

# THE RALEIGH STAR AND NORTH CAROLINA GAZETTE.

THOS. J. LEMAY, EDITOR & PROPRIETOR.

"North Carolina—Powerful in intellectual, moral and physical resources the land of our fires and home of our affections."

[THREE DOLLARS PER ANNUM, in Advance.]

VOL. XL.

RALEIGH, WEDNESDAY, DECEMBER 19, 1849.

NO. 50.

## Gold Watches & Jewelry.

NEW arrival of a large & fashionable assortment of WATCHES & JEWELRY, just at hand, and for sale cheaper than ever, at Palmer & Ramsey's Jewelry Store—the most extensive stock of all articles in their line that has been offered for years back. Come and look, if you do not buy.

A box of Gold & Silver Watches of all kinds; Gold, Silver & Gold-Plated Chains, Keys and Seals, Finger Rings, Ear Rings, Breast Pins, Shirt Studs, Collar Buttons, Gold Lockets, Bracelets, Clasp, Gold & Silver Spectacles, Gold & Silver Pencils & Pens, Gold Waist Buckles & Silver Combs, Spring Steel Spectacles, Tortoise Shell Dittos, A very extensive assortment of Silver & Plated Spoons, Silver Cups, Soup Ladles, Sugar Tongs, Salt & Mustard Spoons, A Large Stock of Pen Knives, Razors & Scissors, Full sets Table Cutlery, Razor Strops and Diamond Powder for Razors, Shaving Brushes, Hair Brushes & Combs, Tooth Brushes, Butter & Fruit Knives, Gold & Silver Thimbles, Gold & Silver Mounted Walking Canes, Silver Plated Castors, Candlesticks, Grenadines, Pearl Water & Basket, Salt & Butter Stands, Pearl Salt Spoons.

PERFUMERY, Cologne & Florida Water, Extrait, Soap, Toilet Powder, &c. A Handsome set of Ivory Articles, Work Boxes & Netting Boxes complete, and a variety of other articles.

All kinds of Watches and Jewelry repaired in their usual superior style, and warranted.

Old Gold and Silver taken in exchange.

PALESTER & RAMSEY.

Raleigh, Nov. 1849.

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WASHINGTON, Nov. 27, 1849.

Dear Sir:—I enclose you for publication a letter from the late Judge Gaston to B. F. Moore, Esq., relative to the proper construction of the 4th article, sec. 4th, of the amended constitution. Mr. Moore authorized me to have it published whenever I should think proper, and informed me he had the consent of Judge Manly, son-in-law and executor of Judge Gaston, to publish it.

I have thought it right to bring it to the notice of the people of the State, when no elections are pending. It was not written to aid any party views, and is not published now for any such purpose. All parties venerate the character and respect the opinions of the great and good man and eminent Judge who wrote it, and all are entitled to the benefit of his construction of the article referred to, in our State constitution.

Very respectfully, &c.,

EDW. STANLY.

H. DIMOCK, Esq., Editor of the North State Whig.

NEWBERN, Dec. 17th, 1836.

My dear Sir,

By the last mail I had the pleasure to receive your esteemed favor of the 12th inst. If I believed as your partial friendship makes you believe that the expression of my opinion on the perplexities attending the exposition of our reformed Constitution would allay the existing excitement and produce harmonious co-operation I should not hesitate in authorizing you to give it publicity. But I entertain no such belief. In times of party strife every man's opinions, bearing on topics of contention, are usually attributed to factions or interested motives, and it would be extremely unwise in me to suppose that in my case an exception would be made to this general however uncharitable and unjust, rule of construction. Indeed I think it probable, that, in stead of producing good, the promulgation of my views would increase dissension, and be regarded moreover as an arrogant and impertinent attempt to control the judgment of those who have the exclusive right to decide on the qualifications of their associates. But while I decline answering your enquiries, so far as the answer is sought for to settle the opinions of the Members of the General Assembly, I cannot refuse, to the respect and affection which I entertain for you personally, the communication of such thoughts as have occurred to me on the subject matter of your letter. You, I know, will not misconceive my motives, and seeking only for truth will adopt or reject my views simply as they may be sanctioned or disapproved by your conscientious judgment. I am obliged therefore to request you to consider this communication as confidential.

Permit me to premise that I have no peculiar means of arriving at the correct exposition of the provision in question. The subjects which came under the consideration of the late Convention were not all of equal importance, and devoted as I certainly was to the performance of the duties imposed on me as a member of that body, there were yet some few matters which came before us that commanded a smaller portion of my attention than the others.

