This is one of the features of a system which takes from the earnings of the poor, and the power, in a system which originated in the worst age of the world, and having been