

# The Constitutional

## PEOPLE'S ADVOCATE AND STATE GAZETTE.

"THE LIBERTY OF THE PRESS—THE SHIELD OF FREEDOM—THE SCOURGE OF TYRANTS"

BY CHARLES R. RAMSAY.

RALEIGH, N. C. JUNE 4, 1833.

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### The Constitutionalist

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### The Statesman.

Will be published twice a week in the City of Raleigh, in common with a paper from a Super Royal Sheet, with good type, at four dollars per year to all who pay within six months from the time of receiving the first number, or five dollars to all who pay afterwards.

The Statesman, in fixing his permanent residence at the seat of the State Government, and assuming the editorial duties of the Statesman, (in which he will be assisted by several gentlemen of talent and leisure) yields himself to the wishes of many of his friends, who think there is room even in Raleigh for a paper of this description. We shall see.

The Statesman will vigorously support the rights of the States, and at the same time the rights of the United States, (as embodied in the Federal Government by the Constitution,) as the best and surest guarantee of the Union itself, and of the continuance of that protection to life, liberty and property, which has afforded to the States for the last half century, in their career of greatness and prosperity, altogether without a parallel in the history of the world. As it will have come in only at the death of those distracting topics which lately agitated the country, it will claim no share of the spoils. Peace to their ashes! But the Statesman's principal care shall be North Carolina—our own loved, our own beloved. The improvement of her institutions, the prosperity and happiness of her people, the assertion of her just rights and the due and proper honor of the talents and virtue of her sons shall be its principal concern.

Although she was the first of her sisters to snuff tyranny in the breeze and dared to be free—and ever since her Mecklenburg Declaration of Independence, and on every emergency, whether threatened by foreign or domestic dangers, she has met every crisis as a brave and patriotic people, and even hesitated not to give her own daughter, Tennessee, to add another star to the proud banner of the Republic, and another arm to the National defence. And although possessing a territory, soil, climate, population and wealth, and with intelligence and moral worth, which entitle her to rank among the first of her sisters, yet strange it is, she is almost unnoticed by them, and by the Federal Government also, except to make her pay taxes in peace and fight for them in war; her citizens scarcely participating at all in the honors and emoluments of the own Government. But who says North Carolina sleeps? They will find her wide awake to her rights, and resolved to maintain them; they shall the Statesman cheering for her—her rateable portion of the public wealth—and for her sons a fair participation in the public honors of the country—and refusing to take a denial.

The Statesman will search for hidden mischief and fear it out of our institutions, which has produced the present state of things. Something must be wrong, he thinks, besides all the rest, why is it that with all our resources, the public expenditure exceeds the income about seventeen thousand dollars a year? The people should know these and the certain bankruptcy which is staring the State Government in the face. If as probably the radical fault is in the present basis of representation, the Statesman will contend that it should be changed and made equal and satisfactory to all; if in our Legislature, we say diminish the number of Representatives and have only biennial meetings, and by a change of policy, inculcate our wise feuds on the altar of good, and present to the Union and the world, a united and affectionate people. The Statesman, too, will advocate general Education, and a judicious system of Banking, commensurate with the wants of our people; nor will it forget to urge the speedy appropriation of the mountains, with the sea board, by means of a Central Railroad, via Raleigh to Beaufort; and also the complete opening of those great arteries of the State, viz. the Cape Fear, the Pamlico and the Albemarle. Raleigh, too, shall have her full share of the benefit of our labors. In 1830 she had them, in our exertions to promote the expense of the State, for the better security of the public property, a Fire Engine of capacity and power sufficient to throw a heavy column of water from the dome of the late Capitol, with hose and one hundred fire buckets; she had them by our vote and exertions to secure the continuance of the seat of Government where it now is; and she shall have evidences of our good will.

In conclusion, the Statesman will support the administration of President Jackson, but at the same time contend for a free press and a cheap government; it will always be ready to stand by its friends, but plucky cross and ready to turn its back to its enemies, for whom a rod will always be kept in pickle, early and regular reports will be given of the proceedings of the State Legislature and of Congress, and the best speeches which may be made in both those bodies; interesting law cases in our Courts will be collected and spread before its readers; and in a word, its columns will ever contain something useful and amusing to the Farmer, Merchant, Mechanic and Scholar, and gratifying to the Christian. There will be pretty things for the ladies, buttermilk for the gentlemen and even sugar plums for the children; so that all may be suited for their money. Like a good ship, the paper will be well found, and with plenty of weather, that is plenty of good subscribers, it will run. Should this happen, look out for a merry making every new year, when we invite all our punctual subscribers and patrons to call on us and receive our best wishes with a hearty pump handle shake, and a glass of the very best Suppering, or old Nash Peach, that our cellar affords.

