

TARBORO' PRESS.



Whole No. 611.

Tarborough, (Edgecombe County, N. C.) Saturday, June 25, 1836.

Vol. XII—No. 25.

The Tarborough Press.
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Published weekly, at Two Dollars and Fifty Cents per year, in advance—Three Dollars, at the expiration of the subscription year. For any period less than a year, Twenty-five Cents per month. Subscribers are at liberty to discontinue at any time, on giving notice thereof and are responsible for the amount in this vicinity. Advertisements, not exceeding 16 lines in length, (or a square) will be inserted at 25 cents the first insertion & 25 cents each continuation. Longer ones at that rate for every square. Advertisements must be marked with the number of insertions required, or they will be continued until otherwise ordered, and charged accordingly. Letters addressed to the Editor must be postpaid, or they may not be attended to.

Miscellaneous.

VETO MESSAGE.

The following message was communicated to the Senate on Friday, 10th inst. by the President of the United States:
To the Senate of the United States:
The act of Congress 'to appoint a day for the annual meeting of Congress,' which originated in the Senate, has not received my signature.—The power of Congress to fix, by law, a day for the regular annual meeting of Congress is undoubted; but the concluding part of this act, which is intended to fix the adjournment of every succeeding Congress to the second Monday in May, after the commencement of the first session, does not appear to me in accordance with the provisions of the Constitution of the United States.

The constitution provides—
1st article, 5th section—'That neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.'

1st article, 6th section—'That every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on the question of adjournment) shall be presented to the President of the United States, and before the same shall take effect, shall be approved of by him, &c.'

2d article, 2d section, 'That he (the President) may on extraordinary occasions, convene both Houses of Congress, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such times as he thinks proper, &c.'

According to these provisions the day of the adjournment of Congress is not the subject of legislative enactment. Except in the event of disagreement between the Senate and House of Representatives, the President has no right to meddle with the question, & in that event, his power is exclusive but confined to fixing the adjournment of the Congress, whose branches have disagreed.

The question of adjournment is obviously to be decided by each Congress for itself, by the separate action of each House for the time being, and is one of those upon which the framers of that instrument did not intend one Congress should act, with or without the Executive aid, for its successors. As a substitute for the present rule, which requires the two Houses by consent to fix the day of adjournment, and in the event of disagreement, the President to decide, it is proposed to fix the day by law, to be binding in all future time, unless changed by consent of both Houses of Congress, and to take away the contingent power of the Executive, which, in anticipated cases of disagreement, is vested in him. This substitute is to apply, not to the present Congress and Executive, but to our successors. Considering therefore that this subject exclusively

belongs to the two Houses of Congress, whose day of adjournment is to be fixed, and that each has at that time the right to maintain and insist upon its own opinion, and to require the President to decide in the event of a disagreement with the other, I am constrained to deny my sanction to the act herewith respectfully returned to the Senate. I do so with greater reluctance, as, apart from this constitutional difficulty the other provisions of it do not appear to me objectionable.

ANDREW JACKSON.

Washington, June 9, 1836.

The message was ordered to be printed, and made the order for Wednesday next.

Henry Clay.—A committee appointed at a meeting of the citizens of Bolivar, Tuscarawas county, Ohio, addressed a letter to Mr. Clay, urging him to retain his seat in the Senate of the United States. From Mr. Clay's reply, we extract the following paragraph:—

"It is my purpose, if my health will allow me, to remain in Congress during the present session. I reserve for future consideration whether I shall serve out the term for which the Legislature of my state did me the honor last to elect me; and your wishes will have due weight in any decision, I may form. Beyond that term, I can conceive of no probable contingency which would reconcile me to a farther continuance in the Senate."

