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## STATE LEGISLATURE.

### Remarks of Mr. Jordan, ON THE LAND RESOLUTIONS.

Mr. SPEAKER.—It is with painful diffidence that I approach this discussion. The resolutions now on your table involve questions of great moment to our happy Republic, and peculiarly perplexing in their nature. The confidence I repose in the wisdom and patriotism of Congress, increases my indisposition to participate in this debate; but my situation as a member of this body has duties attached to it, which must be fearlessly performed, although the discharge of them may inflict pain.

Before I enter upon an investigation of the subject now under discussion, I will vindicate the character of our venerable Chief Magistrate from a charge inflicted upon it by the gentleman from Surry; and I will do that gentleman the justice to say, that the charge was inadvertently made by him. He charged the President with having recommended a cession of the public lands, to the States in which they are situated. If my recollection serves me, said Mr. J. the President in his Veto Message, on what is commonly called Clay's Land Bill, suggested a surrender only of the *refuse* lands to the States in which they are situated, after the most valuable shall have been disposed of.

Mr. Speaker, I will not do, as the gentleman from Hertford has done. I will not carry you to the "mountain tops that kiss the skies," nor on the "stormy billows of the angry ocean," nor into the "tented fields;" nor will I conduct you into the "silent and gloomy abodes of the illustrious dead," but I will take you among papers, parchments, documents and deeds.

As to the principle contended for in the first resolution, there is no diversity of opinion, for it seems to be conceded on all hands, that the General Government has no right to cede the public lands to the States in which they are situated.

But as to the second resolution, I contend that it assumes two positions which are incorrect.

In the first place, it asserts that this Western domain, was ceded to the General Government, exclusively for the purpose of extinguishing the public debt. Argument is unnecessary to prove the inaccuracy of this position. We need only refer to the deeds of cession themselves—they expressly declare that these lands are ceded for the benefit of the United States, and according to the provisions contained in the deeds from Virginia, North Carolina and Georgia, to be disposed of or appropriated according to the usual and respective proportion of each of the States in the general charge and expenditure." The "general charge and expenditure," as expounded by this resolution, would seem to consist alone of the public debt, when in truth it consists of the public debt, the expenses attendant upon the civil and military administrations—the money paid the States, with which these compacts were made, the monies expended in the purchase of Louisiana and Florida, and the extinguishment of the Indian titles, and the expenses incurred in preparing this Western domain for market.

The next false position assumed by the second resolution, is that Congress has a right to distribute the proceeds arising from the sales of this Western domain, among the States, according to Federal population. If Congress have the right at all to make a distribution of the proceeds of the public lands among the States, then, sir, I contend that in conformity with the express provisions contained in the various deeds of cession, Congress can only distribute according to the usual and respective proportion of each of the States in the "general charge and expenditure"—and that to accept "Federal population" as the standard for such distribution, would be an open and palpable violation of the provisions contained in the deeds of cession.

If Congress have the right to make any distribution at all of the proceeds arising from the public lands, I would restrict that right to the surplus which may happen now to be in the National Treasury, viewing it as a surplus accidentally and unavoidably created. For I do unequivocally deny both the justice and safety of that proposition which assumes that Congress has the right to create a surplus expressly for distribution among the States. I think such a proposition is fraught with eminent peril to the Republic; that if carried out, it will ultimately form a vortex in which would be swallowed up all the institutions of our happy country.

I think such a position is covertly (but not with design) assumed in the resolutions now on your table; but once admit in unqualified terms the right of Congress to create and make a distribution among the States of a surplus in the National Treasury, and you open forthwith a road to consolidation; the next step will be to abstract from the National Treasury monies for the payment of the salaries of our State Officers (Governors and Judges,) and speedily will the States become the stipendiaries and pensioners of the General Government. Annually will the States, through their Representatives in Congress, be seen kneeling at the shrine of a great central power, supplicating bounty.—Where then, sir, will be all this boasted State rights, State sovereignty, State independence? Why, sir, like the bright exhalations of the evening, fall, never to be seen more. Yes, sir, once adopt the principle, and then, in the language of one of the gentlemen to whom I am now responding, you will "open a fountain from whence streams of corruption will flow to the overwhelming of the Republic."