The editor respectfully requests the North Carolina National corps, to give this *Proprietor* an insertion or two in their respective papers, and the favor shall be reciprocated as opportunity serves. And he also requests the Postmasters and is friends generally, but especially those Members with whom he has served in the public Assembly, to interest themselves in their respective towns and counties in behalf of the Statesman, and forward, (by the first day of August next,) many good subscribers as they can conveniently procure.

JOS. H. HINTON.

Raleigh, N. C. May 6, 1833.

### Notice is hereby given,

That application will be made to the President, Directors and company of the State Bank of North Carolina, at the expiration of three months from the date of the publication of this notice, for the renewal of a certificate for Twenty shares of the stock of said Bank, in the name of the subscriber.

JAMES S. BATTLE.

Raleigh, N. C. March 9, 1833.

### POLITICAL

A BRIEF VIEW OF THE ADMINISTRATION OF ANDREW JACKSON.

#### II. Internal Affairs.

After this view of the results of the administration of Andrew Jackson in the foreign relations of the United States, we propose now to take a similar one of his conduct of the internal affairs of the country which are of general and permanent interest. In this field of his duties, also, his unflagging public spirit has been rewarded with signal success, as it has been directed by principles, the accordance of which with the true spirit of our institutions cannot fail to be regarded as the unequivocal indication of a mind endowed in an eminent degree with the qualities of the practical statesman.

As in the former, so in this branch of the subject, it will be impossible, within the limits we have prescribed to ourselves, to go much into detail. Our remarks must be confined to those measures which affect the general interests of the country: those of a less prominent nature, although perhaps not less valuable as illustrations of the character of the administration, must be left to the recollection and judgment of the people, guided by such lights as accompanied their publication and gained for them, at the time of their occurrence, a sufficiently general approbation.

#### Indian Relations.

In this division of the subject, we shall first consider the state of our relations with the Indians, and the measures adopted to improve them. Among the diversified and interesting subjects entrusted to the Executive, there is scarcely one of greater importance, or which has presented greater difficulties than this. Whatever may, from time to time, have been said by fault-finders at home, or by those abroad who envy the rising greatness and character of our Republic, it is not the less true that the conduct of every administration of the government, from its establishment to the present day, has been invariably influenced in relation to Indian Affairs, by the most humane and benevolent feelings towards that unfortunate race. Every thing that promised to improve their condition or to afford redress for the injustice which our ancestors, following in the footsteps of civilized man towards the aborigines in every quarter of the globe, had done them, has, with honest and unflinching zeal, been attempted. These efforts have not, however, been attended with the success which they deserved. They have on the contrary, done but little beyond demonstrating the futility of all attempts to reclaim the red man from his savage state, by introducing him into one common society with the whites. In such a condition it became obvious that the Indians were doomed to a gradual but certain extinction.

Although, therefore, the course pursued by the Government was dictated by feelings of humanity, all reflecting men perceived that it was not adapted to their character. Besides rendering their condition more and more afflictive, it had served to excite domestic discontent and foreign misrepresentation, and had added another to the already abundant sources of contention between the Federal and State authorities.

These considerations called for a change in the policy of the Government; and that adopted after the fullest consideration was their removal beyond the Mississippi where it was believed that they might be protected, without being exposed to that moral and physical deterioration which had been found to attend their former relations with the white man. Provided in this new region with extensive territory, with ample means of sustenance, and with the opportunity of enjoying them exempt from causes which have operated so injuriously, it may be hoped that Philanthropy will here employ itself with better success, and that their march to degeneracy and decay, may not only be arrested, but turned to the opposite direction of strength and moral improvement.