Internal Improvement.—Maryland is taking the lead of every State in the Union, in the extent and magnificence of her Internal Improvements. A law has just been enacted by the Legislature of that State, which appropriates three millions to complete the Chesapeake and Ohio Canal to Cumberland; three millions to continue the Baltimore and Ohio Rail Road to the Ohio, one million to construct the Rail Road running down the Eastern Shore from Cecil county to Pocomoke bay; half a million for a Canal to connect Baltimore with the Chesapeake and Ohio Canal and half a million to connect Annapolis with the Chesapeake and Ohio Canal. It provides for a loan at six per cent. redeemable in fifty years, for the above purposes, upon which loan not less than twenty per cent. premium must be obtained, amounting to one and a half million, which will constitute a sinking fund adequate to redeem the principal in — years, all the profits of the several improvements being pledged to the State for the payment of six per cent. interest upon the several sums received by them, after three years from their receiving the same.

Ral. Reg.

Constitution of Texas.—We are indebted to the Charleston Courier for a synopsis of the Constitution of the Republic of Texas, adopted in Convention the 17th March, 1836. It is modelled (says the Courier) in its great leading features, and most of its details, on the Constitution of the United States, allowance being made for the difference between a federative and single government. The first President is to serve two years, and his successors three years, and to be ineligible for the next succeeding term. The judges are to hold their offices for four years and to be re-eligible. Servitude is established as to slaves now in Texas, and as to such as may be brought from the U. S. Congress is denied the power to emancipate slaves. Free persons, of African descent, in whole or in part, are forbidden to reside permanently in the republic; and the importation or admission

of negroes, except from the United States, is forever prohibited and declared to be piracy. The acts of the Legislature of the State of Coahuila and Texas, in 1834 and 1835, in behalf of Gen. John T. Mason of New York, under which 1100 leagues of land have been claimed by sundry individuals, is declared originally illegal, null and void.—*Pet. Con.*

Important Decision—Three Day's Grace.—Many banks, both in this state and elsewhere, have immemorably followed the practice, in discounting notes, of charging interest for four days more than the time specified on the face of the instrument. This was done by allowing three day's grace, and by counting both the day on which the note was drawn and that on which it fell due. In the case of McNeely, assignee of the state bank at Trenton, vs. the heirs of Drake, this point was raised by the counsel for the defendants; and the Supreme Court decided that practice was an usurious one, and vitiated all the contracts it entered into. In other words, that it is usury to estimate both the day of the date, and of the maturity, in discounting a note or bill.

Another point raised by the counsel in the same case, says the Trenton Emporium, was that the practice of taking discount out of notes drawn at ninety days, as though they were drawn at three months or one fourth of a year, was also usurious. Although no express opinion was given by the Court on this point, a sufficient intimation fell from two of the justices to put the community on their guard against following this custom.

The Court determined in the case before them that the usury not having been between the parties in Court, the verdict for the plaintiff must be sustained.

Newark Advertiser.

Important Law Decision.—Supreme Court—Barent P. Staats vs. John Thompson.—This was an action brought by B. P. Staats, president of the Albany county medical society, against John Thompson, a botanic physician, for practicing medicine contrary to the laws of this State. Defendant produced a patent from the United States to his father, for the exclusive right and use of certain botanic medicines, and he assignee of the patent, claimed a right under said patent to practice and prescribe for patients. The Justices' Court of the city of Albany decided that he, Thompson, had no right to practice medicine for fee or reward, unless he had a diploma from some regularly incorporated school or society, and fined him the sum of \$25; from which decision Thompson appealed to the Supreme Court. The Supreme Court affirmed the decision; consequently botanic physicians have no right to recover for services.—*Albany N. Y. Argus.*

Interesting to Shippers of Cotton.—From the circular of Messrs. Geo. Holt & Co. dated Liverpool, Friday evening, 15th April, 1836, we compile the following statistics of the cotton trade. During the period from 1st January to 15th April, 1836, the importations of Brazilian, Egyptian, E. and W. I. cottons, (as compared with those of the same period in 1835,) have increased 5378 bales. At the same time the importations of American cottons during the same period have decreased 45,456 bales! The stock computed to be on hand of the American qualities on 15th April, was less by 56,500 bales, than the quantity computed to be on hand on same date in 1835, while the stock of Brazilian, Egyptian, E.