But, sir, are we certain that the scheme proposed would realize to the States the benefits anticipated?—I think not. I am inclined to the opinion, that if you set apart the proceeds of this Western domain for the purpose of distribution among the States, its place will have to be supplied, and it will be supplied by new exactions from the people. It is a principle in the theory of Government which defies contradiction, that if you lop off or set apart a distinct and separate source of revenue, a substitute must be drawn from the people by some other means.

If you set apart the proceeds of the public lands for distribution among the States, from whence are you to obtain the monies necessary to defray the expenses which must necessarily be incurred in preparing these lands for market, which have heretofore been so enormous from the origin of the land system up to 1832, as to leave them in arrears to the General Government more than 11 millions of dollars? Try the experiment, and you will find when you cast up accounts on both sides, contrasting the expenses of preparing these lands for market, together with the expenses of collecting and distributing, with what you will receive, that you will be losers in the end.

But further, you will throw the land system entirely upon the Customs for its support, and make it a perpetual drain upon the National Treasury; and, in the course of time, the oppression upon the National Treasury will furnish a new pretext for high duties and imposts, in order to enable the Customs to sustain this heavy and perpetual drain, by reason of having thrown the land system entirely upon them for support, and perhaps thereby revive questions which have but recently convulsed our Republic from centre to pole.

I would therefore move to amend the Resolutions now on your table, by striking all out after the word Resolved, and insert the follows:

[This Substitute has already been published.]

### Twenty-Fourth Congress.

#### IN SENATE.

Wednesday, Jan. 6

The bill to amend the judicial system of the United States, (adding one to the number of Judges of the Supreme Court, and altering the judicial districts, &c.) was read a third time, and passed, 37 to one, Mr. Hill alone voting in the negative.

Mr. Hendricks, from the Committee on Roads and Canals, reported a bill for the completion and continuation of the Cumberland road. Read, and ordered to a second reading.

#### HOUSE OF REPRESENTATIVES.

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress.

And be it further resolved, That in case any petition praying the abolition of slavery in the District of Columbia be heretofore presented, it is the deliberate opinion of the House that the same ought to be laid upon the table without being referred or printed.

Mr. Jarvis said the resolution was precisely in the terms of that which had been suggested by the gentleman from Georgia, (Mr. OWENS, on a former day. In now offering it, he was actuated not by common courtesy alone, but by strong and hearty approbation of the course which it recommended.

Mr. J. Q. Adams moved that the resolution be laid on the table; which was negatived, 123 to 66.

Mr. Wise submitted the following as an amendment to the resolution: Strike out all after "Resolved," and insert: That there is no power of legislation by the Constitution to the Congress of the United States to abolish slavery in the District of Columbia; and that any attempt by Congress to legislate upon the subject of the abolition of slavery will be not only unauthorized, but dangerous to the Union of the States.

Mr. Wise said he would take the opportunity to say that he hoped this

amendment would bring the question directly before the House. The war had commenced between the evasive and the direct course upon this question. Both of the propositions of the resolution he regarded as entirely evasive. Nothing would satisfy the South but a bold, direct, and manly course. He wished to see how gentlemen would vote on the question. He wished to see who would move the previous question, and how gentlemen would meet it. Let us, said Mr. W., come to the mark.

Mr. Glascock submitted the following as an amendment to the amendment:

Resolved, That any attempt to agitate the question of slavery in this House is calculated to disturb the compromises of the Constitution, to endanger the Union, and, if persisted in, to destroy, by a servile war, the peace and prosperity of the country.

Mr. Wise said, as there was no conflict between the two propositions, he would accept the amendment of the gentleman as a modification of his own.

Mr. Glascock wished he said, to offer his amendment as a substitute for that moved by the gentleman from Virginia.

After some conversation as to a point of order, between the CHAIR and Mr. GLASCOCK,

Mr. G. wished, he said, to see how far gentlemen would go on this subject.

The resolution of the gentleman met his approbation as far as they went, but they were not adequate to the occasion. The time had arrived for ascertaining the sense of Congress on this question; and if the House would not declare that they had no power over the subject of slavery in the District, he wished to see how far they would go. He looked upon the agitation of this question as calculated to destroy the Union. Simply to lay the petitions on the table would not satisfy the South; but the resolution he had offered would, he thought, have a tendency to quiet the apprehensions of the South, and at the same time meet the approbation of gentlemen from the North.

Mr. Halsey hoped, he said, that the House would now be permitted to discuss the merits of the propositions submitted by his colleague and by the gentleman from Virginia. He was proceeding to speak on the subject, when Mr. Cambreleng suggested that the hour for the consideration of resolutions had expired, and asked the gentleman to give way; to which he assented.