Among these was the subject of your inquiry. You will perceive that in the act of 1834 which originated the Convention it was thus expressed as one of the subjects for their consideration, "to disqualify members of the Assembly and officers of the State, or those who hold places of trust under the authority of this State, from being or continuing such while they hold any other office or appointment under the government of this State, or of the United States, or any other government whatever." On recurring to the Journals of the Convention (pages 13 and 24) it will be seen that the subject was referred in the most general terms to a select Committee (of which I was not one) and that they reported (page 62) an article in the following words:—"That no person who holds any office or place of trust or profit under the United States or any of them, or under any foreign power, shall hold or exercise any office or place of trust or profit under this State, and that no person shall be eligible to a seat in the Legislature whilst he holds any office or place of trust or profit under this State, (any appointment in the Militia and Justice of Peace excepted) the United States or either of them or under any foreign power." On its second reading (page 88) the article was modified on the motion of Judge Seawell, and on its third reading (page 93) was further amended, on motion of Judge Daniel and Mr. Gaither, so as, finally to obtain the phraseology in which it is expressed in the amended Constitution. There was no discussion that I am aware of, upon the merits of the article, nor did any alteration profess more than to improve its language.

I confess that I do not see any sufficient reason to warrant your conjecture that the word "or" between the words "trust" and "profit" was inadvertently used for "and." An office or place of trust as well as one of profit seems have been distinctly contemplated in every stage of these proceedings as furnishing a disqualification for a seat in the Legislature. I incline, however, to the opinion that the office or place of Trustee in our University is not embraced within

the prohibition of this article. I think the words "under the State" and "under the authority of the State," qualifying offices and places are intended to convey the idea of offices or places in which the State is represented, a portion of its power is wielded and functions discharged in its behalf. If the office be of this kind, whether the appointment be made by the people, the State Legislature, or any authorized by law to make the appointment, I think it comes within the provision of the article. If it be not of this kind, I hold it not material by whom the appointment is made. Attorneys at law are officers appointed by State authorities—but they are not public officers appointed by State authorities, they do not represent the State nor perform any of its functions, nor wield any of its sovereign power. Nor would the case be changed if the Legislature should take directly upon itself the granting of their licenses. The University, although created as all corporations are presumed to be, because of public utility, has been considered (see University vs. Foy, 1 Mur. 2nd Hay.) as distinct from the State, having all the rights of a private corporation. In the original charter the Board had the right to fill all vacancies in their body. The act of 1844, ch. 647, taking away that power and giving it to the Legislature, and that of 1805, ch. 678, declaring the Governor re-officio President of the Board, were I presume, passed with the consent of the corporation and with the professed purpose of procuring popular favor to it—or else they might (perhaps) be deemed invasions of the original charter. I do not think however this may be, that they change the character of the office. I am the more inclined to adopt this opinion, 1st, for that in all cases of doubt I hold it right to presume against any abridgment of the elective franchise; 2nd, for that I hold it improbable that all officers of the State, including the Governor himself, were intended to be constitutionally disqualified from becoming members of the board of Trustees. But for these considerations I might entertain more doubt on the point, as it must be admitted that for some purposes the University has very much the character of a public corporation. As to the other offices to which you refer, those of Register, County Attorney, Constable, Entry-taker, &c., I can find no ground for taking them out of the operation of the prohibition. They are all to intents State officers, wielding State power, acting in the name and in behalf of the State, and representing the State itself—and are moreover entitled to demand compensation, which renders the office profitable as well as trusted with public duties.

It is possible that the article in question, however construed, may go too far. I suppose it owes its origin principally to two causes. The one was a strong public sentiment of the expediency of preventing men in public authority abusing official influence to obtain seats in the Legislature, and then exercising their power or influence as Members of the General Assembly to increase official authority and emolument, or secure re-appointment to office when its term should expire; and 2ndly, to an equally strong sentiment that Legislative independence would be jeopardized by the terror of ejection from office. It is of great importance that the first attempt be made to settle its exposition should be taken with deliberation, and be uninfluenced by party heats.

I am sensible after all, that I have done little to assist you in your researches—but at all events I have shown you how ready I am at all times to perform every duty of friendship which you may ask at my hands.

Believe me my dear sir, very truly and affectionately yours,

WILL. GASTON.

Mr. MOORE. The foregoing is a copy [of an original letter now in my possession, from the late Judge Gaston to me. By reference to the action of the legislature in 1836, my motive in asking that truly eminent man for his advice will be seen.

B. F. MOORE.

Dec. 23, 1848.