If this policy did not receive its first impulse, it was certainly greatly promoted by the repeated communications which were made to the Government by Gen. Jackson whilst he was in the Army. Partaking of the general sentiment, Mr. Monroe noticed the matter in his last annual communication, and again made it the subject of a special message to Congress near the close of his administration. He then freely avowed to the deplorable effects of the continuance of the Indians in their settlements within the limits of the States, and earnestly recommended their removal on just and liberal terms to our unappropriated territory in the West and North-west, as a measure indispensably necessary to arrest their degradation and avert their speedy extermination. The advantages to the Indians as well as to the United States which were anticipated from this measure have been too often stated to require repetition here. The proposition was hailed with the liveliest satisfaction by every enlightened friend of the Indians, it received the sanction of the whole country, and has since been regarded as the settled policy of the Government. But every exertion of the late administration to make it effectual was unsuccessful. The negotiation of the Indian Spring Treaty, altho' intended to be very effective in promoting this desirable object, accomplished but little; whether we regard the extent of the removals, or the terms upon which they were recommended to the Indians; and this Treaty was the only practical step since the adoption of the policy which dictated it, that deserves to be noticed, until we come down to the administration of Gen. Jackson.

Besides this want of success, there resulted from the efforts of the late administration a consequence not less to be regretted. We allude to the alarming extent to which the relation between the Federal Government and the State of Georgia were involved by them; and which, it is well known, excited great solicitude at home and encouraged hopes abroad, with regard to the stability of our institutions. It is not our intention to examine here the merits of this controversy, nor the causes which led to the failure of the measures of the administration in furtherance of the laudable objects which governed its course in relation to the Indians. Their indisposition to remove was doubtless in a great degree, attributable to the hope which they cherished of being permitted to occupy their lands without being subject to the laws of the States within which they were situated—a hope which is known to have been encouraged and kept alive by citizens of the United States, either misled by false views of humanity, or prompted by selfish and sinister motives, private and political.

The extent to which the preposterous notion prevailed, that the different Indian Tribes were to be regarded as political communities within the States, possessing sovereign authority and independent of the State and Federal Government, is most extraordinary; and will, in a few years, strike every one as altogether incredible.

Even assuming that the engagements from time to time entered into by the Government with the Indian Tribes stand upon the same footing as treaties between independent nations, and that the language employed in some of the stipulations implies this relation, the claim to sovereign authority on the part of the Indians was not the less untenable, situated as they were. No rule in the law of nations is better established than that which allows a nation that has entered into a treaty with another, the stipulations of which, from moral or physical causes, cannot be executed without destruction to its well-re, to release itself from such a produce effects so ruinous, or to modify them so as to make them consistent with its paramount duty to itself. The rule is but the extension to communities of the right of self preservation which belongs to individuals. Tested by it, it is obvious, from the utter impracticability of the existence of the various Indian Tribes as independent communities within limits of the States, that the United States were bound to resist such a claim, even if it had the sanction of a treaty. But it is not believed that such is the footing on which the relations between the United States and the Indians were even designed to be placed, or which the language employed in their various intercourse since the revolutionary war would countenance, if correctly interpreted.

Although the attempts of the Indians within the States of Alabama and Georgia to assert this claim, were met by Mr. Adams and his Cabinet with a just sense of its impracticability, yet the announcement of their views did not produce its abandonment. To effect this, and to carry the settled policy of the government into successful practice, it was obvious that more experience upon the subject, and a steadier hand were wanting. Fortunately for the country these were supplied by the election of Gen. Jackson, whose intercourse with the Indians had afforded opportunities to acquire a practical knowledge of their character and condition, which few have enjoyed and which he had well improved. By the unvarying union of strict justice and inflexible firmness which had marked his deportment, whether employed in dispensing the favors of the government or its retributive power; and by the proofs which he gave of his familiarity with their character and position, and of his disposition as well as ability to render them real service, he had acquired their confidence as a friend, and their respect and veneration as the minister of justice, in a degree which had never been exceeded; and this influence has been most successfully employed in improving the relations between them and the United States.

As far back as 1817, in repeated communications to the Government, Gen. Jackson repudiated the idea that the Indians were to be treated as sovereign communities; and recommended that early and efficient measures should be taken to put an end to the dangerous errors which then prevailed on the subject, both among the Indians and many of our citizens. The course therefore which he adopted in this respect, as soon as he was elected President, was in conformity with opinions which he had long entertained and publicly avowed, a fact not more flattering to his sagacity than it was fortunate for the interests of the United States and of the Indians, who were thus more easily reconciled to the only alternative which existed in the nature of things;—that they should remove to the west of the Mississippi, or submit to the laws of the States within the limits of which they were located.