#### IN SENATE.

Thursday, Jan. 7

The Senate was engaged the whole day in discussing, a motion made by Mr. Calhoun, to reject a petition from Ohio, praying for the abolition of slavery in the District of Columbia; and the question was finally postponed until Monday. We have room only for the remarks of Mr. Brown and Mr. Calhoun.

Mr. BROWN felt himself constrained, by a sense of duty to the State from which he came, deeply and vitally interested as she was in every thing connected with the agitating question which had unexpectedly been brought into discussion that morning; to present, in a few words, his views as to the proper direction which should be given to that and all other petitions relating to slavery in the District of Columbia. He felt himself more especially called on to do so, from the aspect which the question had assumed, in consequence of the motion of the gentleman from South Carolina (Mr. CALHOUN) to refuse to receive the petition. He had believed, from the first time he had reflected on this subject, and subsequent events had but strengthened that conviction, that the most proper disposition of all such petitions was to lay them on the table without printing. This course, while it indicated to the fanatics that Congress will yield no countenance to their designs, at the same time marks them with decided reprobation by a refusal to print. But, in his estimation, another reason gave to the motion to lay them on the table a decided preference over any other proceedings by which they should be met. The peculiar merit of this motion, as applicable to this question, is, that it precludes all debate, and would thus prevent the agitation of a subject in Congress which all should deprecate as fraught with mischief to every portion of this happy and flourishing Confederacy.

Mr. B. said that honorable gentlemen who advocated this motion, had disclaimed all intention to produce agitation on this question. He did not pretend to question the sincerity of their declaration; and while willing to do every justice to their motives, he must be allowed to say that no method could be devised better calculated in his judgment to produce such a result.

He (Mr. B.) most sincerely believed that the best interests of the Southern States would be most consulted by pursuing such a course here as would harmonize the feelings of every section, and avoid opening for discussion so dangerous and delicate a question. He believed all the Senators who were present a few days since, when a petition of a similar character had been presented by an honorable member,

had, by their votes to lay it on the table, sanctioned the course which he now suggested.

[Mr. CALHOUN, in explanation, said that himself and his colleague were absent from the Senate on the occasion alluded to.]

Mr. B. resumed his remarks, and said that he had made no reference to the votes of any particular members of that body, but what he had said was, that a similar petition had been laid on the table, without objection from any one, and consequently by a unanimous vote of the Senators present. Here, then, was a most emphatic declaration by gentlemen representing the northern States, as well as those from other parts of the Union, by this vote, that they would entertain no attempt at legislation on the question of slavery in the District of Columbia.—Why, then, (asked Mr. B.) should we now adopt a mode of proceeding calculated to disturb the harmonious action of the Senate, which had been produced by the former vote? Why, and he would respectfully ask of honorable gentlemen who press the motion to refuse to receive the petition, for what beneficial purpose do they press it? By persisting in such a course, it would, beyond all doubt open a wide range of discussion; it would not fail to call forth a great diversity of opinion in relation to the extent of the right to petition under the Constitution. Nor would it be confined to that question alone, judging from an expression which had fallen from an honorable gentleman from Virginia, (Mr. TYLER,) in the course of this debate. That gentleman had declared his preference for a direct negative vote by the Senate as to the constitutional power of Congress to emancipate slaves in the District of Columbia. He, for one, protested, politically speaking, against opening this Pandora's box in the halls of Congress. For all beneficial and practical purposes, an overwhelming majority of the members representing the Northern States were with the South, in opposition to any interference with slavery in the District of Columbia.—If there was a half dozen in both branches of Congress who did not stand in entire opposition to any interference with slavery in this District or elsewhere, he had yet to learn it. Was it wise, was it prudent, was it magnanimous in gentlemen representing the Southern States to urge this matter still further, and say to our Northern friends in Congress, "Gentlemen, we all agree in the general conclusion that Congress should not interfere in this question; but we wish to know your reasons for arriving at this conclusion; we wish you to declare by your votes whether you arrive at this result because you think it unconstitutional or not."