FEDERALIST AND REPUBLICAN.

The Union, whose editors were both supporters of Jackson, the man who first of all proposed to obliterate the party lines that divided the ancient Federal and Republican parties is fond of applying to the Whigs the name of the "Federal Party." In laying down the principles of these two parties, as we had occasion Friday last to observe it described the Whigs as the legitimate successors of the Republicans so distinctly, that there was no mistaking the likeness. In order to reinforce our observations, we publish from the Republic, the following answer to the same article: "THE WHIGS AND THE TREASURY." "Federalists," says the sole metropolitan organ of the Democracy, "or Modern Whigs—who are the same thing—favor extravagance and profligacy in the expenditure of the public money." We take issue with the Union on two points in this avowal:—Whig Federalism and Whig extravagance.

The question of Federalism was disposed of in the reply of Mr. CLAY to Mr. GAUNDY, in the celebrated debate on the Protest. "The cause," said the great

statesman of the West, "which produced the ancient divisions of the people into Federal and Republican parties have long since ceased to operate, and it is ungenerous and unjust to endeavor to preserve or affix the denomination for party purposes." The Federal party was, indeed, supposed to lean more than their opponents did, to strong and energetic Executive; and in that respect the Administration party of the present day may be pronounced to be more Federal than their opponents. "The original causes having ceased the Federal party has divided itself between the two parties of the present day. The better portion of it united with us, and the worst with the Senator and his friends. I will add that of all the politicians in this or any other country some of the Federalists with adhering to the Jackson party are the most detestable. They appear to cut themselves loose from every tie and obligation, and principle, which should bind men to society and their country."

If there is any well established "historical fact," it is the hatred of the Federalists towards JOHN QUINCY ADAMS. They rallied about GENERAL JACKSON to avenge the unforgotten wrong which they had suffered through the early apostasy of the New England statesman. The General's celebrated letter to Mr. MONROE was written to secure their favor, and was successful. In some States the whole party became Jackson men. In all the States many who had been most prominent in political affairs joined the standard of the hero of New Orleans. Mr. TANEY took with him the leading Federalists of Maryland. Mr. BUCHANAN took with him the leading Federalists of Pennsylvania; and yet his Federalism did not impair his position as Mr. POLK's Secretary of State. Mr. WAYT took with him the leading Federalists of New Jersey and has figured as the "most democratic of Democrats in ranks of the faithful." Mr. BANTROFT, the late Locofoco Secretary of the Navy, was a Federalist. Mr. C. J. INGEROLL was a Federalist. Mr. BRYANT, of that "old Federal organ," the Evening Post; Mr. HUBBARD, of N. H., who nominated M. POLK at the Baltimore convention; Mr. KANE, the celebrated correspondent of Mr. POLK; Mr. JUSTICE GRIER of Pennsylvania; Mr. RUEHL WILLIAMS of Maine; Mr. CROSWELL, of the Albany Argus, and a list that we might stretch to the "crack of doom attest the truth of Mr. CLAY's assertion in the Senate, and the falsity of the allegation so frequently made by the Opposition press as to the federal composition of the Whig party.

Then as to the second allegation which we have cited above from the Union—that the Whigs "favor extravagance and profligacy in the expenditure of the public money." Will the Union do us the favor to point to a single Whig peculator or defaulter? We have never heard of one. This corrupt tribe were counted by scores and hundreds in the days of Jackson and Van Buren. They were fettered out by WISE and PEXTON and held up to the scorn and indignation of the country, notwithstanding all the efforts of corrupt Speakers in packing committees of investigation. Notwithstanding the vials of wrath that were poured out upon the Whig reformers by the Richmond Enquirer, and other venal and mercenary journals the development of Locofoco extravagance and the people rose up en masse and hurled the corruptionists from power they had abused, and the places they had dishonored. General HARRISON was elected President in consequence of popular trust in his integrity. Mr. TYLER commenced his executive career as a Whig, and retained enough of the Whig elements to the last not to disgrace himself or the country by any pecuniary meanness or dishonesty in his appointments. Four years we heard nothing of public defalcations. The treasury at least was safe—for it was under care of a chief magistrate who had been a Whig. But no sooner was the old regime restored, than Locofocoism was found with its arms in the strong box, and the career of shameless plunder and default again commenced. It was concealed from the people. Mr. MAXON knew of defalcations—and was dumb. General TAYLOR comes into power. The deficiencies are discovered, and made known to those who are concerned to know what becomes of the public money; and forthwith all the Opposition Journals come up to the defence of the defaulters, vouch for their innocence, and prove every thing that can be proved by assertion—but without figuring back a single dollar of the missing money into the treasury.