& W. I. qualities computed to be on hand same date this year, was more by 21,500 bales than on 15th April 1835, and while the qualities, taken weekly for consumers use, was only 165 bales more, the average quantity of the above foreign cottons taken for consumers use weekly was 1717 bales more this year than 1835.

Niagara Ship Canal.—The arduous and responsible duty of making a survey for a canal around the falls of Niagara, was entrusted to Captain W. G. Williams, of the U. S. Topographical Engineers. Three routes were surveyed. The estimated cost of the Canal on the route preferred is \$4,616,433 47. The length of this route is 15 miles. The estimated cost of the short route by single locks is \$2,568,899 36. The length of this route is seven miles and three quarters. The project contemplates a ship or steamboat canal and assumes for the length of lock 200 feet, breadth 50 feet, width of the canal at the surface 110 feet, and depth 10 feet. The report of Capt Williams is spoken of as exhibiting great ability.

Land Sales in the Chickasaw Cession.—The Washington Globe contains a letter from Pontitor, Chickasaw Cession, dated April 21st, which states that Gov. Carroll had approved the sale of 1138 sections, for which there has been paid to the Chickasaws upwards of eleven hundred thousand dollars, all of which is on deposit at the Agricultural Branch at Pontitor. This is the amount of only about one third the average reservations. The reservations generally contain each two to four sections.

A person named Martin, supposed to be a resident of Hinds county, Mississippi, was recently murdered near Kinkwood, Preston county, Virginia, by one of a gang of slaves with whom he was travelling—\$1841 were found amongst the effects of the deceased.

The Cherokee Purchase.—A writer in the Philadelphia Advertiser, supposed to be Mr. Boudinot, late editor of the Cherokee Phoenix, states that the profits of the speculation to the United States, by the late treaty, will amount to fourteen millions and a half of dollars. The country ceded, though worth 20 millions, has been sold to the U. States for five and a half millions.

Abolition riot at Marion city and college—a citizen stabbed and killed by an abolition preacher—college burnt.—Within a few weeks since, (as we learn by the Louisville Ky. Gazette, of May 30th) some free negroes were admitted to the privileges and benefits of the college, in consequence of which a large number of students withdrew indignantly at the result. Since that, injury has been added to insult by transmitting to the college several packages of abolition and incendiary pamphlets. On the 21st of May, the excitement among the citizens was such that the publications were demanded by them & burnt. On the 22d, a few miles from Marion, at Palmyra, Mr. Muldrow, one of the professors of the college, after delivering a sermon, rose and commenced reading one of the obnoxious documents. Dr. Boswell, who was one of the audience, interrupted him, and informed him that he must desist, as the reading of such incendiary papers would not be permitted. The account then states, that Muldrow rejoined that he would read it, even at the dagger's point. An altercation ensued, and Dr. Bos-

well struck Muldrow with his stick. He was immediately caught by another individual connected with the college, and in this situation received several stabs from Muldrow, of which he died the next morning.

The homicide immediately fled and concealed himself. The citizens assembled in considerable force, proceeded to Marion college, where they supposed Muldrow was hid, and threatened to burn it down if he was not given up. He was then produced and conducted to Palmyra. The individual, his name not learned, who held Boswell when he was stabbed by Muldrow, escaped, by swimming the river on horseback.

Other passengers on a boat which arrived here since, have brought the rumor that Marion college has been pulled down or burned, and that the Rev. Dr. Ely has been most terribly whipped.

The first part of this intelligence is doubtless correct, as it came from a source entitled to confidence. The latter, about the destruction of the college and flogging Dr. Ely, we do not vouch for, but think it quite probable.