Mr. B. said that he would yield to none in zeal in sustaining and supporting, to the extent of his ability, what he believed to be the true interests of the South; but he should take leave to say, that when the almost united will of both branches of Congress, for all practical purposes, was with us, against all interference on this subject, he should not hazard the peace and quiet of the country, by going on a Quixotic expedition, in pursuit of abstract constitutional questions. He would not quarrel with gentlemen so long as they continued in the determination not to interfere in this question, even if they did not come to that determination by precisely the same mode of reasoning with himself. Mr. B. said it appeared to him that the true course of those representing the South here was to occupy a defensive position, so long as others were disposed not to discuss it, and Congress refused to exert any legislative authority over the subject.—When that attempt was made, if it ever should be, he should say the time for discussion had passed, and a period had arrived, which called for other and more vigorous means of self-defence.

Another, and not the least weighty reason, had operated on his mind in bringing it to the conclusion that the motion to reject the petition was injudicious. If successful, nothing would perhaps be more agreeable to the fanatics, (he thought they should be more properly called fanatics in human shape, who would endeavor to lay waste the happiness and liberties of this country,) than the intelligence that they had received this mark of notice, and to them of consequence, from the Congress of the United States.

Mr. B. said, in his judgment, that man was but little skilled in the passions of the human breast, who did not know that there was no error, however great, nor any heresy, however abominable, either in religion or politics, which might not be aided by the cry of persecution, however unfounded it might be in fact. Fanaticism would seize on it to enlist the sympathies of the weak and ignorant in their behalf. Wicked and fanatical men had done this in all ages, and he doubted not but the malignant spirits who had been laboring in this detestable vocation would cunningly seek to avail themselves of any means to further their diabolical designs. Another, and,

with him, equally decisive reason against any course calculated to throw the subject open to discussion here, was the almost universal manifestation at the North, during the past summer and fall, of that fraternal and patriotic feeling towards the South, which he trusted would continue to exert its happy effect in preserving unimpaired the bonds of the union of these States. He rejoiced at this strong development of feeling, not only because it had contributed to repress the movements of dangerous enemies to the peace and harmony of our country, in that quarter, but because it had dispelled the insidious misrepresentations in regard to the sentiments of the great body of the Northern people, which certain presses had, as he believed, both in the North and the South, most industriously used for the most sinister purposes. What were the facts as to the public opinion of the North on this subject? But a short time had passed since most of the active leaders of this fanatical band were contemptible fugitives, in different parts of the North, where they had attempted to exhibit, from the insulted and generous indignation of a patriotic people, who wished to preserve the peace of the country and their obligations to us as members of the same confederacy. That an active and daring band of these incendiaries existed, none could doubt; but that they formed a very small portion of the great mass of Northern people, we not only had the assurances of public meetings which had assembled almost throughout that quarter, attended by the most respectable and distinguished citizens, but we had here, but a short time since, the declarations of many Senators from the non-slaveholding States, that this class of individuals was but small; and that they were countenanced by no respectable portion of those States.—He had been assured, since his arrival here, by gentlemen representing the Northern States, that an abolition discourse could not be delivered among those whom they represented, without endangering the safety of the person attempting it.

In addition to this, he would say, that the action of the Federal Government through the Post Office Department was protective of the rights of the South against incendiary publications. If postmasters to the North and South did their duty, as sanctioned by the head of that Department, these enemies of our Government and of the human race were cut off from circulating, through that medium, their firebrands of mischief. Under these circumstances, was this a time for us to throw open the door to discussion on this subject, and thus assist in exacerbating feelings which had already been enough excited? He thought it only necessary to contrast the proceedings of the Senate on the petition to which he had before alluded, and which had been laid on the table, by the unanimous vote of the Senators present, with the proceedings of today, to show the decided wisdom of taking the same course in relation to the present and all similar petitions. The petition which had been quietly inurned by the motion to lay on the table, had scarcely been thought of or heard of since, consigned, as it had been, to the insignificance and contempt of mortifying neglect and want of notice. What was the fact, in relation to the proposed mode of proceeding, as to the present petition?—The Senate had already found itself engaged in a debate, which no one could foresee the direction of, thus producing agitation, and dignifying with undeserved, and no doubt gratifying notoriety to the fanatics, a miserable effusion, which, but for this proceeding, would have fallen into obscurity and contempt.