The public debt is increased \$50,000,000 in four years—during which the Whigs are abused for scrutinizing appropriation bills, and denounced as moral traitors for not voting all the money that is asked for by Locofocoism "without winking, without blinking!" and now the very elite of the Democracy, sleek with the unction of palm oil, emerge from the bowels of their goliath mines, to inflame hypocritical paragraphs about the profligate extravagance of the Whigs! Shame! were it thy blush! Shade of that \$155,000—why does it not rise to scoff at these Richmond elite?

A Cotton Factory is about being erected at New Orleans by a company with a capital of \$200,000.

CATAWBA MEETING.

On Saturday last we attended at Newton, where many citizens of the county had assembled, to hear an address of Mr. G. W. Hayes, Esq. of Cherokee one of the Surveyors of the Turnpike road, who had been thus invited a few days previous. Mr. H. gave an account of the progress of the survey, but his whole object seemed bent on carrying out the railroad project of Mr. Fox, an idea of which may be gathered by his letter to the Greensboro' Convention, which will be found in the proceedings, on the first page of this paper. The whole survey has been conducted with an eye to railroad facilities, and the latter seems abundant to Mr. Hayes, who sees little difficulty in the way, other than the Blue Ridge which can be tunneled. He felt no individual interest, being 120 miles from the nearest point it could reach, but he did feel, as a North Carolinian, that the State should no longer continue so far behind the times in Internal Improvement. He ridiculed the cry of taxation, that was urged against State appropriations, contending that a higher tax was now paid by citizens in getting the necessities of life to and from market; the article of salt being instance—where it now costs \$1.25 to bring a sack from Salisbury to Newton, on the rail car it could be brought to their door for one fourth the amount; and their produce, instead of lying waste at home, would find a ready market in the East, for what was luxury to them was common to us—and vice versa. When the Wilmington Road was built, we had not the experience that we have at the present, (how dearly bought!) besides the material can be procured much less, and the necessity has become greater, as Rail Roads have been increasing around us. Mr. Hayes went for improvement out and out, and he did not consider him a good citizen who would not advocate it—such a one should be "hissed out of the State." Already, he said, had \$6,000,000 been expended on the Eastern part of the State in various schemes of Improvement, while comparatively nothing had been done for the Western—this should be the case no longer—the people of the West should send at least twenty-five staunch Improvement men to the next Legislature, and they would be enabled to accomplish much, for the Eastern members always having some scheme to carry out, will be enabled to accomplish any thing without they do something to secure such Western influence. Then with a rail road from Salisbury to the Georgia line, the East and West would become united, as the citizens of one State should be. Mr. Hayes handled this subject with gloves off, and no doubt to his own satisfaction, and that of a goodly portion of those present, for it was an internal improvement meeting, and many went there determined to be pleased.

It seemed strange to us that the \$6,000,000 appropriated to the Eastern part of the State, has not been sufficient, at least to get her half-awake; and that it would be but poor policy, as that amount has been uselessly applied, a corresponding sum should be laid out in West on a similar speculation. There are none who would feel more pride than ourselves, in chronicling the enterprise and improvement of our State and none who feel more deeply the necessity of a market for our own productions, but we believe that there is individual capital sufficient in the State to carry out these purposes, and capital is always seeking a safe investment. We believe the connection of the State with the Raleigh and Gaston Road, has been the cause of all its difficulties; and if they had had no resources to fall upon, or aid to expect, individual enterprise and attention to business would have done much more. Once get the State hooked into a scheme of Internal Improvement, and there is no end to the contingencies that will occur. We confess, we cannot see what great benefit the West has to derive from a rail road through the mountains, except that the East may be accommodated with apples and hogs in the Winter time—the prospect is by no means flattering for the Summer, except our eastern gentry will give us a call and spend a few of the shillings of which they may drain us. If, then, the East is to be benefited, let the East build the road. Asop tells us of a fox and raven, but we are not so vain of our singing abilities as to lose the morsel in our mouth to gratify that vanity. Lincolnton Cour.

MEETING IN MILTON.

We learn from the Chronicle that a meeting of the citizens of Milton and vicinity was held on the 1st instant, for the purpose of "making some effort to prevail on the stockholders of the Richmond and Danville Railroad so to locate it as to run by Milton." John Wilson presided and Mr. Evans acted as Secretary. The meeting was addressed by N. J. Palmer, Esq., who offered resolutions to the effect that the interests of the Richmond and Danville Road would be greatly advanced if that Road should be run by Milton; and also expressing the opinion that a "Charter can be obtained for a Rail Road," from Milton to some point on the North Carolina Rail Road—thus connecting at Milton, the Central with the Danville Road. The meeting also expressed the opinion that the proposed connection would promote the interest of both Roads.