His efforts to accomplish this great object have been crowned with a degree of success that could scarcely have been anticipated. When the measure of removal was first undertaken, the number of Indians within the States and Territories embraced in it was estimated at ninety-two thousand six hundred and sixty-four, and the quantity of land occupied by them at seventy-seven millions of acres. Since the election of General Jackson, treaties in furtherance of that object have been concluded in the following order: Treaty with the

Potawatamies of Indiana.—Potawatamies of the Wabash.—Shawanoes and Delawares.—Kaskaskias and Peorias.—Piankeshaws and Weas.—Kickapooes.—Sacs and Foxes.—Appalachicola.—Winnebagoes.—Chickasaws.—Menomones.—Senecas and Shawnees.—Ojibwas.

It will appear from an examination of their provisions and the location and importance of the Tribes, that the changes thus effected, constitute, with but few exceptions, all that are desirable. Although part of the Cherokees, about 6,000 in number, have as yet refused to follow the example of their brethren, there is but little reason to doubt the success of the negotiation in progress with them, if the subject can be kept free from the influence of those political considerations which have heretofore caused the Tribe to run counter to its own true interest. The efforts which have been made to them are of the most liberal kind.

In these transactions the President has aimed only at the accomplishment of the same objects that engaged the attention of his predecessors, and he has used only the same means which they contemplated. These have all been within the limits of just and voluntary compacts with the Indians themselves. In the various Treaties that he has made with them, and which have received the sanction of the Senate, no imputation, of inadequacy of compensation, nor of coercion or undue advantage of any sort, have ever been made, and there does not appear to have been the slightest cause for any. If any ground of complaint can be supposed to exist, it must result from the belief that the provisions in favor of the Indians have been too liberal. In this case, as in every other in which he has been called to act, the principal difficulty was at once singled out, and met with that fearlessness in assuming responsibility and the firmness of purpose which have so steadily shone in his life; and he infused into every measure necessary to the success of the policy, that energy and unremitting activity which knows no rest till the work is done, and which is the secret of the power he has, on so many theatres, displayed to the signal advantage and glory of his country.

To dwell upon the character of the opposition and of the attacks which Gen. Jackson experienced in the discharge of this branch of his duties, would be a melancholy and perhaps unprofitable task. We therefore pass them by. Internal Improvements.

If the first term of Gen. Jackson's administration had not been distinguished by a single other act of a strong mark, the stand taken by him on the subject of Internal Improvements would alone have sufficed to make it illustrious. In reviewing the past history and recent state of this branch of our affairs it seems difficult to realize the fact that, upon a subject of such magnitude, so much could in so short a time be effected by one man. General Washington, during the whole of his administration, did not in a single instance recommend the adoption of any measures of that character to Congress; although he evinced the patriotic interest he took in them devoting much of his attention to the promotion of Internal Improvements by the States, and particularly by that of which he was a citizen. The condition of the Treasury, which required large loans at exorbitant rates of interest, and the difficulties in which the administration of the elder Adams was involved by the passage of the Alien and Sedition laws and other causes that demanded its utmost efforts in a fruitless struggle to prolong its existence, were sufficient of themselves to prevent any serious encroachments in this respect during that brief period. The civil revolution of 1800, founded on principles wholly adverse to the prosecution of works of Internal Improvement by the Federal Government, and the watchful vigilance of Mr. Jefferson and of Mr. Madison, down to the period of the late war, aided by the display of republican principles called forth by the attempts to renew the charter of the first United States Bank and crowned by the final defeat of that measure by the vote of that venerable patriot George Clinton,—all concurred to prevent any material advance in the establishment of those doctrines upon this subject, the subsequent prevalence of which afforded so much and so just cause for alarm. It was at the peace that the foundations for their future success were so deeply and so broadly laid—as ultimately to secure for them a control over the action of the Government, which nothing but the strong arm, recently stretched forth for the relief of our country and its institutions from abuses, already enormous and in prospect terrible, could have arrested. Besides the seductive influence of a great revenue, resulting from the operation (in a great measure the reverse of what was anticipated) of high duties laid for the encouragement of manufacturing industry, there were not wanting auxiliary inducements to a rapid and extensive propagation of the principles under consideration. The probability, as well as the general impression of the country, then was, that the time was near at hand when the Presidency, thus far confined to the men of the revolution, must pass into hands of the succeeding generation. That this should beget aspirants to that most distinguished of all public stations, was in the natural course of things; and, as men generally constituted, it was not very extraordinary that these aspirants, instead of trusting to the steady and gradual formation of public opinion upon this important subject, should flatter themselves with hope, (which the intelligence and sobriety of judgment of the American people have thus far proved to be

fallacious) that the prize could be secured by forcing themselves upon the notice of their fellow-citizens.