He (Mr. B.) had nothing to ask from the North, as one of the representatives of a Southern State, more than we were entitled to, under the compact with our sister States, and from that feeling of fraternal regard which for many purposes made us the same people. He, however, was disposed to act upon this, as upon all other occasions, in that spirit of conciliation in which our Federal Government had originated, and without which it could not survive. He would not quarrel with gentlemen so long as they took decided ground, against any interference on this question, even if they should differ as to some abstract questions in relation to it. He believed most sincerely that the almost universal sentiment of the intelligent and respectable portion of the North was against any interference, either in the District of Columbia or elsewhere, on this delicate subject. In this feeling of confidence, he was in favor of clinging to the Union of the States, as the great source of our safety, happiness, and liberty. He would not for a moment believe that either of the great sections of this country would so far forget its just obligations to the other, by such an outrage upon its constitutional rights, as would end in the overthrow of a Government, won by the united valor and patriotism of their ancestors.

Mr. CALHOUN said that he could

have no objection to the motion to postpone, as he was desirous that every Senator should have ample time to deliberate before he was called on to record his vote; but as the opinion of some of the Senators might be more or less influenced by the course which he might think proper to pursue in relation to the question, he deemed it proper to declare that no consideration could induce him to withdraw the demand which he had made for the question on the reception of the petition. He had made it on full deliberation, and it was impossible that he could be induced to change his opinion. He desired the question to be put to the vote; and were there no other reason, there is one, to him imperious, why he should not forego this desire—the insolent, the false, and calumnious language, which the petitions hold towards the slaveholding States and every slaveholder in the Union. This body (said Mr. C.) presented to him a portentous, an amazing spectacle. Here are assembled the representatives of twenty-four confederated States, to deliberate on their common interest and prosperity, seriously discussing the question, whether they shall or shall not receive petitions, which basely calumniate the institutions of eleven of those States, which denounce their citizens as pirates, kidnappers, and dealers in human flesh! That a single individual from the States thus slandered should avow a determination to vote to receive so base a libel on the State he represents, as well as the entire South; was to him truly wonderful; and yet more wonderful, if possible, were the arguments he advanced in support of his intention. But more of this in its proper place.

Why (said Mr. C.) should there be any hesitation to reject these petitions in any quarter? Is it from a feeling of delicacy to the petitioners? If such be the feelings of regard on the part of the Senators from the non-slaveholding States towards these mischievous agitators, what ought to be our feelings, to behold the entire South, by whose confidences we have been selected and placed here to guard their interest and honor, basely vilified in the face of the world?

Is the hesitation because there are feelings diffused throughout the non-slaveholding States, in relation to a subject of these petitions, so strong and so general, that for political reasons it is not thought desirable to disturb them? Are the two great parties who divide those States afraid to come into conflict with those opinions? If so, is it a decided reason why we of the South should insist on taking the question. It is important to our constituents that the fact should be known. He (said Mr. C.) wished to be perfectly explicit on a point where our interest is so deeply concerned. He, with others, felt as ought to be felt, for the upon, namely, and decided course of a large portion of our Northern brethren during the last summer, against the criminal conduct of the fanatics; but he feared it has not checked the disease. He feared the true reason why there should be the least hesitation in rejecting these vile and libellous attacks on nearly half of the members of this Union was, that both parties are afraid to incur the displeasure of a party so strong as the incendiaries. He could not doubt but all who heard him reprobated the language of these petitions; and with such feelings he could not discover any other reason that was even plausible, but the one he apprehended.

There were other reasons which induced him to fear the motive to which he referred was the true one. He had received a few days since a printed copy of a protest, signed by Arthur Tappan and several of his associates, remonstrating against the language used in the President's message against the fanatics, in which it is stated boastfully that, so far from being repressed by the proceedings against them to the North during the last summer, the number of their societies had increased from (if my memory be accurate) 250 to 350. In addition to this, he regarded the fact to which the Senator from Virginia (Mr. LEXON) referred, as proof but too strong that the fanatical spirit at the North was strong and increasing. He had not seen Dr. Channing's book; but that a divine of his eminence, and one of the most eloquent and published writers of the country, should publish such a book at this time, was a matter for serious reflection to those he represented, as well as all who had similar interest. If he might judge of the whole from some of its extracts, it might be well compared with the incendiary publications of Garrison himself. It is a sad omen of the times, that he should lend the aid of his talents and character to criminal designs, the direct tendency of which is to work asunder the Union and subvert the Constitution. But (said Mr. C.) though the false and slanderous language of these petitions are to him imperious reasons for their rejection, there were others of a character not less decisive. The parties, as he stated, when he was first up, call on