N. Y. Star.

Progress of Abolitionism.—In proof that the abolitionists are still successfully at work with their nefarious designs, it may be mentioned that the American Anti-slavery Society at its late anniversary at New York, reported to the Secretary of the society, 526 auxiliaries, more than three hundred of which had been acquired during the last year.—*ib.*

Encouraging.—We learn, says the Boston Centinel of Saturday, that yesterday all the banks in the city agreed to extend their discounts in the course of this day and the coming week, to the amount of 5 per cent. on their respective capitals, and that the Commonwealth Bank voted to extend to 10 per cent. on its capital. This will add to our circulating medium one million of dollars, and at once give relief to the money market. This is a very important movement, and the money will come in good time. Two per cent. a month has been paid for loans on bank securities. This accommodation from the banks, together with the French indemnification money, which will be distributed in the course of the month, will put an end to the desponding apprehensions of our merchants and traders.

Female Heroism.—A letter from Columbus, Ga. in giving an account of the attack upon the steamboat Hyperion, by the Indians, mentions the following interesting incident: "The captain run ashore on the side and jumped into the water and came up here. The hands also escaped, leaving a lady on board, who after all had left gathered up her husband's money, her jewels, watches, &c. and jumped into the water, and with her hands paddled along to the shore amid a shower of bullets. She then walked three miles through the swamp and plantation, until she came up with some of the boat hands, who got her on a mule on which she rode up to town. Her husband who was up here met her, as he was, with a few men, on his way down to the boat."

At Chambersburg, Pa. lately, a rope was stretched from the third story window of the Franklin hotel, to a poplar tree on the opposite side of the square, a distance of 160 feet, and a daughter of Mr. Sciarra, the Italian equilibrist, aged 9 years, mounted the rope and walked the whole length

in safety. A purse of from 90 to 100 dollars was made up for her.

Singular casualty.—The Knoxville (Ten.) Register says: A correspondent at Tazewell communicates to us the following extraordinary and distressing intelligence. While Mr. William Walker, at Speedwell, Claiborne county, an elderly gentleman, was making a fence, he discovered a large spider which he killed with a stone. In afterwards prosecuting his work he had occasion to handle the same stone. A mortification shortly afterwards commenced in his hand, and increased until it produced his death in 8 or 10 days. At the time he handled the stone, he had a slight sore on his hand in which the mortification afterwards commenced, which was supposed to have come in contact with some poisonous matter from the spider left on the stone. Dr. William Rogers, who attended Mr. Walker, and who also had a sore finger, died with a mortification, in four days after it was first discovered his finger was affected. Our correspondent further informs us that a number of those who assisted in laying out Mr. Walker have been seriously afflicted—some are now very low, but only the two deaths above mentioned have taken place.

Young Robinson, charged with the murder of Ellen Jewett, a woman of ill fame in New York, has been tried and acquitted. The trial occupied several days; but the verdict of the jury was made up in fifteen minutes after they left the box.

Murder.—At Argyle, Me. two monsters murdered their father in the presence of two younger brothers, who ineffectually attempted to interfere. It appears they had a trial of strength with the father who overthrew them both, which led to angry words, when they fell upon him and beat him to death.

N. Y. Star.

An Editor in Illinois excuses himself for delay in publishing his paper, on the ground that the ague has shaken all his teeth loose, and has compelled him to use both hands to keep his breeches on.

U. S. Gazette.

The above mentioned Editor, who is a married man, may console himself with the reflection, that some husbands, without having the ague, are unable to keep the "breeches" even with the use of both hands.—*Prentice.*

Foreign.—By an arrival at New York, London papers of the 14th and Liverpool of the 16th May, have been received. They do not contain any news of interest.

A great battle was fought on the 5th May between the Carlists and the British legion, at St. Sebastian; in which the Carlists were beaten, having had 2000 killed and 2000 taken prisoners. The remainder of the army fled in great confusion, and the British entered St. Sebastian. The civil war in Spain is now considered to be virtually at an end.

The number of legitimate births in Paris, for the year 1835, was 11,119; that of illegitimate births 9985, being more than two-thirds of the entire number of births.

The Arab, of Liverpool, has arrived at Gravesend, with nine stout English laborers, who emigrated from the north of England as substitutes for the emancipated negroes, but found themselves completely unable to stand a tropical sun and climate. Twenty-two other laborers went with them to Jamaica, of whom nineteen died of the fever, and the remaining three were left in the hospital in the city of Kingston, Jamaica.