It was stated in the meeting by Messrs. Watkins and Barrett, that the amount of freight to and from Milton alone, by the Dan River, is at this time at least \$30,000; and the opinion was expressed that much of this would be diverted from the river, in case the Rail Road should touch Milton on its way to Danville. Messrs. Watkins, A. J. Whitaker, Smith, Barret, Lewis and Wilson were appointed a Committee to memorialize the stockholders of the Richmond and Danville Road Company on the subject; and Messrs. John Kerr, Nathaniel J. Palmer, N. M. Roan, Calvin Graves, George Williamson, C. H. Richmond, John B. Barrett, and John Wilson were appointed Delegates to the annual meeting of said Company in Richmond on the 12th instant. Standard.

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CATAWBA TOLL BRIDGE COMPANY.

After the Internal Improvement speech of Mr. Hays, at Newton, last Saturday, A. H. Shuford, Esq. announced that the Commissioners appointed by law had met that day to compare books, and settle the matter whether the Bridge across the Horse-Ford, would be built, or not. He avowed himself in favor of Internal Improvement in every shape and form; and should continue to advocate it, as heretofore. We leave him to the people, as he will be a candidate for re-election to the Legislature.

Each of the counties of Caldwell, Catawba, Lincoln and Gaston were represented, (the road from the Bridge is to pass thro' the towns of these counties, to connect with the Charlotte and S. C. Rail Road, at the nearest point below Dallas) and was glad to find that a sufficient amount was subscribed, and the charter saved, though, we must say, mainly through the energy, liberality and perseverance of a minority of the Commissioners; we hope, however, that they will now make up for lost time and go to work in good earnest; while they may rest assured, that if they put up a good covered bridge, they cannot fail to make their investment profitable. The stockholders will meet at Newton on Saturday, the 22 instant, to organize by the election of officers, &c. Lincolnton Cour.

THE GOLD QUESTION.

The apprehension of such an influx of gold from California and elsewhere as shall lead to a great depreciation in the value of that metal, has led the cautious Government of Holland to avoid all risk of being left in the lurch with chests full of worthless gold. A law has been passed abolishing for all future time the use of gold coins in Holland. In future a Dutchman's faith is to be confined to silver and copper. Belgium has also caught the alarm, and the Chamber of Commerce at Antwerp has taken the preliminary steps to avoid the ruinous consequences of a torrent of gold. King Leopold and his Minister have been petitioned not to coin any more twenty franc pieces, and to use the utmost caution in permitting any longer the circulation of gold coins, we suppose foreign as well as Belgian. Perhaps our Dutch and Belgian friends ought to place as little faith in silver as in gold; for it is said that the large (by some persons termed) inexhaustible quantities of quicksilver discovered in California will double if not quadruple the production of silver in Mexico in two or three years. In what then are Holland and Belgium to find a metallic circulating medium secure against depreciation?

From an interesting pamphlet on the statistics of Cholera in Philadelphia during the past season, published by the Board of Health in that city, it appears that the first cases of that disease were officially reported on the 30th of May, and the last on the 16th of August, a period of eighty-one days. During this time, 2141 cases and 747 deaths by cholera were reported, the highest number being on the 14th of July—84 cases and 32 deaths. Of the 344 patients admitted into the ten hospitals, which were temporarily established in the city and districts of Philadelphia, 278 were whites, viz, 180 males and 92 females; and 66 were blacks, viz: 33 males and 33 females. Among them were reported 84 Americans and 109 foreigners. As far as the reports showed, there was an excess of patients of intemperate habits of nearly 50 per cent., and almost all these cases proved fatal. Of these 344 cases, 111 or about 32 per cent., were fatal. The total ratio of deaths during the prevalence of the epidemic, was one in about every nine hundred. The whole number of deaths from diseases of the bowels, other than Cholera, during the season, was 1048, being nearly three times greater than in 1846.

We learn from the Norfolk papers that the Corporation of that city has made arrangements with the Seaboard and Roanoke Railroad Company to connect their city with the road by the erection of bridges across the southern and eastern branches of Elizabeth river. The matter has yet to receive the sanction of the Legislature.

Dec. 7th, 1849.

A. SANDERS, Com'r.

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