Then commenced that race for popularity, by means of magnificent schemes for the improvement of the already flourishing condition of our country, which were presented to the popular gaze in the imposing forms of Internal Improvement,—a high protective tariff,—a United States Bank; all being but branches of an all comprehensive "AMERICAN SYSTEM," the splendor of which, it was at a later period attempted to increase by taking under our protection and special patronage the newly established governments of South America, that we might thereby be made to present to an admiring world a cordon of Republics in close political connexion with the United States, as a counterpoise to the power concentrated in the Congress of Vienna,—with other schemes of the same nature.

In the prosecution of that which is the immediate subject of remark, the first important step followed upon the heels of the Bank of the United States, which, itself the creature of constitutional encroachment, has always been the precursor of others. It received the form of an act which set apart and pledged funds "for constructing roads and canals and improving the navigation of water courses, in order to facilitate, promote and give security to internal commerce among the several States, and to render easy and less expensive the means and provisions for the common defence." The strength necessary to carry this bill through both Houses was not wanting; but, fortunately for the country, it was arrested by the veto of Mr. Madison who very properly held, that "the power to regulate commerce among the several States" cannot include a power to construct roads and canals and to improve the navigation of water courses in order to facilitate, promote, and secure such commerce, without a latitude of construction departing from the ordinary import of the term; and that to refer the power in question to the clause to provide for the common defence and general welfare, would be contrary to the established and consistent rules of interpretation; as rendering the special and careful enumeration of powers which follow the clause nugatory and improper. The spirit which prompted this measure was rebuked, but far from being subdued by this salutary interposition. It continued to manifest its power and its purposes for a series of years, in the shape of resolutions, reports from Departments and Committees,—bills for surveys and estimates, and long and labored speeches, until the doctrines they inculcated were claimed to have become the established principles of our government and the system of measures which they inculcated, the established policy of the country. Every one at all conversant with public affairs must remember that, (so effectively had all real respect for the true State Rights principles been obliterated during the administrations of Mr. Monroe and Mr. Adams,) those who had been most conspicuous amongst their strenuous defenders, had ceased all active opposition and were prepared to abandon the struggle in despair. (c) But few possessed the requisite nerve to present themselves as their ear-est advocates on the floor of Congress; and when they did so, their gravest arguments were listened to as idle wind, or derided as the exploded vagaries of an obsolete school. The point of jurisdiction was indeed secured from the prevailing current by the veto of Mr. Monroe; but even that was done at the expense of concessions which, in the opinion of many, rendered the saving of little practical value. Fortunately for the cause of sound principles, the fancied security of those by whom this victory over them had been gained led to such extravagant & indiscreet avowals as had the effect of awakening the serious attention of the people. When they perceived the passion for wild schemes of internal improvement to have become so rampant that, not content with unlimited scope upon the earth, it was elevating its designs to projects of Light Houses of the skies, they were at last brought to make the view of their agents in this respect, the subject of investigation. The bold pretensions urged by those in power, and the measures they labored to accomplish underwent a close scrutiny in the next Presidential canvass; and nothing could be clearer than that the contest which ended in the first election of Gen. Jackson, turned in no small degree upon this point; and was in its result an expression

(c) In his great speech at Cincinnati, in August 1830, a large portion of which consisted of a philippic against the Maysville veto, Mr. Clay, to show the presumption of General Jackson in pretending to make the attempt (then believed to be utterly futile) to arrest the headlong course on the subject of internal improvements, adverted to the contest which had taken place with reference to the power which was claimed over it, and wound up with the following fact: "I recollect perfectly well, that at the last great struggle for the power in 1824, Mr. P. P. Barbour, of Virginia, the principal champion against it, observed to me, that it was affirmed on that occasion, (Mr. Hemphill's survey bill) he should consider the question settled. And it was affirmed." This, he is noted, was as early as 1824. Volume could not convey a juster idea of the absolute, hopeless road—"horse, foot and dragons"—from which Andrew Jackson has rescued those who were friendly to the maintenance of any thing like landmarks around the field of action of the General Government. Contrast the state of things indicated by this surrender of "the principal champion," with that in which the subject was supposed to be left by Mr. Madison at the moment of his retirement from office. In an article on Mr. Madison's veto of Mr. Calhoun's Bank-bonus internal-improvement bill, above referred to, Niles' Register (March 23, 1837) says: "It is not probable that any bill of the sort will hereafter become a law of the United States, unless the powers of Congress are enlarged by the amendment of the constitution."

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